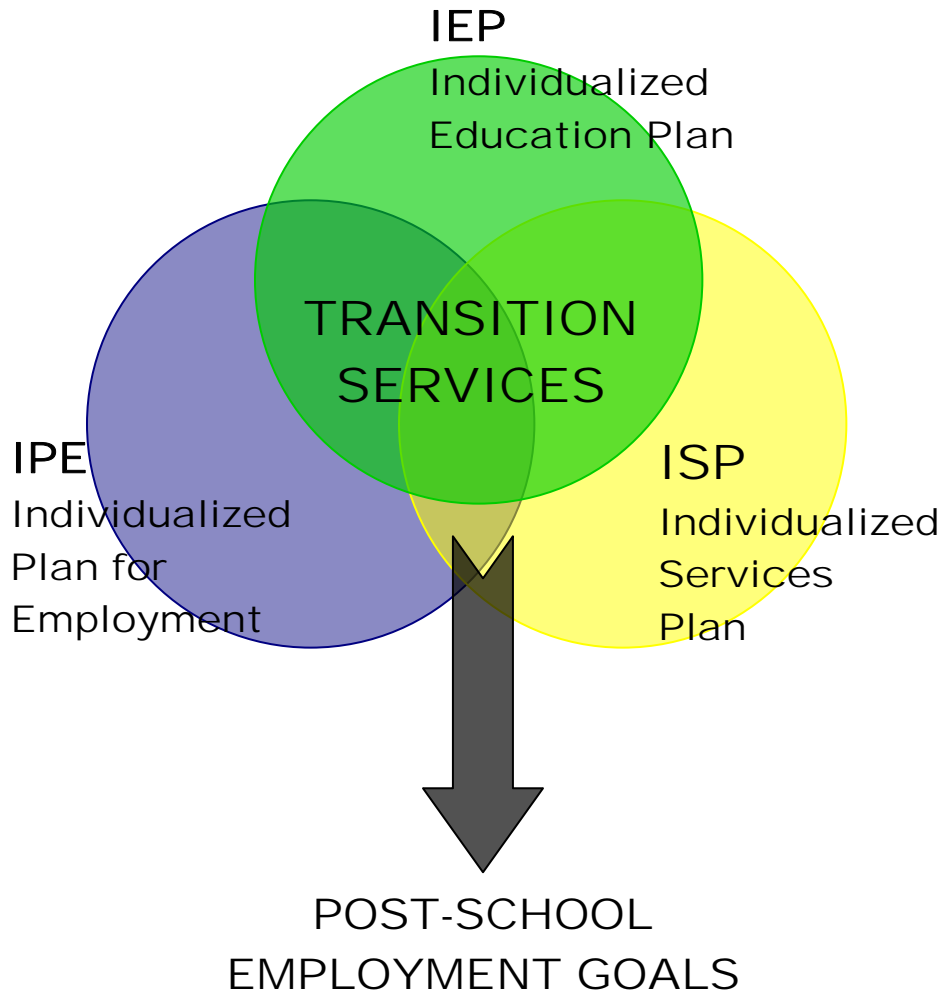


Interagency Agreement



**Division of Learning Support: Equity and Advocacy
Wisconsin Department of Public Instruction**

**Wisconsin Division of Vocational Rehabilitation
Wisconsin Department of Workforce Development**

**Division of Long Term Care, and
Division of Mental Health and Substance Abuse Services
Wisconsin Department of Health & Family Services**

July 5, 2007

Statement of Need

The Department of Workforce Development (DWD) - Division of Vocational Rehabilitation (DVR), the Department of Public Instruction (DPI) - Division for Learning Support Equity and Advocacy (DLSEA), and the Department of Health and Family Services (DHFS) – Division of Long-Term Care (DLTC) and Division of Mental Health and Substance Abuse Services (DMHSAS) are clarifying their relationship in order to establish a common understanding regarding their roles, policies, and procedures related to providing transition services and supports for students with disabilities entering employment.

In recent years, more attention is being focused on achieving outcomes through a results orientated process for students with disabilities. One important outcome is employment for students with disabilities when they leave high school. Nationally, many students with disabilities are significantly unemployed and underemployed upon leaving school, compared to their peers who do not have disabilities (U.S. Department of Education Office of Special Education and Rehabilitative Services, 2002). Inclusion in *integrated* employment settings is an additional emphasis.

