

Appendix A - Template

[Insert DOR District Office]

and

[Insert Local Educational Agency]

Local Interagency Agreement

Transition Planning and Student Services for Secondary
Students with Disabilities

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INTRODUCTION

The Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), require the California Department of Education (CDE) and the California Department of Rehabilitation (DOR) to plan and coordinate transition services and DOR Student Services for students with disabilities through a formal interagency agreement (IA). This local template is an appendix of the state-level formal IA and is established to define the policies and/or procedures local educational agencies (LEAs) and DOR districts will use to create a coordinated system of educational and VR services at the local level for students with disabilities to facilitate a smooth transition from secondary education to post-secondary employment-related activities and competitive integrated employment.

PURPOSE

LEAs and DOR districts share responsibility to prepare students with disabilities for successful competitive integrated employment. LEAs and DOR districts will utilize this IA local template to help facilitate the integration and coordination of transition services and DOR Student Services for students with disabilities who are enrolled in secondary education and are eligible, or potentially eligible, to receive vocational rehabilitation (VR) services. Specifically, the intent of this agreement is to:

- Define the responsibilities of LEAs and DOR districts.
- Provide for efficient and effective utilization of resources.
- Minimize duplication.
- Provide a foundation for continuous, effective working relationships between LEAs and DOR districts.

DEFINITIONS

Refer to the CDE and DOR State IA for definitions.

CONSULTATION AND TECHNICAL ASSISTANCE

The DOR will provide consultation and technical assistance to LEA staff in planning for the transition of students with disabilities from school to post-school activities, including VR services. Consultation and technical assistance will be provided by DOR district staff and will occur formally and informally throughout the school year. Areas of consultation and technical assistance may include information related to:

- Processes for outreach.
- VR eligibility.
- Scope of VR services, including Individualized Plan for Employment (IPE) services, such as individualized transition services.
- DOR Student Services.
- Referrals.

TRANSITION AND DOR STUDENT SERVICES PLANNING

The LEA and DOR will use a collaborative team process to develop the transition services section of the Individualized Education Program (IEP) and the IPE for the transitioning student. This will assist in the coordination of goals, objectives, services and timeframes. This process should include the involvement of the student/consumer, family, and representatives of education, DOR, and other service providers, as appropriate.

LEAs are encouraged to invite DOR staff to IEP meetings and other team meetings so the DOR can provide information, technical assistance, and information/referral as needed for eligible or potentially eligible students with disabilities.

DOR staff will attend IEP meetings, when invited as resources allow, to actively participate in the planning and development of DOR Student Services and transition services for the individual student.

The development of the transition services section of the IEP and the IPE will include the provision to share documents, provided appropriate signature authorizations have been given for the release of information. This will provide and ensure current information is available and included in the decision-making process for each agency whenever the IEP or the IPE is changed and/or when a collaborative process cannot be used.

Both the IEP and the IPE shall include, if appropriate, a statement of interagency responsibilities detailing how services shall be provided, including transitions services and DOR Student Services (20 USC Section 1414(d)(1)(A)(i)(VII)); The Rehabilitation Act, Section 113, 101(a)(11)(D)).

The IPE for a student with a disability must be coordinated with the IEP or 504 services, as applicable, for that individual in terms of the goals, objectives, and services identified in the education program (34 CFR 361.46(d)).

OUTREACH

To enhance outreach and identification of students with disabilities that need DOR Student Services and transition services by education and VR and in recognition that each DOR district and LEAs may have unique operational and staffing characteristics, local agencies will work together to develop policies and/or procedures to ensure access to these services.

The DOR District Administrators and local education administrators will strategize outreach procedures to:

- Secondary students receiving special education services in state special schools, county offices of education, SELPAs, and LEAs.
- Secondary students with disabilities who are not receiving special education services (e.g., students served under Section 504).
- Secondary students with disabilities enrolled in court or community schools.
- Secondary students receiving special education services that are enrolled in certified, nonpublic schools.
- Secondary students served under a third party agreement (e.g., Transition Partnership Program, WorkAbility II).
- Adult, incarcerated, secondary students receiving special education services.

Outreach procedures to students will include sharing information on the VR program, eligibility requirements, application procedures, and the scope of services that may be provided to eligible individuals.

COORDINATION AND REFERRALS

Each local administrator, or designee, will be responsible for the coordination of transition-related activities both within his or her own agency and with other agencies.

