

STATE INTERAGENCY COOPERATIVE AGREEMENT

BETWEEN

THE

KENTUCKY DEPARTMENT OF VOCATIONAL REHABILITATION

KENTUCKY DEPARTMENT FOR THE BLIND

AND THE

KENTUCKY DEPARTMENT OF EDUCATION

FOR

TRANSITION PLANNING AND SERVICES

FOR

SECONDARY STUDENTS WITH DISABILITIES

MARCH 2003

I. PURPOSE

The purpose of this interagency cooperative agreement is to improve the cooperative and collaborative efforts between the Kentucky Department of Vocational Rehabilitation (DVR), the Kentucky Department for the Blind (DFB), and the Kentucky Department of Education (KDE) for a more effective and efficient integrated school-to-work transition planning and vocational rehabilitation service delivery system to eligible secondary school students with disabilities. This cooperative agreement shall ensure that each eligible student with a disability in the state is promptly provided with the appropriate transition services.

For the purposes of this agreement, interagency cooperation and collaboration for transition planning and services will be focused on students with disabilities who are enrolled in secondary school programs and are eligible for services from DVR or DFB. This includes students with disabilities who are served under the Individuals with Disabilities Education Act (IDEA), regardless of where services are provided, and students with disabilities who are served in general secondary instructional programs and who are not served under IDEA, but may be eligible for services under the Rehabilitation Act of 1973, as amended.

II. GENERAL COORDINATION

Conditions covered in this agreement apply to all shared students/consumers cooperatively served by DVR, DFB and KDE including Section III, Third Party Cooperative Agreements, of this agreement.

A. Definitions

For purposes of this agreement;

The Rehabilitation Act Amendments of 1998, Title IV of the Workforce Investment Act of 1998 (P.L. 105-220), 29U.S.C. 701 et seq., is hereinafter “Rehabilitation Act;” Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as amended is hereinafter “IDEA.”

A.1. Target Populations

A.1.a. Students with Disabilities Who are Served by Special Education

This includes secondary students, ages 14 to 22, who have a disability pursuant to IDEA, and who, because of the disability, need special education and related services as specified in their Individualized Education Program (IEP). This target group includes eligible students enrolled in general or alternative public

school programs, certified non-public schools, and private or parochial schools, regardless of where the services are provided.

A.1.b. Students with Disabilities Who Are Not Served by Special Education

This includes secondary students who are not receiving special education services but have a disability pursuant to the Rehabilitation Act, and who may be receiving services and/or accommodations as required by Section 504 of the Rehabilitation Act. Eligibility for DVR or DFB services will be contingent upon established criteria in accordance with the Rehabilitation Act.

A.1.c. DVR or DFB Consumer

A DVR consumer or a DFB consumer is an individual eligible for vocational rehabilitation services. The individual shall have a disability pursuant to the Rehabilitation Act, and the individual shall require vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment. [Rehabilitation Act, Section 102(a)(1)] The Rehabilitation Act further requires the individual to have a physical or mental impairment for which such individual constitutes or results in a substantial impediment to employment and can benefit in terms of an employment outcome from vocational rehabilitation services. [Rehabilitation Act, Section 6(20)(A)]

A.1.d. Transitioning Student

A transitioning student is a secondary student with a disability pursuant to IDEA and/or the Rehabilitation Act and who is an applicant or eligible individual for vocational rehabilitation services and who is receiving transition services. [Rehabilitation Act, Section 7(37); 34 CFR 361.5(55)] The transitioning student may also be referred to as a student/consumer.

