

Memorandum of Understanding
Between

Wisconsin Technical College System Board (WTCS)

And

The Department of Workforce Development (DWD), on behalf of the Division of
Vocational Rehabilitation (DVR)

Rationale:

The Rehabilitation Act of 1973, as amended by title IV of the Workforce Innovation and Opportunity Act (WIOA), calls for the development of cooperation agreements between the state Vocational Rehabilitation Agency and its education partners who serve multiple individuals.

Purpose:

The purpose of DWD's 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. A goal of higher education is to make available to all qualified individuals, 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 (29 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 Memorandum of Understanding (MOU) seeks to clarify roles and responsibilities of the parties involved in fostering a seamless delivery system supporting each DVR consumer's Individual Plan for Employment (IPE) when attending a post-secondary education program to meet their goals. Throughout this MOU, "parties" or "all parties" refers to the WTCS Board and DVR. It is the intent of this MOU to define the roles of DVR and the WTCS Board for individuals with disabilities who are eligible for DVR services.

This MOU describes the responsibilities of the WTCS Board to make their programs and services accessible, to provide auxiliary aids, and to accommodate the academic participation of qualified individuals with disabilities. The MOU also includes a designated process for ongoing coordination and communication between the parties and a dispute resolution process.

Additional objectives of this MOU include improving communication and facilitating effective work relationships to best provide services to individuals with disabilities.

In keeping with their individual objectives, DVR and the WTCS Board may maintain different requirements regarding eligibility, documentation of disability, and the assignment of services or accommodations. Nothing in this MOU obligates DVR or the WTCS Board to change their policies regarding such matters.

Nothing in this MOU obligates the WTCS Board to provide services or accommodations to DVR consumers with disabilities if those same services or accommodations are not required for individuals with disabilities who are not DVR consumers.

Nothing in this MOU prohibits DVR from entering into other cooperative arrangements or cooperative agreements with individuals, WTCS colleges, or groups of WTCS colleges to provide services for its consumers.

Section 1. Responsibilities

Pursuant to Section 504 of the Rehabilitation Act (29 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." Pursuant to 28 CFR § 35.104, a "qualified individual with a disability" is defined as "an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity," such as a WTCS college.

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:

- Talk to text technology
- Screen readers
- Notetakers
- Extended time on exams
- Alternate forms for required materials
- Specialized equipment
- Interpreter/captioning

WTCS colleges are responsible for arranging and/or coordinating appropriate reasonable accommodations in accordance with federal regulations. These reasonable accommodations shall not fundamentally alter the nature of the educational program, service, or activities; require waivers or essential program or licensure requirements; violate accreditation requirements; unnecessarily intrude upon academic freedom; or pose an undue fiscal or administrative burden on the WTCS colleges. WTCS colleges have the responsibility and authority to determine, in consultation with the qualified individual, the appropriate accommodations for a specific academic situation, including the level and manner in which the accommodations will be provided.

DVR and the WTCS Board have materials that provide information and guidance regarding their programs and services that support individuals with disabilities in post-secondary settings. These materials are available on their respective websites and are available to WTCS and DVR staff.

When required by Federal or State law to provide or pay for any services that are also considered vocational rehabilitation services and part of an approved accommodation plan for an individual, the WTCS colleges will provide required services directly or by contract or other arrangement.

Section 2. DVR Support and Financial Aid Coordination

Consistent with a consumer's IPE and DVR policies and guidelines, DVR may fund services that support the consumer's employment goal. These services may include, but are not limited to, tuition, fees, books, and supplies.

DVR consumers with IPEs attending post-secondary school at WTCS colleges are responsible for coordinating and signing the necessary releases to permit information sharing between DVR offices and WTCS colleges' financial aid offices, including the DVR Training Grant Information Form. DVR and WTCS financial aid offices will share information in a timely fashion, including sharing information with the DVR consumer when appropriate.

DVR and the WTCS colleges shall work collaboratively to calculate education costs in order to prevent over awards and other issues. The parties agree to immediately communicate with each other, and the consumer when appropriate, any circumstances which may cause an over award.

Section 3. Communication

In order to ensure coordination and communication between DVR and the WTCS Board, the following shall occur:

- DVR and the WTCS Board will each designate an individual to serve as the statewide interagency liaison.
- DVR and the WTCS Board may conduct joint annual updates and/or training sessions for front line campus and DVR staff regarding this MOU and the post-secondary and DVR policies and procedures impacting service to DVR consumers. A primary goal of the trainings will be to ensure consistency in interpretation of the interagency agreements among personnel throughout the state.
- The DVR Administrator or their designee will meet with the WTCS designated systems representatives annually during the period of this MOU to share feedback and review any concerns regarding the implementation of the MOU, to plan joint staff training sessions, and to explore additional opportunities for collaboration.
- DVR and WTCS colleges will identify individuals in need of and qualified for the parties' respective services, and WTCS colleges will refer individuals who seem eligible for DVR services to DVR.

Section 4. Dispute Resolution

The WTCS Board and DVR have a long history of working cooperatively. Experience predicts that most disagreements will be resolved through open discussion. The WTCS Board and DVR liaisons, working collaboratively, will facilitate conversations between disputing parties and provide technical assistance relating to responsibilities under the law.

If the formal dispute resolution process is required, the Deputy Secretary of the Department of Workforce Development or their designee, and the WTCS Vice President, Division of Teaching and Learning, or their designees will be notified of the issue and may also help facilitate conversations between WTCS colleges and DVR staff to resolve the matter under dispute.

Section 5. Effective Dates

The terms of this MOU between the Department of Workforce Development - Division of Vocational Rehabilitation and the Wisconsin Technical College System Board shall begin on the date of the last signature and continue until (1) replaced by a new agreement, (2) terminated upon mutual agreement, or (3) 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.

All provisions within this MOU shall comply with applicable federal law, Wisconsin law, and the DVR State Plan, and no terms shall be interpreted or enforced in a manner that conflicts with the law or DVR State Plan.

Signed by:

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President, Wisconsin Technical College System

4/3/2025

Date

Signed by:

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Meredith Dressel, Administrator
Division of Vocational Rehabilitation

4/4/2025

Date

Signed by:

236276D77EED448...

Pamela McGillivray, Deputy Secretary
Department of Workforce Development

4/4/2025

Date