LEAs and DOR districts may utilize the following resources to assist in the identification of local coordination activities:

a. School Contact List

The DOR may use the school contact list to build local and state level interagency relationships with personnel who serve secondary students with disabilities for the provision of DOR services, including DOR Student Services to eligible and potentially eligible students.

Annually, each DOR school liaison will be responsible for reviewing this interagency agreement with designated LEA staff (i.e., SELPA Director, Superintendent, Special Education Director, and Transition Specialist).

b. Memorandums of Understanding (MOUs)

The DOR and LEAs may develop MOUs to facilitate and coordinate DOR Student Services and transition services for secondary students with disabilities.

c. Local Partnership Agreements

The DOR and LEAs may use Local Partnership Agreements to coordinate DOR Student Services and transition services for secondary students with intellectual disabilities and developmental disabilities.

A. Coordination of DOR Student Services

In collaboration with LEAs, the DOR districts will provide or arrange for the provision of any or all of the following five DOR Student Services required activities to students with documented disabilities (ages 16 through 21) as defined under §361.5(c)(51), based on individual need. DOR Student Services required activities:

1. Instruction in self-advocacy and peer mentoring.
2. Work based learning experiences.
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.
4. Workplace readiness training.
5. Job exploration counseling

DOR Student Services can be delivered in a variety of ways to best meet the needs of the individual. Any service DOR provides will be to students identified by the school of record or to an individual known as a person with a disability to the VR counselor. These may include but are not limited to:

- DOR counselors providing said services either individually or in groups at no cost to the CDE or LEA.
- DOR will work with approved vendors to deliver DOR Student Services individually or in groups.
- DOR may utilize web-based delivery systems to provide the DOR Student Services, as they become available.
- DOR may utilize teleconferencing for meetings with students, teachers, parents or LEA personnel for discussion about possible DOR Student Services for the student as they become available.
- DOR will work closely with each LEA to ensure provision of DOR Student Services, delivered either directly by DOR, through a provider, or the LEA.

Individual teachers/LEA staff are encouraged to coordinate referrals to DOR after obtaining parental consent, when applicable, utilizing accepted forms to request DOR Student Services for identified students. The LEA will provide DOR the required documentation for each student prior to DOR providing any DOR Student Service, either through a provider or through DOR staff. When possible, LEAs may provide physical space on the high school campus to conduct the DOR Student Services activities. To avoid duplication in services; DOR staff will be familiar with IDEA mandated transition services comparable to DOR Student Services offered by the LEAs in their area.

When a student served by special education is referred to the DOR for DOR Student Services, the DOR counselor will request the information listed below from the appropriate education personnel. If available in the student's education record and with

the appropriate documentation for the release of student information, the LEA agrees to release the following student information:

- Unique identifier.
- Date of birth.
- Race.
- Ethnicity.
- Disability description and documentation.
- Written consent for the student to participate in DOR Student Services activities.

1. Accessing Students on Campus

On-campus coordination of DOR Student Services at the local level will require coordination between DOR districts and LEAs to determine how and when staff may access students to provide DOR Student Services. If such services are provided on campus, DOR districts will work with LEAs to access students with disabilities in need of such services and will follow LEA guidelines appropriately, including guidelines related to fingerprints and background checks consistent with LEA policy. While such services are not intended to take away from required academic coursework, LEAs may determine that DOR Student Services may be provided by VR staff as a designated class for credit, during elective periods, during summer, or through other arrangements.

B. Coordination of Vocational Rehabilitation Services

Local agencies will work together to develop the following policies and/or procedures to ensure a seamless referral process for students who may need DOR services.

- The DOR District Administrators and LEA administrators are encouraged to identify procedures for student referrals to DOR which address the following:
 - Secondary students receiving special education services in state special schools, county offices of education, SELPAs, and LEAs.
 - Secondary students with disabilities who are not receiving special education services (e.g., students served under Section 504).
 - Secondary students with disabilities enrolled in court or community schools.
 - Secondary students receiving special education services that are enrolled in certified, nonpublic schools.
 - Secondary students served under a third party agreement (e.g. Transition Partnership Program, WorkAbility II).
 - Secondary students receiving special education services while incarcerated in adult county jails.

