



# IOWA

## Department of Education

Ann Lebo, Director

Kim Reynolds, Governor  
Adam Gregg, Lt. Governor

### Iowa Department for the Blind and the Iowa Department of Education Interagency Agreement

#### I. Parties to the Agreement

This Interagency Agreement is between the Iowa Department for the Blind (IDB-VR), the Iowa Department of Education (Department).

#### II. Background

Both the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973 (the Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), require State Educational Agencies (SEA) and Vocational Rehabilitation (VR) agencies to plan and coordinate transition services, as well as pre-employment transition services for students with disabilities through a formal interagency agreement (Section 612(a)(12) of IDEA and Section 101(a)(11)(D) of the Rehabilitation Act).

The IDB-VR program and the Department share responsibility in preparing students who are blind or have vision loss for successful employment upon graduating or exiting high school. The IDB-VR and Department hereby define their relationship including their respective roles and responsibilities to students with disabilities. This agreement encompasses the respective and joint responsibilities of IDB-VR and the Department as it relates to the provision of pre-employment transition services; Section 511; and any other transition services. No client specific confidential information will be shared between the parties without a signed authorization from the client/student or, if applicable, his/her parent or legal guardian authorizing the disclosure.

#### III. Purpose

The purpose of this agreement is:

- To facilitate and coordinate the receipt of pre-employment transition services, transition services, and other VR services to students who are blind or have vision loss in order to facilitate their smooth transition from school to post-school employment-related activities and competitive, integrated employment.
- To serve as a mechanism for IDB-VR, with the Department to clearly specify the plans, policies and procedures for coordinating services to facilitate the transition of students with disabilities, including:

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- Section 113(a)(b) of the Rehabilitation Act, as well as final section 361.48(a)(2), requires the IDB-VR, in collaboration with the Department and local education agencies (LEAs), to ensure the five pre-employment transition services required activities are made available statewide to all students with disabilities in need of any or all such services.
- The IDB-VR will collaborate with the Department and LEAs to provide any or all of the following five pre-employment transition services required activities to eligible or potentially eligible students with disabilities (ages 14–21) as Pre-employment defined under section 361.5(c)(51), based on individual need, once a student requests or is recommended for one or more pre-employment transition services.

#### **IV. Pre-Employment Transition Services (Pre-ETS) Required Activities**

- Job exploration counseling.
  - Work-based learning experiences.
  - Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.
  - Workplace readiness training.
  - Instruction in self-advocacy and peer mentoring.
- a. Any service the IDB-VR provides will be to students identified by the school of record or to an individual known as a person with a disability related to blindness or vision loss to the VR counselor. These services can be delivered in a variety of ways to best meet the needs of the individual, and may include but are not limited to:
- i. IDB-VR counselors providing said services either in-person or in groups at no cost to the Department or local school districts;
  - ii. IDB-VR hiring qualified vendors with approved Provider Agreements to deliver pre-employment transition services one-on-one or in groups at no cost to the Department or local school districts;
  - iii. IDB-VR may use online modules or web-based services as they become available;
  - iv. IDB-VR counselors may utilize video or audio-conferencing delivery systems for meetings with students, teachers, parents, or school district personnel for discussion about possible pre-employment transition services for the student as they become available at no cost to the Department or local school districts;
  - v. Individual high school teachers or other high school employees, such as guidance counselors, may develop and deliver curriculum specific to the five required activities listed above at no cost to the IDB-VR.

b. Additional Considerations include:

- i. The Iowa Department for the Blind (IDB) will employ vocational rehabilitation counselors to work closely with individual high schools to coordinate and/or provide pre-employment transition services, delivered either by IDB-VR, the LEA, or an IDB-VR service provider.
- ii. The Department and IDB-VR will encourage LEAs to engage students who are blind or have vision loss and their families in transition planning, including the provision of pre-employment transition services, in coordination with the IDB-VR VR counselors.
- iii. The Department and IDB-VR will encourage LEA staff and educational service providers to coordinate referrals to IDB-VR after obtaining the necessary parent/guardian consent and documentation needed to request pre-employment transition services for identified students.
- iv. The Department and IDB-VR will encourage LEA staff and educational service providers to provide IDB-VR the required documentation for each student prior to IDB-VR providing any pre-employment transition service, either through a provider or through IDB-VR staff.
- v. The Department will encourage LEAs to provide physical space on the high school campus to conduct the pre-employment transition services.
- vi. See section VI regarding Outreach and Identification Procedures.
- vii. See section VII regarding section 511 as it applies to Pre-ETS.

