

# INTERAGENCY AGREEMENT BETWEEN THE MARYLAND HIGHER EDUCATION COMMISSION AND THE MARYLAND DIVISION OF REHABILITATION SERVICES

## **Overview and Purpose**

Pursuant to requirements established in the 1998 Amendments to the Rehabilitation Act (Title IV of the Workforce Investment Act of 1998), this interagency agreement shall be the mechanism used to formalize an agreement between the Maryland Department of Education, Division of Rehabilitation Services (DORS) and the Maryland Higher Education Commission (MHEC) regarding their responsibilities to individuals with disabilities who are served by DORS and are enrolled students in Maryland's public colleges and universities. This agreement is intended to clarify roles and functions, and to facilitate achievement of education at Maryland public colleges and universities for individuals with disabilities served by DORS.

## **Mission and Legal Basis**

### **Division of Rehabilitation Services**

The mission of the Division of Rehabilitation Services (DORS) is to assist individuals with disabilities to achieve employment, economic self-sufficiency and independence. The VR Program has the following basis in federal and state law:

1. Workforce Investment Act of 1998, Title IV, Rehabilitation Act, as amended.
2. 34 CFR Parts 361, 363, 376 and 380.
3. The Americans with Disabilities Act of 1990.
4. The Annotated Code of Maryland, Section 21-304.

### **Maryland Higher Education Commission**

The mission of the Maryland Higher Education Commission (MHEC) is to ensure that the people of Maryland have access to a high quality, diverse, adequately funded, effectively managed, and capably led system of postsecondary education. It accomplishes this mission through the provision of statewide planning, leadership, coordination, regulation and advocacy for the State's postsecondary educational institutions and through the administration of State financial aid programs. MHEC assures access to public colleges and universities for a broad student constituency including persons with disabilities within following statutory basis:

1. Section 504, The Rehabilitation Act of 1973, as amended.
2. The Americans with Disabilities Act of 1990.
3. The Family Educational Rights Privacy Act (FERPA).

### **Role and Responsibilities**

#### **Division of Rehabilitation Services (DORS)**

DORS is the official State Agency that administers the vocational rehabilitation program and is an integral part of the statewide workforce investment system in Maryland. The DORS counselor determines eligibility based on available information and secures additional assessment information as required to determine eligibility and/or rehabilitation needs.

The DORS program provides eligible individuals with disabilities who can be served under the Order of Selection (priority of services is to individuals with the "most significant" disabilities) an array of employment-related services and opportunities required for the achievement of the individual's employment goal. The employment goal and services required are specified on an Individualized Plan for Employment (IPE) developed by the individual and approved by DORS.

Depending on the requirements for achieving the employment goal, post-secondary education may be a service included on the IPE. Services are provided or arranged by DORS counselors consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.

DORS is required by federal law to ascertain if comparable benefits are available for services required by an eligible individual, and is prohibited from paying for services that are available through other state or federal programs.

There are 22 DORS offices in communities throughout Maryland to serve individuals with disabilities seeking employment. Individuals may also initiate rehabilitation services through One-Stop Employment Centers located throughout Maryland.

#### **Maryland Public Colleges and Universities**

The Disability Services Coordinator determines the nature and scope of accommodations which may be needed by students with disabilities who have self-identified and for whom there is current documentation supporting the need. The Disability Services Coordinator also facilitates provision of reasonable and appropriate accommodations and works with instructors regarding provision of accommodations. Information and guidance is available to prospective and enrolled students and their families regarding higher education and reasonable accommodations.

### **Students with Disabilities:**

- Attend classes and complete assigned work.
- Notify the Disability Services Coordinator and the DORS Counselor when problems arise in a timely manner, i.e. poor mid-semester evaluations or being placed on academic probation.
- Share academic transcripts each semester with their DORS Counselor.
- Maintain a grade point average of C or better.

### **Financial and Programmatic Responsibilities**

#### **Division of Rehabilitation Services**

1. May provide financial assistance for tuition, fees, books, and transportation to students with disabilities attending Maryland public colleges and universities who are served by DORS, consistent with the individual's Individualized Plan for Employment and State regulations.
2. Will encourage DORS clients interested in attending Maryland public colleges and universities to meet with the Disability Services Coordinator to discuss needs and concerns and services of that office.
3. Shall provide relevant assessment information to the college/university Disability Service Coordinator documenting the DORS client's disability and need for reasonable accommodation, with the written permission of the individual served. DORS is not able to fund assessment services to students who are not clients of DORS for the sole purpose of identifying and documenting the need for reasonable accommodations at public college and universities.
4. Will clarify with clients interested in attending or already enrolled at public colleges and universities that 1) the Disability Services Coordinator has the responsibility to determine if accommodations are needed in the college setting and, if so, the nature and scope of such accommodations, 2) students must request consideration of accommodations through the Disability Services Coordinator, and 3) accommodations provided at the college may be different from those which may have been provided in a high school setting.
5. In circumstances when the client/student has a very significant disability that may require "high tech" accommodations, at the request of college/university DORS will provide technical assistance to the Disability Services Coordinator in

- identifying the nature and extent of needed accommodations and provide training in the use of those accommodations.
6. DORS will assist clients/students to access resources to obtain assistive devices, technology and other materials that become the property of individual students, under Individualized Plans for Employment and in accordance with DORS policies and procedures. DORS will pay for interpreter services needed by a student outside of class time, i.e. tutorials.