- Identify procedures for the release of student information and designate the specific individual(s) including position, school/district, address, and telephone number who will be responsible to respond to requests for student information from DOR.
- Establish operational procedures to manage student referrals under the following conditions:
 - When DOR is implementing an Order of Selection, including a process for joint referral to other employment and training providers.
 - When DOR is not implementing an Order of Selection.
- Establish guidelines related to written consent.
- The written consent of a student's family, legal guardian or conservator, or that of the student if he/she is of age of majority, or an emancipated minor, must be given before an education official can make a referral and share student records with another agency.
- When a student is referred to VR by sources other than the school, the VR counselor will notify the appropriate education personnel of the referral, contingent upon the appropriate authorization for the release of information.
- In all cases, referral by school personnel or another source does not preclude self-referral by the student or referral by family, guardians, or other interested parties.
- Determination of eligibility for DOR services and joint sharing and use of evaluation and assessments (The Rehabilitation Act, Section 102(a)(4)).

When a student served by special education is referred to the DOR for VR services, the DOR counselor will receive the information listed below from the appropriate education personnel. If available in the student's file and with the appropriate documentation for the release of student information, the LEA agrees to release the following student information:

- Current IEP.
- Results of individual assessments, including other assessments, such as the most current medical, social psychological, speech and language assessments, psychological or psychiatric.
- Career aptitude and interest assessments, if available.
- Language proficiency assessment.
- Student health screening records.
- Most recent evaluations.

To the maximum extent appropriate, additional information from other sources, including the consumer and their family, shall be used by DOR to determine the vocational goal and develop the IPE (The Rehabilitation Act, Section 102(a)(4)(A)). The DOR shall

authorize additional assessments to be performed only after existing information has been reviewed and deemed insufficient by the DOR counselor (The Rehabilitation Act, Section 7(2)(B)).

After the appropriate release by the transitioning student or family, as required, DOR will transmit the following information to the LEA transition staff contact:

- Determination of eligibility.
- Priority category information (level of severity of disability, significance scale score, and application date).
- As appropriate, a copy of the IPE.

C. Coordination of Section 511 Documentation Requirements – Students with Disabilities Seeking Subminimum Wage Employment

Under the section 511 of the Rehabilitation Act, as described in Section 14(c) of the Fair Labor Standards Act of 1938, businesses referred to as “employers” are prohibited from employing any individual with disabilities who is 24 years of age or younger at subminimum wage, unless the individual has received documentation from DOR upon completion of all the following activities:

- DOR Student Services or transition services under the IDEA, and
- Applied for VR services, and
- The individual was determined ineligible for VR services, or
- The individual was determined eligible for VR services, had an approved IPE, and the individual was unable to achieve an employment outcome in CIE after a reasonable period of time, and his/her case was closed, and career counseling and information and referral services to federal and state programs to help the individual discover, experience and attain CIE was provided and the counseling and information was not for employment at subminimum wage.

To document the completion of the activities described above, the following documentation is required (34 CFR 397.10(a)(1)):

- Youth’s name.
- Determination made, including a summary of reason for the determination or a description of the activity or service completed.
- Name of individual making the determination or the provider of the service/activity.
- Date determination was made or the required service or activity completed.
- Applicable signatures and dates by the DOR or LEA making determination or completion of the required services or activity.

- Signature of the DOR personnel transmitting documentation to the youth with a disability.
- Date and method (e.g., hand-delivered, faxed, mailed, emailed, etc.) by which the document was transmitted to the youth.

When a youth with a disability is known to be seeking subminimum wage, the LEA personnel must provide the DOR with documentation that the youth has received transition services under the IDEA (20 U.S.C. 1400 *et seq.*), such as transition services available to the individual under section 614(d) of that Act (20 U.S.C. 1414(d)). The documentation must be provided to the DOR in a manner that complies with confidentiality requirements of the Family Education Rights and Privacy Act (20 U.S.C. 1232g(b) and 34 CFR 99.30 and 99.31) and IDEA U.S.C. 1417(c) and 34 CFR 300.622).

The LEA personnel must transmit the required documentation to the DOR as soon as possible upon the completion of each of the required actions, but no later than 30 calendar days after the completion of the required activity or service; or 60 calendar days, if additional time is necessary due to extenuating circumstances. (34 CFR 397.30(c))

The DOR must provide the documentation to the youth within 45 days after completion of the required activity or service, or 90 calendar days, if additional time is necessary due to extenuating circumstances.

If a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the activities required by section 511 or the implementing regulations in 34 CFR 397, documentation is required. The required documentation must, at a minimum, contain:

- Youth's name.
- Description of the refusal and the reason for such refusal.
- Signature of the youth or, as applicable, the youth's parent or guardian.
- Signature of the designated State unit or educational personnel documenting the youth's refusal.
- Date of signatures.
- Date and method (e.g., hand-delivered, faxed, mailed, emailed, etc.) by which documentation was transmitted to the youth.
- Be provided by the DOR to the youth within 10 calendar days of the youth's refusal to participate.