In Wisconsin there are over 127,000 students, age 3-21 with disabilities and approximately 390,000 individuals who are of working age with a disability. DVR served approximately 38,500 individuals with disabilities last year and estimates that potentially 200,000 in Wisconsin would be eligible for DVR services if they applied. Approximately 39% of working age individuals with disabilities are not employed compared to 17% for working age individuals without disabilities. Each year over 6,000 students with disabilities leave school hoping to become gainfully *employed*. Over 2,300 of those students fail to become gainfully *employed*. *

Transition services are essential for ALL students, regardless of disability, in order that they secure the knowledge and skills necessary to be prepared for post secondary education and/or *employment*, as well as independent living, in terms of personally identified outcomes. This interagency Memorandum of Agreement (MOA) is intended to clearly define necessary relationships, policies, procedures, between the DVR, the DPI and the DHFS in order to create common understandings, and establish collaborative efforts, regarding services that will ultimately improve *employment* outcomes for students with disabilities.

Purpose

The purpose of this DPI/DVR/DHFS Interagency Agreement is to fulfill the interagency agreement mandates found in the Individuals with Disabilities Education Act and the Rehabilitation Act and to coordinate services for individuals transitioning from education to employment.

* Statistics from the U.S. Department of Education, Office of Special Education and Rehabilitative Services, 2005 & the 2004 Census Bureau.

Individuals with Disabilities Education Act

34 CFR Sec. 300.154 Methods of ensuring services.

- (a) Establishing responsibility for services. The Chief Executive Officer or designee of that officer shall ensure that an *interagency agreement* or other mechanism for interagency coordination is in effect between each non-educational public agency.

Rehabilitation Act

34 CFR Sec. 361.22 Coordination with education officials.

- (b) Formal *interagency agreement*. The State plan must include information on a formal interagency agreement with the State educational agency.

Goals

This agreement between DPI, DVR, and DHFS has six overall goals/objectives:

- 1 - to comply with federal legal mandates under the Rehabilitation Act of 1998 and The Individuals with Disabilities Education Act of 2004 (IDEA),
- 2 - to provide practical guidance to school district special and regular education teachers, nurses, psychologists, administrators, and guidance counselors regarding transition services and supports,
- 3 - to provide practical guidance to vocational rehabilitation counselors regarding transition services and supports,
- 4 - to provide practical guidance to counties, Care Management Organizations (CMOs) and Aging Disability Resource Centers (ADRCs) regarding students with disabilities who are transitioning to the adult long term care system and the mental health/substance abuse system,
- 5 – to provide information on transition services to students and their parents so they will be able to participate fully in transition planning, and
- 6 - to provide clarification of roles and responsibilities of staff within school districts, DVR and for entities contracting with DHFS (counties and CMOs) regarding students with disabilities, including mental health and substance abuse (MH/SA) issues, who have identified long term needs in employment and independent living.

Authority and Scope

This interagency agreement is mandated under IDEA Section 300.154(a)(b) and under the Rehabilitation Act of 1973 as amended Section 101(a)(11)(D) and 34 CFR 361.22(a)(2).

DPI Authority and Scope

DPI ensures that all children with disabilities are provided free appropriate public education (FAPE) under IDEA and Wisconsin Statutes.

DVR Authority and Scope

DVR, under the authority granted by the Rehabilitation Act, may provide any service necessary to achieve the employment goal stated in the Individualized Plan for Employment (IPE). Funding may be limited by state and federal purchasing regulations, availability of comparable benefits, and DVR policies.

DHFS Authority and Scope

DLTC/DHFS, under the authority from Centers for Medicaid and Medicare (CMS), may provide community-based services and supports to eligible individuals as an alternative to institutional placement. These programs are administered through Medicaid, counties, and/or CMO funding. The range of mental health and/or substance abuse services and supports available through the Division of Mental Health and Substance Abuse Services (DMHSAS), also funded by Federal, state, and local sources, is broader than those delivered through waivers. The DMHSAS continuum goes from occasional outpatient visits to residential care. Both DLTC and DMHSAS programs provide access to community environments, including employment, and may be limited by the available funding.

“Transitioning” in Wisconsin

What is Transitioning?

