

SDE/IDVR/ICBVI  
Cooperative Services Agreement

Idaho Department of Education  
Idaho Division of Vocational Rehabilitation  
Idaho Commission for the Blind and Visually Impaired

March 2023

## Purpose

The Individuals with Disabilities Education Act (IDEA), and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), mandate that the State Vocational Rehabilitation (VR) agency enter into a formal cooperative interagency agreement with the State education agency (Section 101 (a)(11)(D) of the Rehabilitation Act) to ensure a coordinated, comprehensive system focusing on students with disabilities as they transition from secondary school to post-school activities, including the receipt of pre-employment transition service, transition services, and other VR services. This agreement must contain certain provisions:

- Pre-employment transition services.
- State VR consultation and technical assistance to assist educational agencies in planning for the transition of students from school to post-school activities including VR services.
- Collaborative planning by VR/education staff that serves to facilitate development and completion of the Individualized Education Plan.
- Roles and responsibilities, including financial responsibilities, of each agency to include provisions for determining stated lead agencies and qualified personnel responsible for transition services.
- Procedures for outreach to and identification of students with disabilities who need pre-employment and transition services. State VR agencies are expected to assist schools in transition planning in addition to determining student's eligibility for VR services or developing Individualized Plans for Employment (IPEs).
- Procedures for coordination of services to promote timely delivery of transition services to students and ensure a seamless process of transition from school to adult services.
- Procedures for resolving interagency disputes.
- Documentation requirements set forth in section 511 of the Rehabilitation Act, as added by WIOA, regarding students with disabilities who are seeking subminimum wage employment.
- Assurance that neither the State Education agency (SEA) nor the Local Education Agency (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 operation a program under which a student with a disability is engaged in work at a subminimum wage.

This cooperative services agreement has been developed with multiple purposes in mind. First, this agreement is intended to provide a coordinated, comprehensive system focusing on students with disabilities as they transition from secondary to post-school activities. Beyond that, the information contained in this agreement serves to provide guidance to the Idaho Division of Vocational Rehabilitation (IDVR), the Idaho Commission for the Blind and Visually Impaired (ICBVI), and the Idaho State Department of Education (SDE) regarding roles and responsibilities around issues related to transition. This agreement also provides a framework for cooperation regarding activities associated with the transition from school to adult life and the provision of services; including pre-employment transition services, to these students, for which overlap may exist. Finally, the information contained in this agreement serves as a practical guide for formalized working relationships between LEAs, ICBVI and local IDVR offices.

SECONDARY TRANSITION COOPERATIVE AGREEMENT  
Between  
Idaho Department of Education  
and  
Idaho Division of Vocational Rehabilitation  
and  
Idaho Commission for the Blind and Visually Impaired

**Section 1      Goal and Purpose**

The goal of the Cooperative Agreement is to provide students with disabilities appropriate personal, social, academic and vocational skills, which lead to a successful transition from school to employment and adult life.

WHEREAS,

the foundation for developing a continuum of transition services is set forth in this cooperative services agreement, which is based upon a mutual commitment to placement of students with disabilities in the least restrictive environment, the provision of coordinated pre-employment and transition services with the ultimate goal of competitive integrated employment.

THEREFORE,

Idaho Division of Vocational Rehabilitation (IDVR), the Idaho Commission for the Blind and Visually Impaired (ICBVI), and the Idaho State Department of Education (SDE) agree as follows:

1. To emphasize a team-based approach to secondary transition and vocational rehabilitation that allows for flexibility in planning and delivering services.
2. To conduct individual student assessment needed to plan pre-employment and transition services, including the need for assistive technology. Such assessments may be conducted by LEAs, IDVR, ICBVI or agencies working in partnership.
3. To cooperate in the development of transitioning students' Individualized Education Programs (IEPs) and any relevant Individuals Plan for Employment (IPEs). Development of the IEP is vested with the IEP team, including the student and his/her parent(s) or guardian. Approval of the IPE is vested with IDVR or ICBVI, the student and his/her parent(s) or guardian.
4. That the determination of the student's eligibility for vocational rehabilitation services rests with IDVR and/or ICBVI
5. To share student information regarding medical, vision, psychological, education and/or social history records in accordance with the guidelines of confidentiality required by IDEA, as amended, the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), the Family Education Rights and Privacy Act (FERPA), the Idaho student Data Accessibility, Transparency and Accountability Act of 2014 (Idaho Student Data Act) and any other applicable federal or state confidentiality laws. This information will assist

with the delivery of pre-employment transition services, as well as, determine eligibility for vocational rehabilitation services and identifying vocational rehabilitation and education services needed for employment.