FINANCIAL RESPONSIBILITIES

A. LEA Financial Responsibilities

The LEA is responsible for providing and paying for the transition services agreed upon in the IEP required to be provided to students with disabilities who are eligible for services under the IDEA.

B. DOR Financial Responsibilities

DOR is responsible for providing and paying for or arranging for the provision of DOR Student Services identified and agreed upon by the student with a disability, and VR, DOR Student Services, and transition services agreed upon in the IPE for the period that the individual is participating in the VR program as reflected in the individual's IPE.

C. Determination of Lead Agencies and Financial Responsibilities

When a service, including a DOR Student Service or transition service, could be provided by either the LEA or DOR, the LEA and DOR will use the criteria below to determine and assign the financial roles and responsibilities of each agency for the provision of the service.

Criteria for Determining Lead Agency for Financial Responsibilities:

- Determine the purpose of the service.
 - Is it related more to an employment outcome or education? That is, is the service usually considered a special education or related service, such as transition planning necessary for the provision of a free appropriate public education?
- Determine if the service is customary.
 - Is the service one that the LEA customarily provides under part B of the IDEA? For example, if the LEA ordinarily provides job exploration counseling or work experiences to its eligible students with disabilities, the mere fact that those services are now authorized under the Act as DOR Student Services does not mean the LEA should cease providing them and refer those students to the DOR. However, if summer work experiences are not customarily provided by the LEA, the DOR and LEA may collaborate to coordinate and provide summer work-based learning experiences.
- Determine the student's eligibility for the service.
 - Is the student with a disability eligible for transition services under the IDEA? The definition of a "student with a disability" under the Act and these final regulations is broader than under the IDEA because the definition in the Act includes those students who are individuals with

disabilities under section 504 of the Act. It is possible that students receiving services under section 504 do not have IEPs under the IDEA because they are not eligible to receive special education and related services under the IDEA. As a result, DOR is authorized to provide transition services under the VR program to a broader population under WIOA than the LEA is authorized to provide under the IDEA. 81 Federal Register 55687 (August 19, 2016).

STUDENTS WITH DISABILITIES WHO ARE NOT SERVED BY SPECIAL EDUCATION

A. Determination of Eligibility for DOR Vocational Rehabilitation Services

Transitioning students with disabilities who are not receiving special education services may have health impairments, physical disabilities, psychological problems, or a history of substance abuse which may meet the definition of an individual with a disability under Section 504 and/or ADA. Documentation from the school or an appropriate outside agency to verify the presence of a disability for these students will be accepted as long as the assessment is conducted by qualified professionals (The Rehabilitation Act, Section 102(a)(4)).

B. Joint Sharing and Use of Evaluations and Assessments

If a student with a disability who is not served by special education applies to receive VR services and signs an authorization for release of information to the LEA in which she/he is enrolled, the LEA, upon availability, will provide available assessment information. If the student is under the age of 18 and is not an emancipated minor, the parent must sign the authorization. This information will be used to the greatest degree possible by the DOR to determine eligibility and for comprehensive assessment related to the development of the IPE.

C. Collaborative Transition Planning of Individualized Programs

For students with disabilities not served by special education, the DOR and LEAs will coordinate transition planning of individualized programs to maximize the availability of DOR Student Services and transition services.

Role of Educational Personnel in DOR Student Services and Transition Planning

For a student with a disability served by general education pursuant to Section 504, educational personnel will identify and provide a plan for accommodations, if needed, for each student with a disability. As appropriate, DOR will be contacted to address and plan for DOR Student Services and transition services on an individual student basis.

Role of DOR Staff in DOR Student Services and Transition Planning

The DOR staff will process referrals of students served under Section 504 and those who meet the definition of a student with a disability under Section 504 but are not receiving services under that section, in the same manner as those made for students served by special education. Refer to Appendix A Sections Coordination of Referrals for DOR Student Services and Coordination of Referrals for VR Services.

CONFIDENTIALITY

Refer to the CDE and DOR State IA for confidentiality requirements.

DUE PROCESS REQUIREMENTS

Refer to the CDE and DOR State IA for due process requirements.

CONTACTS

[Insert name of Program Head]

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