

**Agreement No.**

**COOPERATIVE AGREEMENT  
BETWEEN THE  
OREGON DEPARTMENT OF HUMAN SERVICES  
AND  
THE OREGON DEPARTMENT OF EDUCATION**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio tape, oral presentation and electronic format. To request an alternate format, call the State of Oregon, Department of Human Services, Office of Contracts and Procurement at (503) 945-5818 or TTY (503) 945-5828.

This Agreement is between the Oregon Department of Human Services, Office of Developmental Disabilities Services, hereinafter referred to as “**ODDS**”, Oregon Vocational Rehabilitation Services, hereinafter referred to as “**VR**” and the Oregon Department of Education, hereinafter referred to as “**ODE**.”

**I. EFFECTIVE DATE AND DURATION**

This Agreement shall become effective on the date on which all parties have signed the Agreement. Unless terminated or extended, this Agreement shall terminate on June 30, 2022.

**II. AUTHORITY**

Pursuant to ORS 190.110, state agencies may cooperate with each other in performing duties imposed on them.

**III. DEFINITIONS**

1. **Competitive Integrated Employment** consistent with the federal Workforce Innovation and Opportunity Act (“WIOA”),<sup>1</sup> means work that is performed on a full-time or part-time basis (including self-employment) for which an individual:

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<sup>1</sup> This MOU is not intended to become a part of the State’s obligations under the Settlement Agreement in Lane v. Brown, but is instead intended to advance the provision of services to persons with I/DD. References to WIOA are for convenience to better explain the terms of this MOU, but are not intended to change the State’s obligations in the Settlement Agreement in Lane v. Brown., which provides that it is not intended to enforce WIOA or any implementing regulation or guidance.

- a. Is compensated at a rate that:
  - (1) Meets or exceeds state or local minimum wage requirements, whichever is higher; and
  - (2) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training experience, and skills; and

- b. Is eligible for the level of benefits provided to other employees; and

- c. Is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

- d. As appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

1. **District and School District** means public school districts and Educational Service Districts (ESDs), as defined in ORS 190.
2. **Employment Services** means Services provided by ODDS or VR that are intended to assist a person with I/DD to choose, get, learn, and keep work in an integrated employment setting. Employment Services shall be "individualized," meaning that services shall be individually planned, based on person-centered planning principles and evidence-based practices, where applicable. Employment may include post-secondary education and/or training to the extent they are reinforced in an individual's Individual Support Plan (ISP) or Individual Plan for Employment Services
3. **Individuals with "I/DD"** are persons who have an "Intellectual Disability," or a "Developmental Disability," as defined in OAR chapter 411, division 320.

4. **Local Education Agency (LEA)** means a public board of education or other public authority legally constituted within the State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties that is recognized in the State as an administrative agency for its public elementary schools or secondary schools.
5. **Individuals with Disabilities Education Improvement Act of 2004 or IDEA** means the federal law that requires the provision of special education and related services to eligible students with disabilities.<sup>2</sup>
6. **Individualized Education Program or IEP** has the meaning set forth in OAR Chapter 581 (Oregon Department of Education), Division 15 (Special Education), as amended.
7. **Individualized Plan for Employment or IPE** has the meaning set forth in OAR 582-070-0043, as amended.
8. **OAR** means Oregon Administrative Rules.
9. **ODDS** means Office of Developmental Disabilities Services.
10. **ODE** means the **Oregon Department of Education**, the state agency responsible for overseeing Oregon's elementary and secondary public schools and education service districts, public preschool programs, the state School for the Blind, regional programs for children with disabilities and education programs in Oregon youth corrections facilities.
11. **Pre-Employment Transition Services or Pre-ETS** means the required activities that VR, in collaboration with local school districts, shall provide, or arrange for the provision of, for all students with disabilities between 16 and 21 years of age in need of such services who are

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<sup>2</sup> References in this MOU to the IDEA are not intended to change the obligations in the Settlement Agreement in Lane v. Brown, which provides that it is not intended to enforce the IDEA or any implementing regulation or guidance.

eligible or potentially eligible for VR services. The following activities are the required Pre-ETS:

- a. Job exploration counseling;
- b. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;
- c. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- d. Workplace readiness training to develop social skills and independent living; and
- e. Instruction in self-advocacy.