Transitioning is defined by IDEA and the Rehabilitation Act, as a coordinated set of activities for a child with a disability that is designed within a results orientated 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: post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation. It is a person-centered set of activities, based on the individual child’s needs, strengths, preferences and interests; and includes instruction related services, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation, that meets each individual’s desired outcomes and maximizes their quality of life in the most cost-effective manner. The Rehabilitation Act further states that transition services must promote or facilitate the

achievement of the *employment* outcome identified in the student's individualized plan for *employment*.

Overview of Transition

Every student who is eligible for special education may not be eligible for vocational rehabilitation services; every student who is eligible for vocational rehabilitation may not be eligible for special education; and every student who is eligible for long term supports and services through home and community based programs or MH/SA services may not be eligible for vocational rehabilitation. Therefore, the coordination and provision of transition services will vary from student to student, depending upon their eligibility status under IDEA and/or the Rehabilitation Act, which makes the coordination of these programs and services essential.

Under IDEA, the transition-planning document is the Individualized Education Program (IEP) and under the Rehabilitation Act, the transition-planning document is the IPE. *The IEP is an educational plan that must have a measurable postsecondary goal in employment and the IPE is a vocational plan that can have an educational component.* Some students will have an IEP, some will have an IPE, and some will have both.

When the student qualifies for services under IDEA, transition begins when the student with disabilities turns age 14 (or younger if appropriate) during the timeframe of the IEP. When the student is found eligible for vocational rehabilitation services and comes off the waiting list for vocational services, the vocational planning begins.

If the student has both an IEP and an IPE, the documents will outline activities and services (including DVR, special education, and related services) necessary for the student to move toward obtaining his/her post-school *employment* goal. Both the IEP and IPE should have the same post-school *employment* goal. Therefore, even though there are differences in orientation, there can also be overlap in the activities and services specified in each plan. Both plans provide *individualized* transition services based on the *individual* student's needs, priorities, strengths, preferences, abilities, capabilities, and interests.

For students who meet financial and functional eligibility requirements and are receiving services and supports under Medicare Home and Community Based waivers, coordination between the above plan(s) and a waiver-required Individual Service Plan (ISP) must also occur. The recent/on-going expansion of managed care in Wisconsin requires the involvement of other collaborations with private enterprises such as Care Management Organizations and Aging & Disability Resource Centers. The overlap of policies and procedures between all of these entities, and possible variations/combinations within these program options necessitate coordinated and purposeful approaches that will ensure service effectiveness and continuity in people's lives, to the greatest extent possible.

Statewide DPI Commitment

The Special Education Team is part of DPI's Division for Learning Support: Equity and Advocacy. The mission of the Special Education Team is to provide statewide leadership, oversight, advocacy, technical assistance, and promote collaboration among parents, educators, students, communities, and other agencies to ensure that all children with disabilities have available to them a Free Appropriate Public Education (FAPE). To assist in this mission, DPI has developed and implemented a transition project, the Wisconsin Statewide Transition Initiative (WSTI).

WSTI offers a comprehensive approach to providing transition services in the State of Wisconsin. Twelve Cooperative Educational Service Agency (CESA) based Transition Coordinators, project director, and a DPI Transition Consultant provide transition support services, information dissemination, and professional development to parents, educators, youth, and community agency representatives throughout Wisconsin.

WSTI uses a Transition Action Team (TAT) approach to build statewide capacity to assist local school districts in assessing their compliance with the IDEA transition requirements using the Transition in the IEP and The Summary of Performance Checklists. The checklists results provide data used to develop a transition action plan for improvement. WSTI also provides needed transition professional development and support for teachers, students, parents and community agencies. Transition Advisory Networks (TAN's) have been established in each CESA to sustain efforts for improving results for students with disabilities. Transition Advisory Councils (TAC's) have been established in each county to provide linkages and a transition network between districts and agency representatives.

