



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
REHABILITATION SERVICES ADMINISTRATION

MAR 21 2011

Bambi J. Lockman  
Chief  
Bureau of Exceptional Education and Student Services  
Florida Department of Education  
325 West Gaines Street  
Tallahassee, FL 32399-0440

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HAF, SI 20V

Referred To: Cathy, Shelia, Kim  
Copy To: Kim  
Comments: R

Dear Ms. Lockman:

Thank you for your letter dated December 13, 2010, to Assistant Secretary Alexa Posny of the Office of Special Education and Rehabilitative Services and to me inquiring if the Florida Division of Vocational Rehabilitation (FDVR) has the ability to expend funds for services while a student is receiving services under the auspices of the *Individuals with Disabilities Education Improvement Act of 2004 (IDEA)*. According to your correspondence, you asked this question in light of FDVR's participation in a model comprehensive Transition Program for Students with Intellectual Disabilities (TPSID).

From your correspondence, RSA understands the TPSID grants are intended to enable institutions of higher education (IHEs) or consortia of IHEs to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities. One of the components of these model comprehensive programs is interagency collaboration, and FDVR intends to support this initiative through the purchase of vocational services, including tuition, books, supplies, maintenance, on-the-job training, placement and support services for participating students, who are at the same time receiving services from local school districts pursuant to the *IDEA*.

The services specified above are available through the State Vocational Rehabilitation Services Program under Section 103(a) of the *Rehabilitation Act of 1973*, as amended, (*Rehabilitation Act*) and regulations at 34 CFR 361.48. The fact that an individual eligible for VR services is receiving transitional services under an individualized education program (IEP), developed pursuant to the *IDEA*, does not preclude FDVR from providing vocational rehabilitation (VR) services under the *Rehabilitation Act* through the development of an individualized plan for employment (IPE).

However, though you state in your letter that these services cannot be provided by Florida school districts under the *IDEA*, FDVR must pursue the availability of comparable benefits and services from other public and private sources, as it would when serving any other eligible individual, in accordance with Section 101(a)(8) of the *Rehabilitation Act* and regulations at 34 CFR 361.53. If comparable services or benefits exist under any other program but are not available to the eligible individual at the time the service is needed to ensure that progress continues to be made

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to achieve the desired employment outcome specified in the individual's IPE, VII agencies must provide VR services until those comparable services or benefits become available (34 CFR 361.53(c)(2)). The IPE for a transitioning student should not only include the specific services necessary for the achievement of the student's stated employment goal, but also indicate the entity or entities that will provide and/or fund the necessary services.

If you have further questions, please contact your state liaison, Christy Cavataio, at 202-245-6123, or [Christyne.Cavataio@ed.gov](mailto:Christyne.Cavataio@ed.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynnae M. Rutledge". The signature is written in black ink and is positioned to the right of the word "For".

Lynnae M. Rutledge  
Commissioner

cc: Bill Palmer