6. To provide cross training of staff on education and vocational rehabilitation issues.
7. When appropriate, to reconvene the IEP Team, which may include IDVR and/or ICBVI, when services are not provided as described in the student's IEP. IDVR and ICBVI may provide pre-employment transition services and/or vocational rehabilitation services according to the Rehabilitation Act and its amendments. Disputes regarding this provision shall be resolved using the process described in Section 8: Dispute Resolution of this agreement.
8. To not discriminate in the provision of pre-employment and transition services based upon considerations of race, color, creed, age, sex, or disabling condition. They further agree that they do not contract or do business with other parties or entities that discriminate.
9. To make pre-employment transition services available to students with disabilities.
10. To promote students with disabilities' participation in postsecondary education to enable them to obtain advances in high-demand jobs and careers including science, technology, engineering, and mathematics (STEM) careers.

## **Section 2      Effective Date**

This cooperative agreement is effective upon signature by all parties. This cooperative agreement shall remain in effect unless legislative or other changes requiring amendment, revision, or termination, or request by any agency under this cooperative agreement. Actions shall be initiated in writing by the requesting party. Parties will conduct an annual review of this agreement.

## **Section 3      Pre-Employment Transition Services**

The Workforce Innovation and Opportunity Act (WIOA) emphasizes the provision of services, including pre-employment transition services (Pre-ETS), to students and youth with disabilities to ensure they have meaningful opportunities to receive necessary services to achieve employment outcomes in competitive integrated employment. WIOA expands the population of students with disabilities who may receive VR services and the types of services the VR program may provide. Additionally, VR programs must reserve and use at least 15% of the federal VR allotment for the provision of Pre-ETS for students with disabilities.

### **Definitions:**

#### **Student with Disability**

The definition for student with a disability has three components including age requirement; education program attendance; and the individual is eligible for and receiving special education or related services under IDEA, or is an individual with a disability for purposes of section 504 of the Rehabilitation Act.

Age Requirement: The minimum age of a student with a disability who can receive pre-employment transition services is 14 and the maximum age is not older than 21 (up to the individual's 22nd birthday).

Educational Program: Includes secondary education, home school students, non-traditional or alternative education (e.g., general education equivalency (GED) preparation programs), and postsecondary education and vocational education. Other recognized education programs include those offered through the juvenile justice system.

Disability: The student must be eligible for and receiving special education or related services under IDEA. Students with disabilities for purposes of section 504 of the Rehabilitation Act are not required to be receiving services under section 504.

### **Pre-Employment Transition Services (Pre-ETS):**

Pre-employment transition service may be provided to students eligible for VR services or to potentially eligible students, who may not have applied for VR services. Students are encouraged to apply for VR services at the earliest possible time, if they require services beyond the five required services. Pre-employment transition services will be delivered to students with disabilities on a statewide basis; however, some services may be delivered in a manner to accommodate the unique characteristics of the different areas across the state. The following are the five required pre-employment transition services:

- **Job exploration counseling:** May include information regarding in-demand industry sectors, nontraditional employment, information about labor market composition, administration of vocational interest inventories and identification of career pathways of interest to students.
- **Work-based learning experiences:** May include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible, informational interviews to research employers, work-site tours to learn about necessary job skills, job shadowing, or mentoring opportunities in the community.
- **Counseling on postsecondary educational opportunities:** May include counseling on course offerings, career options, the types of academic and occupational training needed to succeed in the workplace, and postsecondary opportunities associated with career fields or pathways.
- **Workplace readiness training:** May include services that teach skills such as communication and interpersonal skills, financial literacy, group orientation and mobility skills, job-seeking skills and understanding employer expectations for punctuality and performance, as well as other “soft” skills necessary for employment. Workplace readiness training can occur in a classroom, virtually, or on-the-job.
- **Instruction in self-advocacy:** May be provided through generalized classroom lessons that teach students about their rights and responsibilities, how to request accommodations or services and supports, and how to communicate their thoughts, concerns and needs in order to prepare them for peer mentoring opportunities with individuals working in their area of interest.

**Auxiliary Aides or Services:**

If a student with a disability, including potentially eligible students, require an auxiliary aid or service, e.g., interpreter, reader services, or accessible informational materials, to access or participate in pre-employment transition services, VR may pay for the service, if not customarily provided by another entity, including local educational agencies. Auxiliary aides and services are those services necessary to ensure equal access to pre-employment transition services, as required by the Americans with Disabilities Act of 1990 (ADA), as revised by the ADA Amendments Act of 2008, and Section 504 of the Rehabilitation Act.

