



Promoting Competitive Integrated Employment through MOU's and Other Inter-agency/-departmental Agreements

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Contents

- I. Introduction 1
- II. Types of Agreements 2
- III. Essential Elements 4
- IV. How to Craft the Agreement 6
- V. Tips on Process 8
- VI. After the Agreement 9
- Appendix A – Interagency Agreement Examples 12
 - Cooperative Agreements 12
 - Two-Party Memorandum of Understandings (MOUs) 12
 - Super MOUs 13
- Appendix B – References 15

I. Introduction

Memorandums of Understanding (MOUs) and other formal agreements can facilitate service coordination, cooperation and collaboration among government entities and have the potential to improve outcomes in several ways. They can increase mutual understanding among agencies. They can craft participation activities that enhance efficiency. Most important, they can leverage public funding and services to enhance competitive integrated employment opportunities for individuals with disabilities, including individuals with significant disabilities, who are eligible for more than one publicly funded program.

It is also true that the creation of such agreements is a time-consuming activity which requires a certain amount of cooperation to bring parties to the table at the outset. It is an activity that is often an “other duty as assigned,” and as such, may be difficult to schedule.

This brief is intended offer assistance in MOU/Agreement development that will increase competitive integrated employment for people with disabilities in four ways. First, it will describe a variety of ways in which these agreements can be helpful and the contexts for their usefulness. Second, it will outline general steps in the creation of such agreements, including tips on facilitating a smooth process for creating and writing them. Third, it will offer general considerations for post-agreement implementation. Finally, the brief offers examples and links to actual MOUs/Agreements which provide potential templates for creating agreements which define how parties to the agreements agree to move forward toward a mutually adopted goal.

Some considerations at the outset

As agreements are crafted, terms like “cooperation,” “coordination,” and “collaboration” are often used. These terms should be defined functionally within the agreement as they form a hierarchy of depth of involvement. (Appendix A offers one approach to defining these terms.)

Generally, cooperation is the most basic level and does not involve integrating resources or functions. Coordination is a closer working approach that may link the entities for purposes while maintaining clear and separate organizational boundaries. Collaboration may go even further, braiding or blending resources, creating a joint working entity for some purpose, and perhaps shared authority. These are not “hard” definitions, but determining the complexity of the task with these parameters will indicate how “far up” the participants must be in the entity’s decision-making hierarchy, and therefore who needs to be at the table for the goals to be accomplished.

The need for these formal agreements can spring from legislation (Federal or State), executive orders, policy changes, proclamations, and various other drivers. In all cases, it is advisable to insure the early participation of legal and fiscal staff. Policy staff are typically tasked with organizing the work of creating these agreements and may be unaware of the mechanics involved with fiscal changes, such as time

frames and cost centers. They may be unaware of potential perceived legal barriers to enacting agreements that appear benign to policy staff, yet create concern for others. It is better to find out about these issues as soon as possible to avoid stalling the writing process.

Possible uses of MOUs and other Agreements, from less complex to more complex:

- define a common mission to better serve mutually eligible individuals
- build consensus for effective policy development and service delivery
- strengthen legislative support for common missions
- clarify and strengthen messages to constituents and to external media
- promote the sharing of insights, perspectives, and experience
- promote the sharing of information (client or aggregate data for matching or outcome reporting, etc.)
- create vehicles for diverse input from two or more agencies into each agency's program design and implementation
- draw in broader constituencies and support to which each agency partner may otherwise not have access
- expand the scope and effectiveness of the activities of each participating partner, i.e. streamline intake for persons served or presumed eligible
- define ways in which to leverage the resources of agency partners thru better referral and partnership.
- expand the client base of each participating agency
- define ways and take steps to leverage the resources of agency partners, i.e. intergovernmental transfers to increase federal participation
- facilitate service integration for improved service and outcomes
- define ways in which to leverage the resources of agency partners (i.e. collaboration on grant applications)
- maximize resources of each agency partner to serve more individuals (braiding not blending funds; sequencing not duplicating).

II. Types of Agreements

There are several vehicles for state agency partners to formalize collaboration that contributes to their respective missions. They range from two party agreements to cooperate on specific areas of service to comprehensive multiple agency agreements. Common among these include Cooperative Agreements, Inter-agency Memorandum of Understanding for collaboration in specific areas, and Multi-Agency Memorandum of Understanding. Each is briefly described below. Links to actual examples of each are included in the text below and in the Appendix.

