



**An Interagency Cooperative Agreement
Between
The Office of Vocational Rehabilitation (OVR)
And**



The Public School System-Special Education Program (PSS-SPED)

Section 1 - Authority

Both the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act, as amended by WIOA (Rehabilitation Act), require SEAs and VR agencies to plan and coordinate transition services, as well as pre-employment transition services for students with disabilities through a formal interagency agreement. See Section 612(a)(12) of the IDEA and Section 101(a)(11)(D) of the Rehabilitation Act; Sections 113 and 511 of the Rehabilitation Act, and the Final Regulations: State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage. A formal interagency agreement is mandated under the Individuals with Disabilities Education Act (IDEA) 34 CFR 300.154, and section 101(a) (11) (D) of the Rehabilitation Act and its implementing regulations at 34 CFR 361.22 (b).

Section 2 – Purpose

The purpose of this Interagency Cooperative Agreement is to:

- provide more effective services to individuals with disabilities in compliance with the Individuals with Disabilities Education Act 20 U.S.C. § 1400 through 1485 and the Rehabilitation Act of 1973, 29 V.S.C. § 794. This includes working together more closely in evaluating, serving, and planning for individuals eligible for vocational rehabilitation and developing a means for the transfer of items of assistive technology to OVR for eligible individuals as they make the transition from secondary education to integrated and competitive employment.
- facilitate and coordinate the receipt of pre-employment transition services, transition services and other VR services to students with disabilities in order to facilitate their smooth transition from school to post-school employment-related activities and competitive, integrated employment.
- serve as a mechanism for VR and Education to clearly specify the plans, policies and procedures for coordinating services to facilitate the transition of students with disabilities, including:
 - I. Pre-employment transition services;
 - II. Consultation and technical assistance to assist the CNMI PSS-SPED

- in planning for the transition of students;
- III. Transition planning by CNMI OVR and educational personnel that facilitates the development and implementation of a student's individualized education plan (IEP);
 - IV. Outreach to and identification of students with disabilities and assessment of their potential need for transition services and pre-employment transition services;
 - V. Documentation requirements set forth in section 511 of the Rehabilitation Act with regard to students with disabilities who are seeking subminimum wage employment.
 - VI. Assurance that neither the SEA nor the LEA will enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability is engaged in work at a subminimum wage;
 - VII. Criteria for determining and assigning the financial and programmatic roles and responsibilities of each agency for the provision of pre-employment transition services and transition services to students with disabilities; and
 - VIII. Grievance procedure to resolve disputes between VR and Education, as well as procedures to resolve disputes between an individual with a disability and the entities specified above, and information about the Client Assistance Program.

Nothing under Title I of the Rehabilitation Act shall be construed as reducing a LEA's obligation under the IDEA to provide or pay for transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education (FAPE) to children with disabilities.

Section 3 – Consultation and Technical Assistance in Transition Planning

OVR and PSS-SPED will engage in providing the other with consultation and technical assistance to plan for and ensure the smooth transition of students with disabilities.

VR staff should be a resource for schools and families to help educate students about supports needed for a smooth transition from school to work, further training, education and/or Independent Living:

- Consult with and educate schools, parents, students, and other agencies about VR services.
- Conduct outreach to include VR orientation presentations, dissemination of VR brochures, and technical assistance with transition IEP planning.
- This assistance may be requested by phone, e-mail, mail, or in-person and provided using alternative means (e.g., video conferences and conference calls).

- Participate in transition fairs, job fairs, and other activities targeting parents and students to increase appropriate referrals.
- Conduct early identification and assessment of student needs for transition services.
- Communicate relevant VR policy which may impact a student's application or eligibility for VR services.

Section 4 – Transition Planning Related to the Individualized Education Program (IEP)

OVR's involvement during the transition planning phase of the IEP helps to ensure that the vocational or employment-related provisions of the IEP provide a bridge to the vocational rehabilitation services needed under an IPE for those students determined eligible for the vocational rehabilitation program.

VR and PSS-SPED agree to work collaboratively to provide transition planning for students with disabilities that facilitates the development and implementation of their individualized education programs (IEPs) in accordance with section 614(d) of the IDEA. The individualized plan for employment (IPE) will be developed by VR, prior to a student exiting high school and within 90 days from the date of eligibility determination in accordance with and the Rehabilitation Act, as amended by WIOA.