Auxiliary aids and services may include, but are not limited to: qualified American Sign Language (ASL) interpreters; note takers; written materials; telephone handset amplifiers; assistive listening devices or systems; telephones compatible with hearing aids; open and closed captioning, including real-time captioning; text telephones (TTYs), videophones, and captioned telephones, qualified readers; taped texts; audio recordings; Braille and large print materials; screen reader software; or magnification software. If a student does not utilize an auxiliary aid or service to access their educational services, the need for such service will be evaluated by the entity that primarily serves the student's educational needs.

If a student with a disability requires additional VR services (e.g., clothing, transportation, or assistive technology, etc.) to participate in Pre-ETS activities he or she will need to apply for VR services and be determined eligible and have an approved IPE.

**Required Information for the Delivery of Pre-Employment Transition Services**

The required data elements for a student with a disability to participate in pre-employment transition service activities for potentially eligible students are:

- Name
- SSN (if available) or unique identifier
- Date of Birth
- Race & Ethnicity
- Student with Disability
- Start Date of Pre-Employment Transition Services
- Pre-Employment Transition Service(s)

For students that have a traditional VR case they must request that the service be added to an IPE and follow that process.

LEAs are required to obtain a release of information from a student, parent/guardian as appropriate, to share the above student confidential information to receive VR pre-employment transition services.

## Section 4

### Roles and Responsibilities of Each Party

- A. The Idaho State Department of Education (SDE) agrees to:
1. Assume the role of lead agency in facilitating interagency planning with LEAs and implementation of educational programs and transition services for students with disabilities from high school to post-high school services.
  2. Support LEAs in their efforts to write IEPs using an outcome-oriented focus and to coordinate transition activities for each IEP eligible student, beginning with the IEP to be in effect when the student is 16 years old (earlier if appropriate), and to address future student needs in the areas of post-secondary education, vocational training, employment and adult living and communication participation, including assistive technology.
  3. Support LEAs to collaborate with the student and the family to plan and provide educational services to meet individualized educational objectives, which are documented on an IEP.
  4. Support LEAs to work in partnership with the student, the student's family, and other community resources to coordinate services within the community.
  5. Support LEAs to provide ongoing information to the student and the family about the student's educational development.
  6. Invite IDVR and/or ICBVI to provide information regarding their services, including their role as an IEP team member to school district personnel, students, and their families.
  7. Invite IDVR and/or ICBVI counselors, with prior consent from adult students or parents or legal guardians, as appropriate, to participate as members of IEP teams for students who have been referred to IDVR and/or ICBVI for rehabilitation services, or earlier if appropriate.
  8. Work with IDVR and ICBVI Vocational Rehabilitation (VR) counselors to identify a process for such counselors to provide input and participate in the development of a student's IEP, including pre-employment transition services, when appropriate.
  9. Identify appropriate school personnel who, with prior consent from adult students or parents or legal guardians, as appropriate, will initiate the referral process of students receiving special education services, and students who have a 504 Plan (Rehabilitation Act of 1973), or students with disabilities (e.g., physical, medical, or visual, etc.) who are not eligible for special education services, to IDVR and/or ICBVI for pre-employment transition services and/or vocational rehabilitation services.
- B. Idaho Division of Vocational Rehabilitation (IDVR) and Idaho Commission for the Blind and Visually Impaired (ICBVI) agree to:

1. Encourage staff to work closely with LEAs to ensure coordination between education services, pre-employment transition services, and vocational rehabilitation services.
2. IDVR and ICBVI counselors will provide training and information to school district personnel, students and families on pre-employment transition and vocational rehabilitation services, including their role as IEP team members.
3. IDVR and ICBVI counselors are available to consult with educators concerning pre-employment transition and vocational rehabilitation services for students to assist them toward employment.
4. IDVR and ICBVI counselors will collaborate with the LEAs in their service area to identify a process for the counselors to provide input and participate in the development of the transition services included in IEPs.
5. IDVR and/or ICBVI counselors may attend IEP team meetings for each referred student upon timely invitation by school personnel and the student and/or student's parent or legal guardian. VR counselors may attend either in person or via video or telephone. The IDVR and/or ICBVI counselors will provide written recommendations, if requested, for use in developing IEPs when unable to attend.
6. IDVR and ICBVI counselors will consult with educators concerning referral of students to IDVR and/or ICBVI for rehabilitation services, including pre-employment transition services. Students with blindness or visual impairments should be referred to ICBVI. Students with multiple disabilities may have dual cases with both IDVR and ICBVI to provide rehabilitation services.
7. IDVR and ICBVI counselors will accept referrals for pre-employment transition or vocational rehabilitation services, when appropriate, and will work collaboratively with input from the student's IEP team, for service provision and/or to develop an IPE. The vocational rehabilitation counselor, student, student's parent or legal guardian, and members of the student's IEP team will collaborate to identify required vocational rehabilitation services that will move the student towards their employment goal.
8. IDVR and ICBVI counselors will help students and youth with disabilities develop and participate in Pre-Employment Transition services, including work-based learning opportunities, provide information, support, and guidance to transition students, parents, and schools to promote effective transition services, help eligible students develop an IPE, plan and promote the use of Pre-ETS and transition services, identify and help students and their families access other appropriate resources, help students obtain technology evaluations, recommended assistive technology, and training in the use of purchased equipment, when appropriate.
9. All Vocational Rehabilitation State Plan requirements, including Order of Selection, will apply to all services provision under this cooperative agreement.



C. Idaho Division of Career Technical Education (IDCTE) is available to provide the following services:

1. Support and technical assistance for SkillStack®. IDCTE can provide technical assistance and support for learners who have demonstrated skills/competencies that are tracked using Idaho's microcredential platform, SkillStack®. A microcredential is a recognized credential that confirms mastery of skills or concepts. Through demonstrations and assessment, educators measure skills in SkillStack® that translate into a digital badge.

Learners in SkillStack® can build their portfolio in SkillStack® as they demonstrate skills. All learners can share their badges in a variety of ways (ex. Resumes, social media platforms), print a custom certificate, or export their badges to a digital wallet.

Verified Idaho employers can login to the microcredential platform, identify a specific set of skills related to their hiring needs, and send a customized email to potential candidates for recruitment.

2. Support and technical assistance for job exploration counseling. May include information regarding in-demand industry sectors, nontraditional employment, information about labor market composition, administration of vocational interest inventories and identification of career pathways of interest to students.
3. Support and technical assistance for work-based learning experiences. May include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible, informational interviews to research employers, work-site tours to learn about necessary job skills, job shadowing, or mentoring opportunities in the community.
4. Support and technical assistance for counseling on postsecondary education opportunities. May include counseling on course offerings, career options, the types of academic and occupational training needed to succeed in the workplace, and postsecondary opportunities associated with career training needed to succeed in the workplace, and postsecondary opportunities associated with career fields or pathways.
5. Support and technical assistance for workplace readiness training. May include services that teach skills such as communication and interpersonal skills, financial literacy, group orientation and mobility skills, job-seeking skills and understanding employer expectations for punctuality and performance, as well as other durable skills necessary for employment. Workplace readiness training can occur in a classroom, virtually, or on-the-job.
6. Support and technical assistance for Perkins V. The use of Perkins V funds for meeting the costs of CTE services required in individualized education programs of students with disabilities developed under ESEA/IDEA (secondary) and ADA (postsecondary) as well as services necessary to meet the requirements of Section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to CTE.
7. Support and technical assistance for individual education program meetings, transition fairs, career fairs, and any other school events that will assist IDCTE in outreach efforts.
8. Support and technical assistance at joint trainings. IDCTE is available to participate in joint training opportunities.
9. Support and technical assistance for meetings. IDCTE is available to participate on joint meeting opportunities (Idaho Interagency Council on Secondary Transition).

D. Agency Financial Responsibilities:

1. The IEP team, including IDVR and/or ICBVI counselor, will utilize the IEP process to determine services necessary for the student to reach his or her identified post-school

outcome and outcome for employment as written in the IEP and IPE and will negotiate and identify, if any, programmatic and financial responsibility of IEP team members.