A.2. Transition Services

“Transition Services” means a coordinated set of activities for a child with a disability that:

- (a) is designed within an outcome-oriented process (i.e., a process that outlines how a student will achieve goals consistent with the general curriculum, as appropriate), that promotes movement from school to post-school activities, including post secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- (b) is based on the individual student’s needs, taking into account the child’s preferences and interests; and includes:
 - 1. instruction;
 - 2. related services;

3. community experiences;
 4. the development of employment and other post-school adult living objectives; and
 5. if appropriate, acquisition of daily living skills and functional vocational evaluation.
- [707 KAR 1:280(55); Rehabilitation Act, Section 7(37), 29 USC.705]

In addition, the Rehabilitation Act, Section 103(a)(15), 29 USC 723 provides transition services for students with disabilities "that facilitate the achievement of the employment outcome identified in the Individualized Plan for Employment."

A.3. Individualized Programs

A.3.a. Individualized Education Program (IEP)

As defined by 707 KAR 1:280, Section 1(31) "Individualized Education Program" (IEP) means a written statement for each child with a disability developed, reviewed, and revised in accordance with 707 KAR 1:320. In accordance with 707 KAR 1:320, Section 6, Transition Services (1) beginning at age fourteen (14), or younger if determined appropriate by the ARC, the IEP for a child with a disability shall include a statement of the transition services needs of the child under the applicable components of the child's IEP that focus on the child's course of study. This statement shall be updated annually. (2) For a child beginning at age sixteen (16), or younger if determined appropriate by the Admissions and Release Committee (ARC), the IEP for a child with a disability shall include a statement of needed transition services for the child, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

A.3.b. Individualized Plan for Employment (IPE)

As defined by the Rehabilitation Act, 29 USC 721; (a)(9), 29 USC 722 (b), an Individualized Plan for Employment (IPE) will be developed for each individual with a disability eligible for vocational rehabilitation services and meeting the requirements under this Act. The "IPE must be designed to achieve a specific employment outcome, as defined in 34 CFR 361.5(b)(16), that is selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice." [34 CFR 361.45(b)(2)] Such services will be provided under the plan in accordance with such program. An "IPE shall be (i) agreed to, and signed by, such eligible individual or, as appropriate, the individual's representative; and (ii) approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit." [Rehabilitation Act, 29 USC 722 (b)(2)(c)] An IPE shall be completed before the student leaves the school system. [Rehabilitation Act, Section 101(a)(24)A(iii)]

A.3.c. Assistive Technology

Both IDEA and the Rehabilitation Act use the same definition for assistive technology device and service as that contained in the Technology-Related Assistance for Individuals with Disabilities Act of 1988. [29 U.S.C. 2202(3) and (4)] Assistive technology device and service are defined as follows:

Assistive technology device: "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities." [29 USC 705(3); 34 CFR 361.5(7)]

Assistive technology service: "any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. This includes:

- (a) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;
- (b) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;
- (c) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;
- (d) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) training or technical assistance for an individual with disabilities, or where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual and
- (f) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities." [IDEA, 20 USC 1401(2) and (26); Rehabilitation Act, 29 U.S.C 705 (4); 29 USC 2202 (a)(4)]

B. Confidentiality

Personnel employed by DVR and DFB and assigned to cooperatively provide services to students with disabilities will have appropriate access to confidential student information within the boundaries of the legal constraints of each agency and federal law, which requires appropriate parental permission for release of information before identifiable information is

released from educational agencies to non-school agencies to expedite the provision of transition services. [Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g, 34 CFR Part 99; and 707 KAR 1:340]

C. Eligibility Standards for DVR or DFB Services (Rehabilitation Act 29 USC 722)

Eligibility for DVR and DFB services under this agreement includes secondary students with disabilities who are served by the Local Educational Agencies (LEA's) and who meet DVR or DFB eligibility requirements as defined in Section II, Part A.1.c of this agreement.

In accordance with the Rehabilitation Act, when vocational rehabilitation services cannot be provided to all eligible individuals with disabilities who apply for such services, the state DVR and DFB are required to establish and implement an order of selection policy. An order of selection policy shall be designed to assure that, when fiscal circumstances necessitate it, individuals with the most significant disabilities are given the highest priority for receiving services. [Rehabilitation Act, 29 USC 721 (a)(5)] The existence of an order of selection process does not preclude the referral of students for vocational rehabilitation services or the determination of eligibility. If an order of selection process is in place, the determination of eligibility will also address the priority for the student/consumer to be served. This priority will determine if the Individualized Plan for Employment (IPE) will be developed or if the student/consumer is placed on a waiting list for services by priority category.