At age 16, agencies that may be able to provide or pay for the transition student's needs after exiting school are invited to attend the student's IEP meeting. At times, the VR Counselor may not be able to attend IEP meetings when invited. When this occurs, alternative methods of networking with the referral source and the student may be employed. This will ensure that students with disabilities are provided with information about VR transition services and are given an opportunity to apply at least two years before the student exits school. Alternatives to physical attendance include:

- Telephone contact
- Conference calls
- E-mails
- Written input for school use in documenting agency participation

School follow-up is necessary for effective IEP implementation. Schools usually designate a staff person as a Transition IEP Coordinator. This person is responsible for communicating the student's transition services needs to agency representatives who were unable to attend. For CNMI PSS-SPED, responsibility for the coordination of transition services is transferred to the school level and falls within the purview of SPED teachers.

The school must obtain agency commitments to provide or pay for needed transition services or reconvene the IEP team to determine alternate methods for meeting the student's needs. It is important for the VR Counselor to respond to school

staff on the progress of mutual students, with appropriate parental, legal guardian, or student (at age 18) consent.

Section 5 – Procedures for Outreach

OVR and PSS-SPED will continue to support outreach activities that will increase referrals to OVR in an effort to provide eligible and potentially eligible students with disabilities a smooth school to work transition. *(Refer to the School to Work Transition Guidelines for detailed description on procedures for outreach.)*

Outreach activities of the VR Counselor are primarily focused on providing information about VR to school staff, students, parents, community professionals, and others interested in pre-employment transition services and transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the following:

- Vocational Rehabilitation program purpose
- Eligibility requirements
- Procedures
- Scope of services that may be provided to eligible students
- Pre-employment transition services that may be provided to potentially eligible students

The VR Counselor can provide information regarding OVR services that can be passed on to students and their families by contacting the SPED Teacher, Transition Coordinator, SPED Coordinator, or School Counselor.

Ways the VR Counselor may conduct outreach include:

- Providing VR brochures and business cards to the school.
- Presenting at the first Open House or Orientation held at the school.
- Conducting regularly scheduled school visits (co-location).
- Participating in transition and job fairs at the school.
- Attending school IEP meetings when invited.
- Speaking about pre-employment transition services and VR services at school staff meetings, teacher in-service training, student/parent group meetings, or interagency meetings.

The VR Counselor should work with school staff to ensure referrals of students with disabilities to the OVR program at the beginning of the school year as follows:

- Referral for pre-employment transition services beginning at age 16 for all students with disabilities who may need them.
- Referral and application for OVR services is recommended at age 16 for students who are involved in or plan to be involved in Community-Based Work Experiences (CBWE).
- Although OVR does not impose an age limit on when a student can apply

for VR transition services, they encourage students to do so two years prior to school exit.

- Students at high risk of dropping out should be referred if they are old enough to begin training or searching for employment.
- The VR Counselor may act in an advisory capacity for at-risk youth who are too young to apply and/or do not have a disability.

This should allow sufficient time for determining eligibility, identifying OVR service needs, referring students to community services, and developing the approved IPE prior to the student's exit from school.

Section 6 – Referral Process

An appropriate referral may include any student with a disability who may be in need of vocational rehabilitation services to prepare for employment, continued education, and/or independent living. School personnel, parent/legal guardian or authorized representative, student self referral, or community agencies/organizations may make a referral to OVR.

The individual student information must be provided by PSS-SPED in writing to the OVR counselor at the time of referral. PSS-SPED should include school records (e.g., the IEP, psycho-educational evaluation reports, letters from classroom teachers, vocational assessment/training reports, copies of assessments, information which documents how the student's disability affects his/her academic performance, information that documents the strengths of the student, a summary of performance report for transition students that exit the school system (graduated, aged, dropped out), etc.) and medical records regarding the student's disability(ies). Sharing information must be preceded by a signed consent by the parent(s) or authorized representative(s), or the student, if 18 years or older. If applicable, the legal guardian will authorize in writing a release to receive/release information. (*Refer to the School to Work Transition Guidelines for a detailed description of the referral process.*)

Section 7 – Program Description: OVR and PSS-SPED

OVR assists individuals to identify their strengths, skills, interests and abilities as well as vocational goals and develops individualized plans for employment (IPE) to address the identified employment barriers. OVR also provides and purchases goods, services, aids and devices in the context of an approved IPE. Vocational rehabilitation services shall be provided only to individuals who meet the following eligibility criteria:

- Is a person with a disability, and
- Has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and can benefit in terms of an employment outcome from vocational rehabilitation services; and,
- Requires vocational rehabilitation services to prepare for, secure, or retain employment; and

- Has legal status to allow employment in the CNMI or the U.S.

