

**Memorandum of Understanding Between  
The Minnesota Department of Employment  
and Economic Development (DEED)  
and  
The Minnesota Department of Education (MDE)**

**PURPOSE**

This agreement is between the Minnesota Department of Employment and Economic Development's (DEED) Vocational Rehabilitation Services (VRS), State Services for the Blind (SSB) and the Minnesota Department of Education's (MDE) Special Education and Career and College Success Divisions. Both the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973, as amended, require state education agencies (SEA)s and vocational rehabilitation (VR) agencies to plan and coordinate transition services and pre-employment transition services for students with disabilities through a formal interagency agreement ([Section 612\(a\)\(12\)](#) of the IDEA and [Section 101\(a\)\(11\)\(D\)](#) of the Rehabilitation Act). Additional references used in this document include Sections [113](#) and [511](#) of the Rehabilitation Act, and the [Final Rule: State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage](#).

For the purpose of this agreement a "student with a disability" includes an individual who is within ages 14 through 21, is in a recognized education program and is eligible for and receiving special education services under the IDEA or is otherwise considered to be an individual with a disability as is defined in Section 504 of the Rehabilitation Act.

The intent of this agreement is to:

1. Provide consultation and technical assistance to Local Education Agencies (LEA)s in planning for the transition of students with disabilities from school to post-school activities including post-secondary education, training, competitive integrated employment and independent living.
2. Provide secondary transition planning by personnel of DEED's VRS and SSB alongside secondary special education and career and college readiness staff through the delivery of pre-employment transition services and vocational rehabilitation services under the Rehabilitation Act and transition services under the IDEA.
3. Define the roles and responsibilities, including financial responsibilities, of each agency, including provisions for pre-employment transition services, vocational rehabilitation services and IDEA transition services.
4. Designate procedures for outreach to and identification of students with disabilities who are in need of pre-employment transition services and/ or vocational rehabilitation services. Outreach to students should occur as early as age 14.

5. Outline services and documentation requirements set forth in section 511 of the Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act (WIOA), with regard to youth with disabilities who are seeking subminimum wage employment.
6. Provide assurance that neither the SEA nor the LEA 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 is engaged in work at a subminimum wage.

## **I: CONSULTATION AND TECHNICAL ASSISTANCE**

- DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions will work together to ensure that consultation and technical assistance, which could include video conferences and conference calls, is provided to LEA staff in planning for the transition of students with disabilities to post-school activities. This includes implementing a structure for ensuring pre-employment transition services and vocational rehabilitation services are made available statewide for those who need these services.
- DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions will collaborate and promote transition to adult services through participation in existing councils, committees, and other workgroups within respective agencies.
- DEED's VRS and SSB will ensure that a counselor(s) is assigned to each school district and charter school in the state who will provide consultation and technical assistance to LEA staff on an as-needed basis related to the transition of students with disabilities from school to post-school activities.
- MDE's Special Education and Career and College Success Divisions in consultation with DEED's VRS and SSB will develop training and communication tools for the LEA staff regarding WIOA and how it intersects with IDEA and the schools.

## **II: TRANSITION PLANNING**

- DEED's VRS and SSB and MDE's Special Education and Career and College Success staff will provide technical assistance and consultation regarding these five required pre-employment transition services being made available statewide to students with disabilities ages 14 through 21:
  - Job exploration counseling to assist students with disabilities in understanding their work-related strengths and interests and what career possibilities there are;
  - Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
  - Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
  - Workplace readiness training to develop social skills and independent living; and

- Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).
- DEED’s VRS and SSB counselors will attend meetings for the development of Individualized Education Programs (IEPs) when invited. Counselors will use the IEPs with students to assist in developing the individualized plan for employment (IPE), otherwise known in Minnesota as the employment plan (EP).
- DEED’s VRS and SSB and MDE’s Special Education and Career and College Success Divisions agree to share responsibility for ensuring that schools are aware of and know how to use tools to support students with disabilities to receive current information about their strengths, interests and preferences in order to make informed choices about competitive integrated employment prior to leaving school. This includes helping students with disabilities to engage in the activities that each school offers related to Personal Learning Plans (PLPs). Minnesota Statute 120B.125 requires all students to have a PLP no later than grade 9. It also notes that students in special education can have the elements that are to be included in the PLP addressed in their IEP. These elements are also similar in scope to pre-employment transition services:

<b>PLP Element</b>	<b>Pre-Employment Transition Service</b>
Career exploration	Job exploration counseling
Experiential learning	Work-based learning
College access and all forms of postsecondary training	Counseling on postsecondary education options
Career and employment related skills	Workplace readiness training
Career and employment related skills	Instruction in self-advocacy

- DEED’s VRS and SSB and MDE’s Special Education and Career and College Success Divisions agree to share responsibility for ensuring that schools receive information about the benefits of providing career information.

### **III: ROLES AND RESPONSIBILITIES**

- DEED’s VRS and SSB assist students with disabilities in making informed choices to prepare for, obtain, maintain, advance in, or regain competitive integrated employment. Services include the provision of pre-employment transition services for students who are eligible or potentially eligible for VR services. They also include assessing an individual’s VR needs, developing and implementing an EP, and assisting in the achievement of the employment goals for the individuals that have applied for VR services, have been found eligible and are in an open priority category.
- MDE’s Special Education Division is responsible for ensuring that local education agencies provide special education and related services as documented in students’ IEPs.
- MDE’s Special Education and Career and College Success is responsible for ensuring that all local education agencies provide access to all students with disabilities to the activities related to Personal Learning Plans (PLPs).

- DEED's VRS and SSB and MDE's Special Education and Career and College Success Division are responsible for coordination necessary to satisfy documentation requirements set forth in WIOA and 34 CFR 397.10 (b)(i) and (ii) with regard to students and youth with disabilities who are seeking subminimum wage employment.
- DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions are financially responsible for the services they provide under their own laws and rules. Nothing will be construed to reduce the obligation under IDEA 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 Minnesota.
- DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions are responsible to ensure that neither the LEA nor VR agencies may shift the burden for providing a service, for which it otherwise would be responsible, to the other entity. Decisions related to which entity will be responsible for providing transition, pre-employment transition services or vocational rehabilitation services that can be considered both a special education and a VR service will be made at the state and local level as part of the collaboration between the VR agencies, SEAs, and LEAs.

Considerations in making funding decisions could include:

- The purpose of the service: Is it related to outcomes for employment or education?
- Which agency customarily provides the service?
- Is the student eligible for transition services under the IDEA and/ or pre-employment transition services or vocational rehabilitation services under the Rehabilitation Act?

#### **IV: OUTREACH AND IDENTIFICATION**

- DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions will work together to develop outreach tools related to competitive integrated employment for students with disabilities, parents or representatives of students with disabilities, school personnel, and other community agencies. Materials will include a description of the purpose of the VR programs, application procedures, eligibility requirements, priority for services, and scope of services that may be provided to eligible individuals.
- DEED's VRS and SSB and MDE's Special Education and Career and College Success will work together with LEAs to ensure that outreach and identification of students in need of/ who could benefit from pre-employment transition services takes place statewide.
- In order to provide information to students and their families/ guardians about pre-employment transition services and/or vocational rehabilitation services, DEED's VRS and SSB will be allowed to receive "directory information" from LEAs. In accordance with Minnesota (M.S. 13.32) and federal (20 U.S.C.A. 1232g (5)(A)) laws, "directory information" is defined, in part, as the student's name, address, telephone listing, and date of birth.
- DEED's VRS and SSB and MDE's Special Education and Career and College Success will work together with LEAs to ensure outreach to:

- Students receiving special education services under IDEA;
  - Students receiving accommodations under section 504;
  - Students receiving school psychological, health, nursing, or social work services;
  - Other students who have disabilities as defined in Section 504 of the Rehabilitation Act, but who do not receive IDEA services nor have a 504 plan.
- DEED's VRS and SSB will provide outreach to the following school staff to identify students in need of pre-employment transition services and/ or vocational rehabilitation services: teachers/case managers, work coordinators, guidance counselors, school nurses, 504 coordinators, school social workers, alternative learning center staff, principals, school mental health coordinators, and school psychologists.

## **V: COORDINATION AND DOCUMENTATION REQUIREMENTS UNDER WIOA SECTION 511 AND 34 CFR 397, LIMITATIONS ON USE OF SUBMINIMUM WAGE**

- DEED's VRS and SSB, in collaboration with MDE's Special Education and Career and College Success Divisions will work together with LEAs to ensure that students with disabilities have meaningful opportunities to prepare for, obtain, maintain, advance in, or regain competitive integrated employment, including supported or customized employment.
- DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions will work together with LEAs to ensure that outreach and identification of students with disabilities who are seeking subminimum wage employment in order for them to receive counseling and information and referral related to competitive integrated employment.
- DEED's VRS and SSB will ensure, as appropriate, that students with disabilities that are seeking subminimum wage employment and who have applied for VR services are determined eligible or ineligible for VR services; have an approved IPE; receive pre-employment transition services; and receive appropriate reasonable accommodations and appropriate supports and services, including supported and customized employment services, that assist in obtaining and maintaining a competitive integrated employment outcome.
- DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions will provide LEAs the required processes and forms to document the required actions specified under WIOA for all students with disabilities who are seeking subminimum wage employment.
  - MDE's Special Education and Career and College Success Divisions will work with LEAs to ensure that documentation of completed IDEA transition services is provided to DEED's VRS or SSB within 30 calendar days of the completion of the IDEA transition services for students who are seeking subminimum wage employment and have applied for VR services.
  - DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions will work together with LEAs to ensure that in the event a student with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the actions required under WIOA, the refusal is documented. LEA staff will provide this documentation to

VRS or SSB staff within 5 calendar days of the refusal and VRS or SSB staff will provide the documentation to students within 10 calendar days of the refusal.

- DEED's VRS and SSB will ensure that all students with disabilities who are seeking subminimum wage employment receive documentation of the required actions specified under WIOA within 45 calendar days of completion of the required actions.

## VI. ASSURANCE RELATED TO WIOA SECTION 511 AND 34 CFR 397, LIMITATIONS ON USE OF SUBMINIMUM WAGE

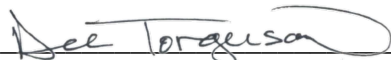
In accordance with 34 CFR 397.31, MDE's Special Education and Career and College Success Divisions, through the MDE Career Technical Education Program approval and expense approval process, will ensure that neither the SEA nor LEAs enter into a contract with an entity, as defined in WIOA 34 CFR 397.5(d) for the purpose of operating a program under which a student with a disability is engaged in work compensated at a subminimum wage.

## VII: TERMS OF AGREEMENT

This agreement is valid until revoked by any of the parties with a 30-day written notice to all parties. This agreement will be reviewed annually by DEED's VRS and SSB and MDE's Special Education and Career and College Success Divisions and can be amended at any time by consent of participating parties.

Dee Torgerson, Director  
Vocational Rehabilitation Services  
Minnesota Department of Employment and Economic Development

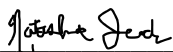
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06/01/2020

Natasha Jerde, Director  
State Services for the Blind  
Minnesota Department of Employment and Economic Development

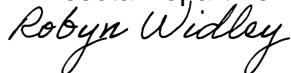
Date



6.2.2020

Robyn Widley, Director  
Special Education Division  
Minnesota Department of Education

Date



6.2.2020

Paula Palmer, Director  
Career and College Success Division  
Minnesota Department of Education

Date



6.5.20