## **12. Transition Services:**

- a. As defined by the Individuals with Disabilities Education Act (IDEA): The term “transition services” means a coordinated set of activities for a child with a disability that:
  - i. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment); continuing and adult education, adult services, independent living, or community participation;
  - ii. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and
  - iii. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

[34 CFR 300.43 (a)] [20 U.S.C. 1401(34)]

b. As defined by the Workforce Investment and Opportunity Act (WIOA): Transition services means a coordinated set of activities for a student or youth with a disability -

(i) Designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;

(ii) Based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;

(iii) That includes instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation;

(iv) That promotes or facilitates the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and

(v) That includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

c. Consistent with ODE's authority under Oregon law, including, *inter alia*, ORS §§ 326.051 and 329.095, as well as Division 22 of the Oregon Administrative Rules, including, *inter alia*, OAR 581-022-1020, ODE shall require that: (1) the transition planning process may begin as young as age 14, if deemed appropriate by the student's IEP team (including the student's parent(s)), and must begin no later than the start of the one-year period of a student's IEP during which the student reaches 16 years of age; (2) the transition planning process shall include information about, and provide opportunities to experience, Supported Employment Services in Integrated Employment Settings; (3) local educational agencies may not include Sheltered Workshops in the continuum of alternative placements and supplementary aids and services provided to students; and (4) school

instructional curriculum shall not include mock sheltered workshop activities.

**13. Vocational Rehabilitation or VR** means the Oregon Department of Human Services program responsible for carrying out the responsibilities specified in ORS 344.510 – 344.690.

**14. Workforce Innovation and Opportunity Act or WIOA** supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. WIOA governs and guides the services provided by state rehabilitation units, including Oregon Vocational Rehabilitation.

#### **IV. SCOPE AND PURPOSE**

The purpose of this cooperative agreement is to set forth the commitments of ODDS, VR, and ODE to cooperate in activities leading to a successful transition for students with disabilities from a free and appropriate public education to postsecondary career-related training and employment activities.

#### **V. CONFIDENTIALITY ASSURANCES**

This Agreement requires the sharing of information between ODDS, VR and ODE. Information about clients of ODDS, VR and students from LEAs will be released in conformance with regulations governing confidentiality of personally identifiable information.

#### **VI. RESPONSIBILITIES OF EACH PARTY**

ODDS, VR and ODE mutually agree to the following.

1. To meet regularly to address systems, policy, practice and funding issues that facilitate or negatively impact the transition of youth with disabilities from school to work or post-secondary education, and to address funding commitments and the coordination of funding to accomplish the goals of Executive Order 15-01.
2. Foster innovation in transition program design and service delivery strategies between ODDS & VR branch offices and local school districts.

3. Utilize a common message when sharing information to local ODDS case management contractors, VR branch offices and LEAs.
4. Post this agreement on their respective websites.
5. Help facilitate the alignment of policy and practice at the state and local level, in order to facilitate the seamless transition of youth with disabilities from school to work or postsecondary education; minimize redundant services; and maximize resources in all systems.
6. Increase by joint efforts and coordinated services, the number of youth who make a successful transition from school to competitive integrated employment or postsecondary education;
7. Develop and provide common trainings and professional development opportunities to improve transition and employment results.
8. Make copies of this Agreement available to the following key stakeholders:
  - all LEA superintendents
  - all directors of Special Education
  - all VR administrative staff to include branch managers
  - all Tribal VR Directors
  - all Brokerage Directors
  - all Community Developmental Disability Program Managers
  - the Oregon Developmental Disabilities Council
  - other entities as identified.
9. Mutually develop and distribute notices, memorandums and other information regarding transition to key stakeholders.
10. Seek to braid and blend funding to enhance the transition experiences for youth with disabilities from school age services to adult services and to enhance and improve existing programs and pilots to meet the intent of this agreement. Examples include (but are not limited to):
  - a. Shared FTE cost for Transition Network Facilitators;
  - b. Updated policies and procedures regarding funding mechanism for students;