DPI agrees to:

1. provide training to first line providers of transition services in school districts, DVR, and entities designated by DHFS regarding this agreement;
2. share data for students with disabilities, regarding transition services, postsecondary goals and post high school outcomes. See DPI state performance plan and annual report regarding indicator 13 & 14;
3. support WSTI to provide professional development to improve post school employment results for students with disabilities;
4. provide a directory of transition, resource information to include state and county services and contact information on the WSTI website, www.wsti.org;
5. advise school districts to get parent consent to invite the DVR counselor, appropriate county case managers, and/or ADRC coordinators prior to the meeting when the need for vocational services is anticipated and at least 2 years prior to high school completion;
6. provide a list of Wisconsin secondary schools to DVR and DHFS to encourage the identification of a school district or school building contact person needed for DVR/DHFS collaboration;
7. share responsibility with DVR and DHFS for publication and dissemination of this agreement;

8. encourage educators, parents, and youth to participate in county Transition Advisory Councils (TACs);
9. encourage networking and collaboration among DVR and DHFS, educators, parents, youth , through development of a Transition Advisory Council mission statement and county wide activities which are posted on the WSTI web site;
10. cooperate with the DVR Statewide Transition Action and Resource Team (START) in their efforts to improve consistency and level of engagement in the transition process;
11. continue collaborative activities with DHFS, DWD, and DVR related to councils, committees, and advisory;
12. participate with the National and Wisconsin Community of Practice on transition including collaborating with DVR/DWD and DHFS/DLTC/DMHSAS on the establishing of a practice group on employment.

Statewide DVR Commitment

DWD administers employment and training programs to individuals in the State of Wisconsin. DVR is one division within DWD. The mission of DVR is to assist individuals with disabilities to obtain, prepare for, retain, regain, or advance in employment. DVR is mandated within the Rehabilitation Act to provide transition services. To assist in providing transition services, DVR has designated staff to provide leadership, advocacy, technical assistance, and promote collaboration among consumers, parents, communities, and other agencies. In addition, DVR has assigned liaison counselors to each school district and/or school building in the State of Wisconsin.

DVR agrees to:

1. provide training to first line providers of transition services in school districts and DVR regarding this agreement;
2. gather employment outcome data regarding the students who receive transition services under this agreement and to share that information with DPI and DHFS;
3. support WSTI which includes providing technical assistance to school districts and county Transition Advisory Councils, including, information dissemination and participation in staff development activities;
4. collaborate to update the clearing house of transition information on the WSTI website;
5. advise DVR staff to attend IEP team meetings, with parent /adult consent prior to the IEP meeting, to provide employment information, technical assistance, case consultation, and information/referral as needed;
6. designate and communicate a liaison counselor to each school district and/or school building identified by DPI;
7. share responsibility with DPI and DHFS for publication and dissemination of this agreement;
8. encourage networking and collaboration among DVR, educators, parents, youth, through development of a Transition Advisory Council mission statement and county wide activities which are posted on the WSTI web site;

9. support the DVR Statewide Transition Action and Resource Team (START) to improve consistency and engagement in the transition process;
10. actively participate with the National and Wisconsin Community of Practice on transition including collaborating with DPI and DHFS/DLTC/DMHSAS on the establishing of a practice group on employment;
11. continue collaborative activities with DHFS and DPI related to councils, committees, and advisory;
12. encourage DVR engagement and participation in Long Term Care Councils.

Statewide DHFS Commitment

DHFS administers long term supports and services to adults and children through federal home and community-based (HCB) waivers via contractual relationships with counties, CMOs, and other entities. It also oversees a broad spectrum of community based mental health and substance abuse supports and services, including treatment. DLTC and DMHSAS are two divisions within DHFS whose missions are to assure the health, safety and quality of life for individual citizens with disabilities. Successful transitioning from school to the world of adulthood requires deliberate coordination and planning between all entities that support and serve people with disabilities.

DHFS has broad responsibility for implementing long-term care and MH/SA services that optimize the use of resources, while promoting respect, choice, and positive outcomes for individuals and families. The Department values the involvement of consumers, citizens, and providers, as well as community and government agencies, in all aspects of the service delivery system.