## V. Consultation and Technical Assistance

IDB-VR, along with the Department and local school districts assist in planning for the transition of students who are blind or have vision loss from school to post-school employment-related activities, pre-employment transition services, and competitive, integrated employment. IDB-VR will provide consultation and technical assistance to the Department and LEAs to assist in transition planning for students who are blind or have vision loss from school to postsecondary employment or education-related activities, pre-employment transition services, and competitive, integrated employment.

The consultation and technical assistance provided by the IDB-VR may be provided through alternative means, such as conference calls, video conferences as well as shared in-person training opportunities. Examples include sharing conference opportunities, being strong partners in delivery of technical assistance through recognized partnerships such as the National Technical Assistance Center on Transition: the Collaborative. IDB-VR staff will attend and participate in regularly scheduled vision discipline meetings, transition planning meetings, and department meetings when invited and as resources are available

## VI. Transition Planning

- a. IDB-VR will attend meetings for the development of an Individualized Education Plan (IEP) when invited, with appropriate consent and as resources allow. IDB-VR is requesting that an accessible copy of the IEP and additional educational related assessments be provided to the IDB-VR counselor so that IDB-VR may better assist and participate in the development of the IEP. IDB-VR Vocational Rehabilitation will not charge the school districts for staff to attend these meetings.
- b. The Department will encourage LEAs and educational service providers to encourage family members, parents, or legal guardians to complete a referral to IDB-VR at IEP meetings as appropriate. The IDB-VR requests the Department to encourage LEAs refer these youth to IDB-VR to assist in connecting these youth to high-quality career services, education and training, and supportive services including vocational rehabilitation services that they need to enter employment with the best chance of success.
- c. IDB-VR, in collaboration with local school districts, will share referral information as part of routine meetings to ensure that students who are blind or have vision loss are receiving pre-employment transition services and transition.
- d. IDB-VR, in collaboration with LEAs, will provide or arrange for the provision of pre-employment transition services to all students who are blind or have vision loss identified as requiring these services.
- e. IDB-VR shall determine the eligibility for IDB-VR services of all students who are blind or have vision loss who have applied for IDB-VR services within 60 days from the date of application pursuant to section 102(a)(6) of the Rehabilitation Act and section 34 CFR 361.41(b)(1) of its implementing regulations.
- f. IDB-VR will develop an Individualized Plan for Employment (IPE), which is consistent with and which takes into consideration the client's (student's) IEP, within 90 days of IDB-VR eligibility, unless an extension is approved.
- g. IDB-VR, the Department, and LEAs will encourage cross-training opportunities be shared and developed at the local level for transition planning.
- h. IDB-VR will coordinate services with non-educational agencies to support out-of-school youth who are blind or have vision loss.

## VII. Roles and Responsibilities/Service Provision

The IDB-VR and the Department agree on the following roles and responsibilities of each agency, including provisions for determining state lead agencies and qualified personnel responsible for transition and pre-employment transition services:

- a. IDB-VR-Vocational Rehabilitation will serve as the lead agency in Iowa for carrying out federal and state policies related to the program under the Rehabilitation Act, including:

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- i. Distribution of general information related to services, consultation and TA, attend transition fairs and other forums to provide information about Pre-ETS and VR services to parents and school personnel, attend IEP meetings, provide Pre-ETS, referral to VR for services, eligibility determination, IPE development and VR services, with parent permission as required pursuant to 34 CFR section 300.321(b)(3).
- ii. Accepting referrals of students who are blind or have vision loss during the transition planning process for the provision of pre-employment transition services.
- iii. IDB-VR will consult with school district staff on transition planning to prepare a student who is blind or has vision loss to move from school to work or postsecondary education in accordance with the student's unique needs, strengths, resources, priorities, concerns, capabilities, interests and abilities, and informed choice as determined through the IEP process and provision of pre-employment transition services.
- iv. IDB-VR will provide students who are eligible for vocational rehabilitation with the services necessary and appropriate in order to obtain a successful employment outcome. These services may include assessment, disability related skills training, educational and vocational training, rehabilitation technology, job seeking skills training, and job placement services.
- v. IDB-VR will use an assessment process to assist a client in developing an IPE which will prepare the student for competitive integrated employment within 90 days of IDB-VR eligibility determination, unless an appropriate extension is agreed upon by the student, counselor and parent or legal guardian.
- vi. IDB-VR will provide or arrange for the provision of pre-employment transition services to potentially eligible students, and for additional services required by the eligible student to meet their IPE goal, and the services are specific to his/her employment outcome, and are not services customarily provided to the student by the LEA under IDEA.
- vii. IDB-VR will provide information and outreach to parents and/or guardian(s), students/clients regarding VR eligibility, vocational assessment for employment and postsecondary planning, and Client Assistance Program (CAP).
- viii. IDB-VR will obtain written consent for the release of confidential information, pursuant to VR policy and procedures, federal and state laws, and regulations regarding confidentiality.

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- ix. IDB-VR will provide contact information to the schools of VR staff including counselors, employment specialists, rehabilitation technology specialists, and rehabilitation teachers.
  - x. IDB-VR will identify a single point of contact who will coordinate transition services for students. This point of contact will be the IDB-VR counselor assigned to the school district.
  - xi. IDB-VR will share information to the Department on referrals and employment outcomes of students who are blind or have vision loss as requested and as the law and IDB-VR policies allow.
  - xii. IDB-VR will engage with employers to assist in the development of work-based learning opportunities for students who are blind or have vision loss.
  - xiii. IDB-VR will participate with the Department on joint training of LEAs and VR staff regarding new federal requirements or state identified initiatives as mutually agreed upon and resources allow.
  - xiv. IDB-VR will participate with the Department to provide joint training regarding the role of VR and new regulations/procedures for students with disabilities exiting school to be referred to VR prior to entering subminimum wage work with a 14c certificate holder.
  - xv. IDB-VR will provide auxiliary aids or services for a student with a disability if the device or service is required for the student to access or participate in any of the pre-employment transition services specified in section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2) of its implementing regulations, as outlined in Section VII.
- b. The Department will serve as the lead agency responsible for assuring that eligible students with disabilities, including students who are blind or have vision loss, receive a free and appropriate public education (FAPE). The Department will provide technical assistance, training, and reference materials regarding WIOA to school districts or area education agencies (AEAs) and other stakeholders identified by the Department, including parents, families, guardians, and students relating to the provision of pre-employment transition services and other transition services, as determined by the Department with input from the IDB-VR.
- i. The Department will share this memorandum of understanding with the Department, AEAs, and LEA practitioners in secondary special education.
  - ii. The Department will provide professional development and ongoing supports to AEA and LEA teams regarding the smooth transition of students with disabilities from school to post-school employment-related activities, including the receipt of appropriate pre-employment transition services, transition services, technical education and competitive, integrated employment.

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- iii. The Department Secondary Transition (ST) Program Facilitator, or other Department designee, will be the single point of contact at the state level for collaboration in Secondary Transition activities for AEA and LEAs.
- iv. Through coordination with the Family Educator Program (FEP), Access for Special Kids (ASK) Resource Center, and AEA contacts, ongoing outreach, training, and communication will be shared with parents about transition services and opportunities.
- v. The Department collects data related to Secondary Transition on Indicators 1 (graduation rates), 2 (dropout rates), 13 (IEP components), and 14 (outcomes in education/training and employment). These data, along with tools and resources for continuous improvement, are shared with districts through the IDEA Differentiated Accountability process.
- vi. The Department will collaborate with IDB to provide joint training as needed to ensure AEA and LEAs understand their responsibilities in serving students who are blind or have vision loss.
- vii. The Department will collaborate with IDB to provide joint training to provide all existing educational assessment and performance information relevant for the determination of eligibility for IDB-VR services.
- viii. For purposes related to section 511, neither the Department nor LEAs will enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability, including a youth who is blind or has vision loss, is engaged in work at a subminimum wage.

