

## **COOPERATIVE AGREEMENT FOR 12/01/2021-6/30/2025**

### **The Rhode Island Department of Education and Department of Human Services/Office of Rehabilitation Services**

#### **I. PURPOSE**

##### **A. OVERVIEW**

This Cooperative Agreement between the Rhode Island Department of Elementary and Secondary Education (RIDE) and the Rhode Island Department of Human Services/Office of Rehabilitation Services (DHS/ORS) is intended to facilitate the successful transition of students with disabilities from school into vocational rehabilitation services, and then to successful employment.

The Agreement identifies the parties' roles and responsibilities, including certain limited financial responsibilities. However, it is not intended as a comprehensive financial agreement. No payment will be made to or by either party, although each will provide those services mandated under the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (Rehabilitation Act), which require state educational agencies (SEAs) and state vocational rehabilitation agencies to enter into formal inter-agency agreements to plan and coordinate transition services, as well as pre-employment transition services (PRE-ETS), for students with disabilities.

The Agreement will complement other related agreements as well as applicable policies and procedures of RIDE and DHS/ORS.

##### **B. DURATION**

The Agreement covers the period December 1, 2021, to June 30, 2025, and will be reviewed on an annual basis, including reviews, as appropriate, by the State Rehabilitation Council (SRC) and State Special Education Advisory Committee (RISEAC).

Any amendment or extension of the Agreement must be in writing and must be consented to by both parties. However, the Agreement may be terminated by either party, with or without cause, upon ninety (90) days written notice.

## **C. GUIDING PRINCIPLES**

The implementation of the Agreement and the parties' development of transition practices in partnership with all involved public agencies and local education agencies (LEAs) shall be guided by the following set of agreed-upon principles:

- Students will be provided support and opportunities in developing self-determination and self-advocacy skills necessary to direct their own future.
- Students will guide the planning for both their individualized education program and vocational rehabilitation services.
- Students will be provided opportunities to develop skills necessary to exercise informed choice.
- Students will be provided education and vocational rehabilitation services in the most natural setting for the skills being developed.
- Students will become increasingly self-directed as part of the transition from school to adult life.
- Students will be knowledgeable about supports and services available and how to access them.
- Students will be prepared to pursue or explore postsecondary career options.

## **II. ROLES AND RESPONSIBILITIES**

### **A. FINANCIAL**

DHS/ORS will be responsible for PRE-ETS consistent with the Rehabilitation Act. RIDE will be responsible for ensuring that a free appropriate public education (FAPE) is made available to eligible students, including special education services included in the individualized education program (IEP), as authorized by the IDEA.

The Rehabilitation Act requires that ORS, in collaboration with the RIDE, ensures that PRE-ETS services are made available to all students with disabilities in need of such services. Once a student requests, or is recommended for, one or more of the PRE-ETS services, RIDE will support ORS's collaboration with LEAs in providing (or arranging for) the five (5) required PRE-ETS services described in this Agreement to qualifying students – i.e., students with disabilities from age 14 through their exit from high school – based on individual need. Any PRE-ETS service that ORS provides will be available to students identified by the school or to a student known as a person with a disability by the vocational rehabilitation counselor.

RIDE and LEAs will be responsible for transition services required by federal and state law and regulation, provided, however, that nothing in this Agreement shall reduce the obligations of an LEA or other agency to pay for transition services that are considered special education or related services and part of

FAPE under the IDEA.

## **B. SHARED RESPONSIBILITIES**

As the lead agencies under this Agreement, RIDE and ORS/DHS agree as follows:

- All personnel assigned to responsibilities described in this agreement will comply with the certification requirements of the respective lead agencies.
- RIDE and DHS/ORS will utilize the RI Transition Council and the State Rehabilitation Counsel as a venue for developing transition-related policies.
- RIDE and DHS/ORS will follow their own agency's procedures for the review and development of policies.
- RIDE and DHS/ORS will notify each other when new policies are in development or of policies that are being revised, to encourage collaboration in policy development related to transition.
- As new federal or state requirements or initiatives are identified, DHS/ORS and RIDE will provide joint training for school personnel and ORS staff when possible.
- If roles and responsibilities for the provision of PRE-ETS and transition services are unclear, ORS will contact the appropriate RIDE staff to clarify the roles and responsibilities of each entity.
- RIDE will support ORS in efforts to assist LEAs related to coordination and implementation of PRE-ETS.
- RIDE and DHS/ORS will collaborate to implement Section 511 of the Rehabilitation Act which requires that anyone age 24 or younger may not start at subminimum wage unless it is documented that the person received PRE-ETS or transition services under the IDEA and/or applied for ORS services and was unable to be successfully employed in an integrated competitive employment setting.
- For the purposes of the 2013 Consent Decree between the US Department of Justice (DOJ) and State of Rhode Island, RIDE supports DHS/ORS in promoting supported employment services where the individual is compensated at or above minimum wage in an integrated employment setting.
- DHS/ORS and RIDE agree to inform staff, students, legal guardians, and parents of the mandates found in the 2013 Consent Decree that require integrated work experiences and competitive employment as expectations of Rhode Island as an Employment First State.