PSS-SPED implements public education policies for eligible students with disabilities three (3) through transition at age 21, in compliance with Individuals with Disabilities Education Act (IDEA). PSS-SPED is responsible for ensuring education services are provided under the IDEA, which includes planning and implementing transition services for students with disabilities.

Section 8 – Services Prior to Referral

Transition services, including pre-employment transition services, may be provided by OVR to students with disabilities beginning at age 16 (or younger, if the IEP team determines it is appropriate), who have not yet applied for VR services: Consultation to students and families, technical assistance to schools, and participation in IEP meetings when invited. (*Refer to the School to Work Transition Guidelines for additional information or processes.*)

Section 9 – Pre-Employment Transition Services

Section 113(a)(b) of the Rehabilitation Act, as well as final §361.48(a)(2), requires OVR, in collaboration with the PSS-SPED, to ensure the five required pre-employment transition service activities are made available statewide to all students with disabilities in need of such services. OVR will collaborate with PSS-SPED to provide any or all of the five pre-employment transition services required activities described in the next section to students with disabilities (ages 16-21, or younger, if the IEP team determines it is appropriate) as defined under §361.5(c)(51), based on individual need, once a student requests or is recommended for one or more pre-employment transition services. Any pre-employment service VR provides will be to students identified by the school of record or to an individual known as a person with a disability to the VR counselor:

- Job exploration counseling,
- Work-based learning opportunities,
- Counseling on post-secondary educational opportunities,
- Workplace readiness training, and
- Instruction in self-advocacy.

PSS-SPED will provide assistance to OVR in the coordination with employers on transition services including PETS for students with disabilities.

These services can be delivered in a variety of ways to best meet the needs of the individual. These may include but are not limited to:

- i. VR counselors providing said services either in-person or in groups;
- ii. VR hiring qualified vendors with approved Provider Agreements to deliver pre-employment transition services one on one or in groups;
- iii. VR may utilize web-based delivery systems to provide the Pre-ETS, as they

- become available;
- iv. OVR may utilize video conferencing delivery systems for meetings with students, teachers, parents or school district personnel for discussion about possible pre-employment transition services for the student as they become available.

Other points to consider:

- i. PSS-SPED will encourage schools to engage students with disabilities and their families in the transition planning, including the provision of pre-employment transition services, in coordination with VR.
- ii. Individual teachers/staff, should coordinate referrals to VR after obtaining the necessary parental consent, when necessary, utilizing accepted forms, to request pre-employment transition services for identified students.
- iii. PSS-SPED will provide VR the required documentation for each student prior to VR providing any pre-employment transition service, either through a provider or through VR staff.
- iv. PSS-SPED may provide physical space on the high school campus to conduct the pre-employment transition services activities.

Pre-ETS Referral Process:

To ensure that requests for Pre-Employment Transition Services are accepted, assigned, and registered in Consumer Tracking System (CTS) promptly, referrals of students with disabilities shall be managed as indicated below:

- a. A referral may be submitted by school personnel, family members, guardians, or other interested persons via an online referral form, paper referral form, or phone call. Referral information should include:
 - Students Name
 - Date of birth
 - School
 - Disability
 - Contact person
 - Contact information
- b. OVR staff shall establish referral procedures with school officials to assure that:
 - Parent/Guardian required consents for OVR collaboration with the school is obtained.
 - Student referred for Pre-Employment Transition Services meet the definition of "student with a disability" and
 - Student has medical and/or school documentation substantiating that the individual is a student with a disability (i.e. the IEP, 504 plan or doctor's note) for purposes of providing Pre-Employment Transition Services.