D. Local Coordination of Transition Services Between KDE, DVR, and DFB [Rehabilitation Act, 29 USC 721 (a)(11)(D)]

D.1. Procedures for Making Student Referrals

To improve the coordination of transition services between education and vocational rehabilitation, each agency will be responsible for making timely referrals in accordance with the following guidelines:

- Referral of students who are receiving special education services to DVR or DFB, including those who attend state special schools (i.e., Kentucky School for the Blind, Kentucky School for the Deaf), is the responsibility of the LEA's.
- Students with disabilities who are not receiving special education services (i.e., Section 504 of the Rehabilitation Act) but who may be eligible for DVR or DFB services will be referred by the guidance counselor or appropriate personnel designated by LEA's.
- The written consent of a student's family or guardian or that of the student, if the student is that of an emancipated minor, must be given before an education official can make a referral and share student records with a non school agency.

- When a student is referred to DVR or DFB by sources other than the school, the vocational rehabilitation counselor will notify the appropriate school personnel of the referral, contingent upon the appropriate authorization for the release of information.

D.2. Determination of Eligibility for DVR and DFB Services

To determine eligibility, DVR and DFB shall use existing information from other agencies that describes current functioning, particularly from schools, to document the presence of a physical or mental impairment. [Rehabilitation Act, 29 USC 722 (a)(4)]

DVR will accept verification from an LEA that the student has a disability (i.e., IEP, 504 Plan). DFB will accept verification from the LEA along with a documented visual diagnosis. Additional sources may include: mental health agencies, Social Security, or Medicare.

Students with disabilities who are not receiving special education services (e.g., Section 504 of the Rehabilitation Act), but who have documentation from the school or an appropriate outside agency to verify the presence of a disability for this student group, will be accepted as long as the assessment is conducted by a qualified professional.

D.3. Joint Sharing and Use of Evaluations and Assessments

The Rehabilitation Act, 29 USC 722 (a)(4) requires that "to the maximum extent appropriate, and consistent with the requirements of this part, for purposes of determining the eligibility of an individual for vocational rehabilitation services under this title and developing the individualized plan for employment...the designated State unit shall use information that is existing and current, including information available from other programs and providers, particularly information used by education officials and Social Security Administration, information provided by the individual and the family of the individual, and information obtained under the assessment for determining eligibility and vocational rehabilitation needs." This requirement applies to students with disabilities who are served by special education and students with disabilities who are not served in special education.

D.3.a. Students with Disabilities Served by Special Education

When a student in special education is referred to DVR or DFB, the vocational rehabilitation counselor should request from the LEA contact information listed below, and any other pertinent assessments if available, and as authorized in writing, by the student's family or guardian, or the student, if the student is an emancipated minor.

1. Current IEP
2. Functional vision assessment (DFB)

3. Visual acuity report (DFB)
4. Current Psychological (DVR)

To the maximum extent possible, this and additional information from other sources shall be utilized to determine the vocational goal and develop the IPE. Additional assessments shall be performed by DVR or DFB only after the existing information has been reviewed and deemed to be insufficient for planning purposes by the DVR or DFB counselor.

D.3.b. Students with Disabilities Not served by Special Education

If a student with a disability who is not in special education (e.g., Section 504 the Rehabilitation Act) is referred to receive vocational rehabilitation services and an authorization for release of information to the school district in which he/she is enrolled is available, the school district will provide assessment information which will be utilized to the greatest degree possible by DVR or DFB for the development of the IPE. Additional assessments shall be performed by DVR or DFB only after existing information has been deemed insufficient for IPE planning purposes.

