

**COOPERATIVE AGREEMENT
BETWEEN THE
MAINE DEPARTMENT OF EDUCATION
Office of Special Services
AND THE
MAINE DEPARTMENT OF LABOR
BUREAU OF REHABILITATION SERVICES
Division of Vocational Rehabilitation
Division for the Blind and Visually Impaired**

Cooperative Agreement

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Cooperative Agreement

Maine Department of Education
Office of Special Services
Maine Department of Labor
Division for the Blind and Visually Impaired
Division of Vocational Rehabilitation

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This Agreement is between the Maine Department of Education, hereinafter referred to as "DOE" and the Maine Department of Labor, Bureau of Rehabilitation Services, Division of Vocational Rehabilitation and Division for the Blind and Visually Impaired herein referred to as "DVR" and "DBVI".

1. PURPOSE

The purpose of this Cooperative Agreement is to set forth the commitments of DOE and DVR/DBVI to cooperate to meet the needs of students with disabilities and in particular to better coordinate the process of student transition.

2. MISSION

DOE and DVR/DBVI are committed to the belief that all youth with disabilities can work and that they should have the opportunity to prepare to enter competitive integrated employment through participation in work-based learning and other career preparation activities before high school graduation or exit.

3. AUTHORITY

The legal basis for this Cooperative Agreement is found in the following federal and state statutes:

Special Education

Individuals with Disabilities Education Improvement Act (IDEA) (Public Law 108-446, as amended)

Title 20-A, MRSA §7001-7204

Chapter 101 Maine Unified Special Education Regulation, Birth to Age Twenty

Vocational Rehabilitation

Rehabilitation Act of 1973, as amended (Public Law 93-112)

Rehabilitation Act Amendments of 1998 (Public Law 105-220)

Rehabilitation Act as amended by the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128 (29 U.S.C.701-796))

26 M.R.S. § 1411-D

Section 504

Section 504 of the Rehabilitation Act of 1973, as amended (Public Law 93 -112)

4. PROGRAM DESCRIPTIONS

Division of Vocational Rehabilitation

Maine's Division of Vocational Rehabilitation (DVR) assists eligible individuals with disabilities who wish to achieve or retain employment in the community. Any individual who is committed to work and has a disability that creates a barrier to employment is encouraged to apply for assistance. Services begin with an application, eligibility determination, and a comprehensive assessment of rehabilitation needs. Counseling and guidance, the development of an individualized employment plan, and provision of services required for a specific employment goal then help people move to successful job placement. Students with a disability, age 14 to 21 are encouraged to request Pre-Employment Transition Services or may be referred for individualized transition services within two years of graduation or exit from high school.

Division for the Blind and Visually Impaired

Direct services are provided by specially trained professionals - Teachers of Visually Impaired Children (TVI) and Orientation and Mobility Instructors (O&M). Specialized training includes (but is not limited to) the development of visual and spatial concepts, use of adaptive aids, and instruction in reading and writing Braille (when appropriate). In addition to the TVIs and O&M Instructors, Blindness Rehabilitation Specialists work with the Individualized Education Program (IEP) team to develop the IEP. Vocational Rehabilitation Counselors and Vision Rehabilitation Therapists join the student's blindness team to provide transition services. DBVI provides services to children of all ages through its Education Program. The primary focus of this Agreement is on transition-age students age 14 to 21.

DBVI also provides Expanded Core Curriculum (ECC) services to students who are blind or visually impaired. The ECC represents the body of knowledge and skills needed by students with blindness or visual impairment if they are to be

successful in school. It functions as an addition to the core academic curriculum and can be used as a framework for assessing students, planning individual goals, and providing instruction. The ECC focuses on the following nine areas:

- Compensatory and functional academic skills
- Orientation and mobility
- Social interaction skills
- Independent living skills
- Recreation and leisure skills
- Career education
- Assistive technology
- Visual efficiency skills
- Self-determination

The ECC is not designed to function as a universal prescription for Blind and Visually Impaired students; such a use would violate the spirit of IDEA's focus on individual needs. On the contrary, the ECC should be employed as a quality assurance guide and resource that will assist teams in their efforts to identify and meet the full range of unique needs for each student with visual impairment.