Specific criteria are used to determine which agency (IDVR/ICBVI or LEA) has primary responsibility for providing and paying for transition related services for students with disabilities. These criteria are:

- i. Purpose of the service. Determine if the service is associated with an employment outcome or educational attainment.
  - ii. Customary service. Which agency “customarily” provides the service to students.
  - iii. Eligibility for services. How the student with a disability is eligible to receive services.
2. Pre-employment transition services may be provided to a student on an individualized basis with little or no cost to the students/family. Pre-employment transition services provided collaboratively between the LEA and IDVR/ICBVI requires a Memorandum of Agreement (MOA) to determine the programmatic and financial responsibility for each agency.
3. All students that apply for VR services must comply with all requirements for the VR program. The services identified must be necessary for the provision of pre-employment transition services or for the attainment of a long-term employment outcome.
4. The parties anticipate that LEAs will purchase any assistive technology/equipment determined through the IEP process to be necessary for the education program of individual students who are enrolled in the district.
5. VR will purchase any assistive technology/equipment determined through the IPE process to be necessary to access Pre-Employment Transition Services or VR employment outcome.

## **Section 5      Procedures for Outreach and Consultation and Technical Assistance**

- A. IDVR and ICBVI will initiate outreach and work with the LEAs to identify potential students with disabilities who need pre-employment transition services and VR transition services. This involves informing the student, or when appropriate their parent or legal guardian, as early as possible about the vocational rehabilitation program, its purpose, eligibility criteria, application procedures and the scope of available VR services, to include pre-employment transition services. Section 101(a)(11)(D)(iv) of the Rehabilitation Act; 34 CFR 361.22(b)(4).

1. IDVR will conduct outreach through Pre-Employment Transition Counselors, Area Transition Counselors, and the State Transition Coordinator. IDVR has created a transition packet and brochures for the staff. Outreach will take place in the school district at IEP meetings, at transition fairs, at other transition-based school events, at the Transition Institute

and other trainings, at Tools for Life, through the Idaho Parent Center (Idaho Parents Unlimited), and via virtual meetings. In addition, IDVR has developed two videos regarding service delivery and eligibility at <https://vr.idaho.gov/students/> that has been shared with the special education directors and through Idaho Parents Unlimited. The website also includes scope of services and description and purpose of the VR program.

2. ICBVI will conduct outreach through VR counselors and the State Transition Coordinator. Outreach will take place in the school district at IEP meetings, at transition fairs, at other transition-based school events, at the Transition Institute and other trainings, at Tools for Life, through the Idaho Parent Center (Idaho Parents Unlimited), and via virtual meetings. In addition, ICBVI has developed outreach video that have been shared at [www.icbvi.idaho.gov](http://www.icbvi.idaho.gov)

- B. SDE will support LEAs to invite VR staff to IEP meetings, transition fairs, career fairs and any other school events that will assist VR in outreach efforts.
- C. IDVR counselors and ICBVI counselors will target district staff who work with students receiving services for the purpose of section 504 of the Rehabilitation Act to provide outreach to these students.
- D. IDVR or ICBVI must provide consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment. 34 CFR 361.49(a)(7).
- E. IDVR, ICBVI, and the SDE will provide joint training to VR staff and LEA staff through the Transition Institute. SDE will share VR information with LEAs through monthly webinars. SDE will share the VR videos with the LEAs. Training will take place face-to-face and through virtual platforms. IDVR Pre-ETS counselors will attend the Idaho Interagency Council meetings and share SDE and LEA information with their regions.
- F. Referrals to IDVR or ICBVI can be made by students, parents or legal guardians, educators, or other service providers.
- G. IDVR or ICBVI will accept student referrals and determine Vocational Rehabilitation program eligibility. Eligibility is based upon pertinent medical and/or psychological documentation, education information and related factors that may create a barrier to employment and the need for rehabilitation services. Such information will be obtained, with proper written consent from adult students or students' parents or legal guardians, from the school and other appropriate entities.
- H. If a youth has withdrawn from school, VR staff will encourage the individual to return to school. If it becomes apparent that it is not feasible for the youth to return to school, and he/she is eligible for Vocational Rehabilitation, services will be provided with a goal to secure employment.
- I. In the event Vocational Rehabilitation cannot provide services to all eligible individuals, students will be served based on an Order of Selection.

