Memorandum of Understanding Regarding Transition Services for Youth with Disabilities Between

* Tennessee Department of Human Services/Division of Rehabilitation Services
* Tennessee Department of Education/Division of Special Populations
* Tennessee Department of Intellectual and Developmental Disabilities
* Tennessee Department of Labor and Workforce Development
* Tennessee Department of Mental Health and Substance Abuse Services
* Tennessee Department of Health/Division of Family Health and Wellness
* Tennessee Department of Children’s Services
* and Division of TennCare

CURRENT LANGUAGE

PURPOSE

The purpose of this Memorandum of Understanding (“MOU”) is to:

* Outline agency responsibilities regarding transition services for youth with disabilities and to facilitate the coordination of transition services from school to post-secondary education or training, which is targeted towards competitive integrated employment for Youth with Disabilities, as defined below, who are enrolled in school and are, or may be, eligible to receive employment services from one or more of the agencies that have signed this MOU (“Partner Agencies” or individually "Partner Agency").
* Comply with and enhance requirements as to interagency cooperation set forth in state and federal law including the Individuals with Disabilities Education Act of 2004, as amended (“IDEA”); the Rehabilitation Act of 1973, as amended, (“Rehabilitation Act”), including their implementing regulations; the State of Tennessee Executive Order No. 28; Workforce Innovation and Opportunity Act of 2014 (“WIOA”); and other applicable state laws and regulations which promote coordination among state agencies and, as applicable, local agencies with respect to services provided to Youth with Disabilities.

PARTNER AGENCIES

1. The Tennessee Department of Human Services (“DHS”), Division of Rehabilitation Services implementing Vocational Rehabilitation (“VR”) programs;
2. The Tennessee Department of Education(”DOE”), Division of Special Populations;
3. The Tennessee Department of Intellectual and Developmental Disabilities (“DIDD”);
4. The Tennessee Department of Labor and Workforce Development (“TDLWD”);
5. The Tennessee Department of Mental Health and Substance Abuse Services (“TDMHSAS”);
6. The Tennessee Department of Finance and Administration, Division of TennCare (“TennCare”);
7. The Tennessee Department of Health (“TDH”), Division Of Family Health And Wellness; and
8. The Tennessee Department of Children’s Services (“DCS”).

The Tennessee Council on Developmental Disabilities will serve as the lead agency under this MOU for purposes of convening the Partner Agencies to regularly review and update the MOU.

TARGET POPULATION

For purposes of this MOU, interagency cooperation and collaboration will focus on Youth with Disabilities, which covers the age range from 14-26 and is defined distinctly by each program administered by the Partner Agencies, in the following categories as they participate in and transition from school to services for which they are eligible from the Partner Agencies. Nothing in this MOU alters the service eligibility standards of any Partner Agency under applicable state or federal law.

PRINCIPLES

This MOU is predicated on the following principles:

* Youth with Disabilities should be provided employment and post-secondary options that place priority competitive integrated employment, economic self-sufficiency and career growth, consistent with the state’s Employment First approach codified in Executive Order No. 28.
* The state government programs shall foster a culture of high expectations and encouragement to each individual served.
* Partner Agencies will coordinate as they deliver services to the same individual to ensure consistent communication, expectations and goals that reflect that individual’s needs and preferences.

GOALS

It is the goal of the Partner Agencies that, as a result of their collaborative efforts, Youth With Disabilities leaving secondary education will be prepared for Post-Secondary education and training and/or competitive integrated employment, will have participated in requisite school coursework, and at the time of school exit will be enrolled in Post-Secondary education and training and/or engaged in competitive integrated employment appropriate to their preferences, interests, needs, knowledge, skills and abilities through cooperative services from the Partner Agencies.

Each Partner Agency will strive to provide necessary individualized transition services and supports to Youth with Disabilities in a timely and effective manner without a break in services through team work, coordinated planning and shared responsibility.