If a person is eligible and/or enrolled in an existing home and community-based waiver program, Family Care, or MH/SA services, DLTC/DMHSAS agree to:

1. provide available employment data regarding the students who have transitioned into long-term employment situations, and encourage interdisciplinary actions that promote collaboration in planning such transitions between schools districts, ADRCs, and service providers associated with counties and CMOs;
2. designate liaisons between DLTC/DMHSAS and the County Transition Advisory Councils or other entities that involve students and guardians to provide technical assistance;
3. advise long term care providers and MH/SAS regarding the importance of attending IEP meetings for any students who are on their case loads and have a transition IEP in place, encouraging the participation of the student/consumer on local advisory Councils;
4. advise CMOs, county waiver agencies, and MH/SA providers on the importance of establishing a liaison from their organizations to each of the high schools, liaisons who can provide assistance and information about available long-term and MH/SAS options, and be involved in the IEP transition planning at the appropriate time(s);

5. share responsibility with DPI and DWD for publication and dissemination of this agreement, which may include formal or informal participation;
6. encourage the best formal and informal practices by long term care and MH/SAS providers associated with individuals who are anticipated to have long term support needs;
7. contribute information to the WSTI website to keep stakeholders and the public informed about collaborations and networking activities between the three agencies;
8. continue collaborative activities with DPI, DWD, and DVR related to councils, committees, and advisory;
9. cooperate with DVR (START) and TAC team efforts to ensure strong transition activities that involve the consumer, family, and other stakeholders; and
10. actively participate with the National and Wisconsin Community of Practice on Transition and collaborate with DVR/DWD and DPI on the establishment of a best-practice group on employment.

Terms of the Agreement

The terms of this interagency agreement between the Department of Workforce Development/Division of Vocational Rehabilitation, the Department of Public Instruction/Division for Learning Support: Equity and Advocacy, and the Department of Health and Family Services/Division of Long-Term Care and Division of Mental Health and Substance Abuse Services shall begin on the date of signatures and continue until replaced by a new agreement, terminated upon mutual agreement, or upon written request of any party.

Resolution of Conflicts

A. General procedures for intra and inter agency disputes:

For the resolution of disputes arising over issues addressed in this agreement, all parties will utilize the appropriate steps and methods as described herein. Attempts will be made to resolve the issue at the lowest level of disagreement. Informal resolution will be the first step in dealing with any disagreements relative to this agreement. When an issue cannot be resolved at the lowest level, it should be referred to the next highest level as a formal dispute. Formal disputes under these procedures are to be submitted in writing at the appropriate local or state level. The materials presented will include: the regulation or requirement related to the dispute; the specific issue needing resolution; the prior steps taken to resolve the issue and any additional information that may be relevant to the dispute. Utilizing the information presented, a good faith effort will be made to reach a mutually satisfactory solution. Efforts must be made at each level for resolution in a timely manner.

B. Conflict resolution between consumer and DVR or LEA:

Individual students/consumers and their parents or legal guardians have the right to appeal LEA or DVR decisions regarding eligibility, services, and other aspects of the IEP or IPE. In these situations, an appeal should be filed following agency/school appeal procedures.

C. Resolution of state department intra-agency disputes:

This agreement recognizes that each agency has its own administrative mechanisms for the timely resolution of internal disputes. This agreement recognizes these procedures and permits each agency to resolve its own internal disputes.

D. Resolution of state department interagency disputes:

When a formal dispute arises between agencies regarding the terms of this agreement the party seeking clarification shall use the following procedure for resolution:

1. The issue will be referred to the respective division administrator or their designees for resolution.
2. If unresolved by division administrators, the issue will be referred to the highest level within the agencies for resolution.
3. All necessary steps in the resolution under this section shall occur within 60 days from referral to division administrators. If acted on in good faith with just cause and through mutual consent, an extension may be granted.

Signatures

This agreement is effective immediately upon joint signature:

Department of Public Instruction	Department of Workforce Development	Department of Health & Family Services	
//signed Elizabeth Burmaster	//signed Roberta Gassman	//signed Kevin Hayden	
Elizabeth Burmaster State Superintendent	Roberta Gassman Secretary	Kevin Hayden Secretary	
xx/xx/07	xx/xx/07	xx/xx/07	
//signed Carolyn Stanford Taylor	//signed Charlene Dwyer	//signed Sinikka Santala	//signed John Easterday
Carolyn Stanford Taylor Assistant Superintendent Division for Learning Support: Equity and Advocacy	Charlene Dwyer Administrator Division of Vocational Rehabilitation	Sinikka Santala Administrator Division of Long-Term Care	John Easterday Administrator Division of Mental Health and Substance Abuse Services
xx/xx/07	xx/xx/07	xx/xx/07	xx/xx/07