Cooperative Agreements

A *Cooperative Agreement* is a document written between State agencies wishing to collaborate in regard to commonly served eligible, or potentially eligible, individuals. State agencies might also sometimes be mandated to cooperate by specific legislative directives, in which case an Agreement sets the legal parameters for cooperation. That is, the Agreement provides structure for how the agencies will cooperatively work together in a specific initiative or meet an agreed upon objective. It provides a set of activities and responsibilities that bind the parties to a course of action relative to the Agreement's purpose. Typically its tenets can be legally enforced so the development of the Agreement requires careful consideration of what can be done and what needs to be enforced.

For example, federal regulations such as those issued by the Centers for Medicare and Medicaid Services, often require specific areas of cooperation between State Medicaid agencies and other State agencies. Similarly, other examples where Agreements for specific areas of cooperation may be required include those between state education agencies and vocational rehabilitation agencies, between state mental health agencies and state vocational rehabilitation agencies, and between state intellectual/developmental disabilities agencies. Here is a link to a representative Cooperative Agreement: www.example.gov.

Memorandum of Understanding (MOU)

An MOU contains the description of understanding between the two or more parties, including the requirements and responsibilities of each. Generally, MOUs are not legally binding because they do not typically involve the exchange of money. Their value is that they are less formal than contracts, and typically include fewer details and complexities. When multiple government agencies need to define their responsibilities and pool their resources for a project, they often write MOUs instead of contracts. Basically, an MOU is an expression of the *intent* of negotiating parties, but does not legally bind the parties to enforceable activities. This is why we include a section in this brief about Next Steps (Section 6, below) so that the parties understand the need to follow through on the intent.

But MOUs hold a lot of potential power because of the time and energy they take to plan and write. They require the parties to come to some sort of mutual agreement, and in order to do that, they have to take stock of their needs and wants and put them to paper. Many MOUs spell out communication details, such as descriptions of both parties' capabilities and how they related to each other's' interests. The MOU may also document contact information for each party's representatives, set dates for performance reviews and create processes for dispute resolution.

Well-written MOUs reflect diplomatic savvy and creative analytical thinking. They also provide a mutually beneficial framework that both entities can work within to achieve shared goals. Examples of when MOUs are useful and what might be addressed in an MOU:

- Data sharing
- Referral processes

- Coordinating/braiding service delivery
- Coordinating/braiding funding
- Disability specific collaboration (e.g., mental health service delivery, I/DD services, etc.)

A representative example of two party MOU can be found at www.example.gov.

Administrative Directives between two Division of one Department

This type of agreement operates like an MOU but because it is between two divisions of the same department, is named an Administrative Directive. It is accompanied by Implementation Guidelines that provide the details on many factors.

Multi-Agency Memorandum of Understanding (“Super MOU”)

A “Super MOU” is useful when several state agencies 1. find it mutually advantageous to collaborate on behalf of commonly served individuals and 2. agree that there is an imperative to jointly pursue a common objective. In these types of agreements, there is an overarching purpose that relate directly to the respective missions of distinct state agencies. These agreements will often include all or a significant combination of the following state agencies: education, vocational rehabilitation, mental/behavioral health, intellectual/developmental disabilities, Medicaid, and workforce system.

Listed below are examples of specific areas which may be the focus of a “Super MOU,” along with links to examples of each.

- *School to Work Transition for students and youth with disabilities.* These individuals often come in contact with, or are eligible for, services from multiple state agency programs. Effective collaboration between these agencies is often vital to successful school to work transition. (see Michigan www.example.gov)
- *Employment service delivery.* Collaboration between multiple state agency programs often enhances the likelihood that job seekers with disabilities receive the support necessary to prepare for, obtain, and retain employment. (see Ohio www.example.gov)
- *Employment First* initiatives. These initiatives are intended to promote the concept that employment in the general workforce is the first and preferred outcome in the provision of publicly *funded* services for all *working* age citizens with disabilities, regardless of level of disability. (see Missouri www.example.gov)

III. Essential Elements

Interagency Agreements or Memorandums of Understanding may vary in their purpose, but they typically share a common format. This section identifies and outlines each of the characteristic elements

contained in these agreements. They are presented below in the order in which they normally appear in an agreement. The Appendix offers examples of actual agreements for readers to reference for illustration of these how these elements are included in model agreements.