Department of Education – Office of Special Services

The Office of Special Services provides oversight and support for the delivery of early intervention services and a free, appropriate public education to eligible children birth to age twenty with disabilities. (05-071 Chapter 101, Maine Unified Special Education Regulation, Birth to Age Twenty). The Office of Special Services is also responsible for ensuring fulfillment of the State's responsibilities under the federal Individuals with Disabilities Education Act (IDEA),

The Office of Special Services also works to ensure that:

- the rights of children with disabilities and parents of such children are protected
- educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities
- research and personnel preparation are coordinated
- technical assistance, dissemination, and support are coordinated
- technology development and media services are supported

5. PRE-EMPLOYMENT TRANSITION SERVICES

Under the Workforce Innovation and Opportunity Act of 2014 amendments to the Rehabilitation Act, VR agencies are required to set aside 15% of their federal grant funding to provide a new set of "Pre-Employment Transition Services" to eligible or potentially eligible students with a disability. Pre-Employment Transition Services must be available statewide to all students with disabilities who need them. Services begin once a request has been made and a Pre - Employment Transition Services registration form has been completed along with documentation of disability.

There are five required services and nine authorized services (that may be provided if funds remain after the required activities are provided) along with pre-employment transition coordination. Pre-Employment Transition Services are to be delivered in conjunction and collaboration with schools and are designed to assist students with identifying career interests.

The required *Pre- Employment Transition Services* are:

- Job exploration counseling
- Work-based learning experiences, which may include in-school or after school opportunities, experiences outside of the traditional school setting, and/or internships
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs
- Workplace readiness training to develop social skills and independent living
- Instruction in self-advocacy

If funds remain, VR agencies may provide the following nine *authorized Pre-Employment Transition Services* to improve the transition of students with disabilities from school to postsecondary education or an employment outcome:

- implement effective strategies that increase independent living and inclusion in their communities and competitive integrated workplaces;
- develop and improve strategies for individuals with intellectual and significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;
- provide training to vocational rehabilitation counselors, school transition staff, and others supporting students with disabilities;
- disseminate information on innovative, effective, and efficient approaches to implement Pre-Employment Transition Services;
- coordinate activities with transition services provided by local educational agencies under IDEA;
- apply evidence-based findings to improve policy, procedure, practice, and the preparation of personnel;
- develop model transition demonstration projects;

- establish or support multistate or regional partnerships that involve States, local educational agencies, designated State units, developmental disability agencies, private businesses, or others; and
- disseminate information and strategies to improve the transition to postsecondary activities of those who are traditionally unserved.

Funds reserved for pre-employment transition services may be used for the required, authorized, and Pre-Employment Transition Services coordination activities.

Pre-Employment Transition Services coordination consists of:

- Attending individualized education program meetings for students with disabilities, when invited;
- Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
- Working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of pre-employment transition services;
- When invited, attending person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

Eligibility and Registering for Pre-Employment Transition Services

Potentially Eligible

In addition to authorizing new services, the WIOA amendments also now allows students with disabilities who are “Potentially Eligible” to receive Pre-Employment Transition Services without needing to apply and be found eligible for VR services. Potentially Eligible students are those who meet the definition of a “Student with a Disability” (see below) and who have not yet applied and been found eligible (or ineligible) for VR services. In the event that there is a waitlist for VR services, individuals who have been found eligible and placed on a waitlist may only receive Pre-ETS if they were receiving Pre-ETS services before being found eligible.

Registering for Services

In order for students to receive services as Potentially Eligible they (and their guardian if under age 18) must complete and sign a registration form. The registration form collects basic demographic information that is then inputted into the AWARE case management system to create a case record. The record must reflect that the student has a disability. Documentation that is acceptable includes the following:

- Information from an education official documenting spec ed or 504 status

- Case note documenting counselor observation or review of medical information from the referral source
- Referral from Juvenile Justice with data elements
- IEP
- SSA award letter
- Medical documentation

A student with a disability is defined as a student between the ages of 14 and 21 who is enrolled in an educational program and who is eligible for and receiving special education and related services under Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or is an individual with a disability under Section 504. (Note: This definition includes students who may be in an alternative placement, enrolled in post-secondary education or home-schooled, among other settings)

Under the WIOA amendments to the Rehabilitation Act, a *youth with a disability* may be defined as an individual with a disability who is between the ages of 14 and 24 and who is or is not enrolled in an educational program.

If students with a disability require interpreter or reader services or accessible informational materials to ensure equal access to work-based learning experiences or other Pre-Employment Transition Services, those supports may be paid by VR with reserved funds, unless they would customarily be paid by another source, including local education agencies.