- Referrals from school personnel include pertinent and available school-based assessment information (e.g. psychological evaluations, vocational evaluations, and medical or specialty screenings), in the event that the student applies for vocational rehabilitation services.
- c. When a student is referred for VR services by sources other than the school, the vocational rehabilitation counselor will notify the appropriate school personnel of the referral upon obtaining the appropriate authorization for release of information to promote information sharing and collaboration.
 - d. Within no more than fifteen (15) working days of the receipt of a referral, OVR staff will provide the individual with the following documents:
 - Pre-ETS Services Information Sheet
 - Pre-ETS Student Consent Form
 - Client Assistance Program brochure
 - Informed Choice brochure
 - e. If the student or parent/legal guardian does not respond to a minimum of two documented VR contacts, the referral may be closed and the student notified accordingly.

When a referral for Pre-Employment Transition Services is received for a student who will soon no longer qualify for Pre-Employment Transition Services or who may be automatically eligible for VR services under an open disability priority category, a case staffing will be completed regarding how best to process the referral.

Section 10 – Mutual Responsibilities

- **Training and Technical Assistance:** OVR will provide consultation and technical assistance to PSS-SPED that will assist in the planning and transition of all students with disabilities who are eligible or potentially eligible from school to post-school activities, including employment. Develop and provide common training and professional development opportunities to improve transition and employment results for youth.
- **Planning and Coordination:** Joint collaboration in the development/continuation of a work group (Transition and Coordination Team-TACT) that targets the improvement of transition to employment outcomes in integrated, community settings for students with disabilities. The TACT will also explore and identify pre-employment transition services and transition-related services (work-based learning; internships; apprenticeships; dual enrollment programs, industry recognized credential programs, and college programs). (*Supporting document: School to Work Transition Guidelines*) Ensure mutual support for and participation in the respective programs' required State Plan and Needs Assessment processes. Further, parties agree to work collaboratively to coordinate with and engage employers on pre-employment transition services and transition services for youth and students with disabilities.

- Data Sharing: Sharing of data, within the bounds of confidentiality, of eligible students regarding transition services and outcomes.
- Transition Services/Accommodations: Identify and disseminate information about pre-employment transition services and transition services, accommodations, employment services, effective practices/strategies that create positive employment outcomes to program staff, partners, families, individuals, employers, and public and private stakeholders.
- Assistive Technology: Upon completion of the free appropriate public education (FAPE) of many eligible students, PSS-SPED is left with items of assistive technology which have been required by students' IEPs and which have been customized for particular students or are otherwise unlikely to be used by different students. Such items of assistive technology often are stored until they become obsolete. PSS-SPED will transfer ownership of items of assistive technology from PSS to OVR upon payment by OVR to PSS-SPED for the cost of the item or assistive technology at its depreciated value. This is intended to ease the transitions of eligible students from high school to employment, reduce costs to OVR and PSS-SPED of the devices, and avoid the practice of storing many items until they become obsolete.
- Co-Location Initiative: Parties agree to continue to lend their support for OVR staff, i.e. vocational rehabilitation counselor, to be based at the public high schools for a few hours each month to bring greater awareness about the vocational rehabilitation program, conduct Q&A with stakeholders, i.e. students, parents, and school personnel, entertain applications for vocational rehabilitation services, conduct initial interviews, and increase referrals to OVR.
- Section 11 of this document describes further roles and responsibilities for each agency as applicable to their regulatory authority.

Section 11: Limitations on Subminimum wage and Documentation Requirements under Section 511

Documentation requirements under section 511 of the Rehabilitation Act for students with disabilities seeking subminimum wage employment:

Under section 511 of Rehabilitation Act, 14(c) businesses referred to as "employers" are prohibited from employing any individual with disabilities who is 24 years of age or younger at subminimum wage, unless the individual has received documentation from OVR upon completion of all the following activities:

- i. Pre-employment transition services or transition services under the Individuals with Disabilities Education Act (IDEA) and
- ii. Apply for vocational rehabilitation services and the individual was determined
 - a. Ineligible for vocational rehabilitation services.
 - b. Eligible for vocational rehabilitation services, had an approved individualized plan for employment, and the individual was unable to achieve an employment outcome in competitive, integrated employment after a reasonable period of time, and his/her case was closed.

- c. Career counseling and information and referral services to federal and state programs to help the individual discover, experience and attain competitive integrated employment and the counseling and information was not for employment at sub-minimum wage.