- c. Shared grant monies for innovation and summer work projects;  
and
  - d. Ongoing collaboration between ODDS/ODE/VR.
11. Give timely notice to key stakeholders of all proposed changes to rule or policy that relate to youth transition.
  12. Collaborate toward meeting the unique needs of LEAs and ODDS & VR branch offices and facilitate seamless transition for students with disabilities from a free and appropriate public education to the provision of adult support services.
  13. In collaboration with LEAs provide, or arrange for the provision of, pre-employment transition services for all students with disabilities in need of such services who are eligible or potentially eligible for services under the WIOA.

## **VII. LEAD AGENCY**

**ODDS** provides supports and services to children and adults with intellectual and developmental disabilities. Eligible individuals and their families can access case management services to provide support, including appropriate employment support, based on the individual needs of the person, to be able to live independent, productive lives integrated within their community.

**ODE** implements public education policies for eligible students with disabilities birth through transition services at age 21. ODE is responsible for ensuring education services are provided under the Individuals with Disabilities Education Act (IDEA) which includes planning and implementing transition services for students with disabilities.

**VR** assists individuals to identify their strengths, skills, interests and abilities as well as vocational goals and develops individualized plans of employment to address the identified employment barriers. VR also provides and purchases goods, services, aids and devices in support for employment.

## **VIII. FINANCIAL RESPONSIBILITIES OF EACH PARTY**



This Agreement does not mandate financial compensation from ODDS, VR, or ODE or exchange of funds between the agencies. Funding streams may change due to the financial obligations of the state, expended federal funding or federal regulation change. Allocation of funding is dependent on income streams available to the agencies. ODDS, VR and ODE shall work together to develop contracts, policies and procedures that help maximize the use of available funds.

## **IX. RESPONSIBILITY OF THE PARTIES FOR DELIVERY OF SERVICES**

1. Each agency through an appointed designee, will assure a biennial review of the outcomes and effectiveness of this Agreement and make recommendations, policy changes, training activities, and modifications to this Agreement. Upon request, provide information to the VR State Rehabilitation Council to assist in the development of the Council's annual report to the Governor.
2. In collaboration, ODDS, VR, and ODE will provide, when appropriate, in-service training available to ODDS field staff , VR field staff , and LEA staff around topics or issues that are designed to improve the effectiveness of transition services and employment outcomes for students with disabilities.
3. LEAs will be responsible for the development of the IEP, including appropriate transition services and associated costs and other IEP-related services that are not generally available to all students through ODDS or VR services.
4. VR will be responsible for the development of the IPE; related community based technical/occupational skill training and associated costs, and other IPE-related services that are not generally available to all students through the LEA. If the student is a federally recognized Native American Alaska Native student, VR will partner with the TVR in the identified service-delivery area to provide culturally relevant services.
5. VR services should be available to applicants to the degree needed to establish eligibility, and for eligible individuals to determine the scope and nature of services and then the provision of those services. While VR bears primary financial responsibility for these services, VR will utilize comparable benefits when it will not impede the progress of IPE

activities. For example, local school districts are responsible for providing and paying for any transition service that is considered special education or related services necessary for ensuring a free appropriate public education (FAPE) as required under IDEA. And nothing under Title I of the Rehabilitation Act shall be construed as reducing a local districts obligation to provide the above-described services under IDEA (see section 101(c) of the Rehabilitation Act and §361.22(c)). Therefore, if there are transition services being provided by the local district through the provision of FAPE VR may consider those services as comparable benefits. If the student is a federally recognized Native American Alaska Native student, VR will partner with the TVR in the identified service-delivery area to provide culturally relevant services.

6. VR and ODE will co-manage eight regional positions (Transition Network Facilitators) that will work with high schools to develop procedures for outreach and identification of students with disabilities who are in need transition services including but not limited to Pre-ETS.