It is the expectation that DOE and DVR/DBVI will work closely together to ensure that students, families and schools are aware of the availability of Pre-Employment Transition Services and will jointly promote Pre-Employment Transition Services activities so that students with disabilities have access to these important career preparatory resources.

Schools can aid in increasing access for students with a disability to Pre-Employment Transition Services by:

- identifying students to refer to Pre-Employment Transition Services
- Collecting registration forms for Pre-Employment Transition Services
- Developing and delivering Pre-Employment Transition Services with VR staff.
- Braiding and blending funding for Pre-Employment Transition Services activities.

6. RESPONSIBILITIES OF EACH PARTY

A. Outreach and Identification of Students with Disabilities

DOE and DVR/DBVI will work together to inform the following entities about the existence and intent of this Agreement:

- Superintendents of Schools
- Directors of Special Education
- Parent Training & Information Center
- DVR/DBVI Regional Managers, Supervisors, and Transition Counselors
- Directors of Career & Technical Education
- Directors of Adult Education
- Client Assistance Program
- Protection and Advocacy for Beneficiaries of Social Security (PABSS)
- IDEA Part B State Advisory Panel

The parties shall agree on methods to maintain updated information about best practices and resources related to the transition of students including the use of Informational Letters and maintenance of a copy of the Agreement on the agencies' websites.

Additionally:

- DVR/DBVI will inform DOE in writing of procedural changes that may impact the eligibility of students with disabilities for vocational rehabilitation services, so that DOE may disseminate the information to local school districts. Additionally, DVR/DBVI will coordinate with DOE on any changes that impact the provision and coordination of Pre-ETS.
- DVR/DBVI will provide schools with outreach materials on services for transition-age students.
- DVR/DBVI will provide a representative to serve as a member of the IDEA Part B State Advisory Panel
- DVR/DBVI will provide de-identified data on an annual basis to DOE on numbers and demographics of transition-aged students served
- DVR/DBVI will provide a list of Transition Vocational Rehabilitation Counselors and the schools they serve to DOE and each school district on an annual basis
- DVR/DBVI will collect de-identified information on informal/formal complaints and due process hearings that involve school-aged youth
- DOE will notify and coordinate with DVR/DBVI concerning proposed changes in regulations, policies and procedures at the state or federal level that may impact students with whom DVR/DBVI works
- DOE will provide representation to the State Rehabilitation Council
- DOE and DVR/DBVI will collaborate on possible grant opportunities that have an impact on services to students

- DOE will notify DVR/DBVI of issues of mutual interest identified during monitoring or as a result of a special education due process finding
- DOE will provide information to DVR/DBVI on eligibility, availability, and accessibility of CTE programs
- DOE will provide DVR/DBVI with de-identified data on an annual basis of numbers and demographics of transition-age students with disabilities who have reached 9th grade in public and private schools across Maine
- DOE will assist DVR/DBVI to share information about vocational rehabilitation services with students with disabilities who may be eligible for VR

B. Consultation and Technical Assistance

In order to promote better understanding and implementation of best practices in transition planning, DOE and DVR/DBVI will collaborate to offer technical assistance, cross-training and joint training opportunities. Topics may include transition services, Pre-Employment Transition Services, rehabilitation technology or other. All training and technical assistance will be provided in an accessible format and may be delivered via in-person, conference call, webinar, Zoom or other appropriate means.

Additionally:

- DVR/DBVI will provide, at least annually, one in-house training for Vocational Rehabilitation Counselors on topics in best practices in working with transition-age youth
- DVR will support VR counselors with transition caseloads to join MADSEC and participate in regional and state meetings and training
- DVR/DBVI will provide technical assistance as requested, to DOE and school districts, on issues concerning eligibility and referral for services
- DVR/DBVI will provide technical assistance as requested, to DOE and school districts, on disability-specific information and resources
- DVR/DBVI will provide technical assistance and training as requested, to DOE and school districts on the Americans with Disabilities Act in conjunction with the State ADA Coordinator
- DOE will provide technical assistance and training on educational issues to DVR/DBVI, as requested
- DOE will provide technical assistance to schools on IEP transition plan development

C. Information and Referral

In recognition of the importance of promoting information sharing and in order to ensure an effective and timely system of referrals for DVR services, DVR requests that school personnel adopt the following process:

When a student with an Individualized Education Program (IEP) begins the transition planning process prior to entering 9th grade, the student and his/her parents or guardians will receive general information about VR and Pre-Employment Transition Services. This information will introduce VR and will inform the parents/guardians about how to access Pre-Employment Transition Services and when it is appropriate to make a VR referral.