## **VIII. Outreach and Identification Procedures**

- a. IDB-VR will work with the LEAs to identify students with disabilities and potentially eligible students that may benefit from the delivery of pre-employment transition services.
- b. The Department will provide information and resources to support the LEAs in providing students, and their family with general information about resources designed to assist students as they transition from high school to postsecondary education and employment such as: information regarding the student's rights to accommodations under section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), disability support services available through colleges and universities, and resources related to benefits counseling.
- c. In order to best facilitate a successful transition to postsecondary education or employment, the Department will provide information and resources to LEAs to support their referral of students who are blind or have vision loss when they are 14 years old or when the IEP focus begins to incorporate transition planning.

- d. Annually, IDB-VR will send written notice to Iowa's school districts regarding the availability of pre-employment transition services for eligible and potentially eligible students who are blind or have vision loss and the process to request these services.
- e. IDB-VR will provide the necessary forms and templates for required documentation.
- f. IDB-VR has assigned vocational rehabilitation counselors to work with LEA staff to coordinate, identify students, and implement pre-employment transition services.
- g. Pre-employment transition services may be provided by either the LEA (under IDEA) or IDB-VR (under the Rehabilitation Act). IDB-VR staff will work with the IEP team to ensure IDEA services are being supplemented, not supplanted.
- h. Not all eligible or potentially eligible students who are blind or have vision loss will require all five required activities, however, all should receive all needed and appropriate services, as determined through informed choice and consultation with each student based on their strengths and needs and consistent with their IEP, when applicable.

#### **IX. Section 511 – Limitations on Use of Subminimum Wage**

Documentation requirements under section 511 of the Rehabilitation Act for students with disabilities seeking subminimum wage employment.

IDB-VR and the Department will not enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability is engaged in work at a subminimum wage;

IDB-VR and the Department assure that neither will enter into an arrangement with any employer not considered to meet the definition of a competitive integrated environment as defined in the Rehabilitation Act, as amended by WIOA (section 361.5(c)(9)).

Under the section 511 of Rehabilitation Act, 14(c) 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 VR upon completion of all the following activities:

- a. Pre-employment transition services or transition services under IDEA, and
- b. Apply for vocational rehabilitation services and the individual was determined:
  - i. Ineligible for vocational rehabilitation services.
  - ii. Eligible for vocational rehabilitation services, had an approved IPE, and the individual was unable to achieve an employment outcome in competitive, integrated employment after a reasonable period of time, and his/her case was closed.

- c. Career counseling and information and referral services to federal and state programs to help the individual discover, experience, and attain competitive integrated employment and the counseling and information was not for employment at subminimum wage.

These requirements should be shared by the Department with local school districts, AEAs, Iowa Educational Services for the Blind and Visually Impaired (IESBVI), parents, guardians, teachers, and students. IDB-VR will maintain the documentation and provide a copy to the individual within the timelines identified as specified under 34 CFR 397. Any of the services identified above, that the LEA provides, must be documented by the LEA and provided to the student and IDB-VR.

IDB-VR, in consultation with the Department, must develop or use an existing process to document the completion of this process as well as the transmittal of documentation from the Department to the IDB-VR, consistent with the confidentiality requirements of the Family Education Rights and Privacy Act (20 USC 11232g(b) and 34 CFR 99.30 and 99.31) and IDEA (20 USC 1417(c) and 34 CFR 300.622) pursuant to section 511(d) of the Act and 34 CFR-397.10 and 34 CFR 397.30

The Department will encourage each LEA to provide IDB-VR documentation that the youth who is blind or has vision loss has completed transition services or received pre-employment transition services when seeking subminimum wage employment. This documentation must contain, at a minimum (section 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 IDB-VR or the Department making determination or completion of the required services or activity;
- Signature of the IDB-VR personnel transmitting documentation to the youth with a disability;
- Date and method by which the document was transmitted to the youth; and
- IDB-VR and the Department must retain copies of the documentation in a manner consistent with the requirements of 2 CFR 200.333.

Documentation should be provided no later than 45 calendar days after the completion of the required services, or 90 calendar days if additional time is needed due to extenuating circumstances (34 CFR 397.30 (c)(1)(i)).

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 part 397, documentation must, at a minimum:

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- Contain the information in 397.10(b)(2); and
  - The youth's name
  - Description of the refusal and reason for the refusal
  - Signature of the youth or as applicable the youth's guardian
  - Signature of the educational personnel documenting the youth's refusal
  - Dates of above signatures
  - Signature of educational personnel transmitting documentation to IDB-VR
  - Date and method the documentation was transmitted to VR
- Be provided by IDB-VR to the youth within 10 calendar days of the youth's refusal to participate (in accordance with the minimum requirements in the law)

IDB-VR must retain copies of the documentation in a manner consistent with the requirements of 2 CFR 200.333 (34 CFR 397.10 (a)(3)).

