

Dear Director:

To support States to enter into formal interagency agreements between State vocational rehabilitation (VR) agencies and State educational agencies (SEAs) and to foster collaboration between these agencies, the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS), Rehabilitation Services Administration (RSA), in collaboration with the Office of Special Education Programs (OSEP), is providing you with a [review instrument for the formal interagency agreement between SEAs and VR agencies](#), as required by Section 101(a)(11)(D) of the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), and 34 C.F.R. § 361.22(b).

The Rehabilitation Act and its regulations require VR agencies to enter into formal interagency agreements with SEAs describing how the entities will collaboratively plan and coordinate transition services for students with disabilities needing those services. This formal interagency agreement is an important foundational document that helps to ensure students with disabilities experience a smooth transition from school to post-school activities. The Individuals with Disabilities Education Act (IDEA) also requires that the SEAs and VR agencies plan and coordinate transition services for students who receive special education services (Section 612(a)(12) of the IDEA and 34 C.F.R. § 300.154). VR agencies have the flexibility to include local educational agencies (LEAs) as parties to the formal State interagency agreement, or to execute formal interagency agreements with LEAs that are consistent with the State-level agreement and address the required provisions of the formal interagency agreement.

OSERS hopes you find the attached review instrument helpful when developing and updating, as applicable, the formal interagency agreement between VR agencies and SEAs regarding workforce preparation activities and employment services. It offers strategies and resources to increase collaboration between the State and local agencies under these two programs, as well as program providers, so they may more effectively serve students and youth with disabilities. OSERS supports SEAs, LEAs, and VR agencies as they use the flexibility afforded under the IDEA and Rehabilitation Act to engage in innovative strategies, involving students and youth with disabilities and their families, in the transition process as early as possible.

In addition to the attached review instrument, the National Technical Assistance Center on Transition (NTACT) and Workforce Innovation Technical Assistance Center (WINTAC) have jointly issued an Interagency Agreement Toolkit to provide technical assistance on the development of the formal interagency agreement between the VR agencies and SEAs.

Additional resources* include:

- [A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities](#) (Transition Guide). As a student approaches the time to leave high school, it is important that preparations for adult life are well underway. The Transition Guide, developed by the U.S. Department of Education's Office of Special Education and Rehabilitative Services, is a resource for students and families to use during the transition planning process and may assist with the identification of needs and available services. This resource highlights educational opportunities, credentials, and employment

strategies designed to assist students with disabilities while in school to prepare for a meaningful postsecondary education and thriving career.

- Workforce Innovation Technical Assistance Center. This resource is designed to provide training and technical assistance to State VR agencies on the new statutory requirements contained in the Rehabilitation Act. The WINTAC develops and provides training and technical assistance to State VR agency staff and related rehabilitation professionals and service providers to help them develop the skills and processes needed to meet the requirements of the Rehabilitation Act. Resources developed specific to the development of the SEA agreement include: WINTAC-NTACT Interagency Toolkit Guide (updated July 10, 2017); Introduction to Formal interagency Agreement Toolkit; Discussion Prompts – Interagency Agreement Local Level; Discussion Prompts – Interagency Agreement State level; Rehabilitation Act and IDEA Regs for Interagency Agreement; and Interagency Agreement language Examples. In addition, the WINTAC and NTACT developed a WIOA Performance Indicators – IDEA Part B Transition Performance Indicator Crosswalk for agencies to understand how performance indicators align, the potential impact on shared student data, timelines and priorities, as well as how agencies can support student outcomes and improve agency performance.

State VR agency staff may contact your [RSA State Liaison](#) with any questions.

Sincerely,

Carol L. Dobak

Acting Deputy Commissioner, delegated the authority to
perform the functions and duties of the Commissioner
Rehabilitation Services Administration

* The examples and resource materials contained in this document are provided for the user's convenience. The inclusion of these materials is not intended to reflect their importance, nor is it intended to endorse any views expressed, or products or services offered. These materials may contain the views and recommendations of various subject matter experts as well as hypertext links, contact addresses and websites to information created and maintained by other public and private organizations. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of the U.S. Department of Education or the U.S. Department of Labor (Departments). The Departments do not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in these materials.

Review Instrument – Formal Interagency Agreements (e.g., SEA Agreements)

Review Instrument for the formal interagency agreement between the State educational agency (SEA) and vocational rehabilitation (VR) agency as required by Section 101(a)(11)(D) of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), and 34 C.F.R. § 361.22(b).

1. Note the date(s) the current SEA agreement was signed _____ and executed _____.
2. If not executed, when is the anticipated date of execution? _____
3. Does the agreement identify all parties included in the agreement and is it signed by the authorized officials of all parties identified in the agreement? Yes _____ No _____
4. Is the agreement reviewed and updated on a regular cycle, if not annually? Yes _____ No _____

Reviewers Comments:

5. Has the formal interagency agreement with the SEA been revised to be consistent with the requirements in 34 C.F.R. § 361.22(b), including requirements related to the coordination and provision of pre-employment transition services in 34 C.F.R. § 361.48(a)? Yes _____ No _____

6. Review Requirements:

- **Consultation and Technical Assistance** (34 C.F.R. §361.22(b)(1)):
Does the agreement provide for consultation and technical assistance, which may be provided using alternative means for meeting participation (e.g., 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? Yes _____ No _____

Considerations (To facilitate review, but do not have to respond to every question):

- How will the VR agency and SEA collaborate to provide consultation and technical assistance to ensure providers of pre-employment transition services and transition services understand their roles and responsibilities? Are strategies clearly identified?
- Does the agreement identify for whom the agency is providing consultation and technical assistance (LEAs, not students and families)?
- What types of activities does the VR agency provide to the educational agency as consultation and technical assistance (e.g., transition and career planning, community resources and linkages to postsecondary education and employers)?
- Does the agreement describe the methods that the VR agency can use to provide consultation and technical assistance to education officials including through alternative means, such as conference calls and video conferences?

