

## Letter of Agreement

The Texas Education Agency and  
The Department of Assistive and Rehabilitative Services  
March 2009

The Texas Education Agency (TEA) and the Texas Department of Assistive and Rehabilitative Services (DARS) enter into this letter of agreement to promote collaboration in the delivery of transition services for students with disabilities transitioning from secondary education to employment and independent living as mandated by the Individuals with Disabilities Education Act (IDEA), as amended, and the Rehabilitation Act of 1973, as amended. The implementing regulations for both the Rehabilitation Act and IDEA require the formalization of interagency agreements with respect to transition services for students with disabilities who have an Individualized Education Program (IEP). See 34 CFR §361.22 (Cooperation with Agencies Responsible for Students with Disabilities) and 34 CFR §300.154 (Methods of Ensuring Services.)

### Purposes:

- To improve shared efforts to prepare youth with disabilities for successful careers, community employment, and independent living.
- To outline a collaborative framework for coordinating state and local services and resources.
- Provide basic guidance for coordinating plans, policies, and procedures to facilitate the transition of students with disabilities from school to post-school activities.

### Objectives:

The general objectives of this agreement are as follows:

- To provide coordinated guidance to local educational agency (LEA) and vocational rehabilitation personnel who are responsible for the development and completion of Individualized Education Program (IEPs) and Individualized Plans for Employment (IPEs).
- To provide information about each agency's role and responsibilities, including financial responsibilities.
- To coordinate training regarding transition services, independent living programs and job application processes intended to assist students establish themselves in the community as independent, valued employees.
- To develop procedures for outreach to and identification of students with disabilities in need of transition services.

DARS, as the state agency designated to "promote, assess, plan, develop and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, so that they may prepare for and engage in gainful employment," acknowledges financial responsibility for the provision of transition planning services as required by the Rehabilitation Act (34CFR §§361.22, 361.45, and 361.48).

TEA, as the state agency designated to "ensure that all children with disabilities have available to them a free, appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living", acknowledges financial responsibility for the provision of transition services as required by IDEA (34 CFR §300.43).

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### Roles and Responsibilities:

DARS	TEA
Utilize existing school assessment information to the extent possible to determine eligibility and services. Secure additional assessment only when necessary and assume financial responsibility for the cost of the additional assessments.	Advise LEAs to obtain parental consent to share educational information with DARS personnel, when appropriate based on individual student need.
Provide guidance and technical assistance to LEA personnel in planning for the transition of students from school to post-school activities, including vocational rehabilitation services. 34 CFR §361.22(1)	Advise LEAs to seek guidance and technical assistance from DARS personnel as early as possible when appropriate and needed for planning and implementing transition services.
Provide technical assistance to LEA personnel in providing transition services IEPs that will coordinate with IPEs. DARS will inform DARS personnel that a separate signed consent must be obtained from the parents or a child who has reached the age of majority for each ARD meeting, conducted in accordance with 34 CFR §300.320(b)(3), before the LEA can invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services to attend the meeting.	Advise LEAs to obtain a separate signed consent from the parents or a child who has reached the age of majority for each ARD meeting, conducted in accordance with 34 CFR §300.320(b)(3), before the LEA can invite a representative of DARS or any participating agency that is likely to be responsible for providing or paying for transition services to consider the student's postsecondary goals and transition services.
Consider a student's IEP in developing the IPE and ensure that the IPE is developed prior to the student's exiting school. 34 CFR §§361.45, 361.22(a)(2)	Ensure that LEAs include in IEPs postsecondary goals and transition services prior to the date on which a student turns 16 years of age or younger if determined appropriate by the ARD committee.
Provide, purchase or arrange for services on the IPE needed for the student's specific employment outcome. 34 CFR §361.22b(3)	Advise LEAs that they shall provide the transition services in the IEP, as required by state/federal statute, unless another agency or entity is responsible for such services.
DARS will conduct outreach to identify students with disabilities who are in need of transition services. Such outreach will include: <ul style="list-style-type: none"> <li>• a description of the vocational and rehabilitation services program</li> <li>• eligibility requirements</li> <li>• application procedures and the scope of services that may be provided to eligible individuals. 34 CFR §361.22b(4)</li> </ul>	Provide a list of Texas public high schools to DARS to encourage the identification of contact persons needed for collaboration.

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### Shared Responsibilities:

- Encourage community and work experiences that provide the opportunity for students with disabilities to participate in skill development in community settings.
- Encourage networking and collaboration among families, schools, community agencies, and employers.
- Coordinate transition-related activities with other agencies, when appropriate based on individual student need, to ensure students with disabilities have opportunities to improve their career options and earning potential.
- Provide consultation and technical assistance to LEA and vocational rehabilitation personnel that facilitate completion of IEPs and IPEs prior to the student's exiting school.
- Support continued collaboration between agencies in identifying mutually served consumers and tracking student outcomes.
- Publish and disseminate this agreement.
- Exchange and maintain necessary confidential student/consumer information in accordance with federal and state laws and regulations.

For the resolution of disputes arising over issues addressed in this agreement, the agencies agree that attempts to resolve disputes between LEAs and local DARS representatives should first be made at the local level. If resolution cannot be reached at the local level, the parties will refer the issues to DARS or TEA personnel designated to resolve the dispute. If a resolution cannot be reached, each agency agrees to resolve the dispute in accordance with established agency policies and procedures.

The terms of this agreement shall become effective upon execution by the parties. The agreement may be expanded, modified, or amended at any time upon mutual agreement of the parties and shall be reviewed at least every two years.

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Terrell I. Murphy  
Commissioner  
Department of Assistive and Rehabilitative Services

Date

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Robert Scott  
Commissioner of Education  
Texas Education Agency

Date

**Letter of Agreement**  
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March 2009

**Amendment to the Letter of Agreement**  
The Texas **Education Agency (TEA) and**  
**The Department of Assistive and Rehabilitative Services (DARS)**  
**March 2009**

**SUMMARY:** The action requests a change in the Roles and Responsibilities table in the June 2008 LOA signed and approved by Terrell Murphy, Commissioner, Department of Assistive and Rehabilitative Services agency and Robert Scott, Commissioner of Education, Texas Education Agency.

**STATUTORY REFERENCES:** Statutory References  
Included in the LOA as listed: 34 CFR §361.22 (Cooperation with Agencies Responsible for Students with Disabilities) and 34 CFR §300.154 (Methods of Ensuring Services), Rehabilitation Act (34CFR §§361.22, 361.45, and 361.48) IDEA (34 CFR §300.43), 34 CFR §361.22(1), 34 CFR §§361.45,

361.22(a)(2), 34 CFR §361.22b(3), 34 CFR §361.22b(4).

**EFFECTIVE DATE:** March 31, 2009

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** In a recent interpretation of 34 CFR §300.321(b)(3) and 34 CFR §300.622(b)(2) by William W. Knudsen, Acting Director of the Office of Special Education, LEAs must obtain a separate signed consent from parents or a child who has reached the age of majority for each ARD meeting before the LEA can invite a representative of DARS or any participating agency that is likely to be responsible for providing or paying for transition services. The reason for this update is to protect the confidential information about a child from unauthorized disclosure to agency representatives. This Amendment changes the current Letter of Agreement between TEA and DARS to read:

Provide technical assistance to LEA personnel in providing transition services IEPs that will coordinate with IPEs. DARS will inform DARS personnel that a separate signed consent must be obtained from the parents or a child who has reached the age of majority for each ARD meeting, conducted in accordance with 34 CFR §300.320(b)(3), before the LEA can invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services to attend the meeting.	Advise LEAs to obtain a separate signed consent from the parents or a child who has reached the age of majority for each ARD meeting, conducted in accordance with 34 CFR §300.320(b)(3), before the LEA can invite a representative of DARS or any participating agency that is likely to be responsible for providing or paying for transition services to consider the student's postsecondary goals and transition services.
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**FISCAL IMPACT:** None

**PUBLIC AND STUDENT BENEFIT:** Student confidentiality issues.

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**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**PUBLIC COMMENTS:** None

**ALTERNATIVES:** None

**OTHER COMMENTS AND RELATED ISSUES:** None.