Parties to the Agreement

Not only is it logical to name upfront the parties to the agreement, it is also the place where the general function of each agency can be succinctly presented so that it is clear why each agency is participating. This is important because names of agencies vary from state to state, as do their respective responsibilities. Instead of simply identifying the name of each participating agency, the agreement should also identify the agency's applicable function: for example, "Department of Human Services, the state agency responsible for administering the State Medicaid program."

Goal/Purpose

The overall reason for the agreement is usually presented after the parties to the agreement are identified. Typically, the goal/purpose is a succinct one sentence summary. For example:

"The MOU goal is to provide for the necessary coordination of public funding and services to enhance competitive integrated employment opportunities for individuals with disabilities, including individuals with significant disabilities, who are eligible for more than one publicly funded program operated/administered by the parties to this MOU."

Definitions of concepts and key points

Most agreements will reference specific concepts, such as competitive integrated employment, as well as specific categories of service, such as supported employment. Definitions of these items are important so that there is a mutual understanding of these concepts and services as they apply to the agreement and its purpose. An example of the importance of terms is the use of "Supported Employment." Under this umbrella may fall Evidence Based Individual Placement and Support (IPS), Customized Employment (CE), VR federal language defining SE, and possibly state definitions. Clarity is key.

Philosophy and Guiding Principles

As with the previous section, it is constructive to present a set of statements that all parties agree will not only agree to in principle, but will structure the responsibilities of the participating parties. That is, this makes the agreement more than a vague presentation of ambiguous and rhetorical intent such as "improve employment for all." Rather, it clearly identifies driving philosophies of the joint action, such as presumed employability, competitive integrated employment, self-determination, etc.

Joint responsibilities

This section identifies the mutual responsibilities of all the agencies which are parties to the agreement. In other words, these are the responsibilities that every agency mutually agrees to take on, such as data sharing and joint staff training ventures.

Each individual partner responsibilities

This section identifies specific responsibilities relevant to the agreement that each agency will assume, as appropriate to their mission and types of services they provide. The items for each agency should be specific and clear, for example, the state education agency might agree to advise local school districts to invite representatives of partnering agencies to individual student Individual Educational Plan meetings. The state vocational rehabilitation agency might agree to advise its field staff to attend these meetings when invited, and so forth. Specific referral and funding responsibilities might also be identified in this section.

Scope of Authority, Terms, and other Statutory Requirements

States typically have applicable statutes that require the insertion of specific language that govern interagency agreements. Also, the length of the agreement's life – or term – is usually specified, including the conditions under which the agreement is to be renewed.

Signatures of each agency's Director

This might seem self-explanatory, but it is essential that the agreement have the signature of the highest official of each participating agency. Not only does this signal formal agency endorsement, but it also renders the agreement legally binding.

IV. How to Craft the Agreement

The main body of the report is where most of the writing will be done. Please consult the Style Guidelines and Template Instructions document for style guide information and writing tips. Use tables and charts when applicable to keep the reader's attention and break up long sections of writing.

- Use a basic format. As noted above in the “essential elements” section, there is an order to follow that will assist the reader to understand the document. It must be noted that government entities may have many existing agreements that may not follow the suggestions we offer. Combing thru previous agreements is often part of the initial process of creating new ones. Thus, if the entities have an established template it may be helpful to use it. Conversely, as these agreements tend to be time limited, it may be efficacious to edit for uniformity as they are revised.