OBJECTIVES

In order to accomplish the goals outlined in this MOU, the Partner Agencies will strive to ensure that:

1. Youth with Disabilities, upon exit from school, will be prepared for competitive integrated employment with access to necessary support services or will be prepared to enter and succeed in Post-Secondary education and training. Services available to Youth with Disabilities to this end may include: diploma options such as the Occupational Diploma, the Alternate Academic Diploma; supported education; and supported employment and job preparation facilitated by school districts in partnership with VR such as Work-Based Learning and Pre-Employment Transition Services.
2. Work and learning opportunities offered will be in alignment with the abilities, interests and informed choice of Youth with Disabilities, which may change over time. As appropriate based upon the needs and abilities of each individual, programs will utilize Supported Decision Making in the planning process to ensure Youth with Disabilities make as many of their own choices as possible during this process.
3. Work opportunities identified by Partner Agencies for Youth with Disabilities will be consistent with employer/industry needs, informed by data collected by TDLWD.
4. Youth with Disabilities will have access to training and services from Partner agencies that are designed to prepare them to live and function in domestic, recreational, social, community and vocational environments in integrated community based settings. Partner Agencies will ensure that training and services are accessible in both location and format to meet each individual’s needs.
5. Prior to exit from secondary school, transition services will be identified so that Youth with Disabilities do not experience a gap in services as they move to adulthood.
6. The planning documents of all Partner Agencies are led by the Youth with a Disability, and Partner Agencies have ensured there are no conflicting employment goals by communicating across agencies and sharing documents / data with the person’s consent.
7. Gaps in services for Youth with Disabilities who meet the eligibility requirements of multiple Partner Agencies and are seeking Post-Secondary Training and/or competitive integrated employment will be eliminated through cooperation among those Partner Agencies, including blending and braiding of their funds to the extent possible within the regulations governing each partner, so that those Youth with Disabilities can achieve their competitive integrated employment objective.

ROLES AND RESPONSIBILITIES

To achieve the objectives of this MOU, each Partner Agency hereto will work to ensure that local agencies or contracted providers meet the applicable responsibilities and activities outlined in Attachment A to this MOU.

The Council on Developmental Disabilities will regularly convene representatives of the Partner agencies for the purpose of overseeing implementation and updating this MOU as necessary or required. Regular reviews will include the following:

1. Reviewing, addressing and facilitating resolution of concerns relating to transition services for Youth with Disabilities.
2. Collaborating to identify ways to coordinate mutual Partner Agency processes (e.g., enrollment, eligibility determinations, annual reviews) to reduce duplication and promote timeliness and efficiency of services.
3. Supporting joint training for Partner Agency staff to promote mutual understanding of each Partner Agency’s systems (e.g., entitlements, eligibility criteria, rights, responsibilities, and advocacy).
4. Fostering communication among Partner agencies and other providers of transition services in order to create better understanding of the needs and options associated with transition of Youth with Disabilities.
5. Assisting local entities of the Partner Agencies to establish cooperative working relationships to facilitate transition of Youth with Disabilities in their communities.
6. Developing and implementing processes for sharing data for the purpose of setting goals for improving statewide employment outcomes for Youth Disabilities.
7. Preparing understandable and easily accessible information for individuals and families about Partner Agency programs.
8. Regularly evaluate the effectiveness of the MOU (e.g. survey students, families, Partner agency staff and others about the effectiveness of the MOU) and make adjustments accordingly.

TERM OF THE MOU

The term of this MOU will begin on the last date of signatures of the parties to the MOU. It will be evaluated by the Partner Agencies at least every two (2) years and will continue in effect until replaced by an amended or new MOU that has been approved and signed by the Partner Agencies. Nothing in this MOU shall be construed to limit any existing substantive or procedural protections of state or federal laws or regulations.

CONSTRUCTION

The intent of the Partner Agencies is to coordinate and facilitate the provision of their services to Youth with Disabilities. In all instances, this MOU is to be construed to comply with the requirements of state and federal law. None of the terms of this MOU are intended to confer any benefits, create any rights, or impose any obligations on any third party. The terms of this MOU may only be enforced by the Partner Agencies.