## **C. DHS/ORS RESPONSIBILITIES**

The DHS/ORS Associate Director or his/her designee will assign a vocational rehabilitation counselor to each comprehensive high school in the state. The list of assigned vocational rehabilitation counselors will be included in RIDE and DHS/ORS promotional materials. Additionally:

- Assigned vocational rehabilitation counselors will maintain a schedule of availability in each assigned school and convey this schedule to appropriate local education agency personnel.
- DHS/ORS is responsible for the implementation and compliance with the Rehabilitation Act and all related Rhode Island laws and regulations.
- DHS/ORS will request LEAs, through the high school department chair or designee, to make every effort to schedule IEP meetings during the scheduled hours the vocational rehabilitation counselor is available in the school and no less than one month prior to the IEP meeting. If the assigned counselor is unable to attend the meeting, the school personnel, student, and parent will have materials about vocational rehabilitation services available for the IEP meeting. Assigned rehabilitation counselors will make every attempt to attend IEP meetings for DHS/ORS eligible students expecting to graduate in two years or less.
- Rehabilitation counselors will make efforts to attend meetings and events at assigned schools to share information about vocational rehabilitation including PRE-ETS, adult services, transition services and the order of selection with students, parents, and school personnel. Rehabilitation counselors will provide brochures and materials about the vocational rehabilitation process and services to the school districts for distribution to students, parents, legal guardians, teachers, and others.
- Students with disabilities, including those who have not yet applied for or been determined eligible for vocational rehabilitation services, will be informed by ORS of their ability to participate, and receive the PRE-ETS services. These services will be described and included in the IEP as appropriate, along with the identified transition services.
- Students found eligible for vocational rehabilitation, who have a Section 504 plan or an IEP, are subject to the order of selection prioritization and placement on a waiting list for services. Once off the waiting list, the student will have an individualized plan for employment (IPE) developed in coordination with the assigned rehabilitation counselor no later than the senior (or graduating) year.
- ORS will plan for statewide implementation of PRE-ETS and transition services in keeping with this Agreement, as well as applicable policies, procedures, and guidelines. ORS will accept referral of students with disabilities during the transition planning process for the provision of PRE-ETS and transition services.
- ORS will provide consultation with and training to school district staff on transition planning to prepare a student to move from school to work or postsecondary education in accordance with the student's unique needs and provide pre-employment transition services.
- ORS will assess, plan, develop and provide vocational rehabilitation services for eligible individuals with disabilities who have been referred for services,

consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for and engage in competitive, integrated employment.

- Develop an IPE, which is consistent with the student's IEP, within ninety (90) days of vocational rehabilitation eligibility determination, unless an extension is approved.
- Provide consultation to assist in the identification of eligible and potentially eligible students with disabilities and assess their individual needs.

### **III. COORDINATION AND COLLABORATION**

#### **A. STATE LEVEL COORDINATION**

The DHS/ORS administrator and the RIDE Director of Student, Community and Academic Supports will assign a representative to the RI Transition Council in accordance with R.I. Gen Laws § 16-24-18 and commit available resources to support technical assistance and consultation activities. The RI Transition Council is a committee represented by education officials, state, and community providers of transition services for youth and young adult services will serve as an advisory body to the agencies regarding transition services.