- Make sure the use of agency-specific acronyms and concepts are limited, and when they are used provide clear definitions for ease of stakeholder understanding. It is bewildering for people from diverse agencies to learn the “inside baseball” language of other agencies, and it is especially challenging for persons served, family members and advocates who are attempting to access supports and services when they cannot easily de-code the acronyms.
- Along the same lines, use common language where possible and strive to provide guidance about the meanings of terms if using jargon. It can be helpful to ask others who are not close to the process to proofread the documents for clarity.
- Just as it is necessary for those participating in writing these agreements to understand the organizational matrix to which each other belong, it is similarly important for the final agreements to be accompanied by organizational charts showing how the participating entities are related and where they sit in the hierarchy. Divisions and Departments merge and move around. It is useful to those who will work with the agreements to be clear about organizational structures.
- Reference enabling legislation that has led to the creation of this agreement, if applicable (such as Employment First Proclamations or legislation) and/or reference other legislation that is related. An example might be an agreement between the Mental Health and Vocational Rehabilitation agencies that is linked to the mandated partners of the WIOA legislation. This aspect can be important to legal staff who will be vetting the agreement, and can be provided to them at the outset to engage them in the work. There is a cascade effect of legislation that affects existing interagency work, so things like required time frames for implementing rules, laws, and policies should be noted if relevant.
- It is important to identify what each agency will gain from the agreement or what changes they will experience from its implementation. Even if an entity is going to have more or different work to do as a result of the agreement, there should be identifiable benefits to persons served, and/or the efficiency of service delivery or resolution of previous confusion, etc. It is challenging to get and hold the attention of busy policy staff for what can feel, at the outset, like a “bureaucratic exercise.” Rooting the efforts in the values and mission of each participant can help with keeping up the momentum. Certainly, collaboration is more likely when there are recognized and distinct benefits for all partners.
- Continuing attention to the overarching purpose of these agreements to render systems and services better able to perform their mission is a good argument for including people affected in crafting them. This will typically include policy and direct services staff, persons served, their families and their advocates. Provide opportunity for affected constituents to have input when and if appropriate.
- The documents should contain time frames, actions steps, persons or entities responsible, outcomes (how will we know the agreement worked?) either within the document or included by reference, i.e. policy documents existing elsewhere or guidance documents accessible to the readers of the agreement under construction. In some cases, Administrative Directives are accompanied by Implementation Guidelines containing this detail.

- If financing agreements are involved, such as braiding funds or interagency transfers, it is essential that budget staff who will have to effect the transfers are engaged as soon as possible. Sensitivity to legislative budgeting time frames is essential.

V. Tips on Process

Building MOU and other types of agreements is a “process heavy” endeavor. People from different agencies/departments are often unaware of how others operate, where they fit in government hierarchy, etc. Many times, the first several meetings tend to “stutter” because people are embarrassed to ask questions or are mistakenly assuming how things work in other departments and divisions. Thus, it is useful, even though not needed by all participants, to start with basic information about the roles of the individuals participating. It is not uncommon for people to attend because “they sent me here” and have no real idea of the point of the work. If the wrong people have been sent to participate, the sooner this is discovered, the better. It is critical to ensure that agencies are bringing the right people to the table and insure clarity about the level of authority each has to speak for their agency. Insure that all participants are keeping their agencies aware of the work and include those who will have to implement the agreement.

During the process and as agreement drafts are created, it will be important for legal staff to review the work in progress and sign off on the final version of the document. This assures that the goals of the work are consistent with the respective legal mandates of the parties to the agreement and that state regulations and policy are considered.

Bring your agency organizational chart to the meeting up to the level of Governor and Federal level. For example state cabinet commissioners report up to the governor but departments also adhere to federal oversight. The state VR Director may report to the Governor (or an intermediate commissioner) but also to the Rehabilitation Services Administration under the Secretary of Education. The state Medicaid director reports to the governor, but also to HHS via federal regional directors, and so on. This illuminates the decision makers needed to approve the agreement. Also, state agencies create policies that may be more restrictive than federal direction, and it may be useful, when pushing for reforms, to understand where to seek answers about true limitations and options.

At the first meeting, ask each participant to describe what their agency does. In Missouri, as part of MOU building, each agency created a five-minute video, all of which were shared and housed on each agencies website. They can be used for training and orientation purposes as well as communication tools for the general public.

Agreements are most effectively facilitated when all parties to the agreement understand the mutual benefits. That is, each party will more readily participate when they are clear about what they have to

gain. One exercise that often helps in this regard is to have each agency answer two questions: how will agency mission/activity benefit from collaboration? And, what is needed from other collaborating agencies? This can help frame the discussions as well as facilitate consensus about what needs to be included in the agreement. This exercise is a way to guide the discussion so that the perspectives, requirements, and legislative mandates of each prospective partner are considered.

Setting the tone of the workgroup is important. Many times, the driver for creating MOU/agreements has stemmed from disagreement, confusion or competition between agencies. Attitudes that the sister agencies are not as committed to client services, or belief that they don't understand what is important, or any number of other difficult (yet all too human) attitudes may color the work. Sensitivity to these issues and perhaps even overt efforts to create a fresh start and stipulate that all participants are "in it together" can help move the work along.

Other tips:

- Set agendas for each meeting and adhere to them
- Set time frames and specific action items for people between meetings to avoid the sense of "starting over" each time.
- Assure good meeting facilitation. This can be rotated among participating agencies, but a neutral facilitator is often preferred and most effective.
- Take notes at each meeting and circulate ASAP after the meeting and again a week before the next meeting to give people a reminder about what they should have accomplished in the interim.
- Attend to those things that make meeting attendance convenient, such as location (remember things like traffic and parking) and cost (mileage, beverages/food, staff time). Some agencies will reimburse staff for these expenses, others will not, or will have more restrictive rules. Attempt to cater to those who will be most burdened by participation. Make sure people are aware of whether coffee etc/ will be provided. People who have travelled a few hours early in the morning to attend a meeting will appreciate the hospitality or will come prepared.
- Try not to waste time on "housekeeping" issues. Determine how or if lunch will be provided; make sure AV equipment and phone lines for those who participate remotely are functioning. Make sure the remote participants can see and hear what is being discussed.

VI. After the Agreement

Interagency agreements formalize intentions to collaborate for improving services and outcomes. They outline the parameters of the collaborations. They indicate the conditions under which the collaborations will take place. In essence, interagency agreements are the "what," that is, what collaborators intend to do. What happens after the agreements is the "how."

Although agreements are key foundations for moving forward policy and improving services related to competitive integrated employment, the work does not end there. So that the intent of the agreements is effectively implemented, the next steps should necessarily include communicating about the agreement to affected constituencies, developing specific policy guidance and directives to the field that are directly related to the agreement, training field staff of respective agencies on resultant changes in policies and procedures, and committing to ongoing refinement of policy implementation.

Communicating the intent and content to affected constituencies

These are the questions that need to be asked and answered about communicating an interagency agreement once it is in effect:

- Who needs to know? The answer to this is anyone who might be affected by the agreement: current and potential service recipients of each agency, advocates representing service constituents, supervisory and field staff of each agency, and legislative personnel.
- What are the best ways to reach them? The messaging should be customized for each audience, reflecting how the agreement will affect each group. Various media for delivering the message will also be important, such as the state government website, each agency's web portal, press releases, and other outlets typical for government actions. The actual signed agreement should be posted for easy public access.
- Who is the overall point person for representing the terms of the agreement to the various affected constituencies? Typically, this will be someone at the highest levels of government, that is, the governor, the lieutenant governor, or their designee.
- Who is the point person to represent the agreement within each respective agency? Usually this will be a person designated by each agency director. Often this is the person who represented the agency during the process for developing the agreement.

Finally, a word about messaging. How the message about the agreement is delivered can affect how it is received. The message needs to acknowledge why it was developed, e.g., federal regulations, a mutual desire to maximize service availability, a mutual desire to improve services and outcomes, feedback from constituent groups, or any combination of these reasons. As well, the message tone should avoid leaving the impression that an agreement reflects doing something to the affected groups, but rather should communicate what it will do for them.

Developing guidance to field staff

The development of policy directives and guidance that accompany the MOUs and subsequent agreements are necessary so field staff is clear about fulfilling their respective roles in carrying out the agreements. The MOUs and any related interagency agreements will change many of the processes and

activities characterizing staff roles presently. To guide this change specific guidance documents, or directives, will be helpful as will training to accompany it (see next section).

Training field staff about intent and resultant changes to procedures and service delivery

Staff will need training and guidance for carrying out unfamiliar or new roles. This can include both individual and joint agency staff training. Accordingly, a useful longer-term activity will be the convening of a group representing parties of the MOUs to oversee the development of cross-system training and credentialing program that relates to effective competitive integrated employment practices.

Using feedback improve training and service delivery and to amend subsequent agreements

It is often useful, even necessary, for representatives from each agency which was a party to an interagency agreement to continue to meeting on a regular basis. This does three things: 1. it provides a forum for ongoing joint examination of how agreement implementation is going, 2. it enables opportunity for joint trainings relevant to implementation of the agreement, and 3. it enables the collaborators to discuss circumstances that are promoting or impeding agreement implementation.