**A. ODDS shall:**

1. Provide available employment data regarding individuals in long-term employment situations, and encourage and promote collaboration in transition planning between schools districts, ODDS and VR.
2. Require case management entities to complete the Career Development Plan for individuals of working age as part of their annual service planning process.
3. Advise Community Developmental Disability Programs, Support Service Brokerages, and service providers about the importance of participating at IEP/IPE/ PCP(Person Centered Plan)/Career Development Plans meetings for individuals who they support, and encourage the individual's full participation during the meetings;
4. Contribute information to the Oregon Employment First website to keep stakeholders and the public informed about collaborations and networking activities between agencies; and
5. Contribute to promoting the goal along with VR that individuals maximize hours worked in alignment with their wants and needs, with the standard for planning being 20 hours per week.

## **B. VR shall:**

1. Promote outreach to and identification of students with disabilities who are in need of transition services as early as possible during the transition planning process. Outreach to these students will include, at a minimum, a description of the purpose of the vocational rehabilitation program, eligibility requirement, application procedures, and scope of services that may be provided to eligible individuals. Outreach activities can include the use of brochures, social media, attendance at back to school nights and transition events.
2. Inform ODE of policies or procedural changes that may impact the eligibility of students with disabilities for VR services and the provision of services, so that ODE can disseminate such material to LEAs and the State Directors of Special Education.
3. Assign the following qualified staff positions to support transition activities and outcomes between LEAs and VR:
  - IDD Specialist
  - Counselor specializing in IDD and Learning Disabilities,
  - Liaison Counselors
  - Youth Transition Coordinator
  - Branch Managers who will serve as the point of contact for local schools
4. VR will inform and refer students to Tribal VR in the student's identified service-delivery area to receive culturally relevant services so the student can make an informed choice about the services that they are eligible for and can receive. VR will also inform the student that the student can work with VR and TVR independently and that both, VR and TVR, can work with the student at the same time.
5. Provide, upon request from ODE or an LEA, technical assistance on how to identify potentially eligible students for services from VR and how to work with VR to provide transition services including pre-employment transition services.

6. Determine eligibility for VR service and when found eligible, provide rehabilitation services to school-aged students with disabilities when referred by the LEAs.
7. Work with ODE and other agencies through a variety of training and collaborative activities to identify and plan transition strategies for students with disabilities requiring long-term support after VR time-limited services.
8. Inform LEAs, students, and their parents or guardian of the availability of the Client Assistance Program, a dispute resolution program available to VR clients and participants in rehabilitation programs receiving federal funding.
9. Provide training to VR staff on their role in providing outreach to students with disabilities including those served by the LEA in special education, under Section 504, and general education.
10. Provide through the Transition Network Facilitators, technical assistance to the schools about pre-employment learning strategies for students with disabilities.
11. Upon request, participate in transition planning with schools to facilitate the development of IEPs for students with disabilities.
12. Assure that IPEs are developed for students within 90 days of being determined eligible for vocational rehabilitation services.
13. Collaborate in the planning, development, and implementation of systems change through:
  - Grant applications
  - legislative initiatives and
  - other activities.
14. Encourage VR branch office staff to collaborate in local community planning and implementation efforts that are focused on the transition of students with disabilities from school to postsecondary outcomes.

15. Upon request, provide information to the ODE State Advisory Council on Special Education to assist in the development of the Council's annual report to the Superintendent of Public Instruction.