COMPETITIVE INTEGRATED EMPLOYMENT DEFINITION

As used in this MOU, the terms below will have the following meanings:

Competitive integrated employment including self-employment, occurs at a location typically found in the community (in the competitive labor market) where the client:

1. Is compensated at a rate that is not less than either the legal Federal or local minimum wage or the customary rate for the same or similar work performed by employees who are not individuals with disabilities and who have similar training, experience and skills;
2. Is eligible for the level of benefits provided to other employees who are not individuals with disabilities;
3. Interacts with fellow employees who are not individuals with a disability for the purpose of performing the job duties within the particular work unit and the entire work site and with other persons (customers, vendors, etc.) who are not individuals with a disability, excluding CRP or other staff providing VR services, to the same extent as fellow employees who are not individuals with a disability;
4. Has the opportunity for advancement that is similar for other employees who are not individuals with disabilities and who have similar positions; and
5. For self-employment, has income from a business that is comparable to the income of a similar business operated by an individual without a disability and who has similar training, experiences and skills.

The definition above is consistent with current federal law, the Workforce Innovation and Opportunities Act.

ATTACHMENT A

Agency Roles and Responsibilities

TENNESSEE DEPARTMENT OF HUMAN SERVICES, DIVISION OF REHABILITATION SERVICES

STATE ROLES AND RESPONSIBILITIES

The state VR program shall implement federal and state policies relating to WIOA for which it is responsible, to include:

1. Distributing general information related to services, consultation and technical assistance, attendance at transition fairs and other forums to provide information about Pre- Employment Transition Services to parents and school personnel, attending IEP meetings, providing Pre-employment Transition Services, eligibility determination, individualized plan for employment (“IPE”) development and VR services, in accordance with 34 CFR §300.321(b)(3);
2. Providing or arranging to provide Pre-employment Transition Services in collaboration with the Local Education Agencies (“LEAs”) for students who need them, as defined by WIOA and all other applicable state and federal laws, including:
3. Instruction in self-advocacy and peer mentoring,
4. Work-based learning experiences,
5. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education,
6. Workplace readiness training, and
7. Job exploration counseling.
8. Providing Pre-employment Transition Services on an individual or group basis by VR counselors, qualified vendors under approved State of Tennessee contracts and/or third party agreements with LEAs, Tennessee Rehabilitation Centers, or school personnel;
9. Accepting referral of students with disabilities during the transition planning process for the provision of transition services including Pre-Employment Transition Services;
10. Consulting with LEAs on transition planning to prepare a student to move from school to work or postsecondary education in accordance with the student’s unique needs as determined through the IEP process and the provision of Pre-employment Transition Services;
11. Providing consultation to assist in the identification of eligible and potentially eligible students with disabilities and assessment of their individual needs for Pre-employment Transition Services;
12. Providing information to parents and/or guardians, students/clients regarding Pre-Employment Transition Services, VR eligibility, vocational assessment for employment and postsecondary planning and the Client Assistance Program (“CAP”);
13. Designating the VR Regional Director or designee in each region to serve as the single point of contact for VR to coordinate transition activities within the region;
14. Sharing information regarding policies, procedures, guidelines, programs and services for the purpose of improving access to and the availability of transition services;
15. Providing materials and information regarding the VR process and services to partner agencies for distribution to the students, parents, legal guardians, teachers, and others;
16. When invited, participating in the planning by DOE to facilitate the development of a student’s IEP;
17. Promoting employer participation in providing opportunities for work-based learning for students with disabilities;
18. Participating with partner agencies in conducting joint training of staff in response to developments in federal or state requirements or initiatives;
19. Informing teachers, DOE students, parents and legal guardians of the Rehabilitation Act requirements and implementing regulations, which require the student with a disability exiting school to be referred to VR prior to engaging in employment for less than minimum wage work with a 14(c) certificate holder (See Section 511 regarding subminimum wage work environments);
20. Providing the necessary forms and templates for securing parental, guardian, or adult student permissions; and
21. Sending written notice through DOE communications division to school district superintendents and special education supervisors regarding the availability of Pre-Employment Transition Services for eligible and potentially eligible students with disabilities and the process to request these services.
22. Determining eligibility for VR services who have applied for such services, pursuant to section 102(a)(6)of the Rehabilitation Act and 34 CFR 361.41(b)(1);
23. Determining eligibility and developing an IPE in accordance with VR policy for all students with disabilities; assess, plan, develop and provide VR services required by the IPE goal for eligible individuals with disabilities who have been referred for VR services and obtain written consent for the release of confidential information pursuant to VR and DOE policies and procedures, federal and state laws and regulations;
24. Annually collect, analyze and disseminate to Partner Agencies and the public information on state performance data, which is required by the federal government, on the following: (i) early engagement with Youth with Disabilities, (ii) numbers of Youth with Disabilities entering competitive integrated employment, (iii) the number of Youth With Disabilities receiving supported employment services, (iv) hours worked by Youth with Disabilities, and (v) wages earned by Youth with Disabilities.

TENNESSEE DEPARTMENT OF EDUCATION/DIVISION OF SPECIAL POPULATIONS

STATE ROLES AND RESPONSIBILITIES

DOE will:

1. Monitor local education agencies (“LEAs”) to ensure that measurable post-secondary goals are a component of the IEP beginning by age 14 and transition services needed to attain those goals are addressed in the IEP by age 16.
2. Maintain and communicate established linkages at the state and local level with post-secondary personnel of other agencies, including higher education and adult service agencies, to ensure a smooth transition to disability support services for Youth with Disabilities.
3. Maintain and update online (i.e. www.TransitionTN.org) and in-person teacher training materials and programs that define and incorporate the competencies related to transition that are needed to serve Youth with Disabilities.
4. Provide support, technical assistance, and training to appropriate staff at the state and local levels to facilitate coordination of academic, functional, vocational, and community based curricula.
5. Provide Partner Agencies with the statewide number and demographics of Youth with Disabilities on an IEP by March 1st of each year.
6. Annually collect, analyze and disseminate to Partner Agencies and the public information on the progress of Youth With Disabilities in entering Post-Secondary Education/Training and competitive employment at the state and local levels through the use of indicator 14 data.
7. Identify and maintain a list of current DOE/DSP and LEA staff contacts in regard to transition for Youth with Disabilities and make this list available to the Partner Agencies.
8. Provide information to the LEAs and the public that DOE/DSP expects that Post-Secondary Training and/or competitive integrated employment should be the primary goal for all youth, including Youth with Disabilities.
9. Continue engagement with the College, Career, and Technical Education division at DOE to provide aligned pathways, including early postsecondary opportunities, with equitable access for students with disabilities.
10. Continue to ensure new policy, initiatives, and/or guidance support the belief of competitive, integrated employment for all.
11. Support and provide guidance to local school districts regarding the four high school diploma options.
12. Connect with postsecondary education/training, Partner Agencies, and potential employers to inform them of the four high school diploma options.
13. Create a model employer opportunity for youth with disabilities through promoting state government internships.

TENNESSEE DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES (DIDD)

STATE ROLES AND RESPONSIBILITIES

DIDD will provide the following services for Tennesseans:

1. Referral, Intake, and Enrollment for Employment and Community First CHOICES - DIDD conducts Referral, Intake, and Enrollment functions for persons without Medicaid who are applying for the Employment Community First CHOICES program. DIDD provides assistance with completion of the online ECF screening, when requested, and links persons who have Medicaid with their Managed Care Organizations (MCO), when applicable. DIDD maintains toll free numbers in each grand region of the state for use by any person interested in applying for Employment Community First CHOICES.

DIDD Regional Intake Office Contact information:

West Tennessee Regional Office: (866) 372-5709

Middle Tennessee Regional Office: (800) 654-4839

East Tennessee Regional Office: (888) 531-9876

DIDD also provides information and linkage to other resources, when possible, to assist persons who contact the Department with questions about services.

1. Family Support Program - Through the Family Support Program, DIDD assists families who have family members of any age with a severe or developmental disability, as defined by T.C.A. § 33-1-101(11), who do not receive HCBS Waiver or ECF CHOICES services. The Family Support Program may provide funds to families to purchase goods and services included in the plan, which include but are not limited to:
   1. Respite Care
   2. Specialized Equipment & Maintenance & Repair
   3. Personal Assistance
   4. Summer Camp
   5. Personal Assistance Services
   6. Specialized Nutrition & Clothing & Supplies
   7. Before/After Care and Day Care
   8. Transportation Services
   9. Homemaker Services
   10. Health Related Costs Not Otherwise Covered
   11. Minor Home Modifications
   12. Licensed Nursing and Nurses Aid Services
   13. Minor Vehicular Modifications
   14. Family Counseling, Training, & Behavior Therapy
2. Tennessee Council on Autism Spectrum Disorder- DIDD provides oversight to the Tennessee Council on Autism Spectrum Disorder. The Council does not provide direct services, but rather is charged with establishing a statewide long-term plan and making program recommendations to support persons with autism spectrum disorder and their families. The topic of transitioning youth falls under the purview of the Council’s Aging/Adulthood Committee, but may also be addressed in other committees, which include Information for Families/Service Coordination, Early Intervention/Education, Healthcare, and Aging/Adulthood.

TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT (TDLWD)

STATE ROLES AND RESPONSIBILITIES

TDLWD will and will direct its local workforce development areas to:

1. Collaborate with Partner Agencies in the development of permanent job sites for Youth with Disabilities.
2. Work with employers to educate and inform them about federal and state tax incentives to employ Youth with Disabilities (e.g., the Work Opportunity Tax Credit).
3. Educate Partner Agencies about the Tennessee Workforce System and its services through the American Job Centers. These services may provide assistance with the transition of Youth with Disabilities to competitive integrated employment that include the following:
   1. Providing career development services, such as assessments , career exploration activities, and occupational information based on labor market information (LMI);
   2. Offering counseling services, including providing information about resume preparation, interview skills, and the long-term benefits of postsecondary education and training
   3. Providing Youth with Disabilities with quality Individual Service Strategy Plans (ISS) that promote opportunities for self-exploration, career exploration, work-based learning experiences, and postsecondary education and training in order to advance short- and long-term career goals ;
   4. Providing information about career options like Registered Apprenticeships and pre-apprenticeship programs like Job Corps and YouthBuild that provide “earn and learn” opportunities that can lead to industry-recognized credentials;
   5. Creating awareness about youth work experience programs including summer programs that frequently offer job shadowing, mentoring and supportive services in collaboration with the Pre-Employment Transition Services Program (Pre-ETS) through VR.
   6. Connecting with state and local career pathway efforts that work to develop clear sequences of education and training that span secondary and postsecondary education and lead to industry-recognized credentials and in-demand, well-paying jobs in high-growth sectors
4. Upon request by local representatives of Partner Agencies, participate in transition planning meetings for Youth with Disabilities (e.g., IEP, IPE, ISP or similar meetings) by providing technical assistance regarding career planning, information regarding area businesses/employers and area employment opportunities. Services that TDLWD can offer to eligible Youth with Disabilities to support these planning processes include:
   1. Increasing exposure and career guidance for Youth with Disabilities;
   2. Enhancing and expanding current guidance and career counseling efforts by adding a focus on career readiness and success that is aligned with their academic programs, job search needs and plans for postsecondary education;
   3. Developing partnerships with business, industry and unions in the design and delivery of career planning;
   4. Disseminating college and career guidance and planning resources and tools; and
   5. Via Jobs4TN.com, providing school counselors with information that would result in improved job performance, reduced burden and enhanced direct services to Youth with Disabilities.
5. For Youth with Disabilities determined eligible for TDLWD workforce preparation programs, TDLWD representatives will provide access to the workforce training services when available. TDLWD representatives may provide direction for the Youth with Disabilities on the worksite; maintain contact with the worksite supervisor concerning training programs; and make applicable local Partner Agency staff aware of progress or concerns at the worksite.
6. Work to raise awareness of and educate employers on the services offered through Partner Agencies to effectively address employer’s employment needs through Youth with Disabilities.

TENNESSEE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES (TDMHSAS)

STATE ROLES AND RESPONSIBILITIES

TDMHSAS will:

1. Build state capacity to support provider agencies to address employment needs of Youth with Disabilities and their families in the mental health system by:
   1. Providing training, technical assistance, and resources to providers through the Office of Children and Youth Mental Health Training and Technical Assistance Center;
   2. Raising awareness through participating on various councils and committees (e.g. Council on Children’s Mental Health, Youth Transitions Advisory Council, TDMHSAS Planning and Policy Council Children’s Committee, etc.); and
   3. Collaborating with the Tennessee Association of Mental Health Organizations (TAMHO), state agencies, Community Mental Health Centers, and other appropriate partners to support linkage and referrals to appropriate employment services and supports among provider network.
2. Request that the Young Adult Leadership Council add employment for Youth with Disabilities to their meetings as needed for the purpose of providing feedback and insight on the Department’s initiative to address employment needs of Youth with Disabilities and their families.

TENNESSEE DEPARTMENT OF CHILDREN’S SERVICES (DCS)

STATE ROLES AND RESPONSIBILITIES

DCS will:

1. The DCS Education Division will have regional education consultants’ work with LEAs to assist in the development of IEPs and 504 plans for students in state custody, which may include plans for Integrated Employment and/or Post-Secondary education/training.
2. DCS will have regional Independent Living Specialists available to LEAs to assist in transition planning for students with disabilities which may include Integrated Employment and/or Post-Secondary Training.
3. DCS Family Service Workers will consult with Education Consultants and Independent Living Specialists to assist in developing transition plans for students who are leaving custody and are age 14 and older.
4. DCS Family Service Workers and other staff, in consultation with the Regional Licensed Mental Health Clinicians, will refer students with disabilities who are exiting custody to the Department of Vocational Rehabilitation and to the Department of Developmental Disabilities as appropriate.
5. DCS regional Independent Living Specialists will provide high school students with disabilities who are exiting custody prior to graduation with information concerning the availability of services (preparing information packets on Integrated Employment and/or Post-Secondary Training) from Partner Agencies.
6. Local DCS will invite local disability service delivery partners to Child and Family Team Meetings

TENNESSEE DEPARTMENT OF HEALTH/DIVISION OF FAMILY HEALTH AND WELLNESS (TDH)

STATE ROLES AND RESPONSIBILITIES

TDH will:

1. Advise care coordinators through the Children’s Special Services program about the importance of including information about IEP, ISP, and competitive integrated employment into transition planning for Children and Youth with Special Health Care Needs (CYSHCN).
2. Encourage Youth with Disabilities who participate in the TDH-sponsored Youth Advisory Council for CYSHCN to consider IEP, ISP, and/or competitive integrated employment in their transition plans.
3. Share percent of youth served by the CSS program, ages 14 and older (the maximum age covered by CSS is 21 years), who have an annual transition plan with partner organizations at their request.

TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION DIVISION OF TENNCARE

STATE ROLES AND RESPONSIBILITIES

TennCare, Division of Long Term Services and Supports will:

1. Continue to promote competitive integrated employment, independence, and community integration for Youth with Disabilities enrolled in Medicaid Home and Community Based Services (HCBS) programs, including CHOICES, Employment and Community First CHOICES, and the Section 1915(c) HCBS Waivers.
2. Continue to prioritize enrollment of Youth with Disabilities with I/DD in need of employment supports into Employment and Community First CHOICES in accordance with established prioritization criteria.
3. Utilize value-based payment approaches for Medicaid reimbursement of employment services in Medicaid HCBS programs in order to align incentives toward the achievement of CIE goals for Youth with Disabilities.
4. Annually collect, analyze and disseminate to Partner Agencies and the public information data on Youth with Disabilities enrolled in Medicaid HCBS programs, including CHOICES, Employment and Community First CHOICES, and the Section 1915(c) Waivers, as follows: (i) number of Youth with Disabilities enrolled in each program, (ii) number of Youth with Disabilities in each program working in competitive integrated employment, (iii) the number of Youth With Disabilities receiving employment (including pre-employment) services, (iv) average hours worked by Youth with Disabilities in CIE, and (v) average wages earned by Youth with Disabilities; (vi) ECF CHOICES program enrollment data for employment priority categories focused on youth; (vii) number of Youth with Disabilities with an employment goal in their person-centered support plan.
5. Work with Partner Agencies to develop and implement specific strategies to help achieve MOU objectives and goals, including but not limited to, a shared planning process and plan document for employment-related goals.