D.4. Planning and Development of Individualized Programs (IEP and IPE)

The LEA and DVR or DFB should use a collaborative team process to develop the transition services section of the Individualized Education Program (IEP) and the Individualized Plan for Employment (IPE) for the transitioning student. An eligible individual's IPE should be completed before the individual leaves the school system. This process should include the involvement of representatives of education, the DVR or DFB counselor, the student/consumer, family, and other service providers, as appropriate. Furthermore, the intention is "that transition services be available not only to those students in special education programs, but also to students with disabilities under section 504 of the Rehabilitation Act." [Rehabilitation Act Cooperative Agreements, 29 USC 723 (a) 15] If the IEP or the IPE is amended the documents should be shared.

Both the IEP and the IPE shall include, if appropriate, a statement of interagency responsibilities or any needed linkages by which the responsibilities of other entities are satisfied. [707 KAR 1:320, Section 6; Rehabilitation Act, 29 USC 722 (b)(3); and 29 USC 721 (a)(8)(B)(iv)]

D.4.a. Role of Educational Personnel in Transition Planning

School personnel shall include a representative of any other agency that is likely to be responsible for providing or paying for transition services at IEP meetings in which transition services will be discussed. If an agency invited to send a representative does not attend, the LEA shall take other steps to obtain

participation of the other agency in the planning of any transition services (707 KAR 1:320, Section 3). As directed by a student's IEP, the LEA will formally refer students to the most appropriate agencies.

D.4.b. Students with Disabilities Served by General Education not being served under the IEP or 504 Plan

DVR and DFB have assigned staff to each of Kentucky's 176 LEA's for the purpose of ensuring that all students with disabilities are served. Local DVR or DFB counselors in conjunction with school staff will develop a referral process.

D.5. Role of the DVR or DFB Rehabilitation Counselor in Transition Planning

The counselor will work with referrals from special and general education staffs as well as from the individual with the disability, the family, and other agencies to identify students with disabilities that are in need of transition.

For students ages 14 and 15, the primary role of the vocational rehabilitation counselor will be to provide general coordination, information, and outreach activities about vocational rehabilitation services to the local educational agency and student for use in transition planning. Appropriate service coordination activities include resource information about vocational rehabilitation, presentations, handouts, and staff development. When students with disabilities reach the age of 16, the DVR and the DFB counselor are expected to take a more active role in the provision of transition services on an individual student basis. The counselor is encouraged to attend IEP meetings or individual plan meetings for 504 students to the maximum extent possible to assist in the coordination of services. If the counselor cannot attend the IEP or 504 meeting, the counselor should participate in other ways to assist the IEP or 504 team in the planning of transition services.

D.6. DFB McDowell Rehabilitation Center Programs

The Charles W. McDowell Center, a rehabilitation center for individuals who are blind/visually impaired, will offer the following evaluation/training services at the Center in Louisville, to transition students who are eligible for services with the DFB. These include Independent Living Skills, Vocational Assessments, Career Assessment, Orientation and Mobility, Assistive Technology, Braille, Communications, and Work Experience. . Orientation and Mobility and Assistive Technology Evaluations may be available on a fee for service basis through contract between the DFB and LEAs for students with disabilities in their local school setting.

D.7. Use of Memoranda of Agreement (MOA)

DVR, DFB, and KDE recommend and encourage the development of memoranda of agreement (MOA) and interagency cooperative agreements at the local level to facilitate and coordinate transition services for secondary students with disabilities.

E. State Coordination with Agencies in the Provision of Transition Services [Rehabilitation Act, 29 USC 721 (a)(11)]

An eligible student's IPE shall be completed before the student leaves the school system. Upon the request of either KDE, DVR, and/or DFB, or as a result of the meeting of the DVR or DFB Transition Coordinating Group, interagency, ad hoc work groups will be formed to address specific common issues.