## Section 6      Transition Planning

- A. Beginning with the IEP to be in effect when the student is 16 years old (earlier if appropriate), the IEP for each student must include a statement of the needed transition services, including, if appropriate, a statement of each LEAs and each participating agency's responsibilities and/or linkages. To this end, the LEA shall invite a representative of any agency that is likely to be responsible for providing and/or paying for transition services and, use a variety of strategies to ensure that appropriate linkages are made before the student leaves school. The IEP team will work together to determine the most appropriate time to "open" the vocational rehabilitation and begin to provide the transition services required. For eligible students, the IEP will be developed to coordinate with plans developed through other agencies, such as IDVR and/or ICBVI.
- B. In conjunction with the IEP which addresses transition, an Individualized Plan for Employment (IPE) will be developed for all individuals determined eligible by IDVR and/or ICBVI which will document their vocational goal and the course of action designed to enable the student to achieve the stated goal, as well as timelines. The development of the IPE requires active participation from the student and may involve participation and support from the parent and/or guardian. Participation from appropriate school personnel may also be encouraged in the development of this plan.
- C. The IPE must be developed within the timeframes required, agreed to, and signed by the student, or the student's representative, and the VR counselor as early as possible in the transition process, but no later than the time the eligible student leaves the school setting. Section 101(a)(11)(D) of the Rehabilitation Act. The same applies for those able to be served if an Order of Selection is in effect. Section 101 (a)(9)(A) of the Rehabilitation Act; 34 CFR 361.22(a).
- D. The Idaho State Department of Education will assume primary responsibility for assuring that each LEA will have IEPs and supporting planning documents that specify an array of curricular options and experiences designed to assist students to make smooth transitions from school to post-school activities. Services are based on the individual needs of the student and the desired post-school outcomes.
- E. IDVR, and/or ICBVI, and the LEA may coordinate planning, assessment, training, and pre-employment transition or other transition services necessary for students to achieve his or her chosen employment outcome.
- F. Vocational rehabilitation services will be provided as outlined in the IPE.
- G. A completed Request for Pre-employment Transition Services will be required when potentially eligible students with disabilities wish to engage in one or more Pre-ETS activities. Students and when necessary and appropriate, parent/guardian will need to work with IDVR to evaluate requested pre-employment transition services. Students will receive a written "Approval of Services" from IDVR regarding approved pre-employment transition services.
- H. The Idaho Interagency Council on Secondary Transition meets quarterly to share resources and plan the state Transition Institute. Cross-training is provided through the Idaho Transition Institute which convenes annually. The institute meets either as a statewide group or regionally providing structured opportunities for interagency training and planning for transition.

- I. Regional interagency transition teams meet regularly through the year to plan and implement events for students.
- J. VR provides training to special education staff at regional professional development.

## **Section 7      Coordinated Responsibilities of Each Agency**

- A. IDVR's process outlines the need for interagency collaboration and timely delivery of transition services under IDEA and the pre-employment transition services under the Rehabilitation Act.
- B. IDVR has VR counselors assigned to serve schools across the State to facilitate the transition of students with disabilities from K-12 public education into adult life. They include the following provisions of service:
  - a. Assist the student with disabilities to make informed choices regarding their adult living goals. The student's parents or guardians will be included in this planning process.
  - b. Ensure that all transitioning students with disabilities engage in an assessment of their ability to benefit from vocational rehabilitation services as allowed for by the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), P.L. 113-128.
  - c. Use the provisions of IDEA and Workforce Innovation and Opportunity Act (WIOA) to benefit individual students with disabilities; by developing a cooperative, team approach to transition that is seamless rather than fragmented.
  - d. The obligations specifically assigned SDE, IDVR, or ICBVI will not be violated in the discharge of this cooperative agreement.
  - e. That they will collaborate in the development of the transitioning student's Individual Education Plan (IEP) and the development of any relevant Individualized Plan for Employment (IPE). Approval of the IEP is vested with the School District, the student, and his/her parents or guardian. Approval of the IPE is vested solely with IDVR, the student, and his/her parents or guardian.
  - f. That the determination of the student's eligibility for Vocational Rehabilitation services rests exclusively with IDVR.
  - g. That they will share student information as necessary.
  - h. That they do not illegally discriminate in employment, eligibility for services or type of service provision based solely upon considerations of race, color, creed, age, sex, or disabling condition. They further agree that they do not contract or otherwise do business with other parties or entities that do.

## **Section 8 Release of Confidential Information for VR Services**

- A. This cooperative agreement shall protect the confidentiality of student information and minimize duplication of effort and unnecessary expenditures. To this end, with the signed Release of Information provided by the student and, when necessary and appropriate, parent/guardian, all pertinent medical, psychological, vocational, educational and other information relating to the individual and his or her barriers to employment and rehabilitation needs, in the possession of one agency will be provided to the other agency upon request and at no cost to either agency. However, it is understood by all Parties that the SDE will not provide confidential student information to any of the Parties. Rather, the Parties anticipate that once all necessary releases are signed, necessary student information will be provided to the requesting Party by LEAs.
- B. In cooperation, each agency understands that all student information is to be treated as confidential and all State and Federal regulations surrounding student confidentiality are mutually binding.
- C. Vocational Rehabilitation will obtain and use existing assessment or evaluative information whenever possible.

