



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202

GEN-06-19

November 22, 2006

Subject: Agreements Between Public Institutions of Higher Education and Vocational Rehabilitation Agencies

Summary: This letter encourages public institutions of higher education to enter into agreements with vocational rehabilitation agencies to guide their collaboration and cooperation in providing services to students with disabilities receiving vocational rehabilitation services.

Dear Colleague:

The purpose of this letter is to encourage state vocational rehabilitation (VR) agencies and public institutions of higher education (IHEs) to establish interagency agreements that guide their collaboration and cooperation in providing services to students with disabilities receiving VR services. Some state VR agencies across the nation have experienced difficulty in establishing such agreements with public IHEs.

Under section 101(a)(8)(A) of the Rehabilitation Act of 1973, as amended (Act), a state VR agency must identify and use comparable benefits and services that may exist prior to providing VR services. Through the establishment of interagency agreements or other mechanisms for interagency coordination, state VR agencies and public IHEs can identify those comparable services and benefits available from the IHE that are applicable to a student's individualized plan for employment (IPE). In addition, these agreements or other mechanisms will enable the VR agencies and public IHEs to meet the needs of the individual being served without undue delay or hardship caused by disagreement between the two entities.

Furthermore, section 101(a)(8)(B) of the Act requires a governor of a state to ensure that an "interagency agreement or other mechanism for interagency coordination takes effect" between the VR agency and public IHEs. The governor can decide whether to satisfy this requirement through a state statute or regulation, a signed written agreement, or another appropriate mechanism for interagency coordination (section 101(a)(8)(D) of the Act). The Department's regulations implementing the provisions of the Act regarding IHE agreements are published at 34 C.F.R. 361.53 (d).

Regardless of the approach taken, the agreement, statute, regulation or other appropriate mechanism must address: the financial responsibilities of the state VR agency and public IHEs; conditions, terms, and procedures of reimbursement; procedures for resolving interagency disputes; and procedures for coordination of services (section 101(a)(8)(B) of the Act). The Act does not require a state VR agency to develop an interagency agreement or other appropriate mechanism for interagency coordination with each public IHE in the state. For example, one agreement that covers the entire system


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of public IHEs in the state is sufficient when the agreement is written with an oversight body for public IHEs that has the authority to make commitments on behalf of IHEs in the state or is signed by representatives of each public IHE in the state.

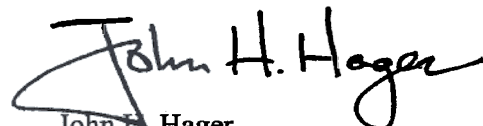
While public IHEs are not required through statute or regulation to enter into such agreements with state VR agencies, they must, consistent with Section 504 of the Act and Title II of the Americans with Disabilities Act, provide academic adjustments, including auxiliary aids, when necessary to ensure non-discrimination on the basis of disability to qualified students with disabilities. It is important to the success of individual students to have arrangements in place facilitating the timely delivery of services needed as outlined in the student's IPE. The success of each student with a disability is the common goal for the state VR agency, the public IHE, and society as a whole.

We, on behalf of the U.S. Department of Education's Office of Postsecondary Education (OPE) and Office of Special Education and Rehabilitative Services (OSERS), are writing to assist public IHEs and state VR agencies in fulfilling their federal mandates using a written agreement, statute or regulation, or another appropriate mechanism to guide their collaboration in addressing the needs of students. It is not the intention of OPE or OSERS to prescribe the methods of collaboration and cooperation to be outlined in such an agreement or other appropriate mechanism. However, the Rehabilitation Services Administration staff in OSERS stand ready to provide technical assistance to state VR agencies and public IHEs as they collaborate to meet the needs of students with disabilities.

Thank you for your urgent attention to this matter. For additional information and assistance, please contact David Bergeron of OPE at 202-502-7815 or david.bergeron@ed.gov or RoseAnn Ashby of OSERS at 202-245-7258 or roseann.ashby@ed.gov.



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