F. Follow-up of Youth

DVR, DFB, and KDE agree to work cooperatively at the state level to establish procedures and time frames for follow-up of those transitioning students who received special education services and needed transition services.

A process for data sharing will be developed by all three agencies and will be made available at a later date.

**G. Comprehensive System of Personnel Development (CSPD)
[707 KAR 1:330, Section 1; Rehabilitation Act (a)(7), 29 USC 721; 34 CFR 361.18 (a)(7)]**

The 1992 Reauthorization of the Rehabilitation Act includes the requirements, "where appropriate" for activities to be undertaken "to coordinate the system of personnel development with personnel development activities under the IDEA, 20 U.S.C. 1400 et seq." [Rehabilitation Act, (a)(7)(A)(ii)]. The intent of this coordination is to enhance the quality of educational and vocational rehabilitation services and provide comprehensive personnel development opportunities for all personnel serving individuals with disabilities. All three agencies will promote cross-training of individuals with disabilities.

**G.1. Qualified Personnel Responsible for Transition Services
[The Rehabilitation Act, 29 USC 721 (a)(7)(B)]**

Each agency shall establish and maintain standards which are consistent with any State approved or recognized certification licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing special education or related services in the case of educational agencies and in which such personnel are providing vocational rehabilitation services in the case of DVR and DFB. [707 KAR 1:330; Rehabilitation Act, 29 USC 721 (a)(7)] In keeping with the goal of collaboration to support transitioning students, DVR, DFB, and KDE will promote the cross-disciplinary training for special education and vocational rehabilitation personnel on transition issues.

H. Determination of Lead Agencies [Rehabilitation Act, 29 USC 721 (a)(11)]

H.1. Educational Agencies

Federal and state statutes and regulations require the LEA to be primarily responsible for providing educational, vocational, and transition services through high school.

If an agency, other than the LEA, (or state agency responsible for developing the child's IEP) fails to provide the transition services described in the IEP, the LEA (or the state agency responsible for developing the child's IEP) shall reconvene the ARC to identify alternative strategies to meet the child's transition objectives set out in the IEP. [707 KAR 1:320, Section 7(5)]

H.2. DVR or DFB

DVR or DFB has responsibility for the provision of vocational rehabilitation services to eligible individuals with disabilities. This responsibility allows eligible school-age persons to be served by the Departments while still enrolled in secondary school.

H.3. Financial Responsibilities [The Rehabilitation Act, 29 USC 721 (a)(11)(D); IDEA, 20 USC 1413a(13)(A)(B)]

Under IDEA, services are required if the student with a disability requires special education and related services in order to benefit from a free appropriate public education. Accordingly, the LEA shall be responsible for assuring that all children with disabilities have a free appropriate education according to the IEP. This provision shall not be construed to limit the responsibility of agencies other than educational agencies from providing or paying for some or all of the costs of a free appropriate public education to be provided children with disabilities. [IDEA, 20 USC 1412(6)]

The DVR or the DFB shall be responsible for:

- the provision of vocational rehabilitation services to individuals with disabilities in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice [Rehabilitation Act, 29 USC 721(a)(9); 34 CFR 361.48];
- an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology [Rehabilitation Act, 29 USC 723 (a) (1); 34 CFR 361.48];
- counseling, guidance, and work-related placement services for individuals with disabilities, including job search assistance, placement assistance, job retention services, personal assistance services, and follow-up, follow-along, and specific

post employment services necessary to assist such individuals to maintain, regain, or advance in employment [Rehabilitation Act, 29 USC 723 (a)]; and

- rehabilitation technology services. [Rehabilitation Act, 29 USC 723 (a)(14)]

For the provision of other vocational rehabilitation services, the Rehabilitation agency is responsible for making a determination that comparable services and benefits are not available under any other program, except that such determination shall not be required if the determination would delay the provision of such services to any individual at extreme risk; or prior to the provision of such services if an immediate job placement would be lost due to a delay in the provision of such comparable benefits [Rehabilitation Act, 29 USC 721(a)(8)].