Reviewer's comments:

- **Transition Planning** (34 C.F.R. § 361.22(b)(2)):

Does the agreement provide for 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 (IDEA)? Yes _____ No _____

Considerations (To facilitate review, but do not have to respond to every question):

- How will education and VR work together in the facilitation and development of the IEP and IPE? Are strategies clearly identified?
- How is VR's role defined in the facilitation and development of the IEP?
- How are interagency planning, coordination and provision of pre-employment transition services and IDEA services between VR and education described?
- Does the agreement address joint/cross-training opportunities? If so, describe the opportunities planned and provided.
- Is there coordination with non-educational agencies for out-of-school youth?
- What age does transition planning begin in the State?
- What is the maximum IDEA age of exit for each State?

Reviewer's comments:

- **Roles and Responsibilities** (34 C.F.R. § 361.22(b)(3)):

Does the current agreement include the roles and responsibilities, including financial responsibilities, of each agency, including provision for determining State lead agencies and qualified personnel responsible for transition services and pre-employment transition services? Yes _____ No _____

Considerations (To facilitate review, but do not have to respond to every question):

- What services are provided by each agency?
- Who pays for services identified?
- What criteria have been used to determine who is responsible to pay for a similar service that both entities can provide under their respective laws (e.g., purpose of services, customary services and eligibility)?
- Does the agreement specify the procedures to document the coordination between VR agencies and educational agency personnel, as well as the receipt of services for those youth age 24 and younger who are seeking subminimum wage in accordance with requirements under Section 511 of the Rehabilitation Act, as added by WIOA?
- Does the agreement include clearly articulated roles and responsibilities for the provision of transition service and pre-employment transition services required prior to a student seeking subminimum wage?

- Does the agreement include language addressing the development of the IPE, in coordination with the IEP, within 90 days of the student being determined eligible for VR services?
- Does the agreement include the construction clause (34 C.F.R. § 361.22(c)) stating that nothing under title I of the Rehabilitation Act shall be construed as reducing a LEA's or any other agency's obligation under the IDEA to provide or pay for transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education (FAPE) to children with disabilities?
- Is the purchase and use of assistive technology devices included in the agreement?

Reviewer's comments:

- **Procedures for Outreach (34 C.F.R. § 361.22(b)(4)):**

Does the current agreement include procedures for outreach to and identification of students with disabilities who are in need of transition services and pre-employment transition services?

Yes _____ No _____

**Outreach 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.

Considerations (To facilitate review, but do not have to respond to every question):

- How does the agency conduct outreach and for whom? Are strategies clearly identified, including strategies for obtaining parental consent and sharing personally identifiable information?
- Does outreach occur as early as possible?
- Does outreach describe:
 - The purpose of the VR program;
 - Eligibility requirements;
 - Application procedures; and
 - The scope of services that may be provided.
- Does outreach include attendance at IEP and transition planning meetings, career fairs, back to school nights, group orientations, and transition fairs?
- Does outreach include the identification of all students with disabilities (those eligible and potentially eligible for the VR program), in need of pre-employment transition services?
- What is the process and who is responsible for making LEA referrals to VR for pre-employment and transition services?

- How do State and local policies promote interagency coordination and timely delivery of transition services under IDEA and the Rehabilitation Act and the pre-employment transition services under the Rehabilitation Act?
- What required elements must be addressed in agreements between LEAs and VR if applicable?
- Does the State use local educational agency (LEA) agreements? If so, are these LEA agreements consistent with the SEA agreement?

Reviewer’s Comments:

- **Coordination of Section 511 Documentation Requirements (34 C.F.R. § 361.5(b)(5)):**
Does the current agreement identify the coordination necessary to satisfy documentation requirements set forth in 34 C.F.R. Part 397 with regard to students and youth with disabilities who are seeking subminimum wage employment?
Yes _____ No _____

Considerations (To facilitate review, but do not have to respond to every question):

- Does the agreement describe how the VR agency, in consultation with the SEA will develop a process, or utilize an existing process, to document the completion of the required activities under Section 511 of the Rehabilitation Act, as amended, for youth who are age 24 or younger and seeking subminimum wage employment including:
 - Services provided by the VR agency, including pre-employment transition services and career counseling, and information and referral; and
 - Transition services provided by a LEA under IDEA.
- What is the process for the LEA to provide the VR agency with documentation of the completion of transition services or pre-employment transition services for students with disabilities?
- What is the process for the VR agency to provide documentation of the provision of the above services within a reasonable period of time, but not to exceed 435 days after the completion of the services, or 90 days if a longer period of time is needed due to extenuating circumstances?

Reviewer’s Comments:

- **Subminimum Wage Assurance (34 C.F.R. 361.22(b)(6)):**
Does the current agreement include an assurance that, in accordance with 34 C.F.R § 397.31, neither the State educational agency nor the local educational agency will enter into contract or other arrangement with an entity, as defined in 34 C.F.R. § 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.
Yes _____ No _____

Reviewer’s Comments: