

STATEWIDE COOPERATIVE AGREEMENT
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES
And
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF VOCATIONAL REHABILITATION
And
DEPARTMENT OF SERVICES FOR THE BLIND

In the spirit of offering services to enhance the independence of individuals with disabilities in Washington State, the American Indian Vocational Rehabilitation Services Programs (AIVRS), the Department of Services for the Blind (DSB) and the Division of Vocational Rehabilitation (DVR) agree to work cooperatively to facilitate access to vocational rehabilitation services for American Indians and Alaska Natives with disabilities who want to work. This Cooperative Agreement (herein called the "Agreement") is for Washington State residents and represents the cooperation, coordination, and collaboration necessary to create an effective service delivery partnership designed to increase employment opportunities for those served by our programs.

The parties to this Agreement commit to upholding and promoting the values and principles contained in the Rehabilitation Act of 1973, as amended, and relationships as described in the Washington State Centennial Accord. DVR, DSB and AIVRS will meet all required obligations and responsibilities contained in their respective federal, Tribal and/or state laws and regulations.

This Agreement will not abridge any powers, rights or responsibilities under applicable federal, Tribal and/or state: constitutions, laws, regulations, standards, administrative rules or Executive Orders of all parties involved. All activities under this Agreement will be carried out in accordance with these conditions, laws, rules, standards and Executive Orders.

PARTIES TO THIS AGREEMENT

- ◆ Skokomish Indian Tribe Vocational Rehabilitation Program
- ◆ Colville Confederated Tribes Vocational Rehabilitation Program
- ◆ Cowlitz Indian Tribe Vocational Rehabilitation Program
- ◆ Lummi Nation Vocational Rehabilitation Program
- ◆ Nisqually Indian Tribe and Squaxin Island Tribe Vocational Rehabilitation Program - South Puget Sound Intertribal Planning Agency
- ◆ Stillaguamish Tribe of Indians – North Intertribal Vocational Rehabilitation Program
- ◆ Samish Nation Vocational Rehabilitation Program
- ◆ Yakama Nation Vocational Rehabilitation Program
- ◆ Spokane Tribe of Indians Vocational Rehabilitation Program

- ◆ Lower Elwha Klallam Tribe Vocational Rehabilitation Program
- ◆ Coeur d'Alene Tribe Vocational Rehabilitation Program, Career Renewal Program
- ◆ Confederated Tribes of the Chehalis Reservation Vocational Rehabilitation Program
- ◆ Washington Department of Services for the Blind
- ◆ Washington Division of Vocational Rehabilitation

SERVICE POPULATION

The Code of Federal Regulations, 34 CFR 361.24(d), and Rehabilitation Services Administration (RSA) mandates DVR and DSB to serve all eligible individuals with disabilities, including individuals eligible for Pre-Employment Transition Services (Pre-ETS), and American Indians and Alaska Natives.

RSA also mandates AIVRS to provide vocational rehabilitation services to American Indians and Alaska Natives with disabilities living in the AIVRS' service area. The defined service area and service population shall be established by the individual AIVRS.

PURPOSE

DVR and DSB are required by RSA to have a written cooperative agreement with all AIVRS in Washington State. The individual programs and their clients benefit from shared expertise, shared training, professional collaboration, and the enhanced capabilities that grow from this relationship.

All parties to this Agreement have a responsibility to provide quality vocational rehabilitation services to individuals with disabilities, to assist such individuals to become more empowered, more independent and economically self-sufficient through employment outcomes which provide each individual meaningful, gainful, and sustained work. Consistent with this responsibility the goal of the Agreement is to ensure:

1. American Indians and Alaska Natives receive the fullest scope of vocational rehabilitation services possible;
2. American Indians and Alaska Natives are offered an informed choice of program services and program providers;
3. A cooperative and service-oriented relationship is established and maintained between DVR, DSB and AIVRS;
4. American Indian and Alaska Native students and youth will be afforded opportunities to participate in Pre-ETS in their local and Tribal communities as well as in public and Tribal schools.

The Agreement will not place restriction on any program in the delivery of vocational rehabilitation services to American Indians and Alaska Natives with disabilities, nor will it abridge the absolute rights of individuals receiving services.

SHARED VALUES AND PRINCIPLES

Parties to this Agreement agree to the following shared values and principles:

- ◆ AIVRS, DSB and DVR are equal partners with special sets of expertise in serving clients successfully.
- ◆ Mutual respect for cultural contributions, traditions, and values.
- ◆ The invaluable contributions and wisdom of our elders.
- ◆ Independence for people with disabilities.
- ◆ Individuals with disabilities can work.
- ◆ Clients will have Informed Choice (per 34 CFR 361.52) and Confidentiality (per 20 CFR 702.508).
- ◆ Cooperation among partners improves and expands employment opportunities for clients of vocational rehabilitation programs.
- ◆ Successful vocational rehabilitation of American Indians and Alaska Natives with disabilities requires the provision of professional and culturally appropriate services.

PROGRAM COORDINATION

All parties to this Agreement will:

- ◆ Collaborate in providing vocational rehabilitation services to American Indians and Alaska Natives with disabilities to provide information about available resources.
- ◆ Jointly serve American Indians and Alaska Native cases when requested by the client.
- ◆ To the maximum extent possible, DVR and DSB will use existing information provided by the AIVRS to expedite eligibility determination.
- ◆ Obtain necessary release of confidential information prior to sharing information about an individual with other parties under this Agreement.
- ◆ Provide clients with appropriate referral information when they may be eligible and/or may prefer to co-enroll in vocational rehabilitation services from another party to this Agreement.
- ◆ Provide AIVRS and state vocational rehabilitation counselors with adequate time to work cooperatively on cases where an individual is being jointly served by one or more parties.
 - Programs will maintain separate case service records.
 - Invite respective vocational rehabilitation counselors to participate in case management activities at the earliest stage, identification of functional barriers to employment, plan development meetings, visits to work sites, and marketing outreach efforts.
 - Individualized Plans for Employment (IPE) will, when appropriate, be jointly developed and accepted by each program and client to assure

delivery of a comprehensive level of services in a coordinated manner. Each program will indicate the services and timelines they are responsible for in moving through the plan toward the employment goal. The IPE will include shared goals and non-duplicative service provisions.

- If one program has an existing IPE in place, both programs and the customer will collaborate to review and revise the IPE to align appropriately, as needed.
- Make timely collaborative decisions on matters that affect the progress of client services, and ensure services are not duplicated.
- Accommodate AIVRS and State Vocational Rehabilitation Counselors with office space, as needed, to meet with American Indians and Alaska Natives who wish to receive services at an AIVRS or State Vocational Rehabilitation Office other than the office where the individual's vocational rehabilitation counselor is assigned.
- ◆ Agree that clients maintain the right to seek assistance through established channels, including, but not limited to, the Client Assistance Program, Fair Hearing, Administrative Review and, where applicable, Tribal courts.
- ◆ DVR and DSB are committed to working together with AIVRS partners to identify and recruit qualified Tribal members as applicants for current and future opening at all levels in the State VR programs. DVR and DSB will develop job shadowing, internship and practicum opportunities to increase employment opportunities for Tribal members.
 - DVR and DSB will identify and designate a VRC as a Tribal Liaison within each office and/or region to meet the American Indian and Alaska Native clients and collaborate on client need.
 - DVR and DSB are committed to providing mentoring, training, and promoting qualified Tribal members to be successful in employment at all levels in DVR and DSB.
 - AIVRS, DVR and DSB will support and ensure that staff attend Government-to-Government training.
 - New employees will attend training within the first year of employment and all other employees every three (3) years or whenever an employee transfers into another position within the agency.
 - DVR, DSB, and AIVRS Partners will share job announcements with each other
- ◆ DVR and DSB will collaborate with the AIVRS to ensure for the provisions of Pre-ETS for eligible or potentially eligible Native American and Alaska Native students with disabilities who are in need of these services are being provided.
- ◆ DVR and DSB will provide notification to tribes of potential funding opportunities (i.e. Grant or contract opportunities).
- ◆ In the event that a Washington State AIVRS client services resources are no longer available, AIVRS, DVR, and DSB partners will engage in dialogue about the availability of DVR and DSB resources to avoid interruption of client services.

EXCHANGE OF EXPERTISE

AIVRS, DSB and DVR will:

- ◆ Meet at least annually to review program, services, or other issues that may arise.
- ◆ Maintain open communication to ensure program and client information of mutual concern is shared:
 - A current list of Service Providers, Community Rehabilitation Programs and Independent Living Providers certified to provide services to clients, will be provided when requested.
- ◆ Exchange training, consultation, technical assistance, assessment tools, and other program information to enhance service delivery to American Indians and Alaska Natives with disabilities.
- ◆ AIVRS, DSB and DVR will share information regarding training opportunities and include staff and customers in training whenever possible and will offer training that will maximize cultural humility and enhance ability to better meet the needs of American Indians and Alaska Natives with disabilities.
- ◆ Statewide and Regional training sessions will incorporate training specific to the interaction between AIVRS, DVR and DSB.

MODIFICATIONS OF THIS AGREEMENT

This Agreement is intended to be a living document, changing as necessary, to meet the needs of the parties and the service population. Amendments, revisions and addenda to this Agreement shall be entered into with mutual agreement of the parties noted.

Directors of Tribal Vocational Rehabilitation programs, DVR and DSB will meet annually to review the MOU and consider amendments. These meetings should include, but are not limited to: DVR and DSB Directors, DVR Regional Administrators and DSB Regional Managers, DVR Statewide Tribal Liaisons, and Tribal Vocational Rehabilitation Directors.

TERM

This Agreement shall take effect from the date of signature and shall continue, without disruption, until an annual review is completed and agreed upon by all parties, unless amended as noted above.