**C. ODE shall:**

1. Inform LEAs through the Transition Technical Assistance Network and the Transition Network Facilitators about services provided by ODDS & VR to aid LEAs in carrying out special education obligations through such programs as the Youth Transition Program (YTP), Supported Employment (SE), or any other relevant programs provided by either ODDS or VR.
2. Provide representation on the VR State Rehabilitation Council and relevant committee participation.
3. Assign an Education Specialist to facilitate linkages between LEAs and ODDS and VR:
  - a. Upon request from LEAs, ODDS or VR, ODE will provide technical assistance on how to identify potentially eligible students for services from ODDS or VR and how to work with ODDS and VR staff to provide needed transition services.
  - b. Establish and disseminate a procedure to assist an LEA in understanding their responsibility to release student information to ODDS & VR.
  - c. Upon request, work with ODDS and VR through a variety of training activities to plan and identify transition strategies for students with disabilities requiring long-term support after VR time-limited services.
  - d. Work with LEAs in the development of IEP Transition Plans that demonstrate a coordinated set of activities that create a seamless transition in services for students as they move to career-related activities developed by ODDS and VR in an IPE.
4. Encourage LEAs to identify points of contact for ODDS and VR field staff.
5. Collaborate in the planning, development and implementation of systems change through:
  - grants,
  - blending and braiding of funds

- coordination of programs and pilots related to transition
  - legislative initiatives and
  - other similar activities.
6. Disseminate information regarding relevant training and workshops to the ODDS and VR Training Unit.
  7. Encourage LEAs to collaborate in local community planning and implementation efforts that are focused on the transition of students with disabilities from school to postsecondary outcomes.
  8. Provide information to ODDS and VR about vocational training programs in public education settings, approved private education programs, and accredited postsecondary schools that are subject to ODE standards.

## **X. RESOLUTION OF DISPUTES ARISING FROM THIS AGREEMENT**

1. ODDS, VR, and ODE agree that unresolved disputes between the agencies including disputes over the development of recommended procedures, access to and availability of services, and allocation of financial responsibility, will first be brought to mediation. The first step of mediation will be through the Governor's Dispute Resolution office. Other mediators may be selected by mutual agreement from a list of mediators maintained by ODDS, VR, ODE, or the Department of Justice. The mediator's fee shall be shared equally between ODDS, VR, and ODE.
2. If mediation is unsuccessful in resolving the dispute, the parties shall appoint a dispute panel to hear the position of each party and make a final determination. The dispute panel will be comprised of an individual selected by ODDS, an individual selected by VR, an individual selected by ODE, and an individual selected mutually by the parties.
3. The dispute resolution procedures in the Agreement do not affect or diminish the procedural safeguards available to parents of children with disabilities under the IDEA or clients of VR under the Rehabilitation Act.

**XI. AMENDMENTS**

On written request from either party, changes in this Agreement or attachments will be discussed and such changes or attachments as are agreed upon in writing will become part of this agreement. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by a written instrument signed by the parties.

**XII. TERMINATION CLAUSE**

Upon thirty (30) days written notice, either party may terminate this IAA at any time.

**XIII. WRITTEN NOTICES**

All notices regarding this Agreement shall be sent to the parties at the following addresses:

**ODDS:**

Department of Human Services  
Office of Developmental Disabilities  
500 Summer Street NE, E-87  
Salem OR 97301-1120

**VR:**

Department of Human Services  
Vocational Rehabilitation  
500 Summer Street NE, E-87  
Salem OR 97301-1120

**ODE: Mitch Kruska**

Oregon Department of Education  
Director of Education Programs  
Office of Learning/Student Services  
255 Capitol Street NE  
Salem OR 97310

**XIV. SIGNATURES**

This Agreement is executed on behalf of ODE and VR through the undersigned representatives on the dates indicated after their signatures.

**STATE OF OREGON, acting by and through the Department of Education,**

By: Sarah Drinkwater 5-12-17  
Sarah Drinkwater, Ph.D. Date  
Assistant Superintendent  
Oregon Department of Education

Reviewed/Office of Contracts and Procurement, ODE:

By: Lillie Gray 5-16-2017  
Lillie Gray Date  
Director of Procurement Services  
Oregon Department of Education

**STATE OF OREGON, acting by and through the Department of Human Services,**

**Office of Developmental Disability Services:**

By: Lilia Teninty 5/10/17  
Lilia Teninty Date  
ODDS Director

**Vocational Rehabilitation:**

By: Trina Lee 5/11/17  
Trina Lee Date  
VR Director

Reviewed/Office of Contracts and Procurement, DHS:

By: \_\_\_\_\_  
Date