## **X. Mechanism for Interagency Coordination**

IDB-VR and the Department developed joint procedures to implement this Interagency Agreement.

### **a. Financial Responsibilities**

IDB-VR will be responsible for vocational rehabilitation services authorized by the Rehabilitation Act and identified on an IPE. The Department will be responsible for ensuring that a free and appropriate education (FAPE) is made available to eligible students, including special education services included in the IEP, as authorized by IDEA.

When similar or identical service needs are identified as education-related in the IEP established by the school district and employment-related in the IPE established by VR, it is agreed that disputes will be resolved between VR and the Department. The process for dispute resolution is as follows:

If the service is special education or a related service and included in the student's IEP, the school district may provide the service either directly or through other sources, or request VR provide the service. If VR determines the service does not violate the comparable benefits and financial needs test (unless such a determination would interrupt or delay the progress of the individual), and identified as a service on the individual's IPE, VR may assume the costs for the service. If VR determines that the purpose of the service is more for educational attainment than achievement of competitive integrated employment, then the LEA would pay for the service, as they would for services obligated under IDEA.

IDB-VR's funding for assessment for eligibility and vocational needs, counseling and referral services, job placement services, rehabilitation technology and auxiliary aids and services are exempt from comparable services and benefits requirements.

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When assistive technology, goods or services are needed for educational purposes, it will be the financial responsibility of the LEA. However, upon exit from high school, IDB-VR will evaluate needs for assistive technology (AT) for vocational and employment purposes. IDV-VR may either purchase existing AT from the LEA at the appropriate assessed value in accordance with the Uniform Guidance at 2 CFR 200 or purchase new items assistive technology for the individual as needed for employment and identified on the individual's IPE.

Pursuant to 34 CFR section 300.154(b)361.22(c), nothing in this part will be construed to reduce the obligation under IDEA (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 (FAPE) to children with disabilities within the state involved.

IDB-VR will provide auxiliary aids or services for a student with a disability if the device or service is required for the student to access one of the required pre-employment transition services and no other public entity is required to provide such aid or service as specified in section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2) of its implementing regulations.

#### b. Interagency Disputes

Disagreements about which entity is responsible for payment for services may occur. If disagreements about financial responsibilities occur, both IDB-VR and the Department agree to:

- Abide by an informal dispute resolution process for reimbursement for costs incurred by IDB-VR under 34 CFR section 361.53(d)(i-iv) inter-agency coordination, or pursuant to 34 CFR section 300.154, for reimbursement for costs incurred by the Department or to otherwise implement this agreement.
- IDB-VR and the Department will educate school districts on their financial responsibilities and IDB-VR responsibilities and encourage full participation in the process.
- If IDB-VR or the LEA fails to provide or pay for services for which they have financial or legal responsibility, the dispute will be referred to the IDB-VR program administrator and the superintendent. The program administrator and the superintendent, or their designees, will meet to resolve the interagency dispute. If the dispute cannot resolve the interagency dispute, then the issue should be taken to the IDB Director and the Department Special Education Director for resolution.
- If the decision of the directors is that one entity failed to provide or pay for services, then the other entity may claim reimbursement for services and shall be reimbursed by the other entity in a timely manner.

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- c. Conflict Resolution Process for Individual Students and Their Parents or Legal Guardians:

Nothing in this agreement precludes the parents' or adult student's rights to appeal decisions made by IDB-VR or the school districts as available under the Rehabilitation Act or IDEA.

**XI. Amendments**

This agreement may be amended at any time upon mutual consent of the parties. Any amendment must be in writing and signed and dated by the parties.

**XII. Term**

This agreement shall be effective from May 27, 2021, through May 27, 2023. The parties, upon mutual consent and in writing, may renew this agreement for any number of two-year extensions.

**XIII. Approvals and Signatures**

*Department of Education*



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Ann Lebo, Director

May 26, 2021

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Date

*Iowa Department for the Blind*



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Emily Wharton, Director

June 2, 2021

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Date