Memorandum of Understanding
Between

The Wisconsin Technical College System

And

The Division of Vocational Rehabilitation

Rationale:
The federal Rehabilitation Act (Title IV of the Workforce Investment Act) calls for the development of cooperative agreements between the state Vocational Rehabilitation Agency and its education partners who serve mutual customers/students.

Purpose:
The purpose of the Division of Vocational Rehabilitation (DVR) is to assist individuals with disabilities to successfully prepare for, secure, retain or regain employment. DVR provides a variety of services pursuant to this purpose. The purpose of higher education is to make available to all qualified students, regardless of disability, the opportunity to acquire knowledge, skills, and/or expertise commensurate with their level of ability. Pursuant to Section 504 of the Rehabilitation Act (20 U.S.C. 794) and Section 202 of the Americans with Disabilities Act (42 U.S.C. 12132), "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." While the purposes of VR and of higher education are different, they are not mutually exclusive.

This agreement seeks to clarify roles and responsibilities of the parties involved in fostering a seamless delivery system supporting the Individualized Plan for Employment (IPE) for DVR customers attending a postsecondary program to meet his/her goals. Throughout the document "parties" or "all parties" refer to the Wisconsin Technical College System (WTCS) institutions and DVR. It is the intent of this agreement to ensure the understanding of responsibility between DVR and higher education institutions for students with disabilities who are eligible for DVR services.

As required, the agreement addresses the responsibilities of the WTCS institutions to make their programs and services accessible, to provide auxiliary aids, and to accommodate the academic participation of qualified students with disabilities. A process for on-going coordination and communication between the agencies and a procedure for resolving disputes arising from the implementation of the agreement are also included.

Additional benefits of this agreement are increased dialogue, improved communications, and more effective working relationships that ultimately improve services to students.

In keeping with their differing purposes, DVR and WTCS institutions may maintain different requirements regarding eligibility, documentation of disability, assignment of services or accommodations; nothing in this agreement shall obligate DVR or WTCS institutions to abandon or alter their policies regarding such matters.

Nothing in this agreement shall obligate the WTCS institutions to provide services or accommodations to students with disabilities who are clients of DVR that are not required for students with disabilities who are not clients of DVR.

Nothing in this agreement prohibits DVR from utilizing a cooperative arrangement or collaborative agreement mechanism to contract with individual WTCS institutions or groups of those institutions to provide services for its clients beyond those required to ensure equal access to educational opportunity.

Section 1. Responsibilities

Pursuant to Section 504 of the Rehabilitation Act (20 ILS.C. 794) and Section 202 of the Americans with Disabilities Act (42 U.S.C. 12132) WTCS institutions "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." Pursuant to 28 CFR §35.104 (ADA Regulations and 34 CFR §104.3 "qualified" means an individual with a disability who, with or without reasonable accommodation meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a WTCS institution.

Accommodations refer to services or aids that are necessary to make a program, service, or activity accessible to a qualified individual with a disability. Examples include, but are not limited to:

- Readers
- Taped Texts
- Notetakers
- Extended time on exams
- Alternate Format for required materials
- Specialized equipment
- Interpreter/captioning

The post-secondary service provider has the responsibility to arrange and/or coordinate appropriate reasonable accommodations in accordance with federal regulations. It is understood that the accommodations shall not fundamentally alter the nature of the educational program, service, or activity; require waiver of essential program or licensure requirements; violate accreditation requirements; unnecessarily intrude upon academic freedom; or pose an undue fiscal or administrative burden on the institution. Therefore, WTCS institutions have responsibility and authority for determining, in consultation with the student, the appropriate accommodation for a specific academic situation, including the level and manner in which it will be provided.

DVR and WTCS institutions have prepared materials to provide information and guidance regarding accommodating students with disabilities in post-secondary settings. These materials are available on the respective entities' websites and have been shared with students; post-secondary special needs program staff and faculty, and DVR counselors,

When obligated under Federal or State law to provide or pay for any services that are also considered to be vocational rehabilitation services (other than those specified in paragraphs (1) through (4) and (14) of Section 103 (a) of the Rehabilitation Act of 1973 as amended in 1998) WTCS institutions will fulfill that obligation either directly or by contract or other arrangement.

DVR may establish a collaborative agreement with the WTCS Office, individual WTCS institutions or groups of those institutions to provide DVR services as the Division has available funds and when those services meet the requirements for such agreements.

Section 2. DVR Support and Financial Aids Coordination

As confirmed in the student's IPE and after determining the use of comparable services and benefits, the DVR may provide, according to DVR policies and guidelines, funding for services that support the student's employment goal. These may include, but are not limited to tuition and fees, books and supplies.

All DVR post-secondary students with IPE's will be asked to coordinate sharing information between DVR offices and the financial aids offices of the WTCS campuses. The primary document which will facilitate this sharing of information is the DVR Training Grant – Information Form. The student, DVR, and the financial aids office will share information in a timely fashion

- to make maximum effort to access grants and scholarships, work study, and other post-secondary financial aids,
- to accurately calculate the cost of education, and to prevent over awards by all parties agreeing to immediately communicate any circumstances which may

cause an over award.

Section 3. Communication

In order to ensure that coordination and communication occur between DVR, WTCS and the WTCS institutions, the following activities will take place:

- DVR, WTCS Institutions, and the WTCS Office will each designate an individual to serve as the statewide interagency liaison.

- DVR and the WTCS Office may conduct joint annual update/training sessions for front line campus and DVR staff regarding the joint agreement, and the post secondary and DVR policies and procedures impacting the service to postsecondary students who are DVR clients. A primary goal of the training will be to ensure consistency in interpretation of the interagency agreement among personnel throughout the state.

- The DVR Administrator or his/her designee will meet with the WTCS designated system representatives annually during the period of this agreement to share feedback and review any concerns regarding the implementation of the joint agreement, plan joint staff training sessions, and explore additional opportunities for collaboration.

- It is understood between DVR and the WTCS Office and campuses that students identified as being in need of and qualified for our respective services will be referred.

Section 4. Resolution of Disputes

The WTCS Board and institutions and DVR have a long history of working cooperatively. Past experience predicts that most disagreements will be resolved through open discussion. The WTCS and the DVR liaisons, working collectively, will review problems that cannot be solved at the local level between a DVR office and a WTCS institution. Both informal and formal processes may be used by all parties to resolve local issues.

For the interagency agreement/memorandum of understanding, the WTCS liaison and the DVR Administrator or his/her designee and the DVR liaisons will participate in the negotiations. If issues in the agreement cannot be resolved by consensus, any party may request that the negotiations be forwarded for formal resolution. Once such a request has been made, the liaisons will have ten working days to continue the informal process. The deadline may be extended if all parties agree.

If the formal dispute resolution process is required, the Deputy Secretary of the Department of Workforce Development or his/her designee, and the WTCS Vice President, Division of Teaching and Learning, or his/her designees will be convened to resolve the matter under dispute. A formal decision will be made and communicated to all parties.

Section 5. Effective Dates

The terms of this agreement between the Department of Workforce Development-Division of Vocational Rehabilitation and Wisconsin Technical College System shall begin on the date of signatures and continue until replaced by a new agreement, terminated upon mutual agreement, or upon written notice served by one party to the other at least one hundred and twenty (120) days prior to the intended date of termination.

Any provisions within this agreement which conflict with or exceed the authority vested in the parties under federal law, the Wisconsin Statutes or the DVR State Plan will be severable as to the agreement.

President, Wisconsin Technical College System	March 19, 2014 Date
Secretary, Department of Workforce Development	April 29, 2014 Date