### **Maryland Public Colleges and Universities**

1. Determine, at the request of a DORS client/student based on appropriate documentation, if the client/student attending the college/university requires reasonable accommodations in order to benefit from educational programs, in accordance with the ADA, the Rehabilitation Act, as amended, and the policy of the institution.
2. Hold personal information provided about a student in support of a request for reasonable accommodations confidential within the office of the Disability Services Coordinator, releasing it only with the written consent of the student.
3. Identify, provide and fund educationally related, on-campus reasonable accommodations for students with disabilities, including individuals who are clients of DORS, attending the college/university based on documented need and policies of the institution.
4. Provide academic advisement to individuals with disabilities including development of a plan of study that will fulfill completion of requirements for graduation.
5. Refer individuals with disabilities to DORS if the individual requests referral and is interested in achieving employment.

### **Common Understandings**

1. Completion of Programs/Courses of Study. Both parties, within their own legal requirements, policies and mission, are committed to students with disabilities completing programs of study, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
2. Confidentiality. All information provided by either party to the other (e.g., grade reports, psychological evaluations) will be held confidential and will not be further disclosed without the explicit written permission of the client/student.

3. Communication. DORS counselors and college/university staff will communicate as needed to facilitate the successful completion of the client/student's educational program, including when planning the course of study, reviewing progress in the program and addressing anticipated changes in the educational program undertaken.
4. Action Plans. DORS and college/university staff will work together to develop and implement action plans when students are not fulfilling responsibilities related to use of services provided as reasonable accommodations. Such action plans may include the requirement that the student provide notice of when he/she will attend class and need services; a requirement that absences be documented, etc.
5. Collaboration on Resource Issues. DORS and the college/university will share information about availability and funding of reasonable accommodations and will seek opportunities to develop strategies to improve access to and cost effectiveness of assistive technology and other reasonable accommodations.
6. Provision of additional services by colleges/universities to DORS clients. Nothing within this agreement shall obligate the college/university to provide services or accommodations to students with disabilities who are clients of DORS above and beyond those services and accommodations provided for students with disabilities who are not clients of DORS.
7. Retention of policies. In keeping with their differing missions, DORS and the colleges/universities may maintain different requirements regarding eligibility, documentation of disability, and provision of services and accommodations. Nothing within this agreement shall obligate DORS or the colleges/universities to abandon or alter their policies in regard to such matters as they are used in guiding the provision of services/support.
8. Contracting for additional services. Nothing within this agreement prohibits DORS from contracting with colleges/universities to provide services/support for its clients beyond those required to assure equal access to educational opportunity.
9. Amendments to the Agreement. This agreement will be reviewed annually, and amended if needed. Either party may request that amendments be considered at any time.

### Dispute Resolution

Step 1. It is the intent of all parties that disputes between DORS and a college or university will be resolved by the local DORS staff and college/university administration.

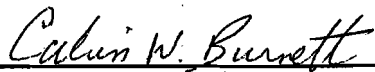
Step 2. Disputes not resolved in 30 days or less at Step 1 will be referred to the Division Director and to the Dean of Students of the appropriate public college or university.

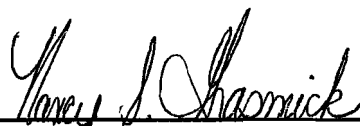
Step 3. Disputes not resolved by the Director and Dean within 30 days will be referred to the State Superintendent of Schools and the Secretary of the Maryland Higher Education Commission, or their designees, who will resolve the issue(s) in dispute and render a written decision within 45 days.

Nothing in this agreement shall be construed to limit any existing substantive or procedural protections of state or federal law or regulation.

### **Conditions and Terms of Reimbursement**

1. If the public college/university fails to provide or pay for services as enumerated under "Financial and Programmatic Responsibilities," DORS, as appropriate, shall provide, arrange, and/or pay for the service(s) in a timely manner.
2. DORS, incurring this cost, may seek reimbursement for the service(s) from the college/university. Disputes will be resolved in accordance with procedures described under "Dispute Resolution."

  
Dr. Calvin W. Burnett  
Secretary of Higher Education

  
Dr. Nancy S. Grasmick  
State Superintendent of Schools

Dated: September 15, 2006