At the student's IEP or 504 meeting, the student and the parents/guardians should have an opportunity to receive materials outlining VR services and to ask questions concerning the referral. If during or after the meeting, they (or the adult student) are interested in having a referral made for services the school will assist in doing so.

VR Counselors should be invited to attend IEP meetings for students who have been determined eligible for services as well as in cases where the presence of the Counselor at the meeting would assist in determining the appropriateness of a referral to VR.

Additionally:

- DVR will provide information as requested to school personnel on access to Long Term Support
- Given appropriate releases, DVR/DBVI will inform the designated school case manager as to the status of the DVR referral/intake process on individual students
- DOE will provide guidance to schools on the release of information (including assessment, IEP, Summary of Performance etc.) for students who wish to access Pre-Employment Transition Services or who are applicants or clients of DVR/DBVI.
- DOE will encourage the referral of students for individualized transition services from DVR during two years before high school graduation

D. Transition Services

In order to meet the needs of students with disabilities, DVR/DBVI and DOE will effectively collaborate to provide services that promote effective transition outcomes.

- Under IDEA, Transition Services means:
A coordinated set of activities for a student, designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including:
 - Postsecondary education,
 - Vocational education,

- Integrated employment (including supported employment and supported self-employment),
- Continuing and adult education,
- Adult services,
- Independent living, or
- Community participation

Additionally:

- DVR will determine eligibility and provide services to eligible students within two years prior to expected high school graduation or exit
- DVR/DBVI will participate in IEP meetings (including at a distance) given parental/student permission. This participation will include the sharing of transition assessments and results of work-based learning experiences and will support development and implementation of the IEP as well as the IPE of an eligible student.
- DVR will collaborate with schools on the delivery of the Transition Career Exploration Workshop curriculum for eligible students with disabilities
- DVR/DBVI will participate in DOE's efforts to maintain students in school and to prevent and reduce drop-out rates among students with disabilities
- DVR/DBVI will develop a protocol to serve students who are in out-of-district placements in accordance with current policy
- DVR/DBVI will support eligible youth who are out of school via coordination with adult education, social service providers, and other state agencies

E. Section 511 and 14 (c) Assurance

DOE and DVR/DBVI are committed to promoting competitive, integrated employment opportunities for all Maine youth with disabilities as they transition from high school.

To meet the requirements of Section 511 of the Rehabilitation Act, DVR/DBVI in consultation with DOE will undertake the following process for youth with a disability:

Outreach and Identification – DVR/DBVI will develop informational materials that describe services available for students and families who may be considering sub-minimum wage employment. These materials will include information on Pre- Employment Transition Services and individualized transition services available through DVR/DBVI. DOE will assist by sharing this information with schools and families.

Documentation – DVR/DBVI will collect information to satisfy the requirement to document the completion of required activities under Section 511 for youth who are seeking subminimum wage employment. This documentation will include:

- Youth's name;
- Determination made or activity/services completed;
- Name of individual making the determination or providing the service/activity; date determination made or required service or activity completed
- Applicable signatures of DVR/DBVI VRC transmitting documentation to youth and dates; and
- Method via which documentation was transmitted to the youth (including if refusal, youth names, description of refusal and reason, signature of youth or guardian, signature of DVR/DBVI VRC documenting the refusal, date of signatures, date and method).

VR will provide documentation to the youth of all activities completed (such as the Bridge Career Exploration Workshop or Discovering Personal Genius), regardless of whether they were completed under the VR program or IDEA

DOE will support the schools to provide documentation to VR no later than 30 days (after the completion of each activity) unless there are extenuating circumstances of all transition services completed by the youth under IDEA. It is the expectation that all documentation is exchanged and maintained in a confidential manner.

By signature to this agreement, MDOE assures that it will not enter into, nor permit any school to enter into, a contract or other arrangement with an entity, as defined in 34 CFR 397.5 (d), for the purpose of operating a program under which a youth with a disability is engaged in work compensated at a subminimum wage.

7. FINANCIAL RESPONSIBILITY

It is the expectation that in the development and implementation of services, DOE and DVR/DBVI will provide in-kind resources and will promote cost efficiency and non-duplication through collaboration.

