



Interagency Agreement Development: Regulations under Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act as amended by Workforce Innovation and Opportunities Act (WIOA) related to the development of the required Interagency Agreement between the State VR Agency and the State Education Agency

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The table provides regulations included in IDEA and the Rehabilitation Act, as amended by WIOA, as they pertain to the development of Interagency Agreements.

Coordination with Education Officials

	34 CFR§300.154 Methods of ensuring services.	§361.22 Coordination with education officials. (a)Plans, policies, and procedures.
Plans, Policies and Procedures	(a)The Chief Executive Officer of a State or designee of that officer must ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each non educational public agency described in paragraph (b) of this section and the SEA, in order to ensure that all services described in paragraph (b)(1) of this section that are needed to ensure FAPE are provided, including the provision of these services during the pendency of any dispute under paragraph (a)(3) of this section.	(1) The vocational rehabilitation services portion of the Unified or Combined State Plan must contain plans, policies, and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities that are designed to facilitate the transition of students with disabilities from the receipt of educational services, including pre-employment transition services, in school to the receipt of vocational rehabilitation services under the responsibility of the designated State agency. (2) These plans, policies, and procedures in paragraph (a)(1) of this section must provide for the development and approval of an individualized plan for employment in accordance with § 361.45 as early as possible during the transition planning process and not later than the time a student with a disability

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		determined to be eligible for vocational rehabilitation services leaves the school setting or, if the designated State unit is operating under an order of selection, before each eligible student with a disability able to be served under the order leaves the school setting.

The Interagency Agreement must include the following:

	IDEA	Rehabilitation Act, as amended by WIOA
		§34 CFR 361.22(b) Formal interagency agreement. The vocational rehabilitation services portion of the Unified or Combined State Plan must include information on a formal interagency agreement with the State educational agency
Consultation and Technical Assistance & Training	34 CFR §300.119 How professional development and technical assistance will be provided by the state agencies to ensure that teachers and administrators are fully informed of their responsibilities and provided TA and training necessary to assist in this effort.	34 CFR §361.22(b)1 Consultation and technical assistance , which may be provided using alternative means for meeting participation (such as video conferences and conference calls),to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including pre-employment transition services and other vocational rehabilitation services;

	IDEA	Rehabilitation Act, as amended by WIOA
Transition Planning		34 CFR §361.22 (b) (2) Transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitates the development and implementation of their individualized education programs (IEPs) under section 614(d) of the Individuals with Disabilities Education Act;
Roles and Responsibility for Services		§34 CFR 361.22(b) (3) The roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services and pre-employment transition services;
Fiscal Responsibility	<p>34 CFR §300.153(a)(1) An identification of, or a method for defining, the financial responsibility to ensure FAPE to children with disabilities.</p> <p>34 CFR §300.154(a)(2) The conditions, terms, and procedures under which an LEA must be reimbursed by other agencies.</p> <p>34 CFR §300.324 Development, review, and revision of IEP. (a)Development of IEP - (c)Failure to meet transition objectives -(2)Construction. Nothing</p>	34 CFR §361.22(c) Construction. Nothing in this part will be construed to reduce the obligation under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.

	IDEA	Rehabilitation Act, as amended by WIOA
	in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.	
Procedures for Outreach and Identification of Students	34 CFR §300.107 A process and responsibilities for LEA referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.	34 CFR §361.22(b) (4) Procedures for outreach to and identification of students with disabilities who are in need of transition services and pre-employment transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation program, eligibility requirements, application procedures, and scope of services that may be provided to eligible individuals.
Coordination of Services	34 CFR §300.154(a)(4) Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services Services to include but not limited to: <ul style="list-style-type: none"> ● 34 CFR §300.5 and §300.6 	34 CFR §361.22(b)(5) and §397.10. Coordination necessary to satisfy documentation requirements set forth in 34 CFR part 397 with regard to students and youth with disabilities who are seeking subminimum wage employment;

	IDEA	Rehabilitation Act, as amended by WIOA
	<p>Assistive technology devices and services</p> <ul style="list-style-type: none"> ● 34 CFR §300.34 Related Services including rehabilitation counseling ● 34 CFR §300.42 Supplementary Aids and Services 	
Assurance Regarding Subminimum Wage		<p>34 CFR §361.22 (b)(5) Coordination necessary to satisfy documentation requirements set forth in 34 CFR part 397 with regard to students and youth with disabilities who are seeking subminimum wage employment; and</p> <p>§34 CFR 361.22(b)(6) Assurance that, in accordance with 34 CFR 397.31, neither the State educational agency nor the local educational agency will enter into a contract or other arrangement with an entity, as defined in 34 CFR 397.5(d), for the purpose of operating a program under which a youth with a disability is engaged in work compensated at a subminimum wage.</p>
Dispute Resolution	IDEA §300.154(a) (3) Procedures for resolving interagency disputes (including procedures under which LEAs may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the	Not a requirement under the Rehabilitation Act. States are encouraged to include these procedures and information in their interagency agreements.

	IDEA	Rehabilitation Act, as amended by WIOA
	provisions of the agreement or mechanism.	

Other topics to consider including in the interagency agreement

	34 CFR §300.43 Transition services.	34 CFR §361.5(c)(55) Transition Services.
Definition of Transition	<p><u>(a)</u> Transition services means a coordinated set of activities for a child with a disability that</p> <p><u>(1)</u> Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;</p> <p><u>(2)</u> Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes--</p> <ul style="list-style-type: none"> <u>(i)</u> Instruction; <u>(ii)</u> Related services; <u>(iii)</u> Community experiences; <u>(iv)</u> The development of employment and other post-school adult living objectives; 	<p>Defined as a coordinated set of activities for a student or youth with a disability -</p> <p>(i) designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, competitive, integrated employment, supported employment, continuing and adult education, adult service, independent living, or community participation;</p> <p>(ii) based upon the individual student or youth's needs, taking into account the student or youth's preferences and interests;</p> <p>(iii) that includes instruction in community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation;</p> <p>(iv) that promotes or facilitates the achievement of the employment outcome identified in the student or</p>

	34 CFR §300.43 Transition services.	34 CFR §361.5(c)(55))Transition Services.
	<p>and</p> <p><u>(v)</u> If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.</p> <p><u>(b)</u> Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.</p>	<p>youth’s individualized plan for employment; and</p> <p>(v) includes outreach to and engagement of the parent, or as appropriate, the representative of such a student or youth with a disability.</p>

The content of this document was jointly developed by the Workforce Innovation National Technical Assistance Center (WINTAC), a project funded under # H264G15005 of the U.S. Department of Education (Department) and The National Technical Assistance Center on Transition (NTACT), Charlotte, NC, funded by Cooperative Agreement Number H326E140004 with the U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS). The information contained in this document does not necessarily represent the position or policy of the Department and no official endorsement should be inferred.