GENERAL PROVISIONS

This Agreement shall not be construed as a waiver of the sovereign immunity of the Tribes party to this agreement.

This Agreement will take effect upon the date of signature by Washington State AIVRS, DVR and DSB. This Agreement may be modified, but only in writing and only with concurrence of all signatories to this Agreement.

This Agreement will be reviewed at least annually.

If any element of this Agreement is determined to be invalid, the remainder of provisions of within this Agreement will not be affected.

Appendix A: Contingency Plan

This contingency plan outlines the process for continuing to serve both clients concurrently served by Washington State Division of Vocational Rehabilitation (DVR) and a Tribal Vocational Rehabilitation (TVR) program, and those clients currently served only by a TVR program in the event that a TVR program does not receive continued grant funding and DVR and DSB have resources available to avoid interruptions of client services. In the event that WA DVR or DSB fall into Order of Selection, there may be fewer resources available.

The purpose of this agreement is to continue delivering high quality vocational rehabilitation services while honoring and respecting each individual's strengths, skills, abilities and cultural identity.

In the event that a TVR program's funding is not renewed by the Rehabilitation Services Administration (RSA), the transfer and referral process to WA DVR will be structured in accordance to the CRC Code of Ethics which is available at:

<https://www.crccertification.com> . For Client Referrals: (Reference code A.8. section a, c and d, B.6.a., d., e.)

- TVR counselors assist clients in making arrangement for continuing services by notifying clients of their options, providing the individuals with informed choice and information about WA DVR and DSB and the Client Assistance Program (CAP).
- WA DVR information will be provided by WA DVR for distribution by TVR programs.
- CAP information will be provided by CAP for distribution by TVR programs.
- If an individual wishes to be referred to WA DVR the TVR counselor will facilitate a referral by initiating contact with the individual and obtaining a signed release of information to facilitate record sharing between TVR and WA DVR.
- The timing of a referral to WA DVR is made by the individual receiving services by TVR programs.
- All new referrals will complete WA DVR intake and eligibility processes.

For Concurrently Served Clients: (Reference code A.8. section a, c and d, B.6. a, d, e)

- TVR Counselors will notify their clients of their intent to terminate services.
- TVR will notify WA DVR counselors of their intent to terminate TVR services.
- WA DVR will meet with concurrently served clients and, when possible with the TVR counselor, to evaluate service needs and need to amend the IPE.

How to Request Funds:

- When funds are available, DVR will use the DSHS Inter-Governmental Agreement (IGA) process to provide funds to TVR programs.

- The requesting TVR program will discuss with the DVR Director or DSB Director the need for DVR funds and negotiate the amount needed. If agreed upon, an amendment to the IGA will be requested. DVR will send the amendment request to the Tribe for signatures.
- A written report and A-19 form will be submitted quarterly for reimbursement of funds.

Appendix B: DVR and DSB Local Office Tribal Liaison Duties

When appropriate, DVR and DSB local office Tribal Liaisons will advocate for and provide guidance on:

- Tribal resources and contact information
- Issues of state guidance, policies, and statutes to TVR programs.

DVR and DSB local office Tribal Liaisons will partner with TVR programs in the following ways:

- a. Maintain knowledge of Government-to-Government agreement and DSHS 7.01 policy;
- b. Develop routines and mutually agreed upon reports, check-ins, meetings, and events;
- c. Discuss mutually beneficial agreements, for the purpose of coordinating services for clients shared with TVR programs;
- d. Co-facilitate meetings of shared-customer meetings with TVR programs;
- e. Provide state vocational rehabilitation perspective , as needed, to TVR programs;
- f. Foster effective relationships between state programs and TVR programs.

Appendix C—Referral to a Tribal Vocational Rehabilitation Program

The following criteria are procedural guidance for staff in situations where a referral to partner TVR programs / AIVRS grantees in Washington is appropriate:

- DVR and DSB staff will refer an individual seeking VR services to the services that may be available to them through the TVR program / AIVRS grantee in their region in the following situations:
 1. The individual self-identifies on the vocational information or application form as Native American or Alaska Native or having membership with a recognized tribe.
 2. The individual self-identifies in a conversation with DVR and DSB staff as Native American or Alaska Native or having membership with a recognized tribe.

When a referral to TVR/AIVRS must be completed, DVR and DSB staff should contact the TVR/AIVRS representatives who serve the region to determine what information will be most helpful in completing a referral for the coordination of services.

- **Note:** A Consent form must still be completed to share information with partner TVR programs.

DVR and DSB staff must complete a case note detailing the referral once the customer's information has been shared with the partner TVR/AIVRS program.

Signatories to this Agreement:

- Skokomish Indian Tribe Vocational Rehabilitation Program
- Colville Confederated Tribes Vocational Rehabilitation Program
- Cowlitz Indian Tribe Vocational Rehabilitation Program
- Lummi Nation Vocational Rehabilitation Program
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- Stillaguamish Tribe of Indians – North Intertribal Vocational Rehabilitation Program
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