## **Section 9 Dispute Resolution**

- A. All participating agencies agree to resolve disputes that arise in the provision of services to students with disabilities and to ensure that services are not disrupted, by using the following process to resolve interagency disputes:
  - 1. All attempts should be made to resolve disputes regarding transition services and fiscal issues at the level closest to the student;
  - 2. An individual with a concern will first use the agency's internal procedures to address the concern. Technical assistance to clarify the intent of parameters within this agreement may be sought from the SDE Division of Special Education and IDVR and/or ICBVI.
  - 3. When the dispute is between agencies, the district special education director or superintendent, IDVR regional manager, or ICBVI rehabilitation services chief, will meet and resolve the issue;
  - 4. If not resolved, then dispute will be referred to the Department of Special Education's Dispute Resolution Coordinator, IDVR Idaho Division of Vocational Rehabilitation's Chief of Field Services, or ICBVI Idaho Commission for the Blind and Visually Impaired Administrator for final resolution.

## **Section 10 Coordination and Documentation Requirements under Section 511 for Students Seeking Subminimum Wage**

- A. Under Section 511 of the Rehabilitation Act, 14(c) businesses referred to as “employers” are prohibited from hiring any individual with a disability who is 24 years of age or younger at subminimum wage, unless the individual has received documentation from Idaho VR upon

completion of all the following activities:

1. Evidence of transition services under IDVR and/or ICBVI or documentation of transition or pre-employment transition services (Pre-ETS) provided by IDVR and/or ICBVI has been collected and contains all of the elements required for sufficient documentation; and
  2. The youth has completed an application to IDVR and/or ICBVI and an eligibility determination made. For those determined eligible for VR, an Individualized Plan for Employment (IPE) must be developed and the customer should engage in their IPE services unless the customer has a stated employment goal of subminimum wage employment. In these cases, the customer will be closed and notified that they may reapply to VR at any time; and/or
  3. Career counseling and information and referral are provided to the youth.
- B. The Idaho State Department of Education, in consultation with IDVR, will develop and provide training to LEA's to provide information about competitive integrated employment, that meets the requirements of Section 511 of the Rehabilitation Act, 14(c).
- C. Beginning with the IEP to be in effect when the student is 16 years old (earlier if appropriate), the IEP will include a results-oriented process to improve academic and functional achievement to facilitate movement from school to post-school activities, including competitive integrated employment. This also includes, if appropriate, a statement of each LEA's and each participating agency's responsibilities and/or linkages. For eligible students, the IEP will be developed to coordinate with plans developed through those other agencies.
- D. IDVR, in consultation with the SDE, must develop or use a process to document the completion of this process, as well as the transmittal of documentation from the LEA to IDVR and/or ICBVI, 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 34 CFR 397.10 and CFR 397.30.
1. Consistent with the above cited acts, and the responsibilities of local education agencies to these youth (outlined in 34 CFR 397.30), the SDE will require each LEA to provide IDVR and/or ICBVI documentation that the youth received transition services under the Individual's with Disabilities Education Act (IDEA). IDVR has created separate coversheet checklists to be used to itemize the documents that will be provided to IDVR and/or ICBVI and the youth. The documentation of completion of appropriate transition services for a youth with a disability under IDEA can be in the form of an Individualized Education Program (IEP) or other appropriate documentation, but must include, at a minimum, the following information: (34 CFR 397.30 (b)(1)):
    - The youth's name
    - A description of the service or activity completed
    - Name of the provider of the service or activity
    - Date service or activity completed
    - Signature of educational personnel documenting the completion of the service or activity