H.4. Services

Each agency has a variety of services consistent with the spirit of IDEA and the Rehabilitation Act, and collaborative efforts for transitioning students will be undertaken by KDE, DVR, and DFB. Within its context, it is recognized that no one agency has the resources or singular responsibility for the vocational preparation of students with disability. All decisions as to the extent of agency involvement should be based on individual needs. DVR and DFB are obligated to seek out comparable benefits when paying for such services as note-takers and interpreters.

H.5. Equipment

If assistive technology is needed to prepare the student for the world of work, then its need must be related to the employment outcome for the transitioning student and written into the IPE. [Rehabilitation Act, 29 USC 722 (b)(1)(B); 34 CFR 361.46]

At the point where DVR or DFB becomes involved in transition services planning for the individual student/consumer, education and rehabilitation staffs should review the assistive technology needs of the transitioning student. These decisions should be incorporated into the IEP and the IPE as the student transitions from school to post-school life.

During the planning for transition supports for exiting students, the IEP team, including DFB or DVR staff, should examine the IEP to see if the student's IEP includes the use of assistive technology. When a student is determined in need of continued access to their assistive technology to support their successful transition to employment, the LEA has the option of giving the equipment to the student in accordance with 34 CFR 80.32 (e), if appropriate; or DVR or DFB may purchase this technology from the LEA for fair market value. This plan should be incorporated into the individual's IEP and IPE.

States will use, manage, and dispose of 'equipment' as defined at 34 CFR 80.3 by the Education Department General Administrative Regulations (EDGAR) Uniform

Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. [34 CFR 80.32(b)]

If the LEA gives the equipment to the student or makes the technology available for purchase by DVR or DFB, the disposition is governed by 34 CFR 80.32 (e) as follows:

When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows: (1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency; (2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the agency's share of the equipment.

H.5.a. Educational Agency Requirements

Some students with disabilities require assistive technology devices or services, or both in order to receive a free appropriate public education. The LEA shall ensure that the assistive technology devices or assistive technology services, or both, as defined in 707 KAR 1:280, Section 1 (4) or (5) are made available to a child with a disability if required as part of the child's special education, related services, or supplemental aids and services. Determination of whether a student with a disability requires assistive technology devices or services must be made on an individual basis through the IEP decision making process. (34 CFR 361.46 or as required pursuant to Section 504) Similarly, a decision as to whether a student may use a device or service in settings other than the student's school (e.g., the student's home or other parts of the community) is made on an individual basis in accordance with the IEP.

H.5.b. DVR or DFB Requirements

Under the Rehabilitation Act, an individual with a disability is eligible for assistive technology as required and identified in the IPE to achieve the consumer's intermediate rehabilitation objectives and long-term goals of employment and rehabilitation. This technology is exempt from the comparable services and benefits requirements. [Rehabilitation Act, 29 USC 721 (a)(8)(A)(i); 29 USC 723 (a)(14)]

H.5.c. Purchase of Equipment - School

It is the responsibility of the LEA to purchase equipment for students with disabilities if the student requires specialized educational support, which is agreed to in the student's IEP or the Section 504 plan. The purchase of the new equipment by the school district is for use by the student while in school. The equipment purchased remains the property of the district unless otherwise specified.

H.5.d. Purchase of Equipment – DVR and DFB

When a student is near graduation (Grade 12) or at graduation, DVR or DFB can support the purchase of equipment for the student/consumer as defined in the IPE if it is needed for the completion of the rehabilitation goal. Planning is in the beginning stages of allowing DVR or DFB to purchase used equipment from the school system if a particular piece of equipment is necessary for a consumer to complete his/her vocational goal.