DHS/ORS and RIDE agree to provide cross-training with agency staff and local school district personnel as needed. RIDE and DHS/ORS will utilize DHS/ORS Comprehensive Needs Assessment, Transition Council, and the DHS/ORS State Rehabilitation Council assessment information to establish training priorities. The agencies will provide professional development and will notify RI Transition Council partner agencies of new programs that are developed. Both parties will jointly fund and sponsor training for their respective staff members and LEA personnel. Training will focus on existing and new state or federal requirements or initiatives that impact the provision of services by both entities concerning education of individuals with disabilities, their transition from school to employment, vocational rehabilitation services, assistive technology, higher education, and training opportunities.

### **IV. TECHNICAL ASSISTANCE AND OUTREACH**

#### **A. TECHNICAL ASSISTANCE**

RIDE and DHS/ORS will provide consultation and technical assistance, as needed, to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including PRE-ETS, transition, and other vocational rehabilitation services.

## **B. OUTREACH**

Outreach to and identification of students with disabilities who need PRE-ETS, and transition services will occur as early as possible during the transition planning process. RIDE and LEAs will inform DHS/ORS rehabilitation counselors of outreach opportunities in high schools to connect with eligible students and parents. Outreach will include a description of the purpose of the vocational rehabilitation program, eligibility requirements, application procedures, and scope of services including PRE-ETS services that may be provided to both eligible and potentially eligible students. In addition, DHS/ORS will participate in an annual orientation as part of a collaborative effort with other state agencies for an introduction to state services with information for school personnel. Additionally, DHS/ORS and RIDE will attempt to improve the positioning of vocational rehabilitation services in school counseling (career guidance), school to career activities, career and technical education, with Section 504 coordinators and with other career development initiatives in Rhode Island high schools.

If under an OOS, the DHS/ORS will provide information about the timing of PRE-ETS, the application process and the waiting list so that students and parents are afforded opportunities for informed choice. The definition of transition has been expanded under the Rehabilitation Act to include outreach and engagement of parents or, as appropriate, the representatives of students or youth with disabilities.

## **V. ASSURANCES**

### **A. CONFIDENTIALITY**

RIDE will provide to ORS access to aggregate data that is shared publicly from school districts on the number of special education students served to support DHS/ORS outreach activities. Data provided to ORS will only be transferred if the release of the data is consistent with the requirements of the Family Education Rights and Privacy Act (FERPA) and/or with a signed Data Sharing Agreement.

Personal information about any individual student or family will not be shared between RIDE and DHS/ORS without a release signed by the student (if 18 or over) or the parent or guardian when appropriate. Program evaluation reports and other data reports will only include aggregate data.

**B. DISAGREEMENT RESOLUTION**

When RIDE and DHS/ORS cannot resolve disputes related to the implementation of this CA or the delivery of services, the Administrator of DHS/ORS and the RIDE Director of Student, Community and Academic Supports will review the dispute and determine together if resolution can be accomplished. The Administrator of DHS/ORS and the RIDE Director of Student, Community and Academic Supports will render a decision and inform all parties of the result and, if necessary, amend the CA or policies as necessary.

If the dispute is not resolved by the Administrator of DHS/ORS and the RIDE Director of Student, Community and Academic Supports, the dispute will be reviewed with the Director of the Department of Human Services and the Commissioner of Elementary and Secondary Education.

**C. MEDIATION**

In the event of an unresolved dispute, the matter may be referred for mediation if both parties agree to mediation. A mediator acceptable to all parties will be designated and RIDE and DHS/ORS will equally share the costs of the mediation.

**D. ARBITRATION**

Should mediation be unsuccessful in resolving the dispute, the parties may proceed to arbitration. If a matter, which has been mediated, progresses to arbitration, all communications and deliberations related to the attempted mediation shall not be admissible in the arbitration.

Arbitration through the American Arbitration Association is final and binding, and not subject to appeal. The rules and regulations of the American Arbitration Association that are in effect shall apply. RIDE and DHS/ORS will share the cost of arbitration equally.

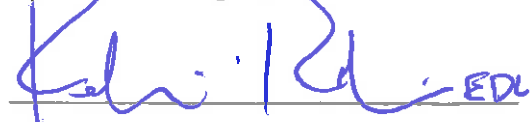
IN WITNESS WHEREOF, the parties hereto have hereunder sent their hands as of the date first above written and this Agreement made legally binding as follows:

Rhode Island Department of Human Services/~~Office of Rehabilitation Services~~



Ronald Racine, Associate Director  
Date 12/2/21

Rhode Island Department of Education



Angélica Infante-Green, Commissioner  
Date 1/25/2022