These requirements should be shared by the PSS-SPED with LEAs, parents, guardians, teachers and students. OVR will maintain the documentation and provide a copy to the individual within the timelines identified as specified under 34 CFR part 397.

Any of the services identified above that the LEA provides must be documented by the LEA and provided to the student and OVR.

OVR, in consultation with the PSS-SPED, must develop or use an existing process to document the completion of this process as well as the transmittal of documentation from PSS-SPED to OVR, consistent with the confidentiality requirements of the Family Education Rights and Privacy Act (20 USC 11232g(b) and 34 CFR 99.30 and 99.31) and IDEA (20 USC 1417(c) and 34 CFR 300.622) pursuant to section 511(d) of the Act and §397.10. This documentation must contain, at a minimum (§397.10(a)(1)):

- Youth's name;
- Determination made, including a summary of reason for the determination or a description of the activity or service completed;
- Name of individual making the determination or the provider of the service/activity;
- Date determination was made or the required service or activity completed;
- Applicable signatures and dates by OVR or PSS-SPED making determination or completion of the required services or activity;
- Signature of the OVR personnel transmitting documentation to the youth with a disability;
- Date and method by which the document was transmitted to the youth; and
- OVR and PSS-SPED must retain copies of the documentation in a manner consistent with the requirements of 2 CFR 200.333.

If a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the activities required by section 511 or the implementing regulations in part 397, documentation must, at a minimum:

- Contain the information in 397.10(a)(2); and
- Be provided by the DSU to the youth within 10 calendar days of the youth's refusal to participate.

Assurance – Neither the PSS-SPED nor a local education agency will enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability is engaged in work at a subminimum wage.

Section 12 - Financial Responsibility

When a student with a disability is both in school and has an IPE with OVR, the cost of services necessary for both the student's education and for the student to become employed, will be delineated between PSS-SPED in terms of what accommodation the student needs to complete his/her high school coursework and OVR in terms of what will work with the PSS-SPED representative in determining which is needed to complete high school coursework and which services pertain to fulfilling the IPE.

When another adult service provider agency has been identified by the IEP team (that it can pay part or all of the cost of a specific service or device), a representative of that agency shall be invited and included in the IEP meeting where the responsibility for payment is negotiated. Arrangements to share the cost of a given service or device will be fully reflected and explained in the IEP or the IPE, or both. (*Note: OVR is a secondary source of financial assistance.*)

Nothing in this agreement shall be construed to reduce the obligation under IDEA for the PSS-SPED to provide/pay for transition services that are required to ensure FAPE.

Section 13 – Dispute Settlement Clause:

In the event of a dispute, controversy or claim arising out of or relating to this Interagency Cooperative Agreement, or the breach, termination or invalidity thereof (a "dispute"), the Parties will use their best efforts to settle promptly such dispute through direct negotiation. Any dispute that is not settled within sixty (60) days from the date either Party has notified the other Party of the nature of the dispute and of the measures that should be taken to rectify it will be resolved through consultation between the Director of OVR and the Director of PSS-SPED or their duly authorized representatives. Each Party will give full and sympathetic consideration to any proposal advanced by the other to settle amicably any matter for which no provision has been made or any controversy as to the interpretation or application of this Cooperative Agreement. If an agreement is not made between the two Parties, the Parties agree to cost share for the procurement of an impartial mediator.

Section 14 – Effective Date of Agreement

The terms of this interagency agreement are effective upon the signatures of the appropriate representatives of OVR and PSS-SPED. This agreement may be amended or modified at any time by mutual consent. OVR and PSS reserve the right to terminate this agreement at any time, upon 30 days written notice to the other party at the addresses provided herein.

Unless there is written notice to terminate this agreement, it will automatically renew annually. Failure to enforce any provision of this agreement does not constitute a waiver of that provision, or any other provision, of the agreement.

Section 15 – Signatures

The terms of this agreement are accepted by the parties to this agreement. Persons signing below are expressly authorized to obligate the agencies to the terms of this agreement. The undersigned parties bind themselves to the faithful execution of this agreement.

For OVR:



Arlene Kay A. Yamagata, M.S., CRC
OVR Director

4-2-18
Date

For PSS:



Glenn P. Muna, M.Ed.
Interim Commissioner of Education

04/02/18
Date



PLM Suzanne Lizama, M.Ed.
Director, Special Education Program

4/2/2018
Date