I. Status of Services for An Individual Student /Consumer During A Dispute.

The student's IEP and/or 504 Plan shall not be adversely affected during a dispute to determine the primary source for services [IDEA, 20 USC, Section 1415(e)(3); Rehabilitation Act, 29 USC 722 (c)]

J. Agency Dispute Resolution [Rehabilitation Act, 29 USC 721(a)(11)(D); IDEA, Section 1413(a)(1)(B)]

During the administration of this agreement, disputes might arise regarding financial responsibility for services or other policy or programmatic issues. It is mutually recognized that all attempts shall be made to resolve the dispute at the lowest level possible between the vocational rehabilitation counselor and LEA Representative. If unsuccessful, the dispute shall be referred to the DVR/DFB Division Director of Program Services or Client Services Respectively, and the Director of Exceptional Children Services, Office of Special Instructional Services, the KDE. If necessary, the dispute shall be referred to the respective agency commissioners for a final resolution.

K. Due Process for the Individual Student/Consumer

No part of this interagency cooperative agreement shall override or countermand basic civil rights and due process safeguards offered individuals with disabilities under the provisions of IDEA and the Rehabilitation Act or any other applicable law or regulation. Anyone with a complaint concerning alleged denial of civil rights shall be informed of the proper procedure of filing a grievance in accordance with standardized procedures and due process presently in force with each agency that is a party to the agreement. Complaints may be raised with more than one agency should the individual be involved with more than one agency at any given time. The agencies strongly encourage the use of informal and alternative dispute resolutions at the lowest level possible.

III. THIRD PARTY COOPERATIVE AGREEMENTS (reference)

The three agencies have initiated and will continue to jointly support cooperative projects (e.g., Community Based Work Transition Project, Orientation and Mobility training) that address new or enhanced patterns of service to demonstrate the effectiveness of coordinated transition services. These projects are covered under separate agreements and reviewed annually. They will provide the information necessary for the future development and implementation of improved transition services throughout the State.

IV. GENERAL ADMINISTRATION

A. Non Discrimination

No person shall be excluded from participation, denied any benefits or services, or subjected to discrimination on the basis of sex, race, color, national origin, religion, age, or disability.

B. Acceptance, Review And Modification of Agreement

This agreement becomes effective when all required signatures are obtained.

The contents of this agreement shall be reviewed on an annual basis at the beginning of each calendar year. This review shall be for the purpose of continuing the interagency cooperative agreement, developing additional areas of agreement, and such clarification as may be necessary. This annual review shall not preclude the participating Departments from requesting a review of a portion of the agreement, as needs arise. Proposed written amendments, modifications or revisions to this interagency cooperative agreement shall become effective only upon written consent of each Department. Notification shall be given to all concerned parties in advance of any modifications with opportunity for consultation.

C. Dissemination

In accordance with established procedures, this agreement at a minimum will be distributed to the State agencies and their appropriate divisions, District Administrators of the Department of Vocational Rehabilitation, Regional Managers of the Department for the Blind, and transition support personnel.

D. Order of Precedence

In the event of an inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable federal and state statutes and regulations;
2. The terms and conditions of this Agreement; and
3. Any other provisions of the Agreement whether incorporated by reference or otherwise.

E. Legal Authority

Current federal legislation which assures that eligible persons with disabilities receive all appropriate services, include:

Americans with Disabilities Act of 1990 (P. L. 101-336)
Assistive Technology Act of 1998 (P. L. 105-394)
Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (P. L. 101-392)
Individuals with Disabilities Education Act Amendments of 1998 (P. L. 105-17]
Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112)
The Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1998, Title IV of the Workforce Investment Act of 1998 (P. L. 105-220)
Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994 (P. L. 103-218).
Workforce Investment Act of 1998 (P. L. 105-220)

SIGNATURES:

Gene Wilhoit

3/19/03

Commissioner, Kentucky Department of Education

Date

Crump, Bruce

3/26/03

Commissioner, Kentucky Department of Vocational Rehabilitation

Date

Denise Placido

3/24/03

Commissioner, Kentucky Department for the Blind

Date