- Date of above signature
  - Signature of educational personnel transmitting documentation to IDVR and/or ICBVI
  - Date and method (e.g., hand-delivered, faxed, mailed, emailed, etc.) the documentation was transmitted to IDVR and/or ICBVI
  - A cover sheet that itemizes all of the documentation requirements listed above
2. Documentation should be provided as soon as possible upon completion, but no later than 30 calendar days after the completion of the requirement activities, or 60 calendar days if additional time is necessary due to extenuating circumstances, e.g. in which serious disruption to education has occurred. (34 CFR 397.30(c)(1)(i)). The educational agency should retain a copy of all documentation provided to IDVR consistent with the requirements of 2 CFR 200.333. (34 CFR 397.30(d)).
  3. If the educational agency is documenting the youth's refusal of services the documentation should include (see item 6 below for more information):
    - The youth's name
    - A description of the refusal and reason for the refusal
    - Signature of the youth or as applicable the youth's guardian
    - Signature of the educational personnel documenting the youth's refusal
    - Date of above signature
    - Signature of educational personnel transmitting documentation to IDVR
    - Date and method (e.g., hand-delivered, faxed, mailed, emailed, etc.) the documentation was transmitted to IDVR
  4. The educational agency should retain a copy of all documentation provided to IDVR and/or ICBVI consistent with the requirements of 2 CFR 200.333. (34 CFR 397.30 (d)).
  5. IDVR will provide documentation to the youth, including any documentation of transition services provided by the LEA, if applicable, within 45 calendar days after the completion of Career Counseling/Information and Referral activities or 90 calendar days in extenuating circumstances.
  6. While 34 CFR 397 allows for an LEA to accept a refusal form to participate in transition services, IDVR and/or ICBVI agrees to field all refusals, and LEAs should refer these potential 511 youth to VR to provide information on the requirements of 34 CFR 397 so an informed decision can be made. If a youth with a disability or the youth's parent or guardian, refuses through informed choice, to participate in the activities required by Section 511, documentation must be provided to the youth and/or guardian by IDVR and/or ICBVI. This documentation must at a minimum contain those details listed in 397.10(a)(2)). IDVR will provide this information to the youth within 10 calendar days of the youth's refusal to participate. If the LEA opts to field a refusal form, it must be sent to IDVR *within five calendar days* per 34 CFR 397.30(c)(1)(ii).
  7. Once youth seeking subminimum wage employment have completed the necessary requirements, IDVR and/or ICBVI will provide the verification documentation necessary for them to work for subminimum wage. IDVR and/or ICBVI will maintain documentation of section 511 related services for a period of three years from date of




completion of the service as per 2 CPR 200.333.

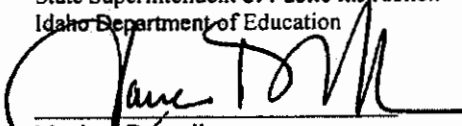
- E. Per 34 CFR 397.31 neither the Idaho State Department of Education nor a local education agency will enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability is engaged in work at subminimum wage.

**Section 11 Signatures, Titles and Date of Signing**

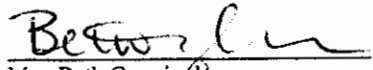
The agreement will be reviewed annually and may be revised or amended by mutual consent in conformity with the regulations of the Idaho Division of Vocational Rehabilitation, the Idaho Department of Education, and Idaho Commission for the Blind and Visually Impaired. This agreement becomes effective upon date of signature and will remain in effect until amended or terminated.

  
Mrs. Debbie Critchfield  
State Superintendent of Public Instruction  
Idaho Department of Education

3/28/23  
Date Signed

  
Ms. Jane Donnellan  
Administrator  
Idaho Division of Vocational Rehabilitation

3/27/23  
Date Signed

  
Mrs. Beth Cunningham  
Administrator  
Idaho Commission for the Blind and Visually Impaired

4-11-23  
Date Signed



## Transition Services Documentation Checklist and Cover Sheet

34 CFR § 397.30 outlines the responsibilities of local educational agencies to youth with disabilities who are known to be seeking subminimum wage employment which must contain:

1. (To be completed by the Local Education Agency): The documentation of completion of appropriate transition services for a youth with a disability under IDEA
  - a. This can be transmitted in the form of an Individualized Education Program, but must contain at a minimum (please verify the following are contained in this release):
    - i.  Youth's name
    - ii.  Description of the service or activity completed
    - iii.  Name of the provider of the required service or activity
    - iv.  Date required service or activity completed
    - v.  Signature of educational personnel documenting completion of the required service or activity
    - vi.  Date of signature documenting completion of the required service or activity
    - vii. Date and method (e.g., hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to IDVR and or ICBVI
      1. Date of Transmittal \_\_\_\_\_
      2. Method of Transmittal \_\_\_\_\_
    - viii. A cover sheet that itemizes the documentation that has been provided to the VR program regarding that youth (completion of the checkboxes above satisfies this requirement)
    - ix.  Verification that the educational agency will keep a copy of all documents sent to the VR program
    - x. Signature of the individual transmitting this documentation
      1. \_\_\_\_\_
2. (To be completed by Vocational Rehabilitation):
  - a.  Verification that VR has filed a copy of this information
  - b.  Verification that this information has been provided to the youth