Such follow up meetings might have standing agendas that include:

- Report out from each agency
- Discussion of implementation challenges
- Discussion of effective aspects of implementation
- Mutual training events related to agreement implementation – identifying topics and planning for these events

As with the planning for the agreements themselves, these meeting can feature rotating locations and leadership so that each agency shares in the responsibilities of ongoing implementation. From these meetings, it is likely that useful feedback about agreement implementation can be shared. As future refinements of the agreement are considered, this feedback will be invaluable.

Appendix A – Interagency Agreement Examples

Cooperative Agreements

Pennsylvania Data Sharing to Support Best Practices in School to Individual Competitive Integrated Employment

Pennsylvania offers a template for a regional or localized Agreement to share student data between the Local Education, the Administrative Entity, the County Mental Health/Intellectual Disability administrative entity, and the District Office of Vocational Rehabilitation in order to facilitate and expedite the effective transition of students from school to individual competitive integrated employment. The intent is to align their efforts with the policies and mandates of the Individuals with Disabilities Education Improvement Act (IDEIA), the Workforce Innovation and Opportunity Act (WIOA), the Rehabilitation Act of 1973 (the Rehab Act), the Americans with Disabilities Act (ADA), the Olmstead Decision, and the Pennsylvania State Employment First Policy. The sharing of data facilitated through this agreement is intended to reduce redundancy of effort in sharing information with the Parties, and to enable the flow of pertinent information to families and caregivers of students as staff from the Parties reach out to students and families to assist in service delivery, and to relay important time sensitive information. [Link](#)

Two-Party Memorandum of Understandings (MOUs)

Tennessee Division of Rehabilitation Services and Division of Health Care Finance & Administration, Bureau of TennCare, Division of Long Term Services and Supports

This MOU is in place to facilitate joint agency efforts related to the provision of employment services for persons enrolled in Employment and Community First CHOICES. CHOICES is a managed, long-term services and supports program for individuals with intellectual and developmental disabilities that offers home and community-based services focused on helping individuals achieve their employment and integrated living goals. The MOU strives to ensure that each agency provides those services to common customers in coordination with the other to ensure efficient use of resources and effective delivery of services. [Link](#)

Iowa Vocational Rehabilitation Services and Iowa Department of Human Services

The purpose of this MOU is to establish a statewide system of coordinated employment services to commonly served individuals, maximize available resources of the respective agencies, and to clarify roles and responsibilities. In particular the MOU identifies intent and parameters for data sharing and joint training of staff. The agreement is predicated on the jointly stated belief that all individuals with disabilities should be provided with vocational service options that prioritize competitive integrated employment. [Link](#)

Super MOUs

Michigan: School-to-Work Transition

The purpose of this MOU is to specify the joint and individual state agency responsibilities for interagency collaboration so that students with disabilities exit school with competitive integrated employment and/or connections to post-secondary education that leads to employment. Data sharing, coordinating mutual service provision, pursuing service innovation, and coordinating joint resource acquisition are among the focus areas included. Parties to the agreement include: Michigan Department of Education, Michigan Rehabilitation Services, Michigan Bureau of Services to Blind Persons, Michigan Behavioral Health and Developmental Disabilities Administration, Michigan Workforce Development Agency, and Michigan Developmental Disabilities Council. [Link](#)

Ohio: Employment Services

This MOU is between Opportunities for Ohioans with Disabilities Agency, Ohio Department of Developmental Disabilities, and Ohio Department of Medicaid. The purpose is to improve competitive integrated employment outcomes by regular sharing, multiple joint guidance documents, and joint technical assistance and training. It spells out roles for outreach and identification of individuals with developmental disabilities enrolled, or eligible for enrollment, in a home and community based services waiver administered by the Department of Developmental Disabilities. It also reinforces the intent to ascribe to the tenets of Employment First. [Link](#)

Missouri: Employment First

This MOU reflects the implementation of the Employment First State Leadership Mentoring Program in the state. It focuses on shared training and information sharing so that the collaborating entities work in coordination to promote competitive integrated employment for individuals with disabilities in the state who are served by multiple publicly funded employment and related services. The parties to the agreement include: Missouri Department of Mental Health, Divisions of Behavioral Health and Developmental Disabilities; Missouri Department of Elementary and Secondary Education, Office of

Adult Learning and Rehabilitation Services; Missouri Department of Economic Development, Division of Workforce Development; and Missouri Department of Social Services, MO Healthnet Division and Rehabilitation Services for the Blind. [Link](#)

Appendix B – References

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