Where a given service could be paid by another entity, guidance to schools and field offices on determination of which should bear the cost shall be informed by whether the purpose of the service is to provide a Free and Appropriate Public Education (FAPE) – including transition services - or whether it is to promote post-secondary employment. Services that have their primary purpose to provide FAPE shall be considered an education responsibility and services that have a primary purpose of promoting post-secondary employment shall be considered a vocational rehabilitation responsibility.

8. DISPUTE RESOLUTION

All attempts should be made to resolve disputes at the lowest operational level. When disputes cannot be resolved at the lowest operational level, they shall be referred, in writing, to the State Director of the Office of Special Services, DOE and to the State Director, Division of Vocational Rehabilitation, DOL or the State Director, Division for the Blind and Visually Impaired, DOL. These individuals will review the situation and determine how the dispute should be resolved. Their decision shall be shared, in writing, with the parties involved in the dispute within thirty (30) days of receipt of the request. The final level of appeal shall be to the Commissioners of the Departments of Education and Labor.

This Interagency Agreement does not restrict or otherwise limit any additional rights or remedies any party may have under state or federal law, nor extend the rights or remedies of one party to the other. This Interagency Agreement does not restrict or otherwise limit the State Department of Education's general supervision authority to ensure that the requirements of state and federal law concerning the education of children with disabilities are carried out.

9. CONFIDENTIALITY, APPEALS, AND DUE PROCESS

Due process and confidentiality rules and procedures will be followed by each agency in accordance with its own respective federal and/or state laws and regulations. Recipients of services under this agreement will be provided information relative to the appeals procedures of each program in which they are involved.

10. IMPLEMENTATION

a. Ongoing Coordination

Effective implementation requires ongoing communication and sharing of information between the parties. Each party shall assign a person to manage coordination of training, information sharing, and data analysis. For the first year of the Agreement's implementation, DOE and DVR/DBVI will collect and share data on issues impacting successful implementation.

b. Implementation Progress

To promote implementation, representatives of DOE, DVR and DBVI will meet on a quarterly basis and will share data, discuss issues impacting successful implementation, and plan for new initiatives. If appropriate, representatives from other state agencies or organizations will be invited to join the meetings.

11. AMENDMENTS & TERMINATION

Changes or addendums to this Agreement shall only be made upon written request from either party – following discussion and written agreement by both parties. The terms of this Agreement shall not be waived, modified, or amended except by mutual written agreement.

This agreement will be reviewed by the parties on an annual basis. The Agreement may be terminated by either party upon thirty (30) days written notice.

12. WRITTEN NOTICES

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

Janice Breton
Office of Special Services

Libby Stone-Sterling
Division of Vocational Rehabilitation

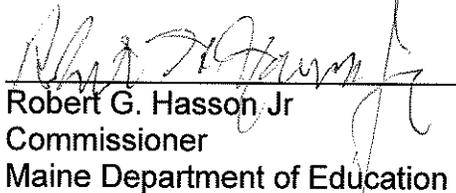
Brenda Drummond
Division for the Blind and Visually Impaired

Department of Education
23 State House Station
Augusta, ME 04333-0023

Bureau of Rehabilitation Services
150 State House Station
Augusta, ME 04333-0150

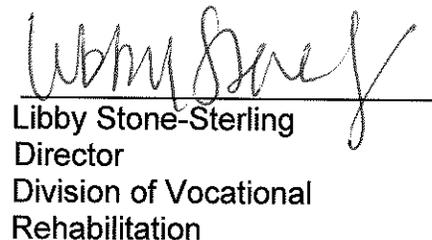
13. SIGNATURES

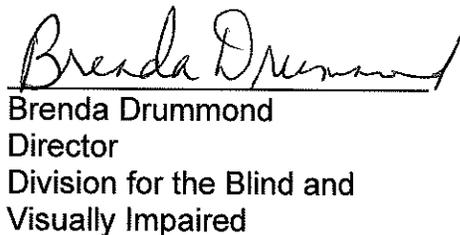
This agreement is executed on behalf of DOE and DVR/DBVI through the undersigned representatives:


Robert G. Hasson Jr
Commissioner
Maine Department of Education


John Butera
Commissioner
Maine Department of Labor


Janice Breton
State Director of Special Services, B-20
Office of Special Services


Libby Stone-Sterling
Director
Division of Vocational
Rehabilitation


Brenda Drummond
Director
Division for the Blind and
Visually Impaired

Date Executed:

