

**SECTION I**  
**Plenary Sessions**



# Interagency Agreements in Higher Education: A Panel Discussion

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## Abstract

The Rehabilitation Act Amendments of 1998 call for interagency agreements on “who will pay what with regard to interpreters and other auxiliary aids and services” to be forged between state VR agencies and public colleges and universities. Anecdotal evidence suggests that, to date, most states have not established such agreements. The law’s requirement itself is somewhat controversial, in part because it seems to give an incentive to the VR agency but not to the college/university, and in part because private colleges and universities need not participate in such agreements. This article reviews the legal mandate, review evidence on implementation, and explore ways to enhance cooperation so that deaf students receive the services they need, on a timely basis.

## Comments from Frank Bowe

The question of who is responsible for paying for auxiliary aids and services is a critical issue for institutions of higher education and state vocational rehabilitation agencies. The development of interagency agree-

ments to address this can be quite a challenge for administrators and service providers. This panel includes representatives from the federal government, a state agency, and a college. They will present information and strategies that will give the audience a better understanding of what’s necessary and what’s possible. Are there any incentives to develop agreements? Should private colleges be included in the discussions?

## Comments from Annette Reichman

There are two major points that cannot be overlooked in the 1998 amendments to the Rehabilitation Act: *informed choice* and *interagency agreements*.

## Informed Choice

In the past, vocational rehabilitation counselors were considered the experts in vocational training and rehabilitation, job placement, and employment opportunities. As such, vocational rehabilitation counselors used their knowledge of occupations, education and skill requirements, and the local labor market demands to place individuals in jobs. The counselor acted on behalf of the person with a disability, and very few individuals were taught the skills needed to guide their own careers. The 1998 Amendment to the Rehabilitation Act provision for informed choice requires that eligible individuals seeking vocational rehabilitation services (consumers) be given (a) the opportunity to exercise informed choice in selecting an employment outcome, (b) the specific vocational rehabilitation services to be provided under the individualized plan for employment, (c) the entity that will provide the vocational rehabilitation services, and (d) the methods used to procure these services. Under informed choice, the consumer is considered the expert on his or her needs and the vocational rehabilitation counselor acts more as an information and referral resource pointing out the range of available options. Once an agreement is reached between the consumer and the vocational rehabilitation counselor, an individualized employment plan is developed and signed. The concept of informed choice is valuable in the decision making process when vocational rehabilitation consumers who are seeking higher education are deciding which postsecondary institution to attend.

## Interagency Agreements

The 1998 Amendment to the Rehabilitation Act requires that an “interagency agreement” between the state vocational rehabilitation agencies, public institutions

of higher education, and other appropriate agencies be developed for the purpose of interagency collaboration. The interagency agreements are to detail each agency's responsibilities, including financial responsibilities, for the provision of services. This means that each individual state will determine how costs will be shared among the various agencies within the state. For example, the way in which costs for auxiliary aids and services, which would include interpreting, CART, note taking, and other non-exempted services, will vary from state to state depending upon the terms of the interagency agreements between the vocational rehabilitation agency and the public institution of higher education within each state.

When considering the amount of funding that was spent on vocational rehabilitation in general, combined state and federal funding in 1999 was approximately \$3 billion. With that funding, 1.2 million individuals were served and 235,000 individuals entered the work force. These individuals earned \$3.1 billion and paid \$905 million in taxes. These statistics are important for they are used to demonstrate what type of return there is on the vocational rehabilitation dollars spent. As such, these dollars represent an investment in human capital.

These figures can be broken down further. For example, the amount of money spent on higher education can be determined. In 1998, vocational rehabilitation paid \$259,526,999 for higher education for 174,285 consumers. In 1999, \$274,146,765 was spent for 176,455 consumers. This shows that a significant amount of money was invested in the provision of higher education to vocational rehabilitation consumers across all disability categories.

Because of the concepts of informed choice and interagency agreements, the question of who pays for auxiliary aids and services is paramount. This is especially true considering that the costs are increasing steadily. Also important is the question of how, through informed choice, consumers are making the decisions as to which colleges or universities they wish to attend. For deaf or hard of hearing consumers, this would most likely mean a local postsecondary institution, Gallaudet University, or the National Technical Institute for the Deaf. With respect to vocational rehabilitation dollars, the "last dollar" approach to funding for postsecondary education is used. Comparable benefits, such as Pell grants, stipends, and scholarships are explored and applied. Also, student loans and work-study earnings are included. The remaining costs are those paid by vocational rehabilitation.

Throughout the United States, the interagency agreements vary widely from state to state. According to the most recent information available, 18 states have interagency agreements in place and 13 states are in the process of developing them. The remaining states appear to be resistant to developing interagency agreements, and because there are no penalties outlined in the legislation, there are no ramifications for doing so.

Among those states with interagency agreements in place, four states (Alaska, Minnesota, New Hampshire, and Oklahoma) have agreements whereby the institution of higher education pays 100% of the costs of auxiliary aids and services, and vocational rehabilitation pays 0% of the cost. Further, in Minnesota the state budget includes a line item to appropriate monies for the provision of CART and interpreting services at various colleges and universities included within the agreement.

In Virginia, the agreement is such that the institution of higher education pays 60% of the costs of auxiliary aids and services, and vocational rehabilitation pays 40% of the cost. It is important to note that in Virginia the vocational rehabilitation agency sets aside monies for these services for all vocational rehabilitation offices to use. This makes it easier for vocational rehabilitation to determine the necessary services for the consumer. In addition, the 60/40 split helps the vocational rehabilitation to have some control in the quality of services being provided. In both New Jersey and Wyoming, the costs of auxiliary aids and services are split evenly between the institution of higher education and vocational rehabilitation. Finally, Puerto Rico has a verbal agreement reached whereby the institution of higher education pays 100% of the costs of auxiliary aids and services and services for evening classes and vocational rehabilitation pays 100% of the cost for daytime classes.

Other states also have interagency agreements that are unique. For example, the North Carolina agreement does not include interpreting services in it. In Hawaii there is no agreement but the vocational rehabilitation agency covers all the costs for auxiliary aids. Kentucky uses state-appropriated funds out of a line item in their budget to pay for auxiliary aids and services at institutions of higher education. West Virginia has an informal verbal agreement in which the institutions of higher education provide all the reasonable accommodations. Delaware also has an informal agreement, but under that agreement the institutions of higher education provide auxiliary aids in the classroom while vocational rehabilitation pays for auxiliary aids outside of the classroom.

In California, the agreement assigns primary responsibility to the institutions of higher education, but vocational rehabilitation will assist if there is a funding shortfall. To date, institutions of higher education in California have not requested assistance from vocational rehabilitation because they would be opening themselves up to scrutiny. They would be asked how they are paying for such things as sporting events when they are unable to pay for interpreting services, as an example. In Maryland, the Division of Rehabilitation Services is slowly developing individual interagency agreements with each institution of higher education. As of now there are no formal written agreements, but the negotiation process has begun. Other states, such as Alabama, Florida, Mississippi, Montana, New Mexico, and Oregon, are in the process of developing interagency agreements. States,

such as Arizona and Georgia, have no agreements in place at all.

It is important to note that the cost of auxiliary aids and services is significant. There is a fear that without making it a formal or expressed policy, institutions of higher education will cease to actively recruit deaf, hard-of-hearing, or any other disabled individuals. This is not the answer. Instead we need to look for alternate solutions to the provision of reasonably priced auxiliary aids and services. Perhaps the technological advances in the area of speech-to-text will provide one possible alternative.

### **Order of Selection**

One additional issue that must be considered when discussing the provision of vocational rehabilitation services is that of *order of selection*. In the event that vocational rehabilitation funds are limited within a state and the state cannot provide services to all of the consumers, there is a federal requirement to establish an order of selection and to serve the most significantly disabled first. At this time, 37 of the 80 state vocational rehabilitation agencies are under an order of selection. Those individuals who are not in the category of most significantly disabled must wait for services until funds are available.

To determine the applicant's significance of the disability under the requirements of an order of selection, a functional capacity or limitations checklist is used to assess the impact that vocational rehabilitation services would have on employment. The functional limitations checklist includes the following categories: mobility, self-care, self-direction, work tolerance, work skills, interpersonal skills, and communication.

There is a direct relationship between an order of selection and interagency agreements. For example, New Jersey implemented an order of selection in 2001. One college, Camden County College, had 67 deaf students in attendance, but due to the implementation of an order of selection, only three of these were students sponsored by vocational rehabilitation. Thus, vocational rehabilitation paid 50% of the costs for auxiliary aids for the three students sponsored by them, as required by the interagency agreement in the state of New Jersey. Camden County College paid 100% of the costs for auxiliary aids for the remaining 64 students. It is likely that this type of scenario is also occurring in other states across the country.

### **Comments from Patty Conway History and Background**

Kentucky has had state funding for support services to students who are deaf or hard of hearing, which was established by law, since 1986. This was brought about in part because one of the major Kentucky public universities that served the deaf students in the state experienced problems providing needed accommodations. These problems included not having enough funds to pay for interpreters and notetakers, and not having

enough qualified interpreters to meet the students' needs. The deaf students became organized and pursued quality accommodations; as a result, a state legislator who was affiliated with this university crafted the law that established this state funding.

The law passed in 1986 was prior to the Americans With Disabilities Act (ADA). The major points of this Kentucky legislation were:

- To increase the educational level of persons with hearing loss by providing equal opportunity to obtain education in institutions of higher education.
- Institutions of higher education would be accessible to students who are deaf and hard of hearing by providing necessary support services including, but not limited to, interpreters and notetakers.
- These services would be paid by the Kentucky Department of Vocational Rehabilitation (KDVR) for their clients and by state appropriations (administered by the Council on Higher Education) for non-VR clients.
- Provision of these support services would not be delayed because of any disagreement about who is responsible for payment. The institution would be responsible to provide the services and resolve the disagreement.
- The law also included the requirement for an interpreter training program (ITP) at one institution of higher education leading to at least an associate's degree. By 1987-88, the ITP would expand to other locations across the state.

At that time, the law required the state VR agency to continue paying for interpreters and notetakers for their clients in higher education, but a new central fund would be established for non-VR clients to be used to reimburse state universities as needed. The central fund started with about \$30,000 per year to be used for these services. Maybe the most significant part of the law was the requirement that Kentucky planned to establish interpreter training programs to address the severe shortage of qualified services.

### **Amendments to the Law and Other Changes**

As previously mentioned, this system in Kentucky has been an evolving process and as a result, the law was amended in 1994. Several areas were addressed:

- Transferred administrative responsibilities for distribution of the state appropriated funds to the Kentucky Department of Vocational Rehabilitation (KDVR).
- Dropped the requirement for vocational rehabilitation funds to be used to pay for these services for students who were also KDVR clients.
- Clarified that reimbursements to institutions of higher education could be a "fee for service" or based on actual costs.

One of the major reasons for these changes was that the higher education entity responsible for distribution of

the funding did not have staff with the background and knowledge of deafness and interpreter services, etc., which resulted in some gaps in services and difficulties assisting institutions to develop quality services. This led to negotiations for KDVR to become the administrator of the state funding for these services with the expectation that assistance and support would be provided to local institutions as needed.

The Kentucky Department of Vocational Rehabilitation agreed to oversee and manage the distribution of the funding if the requirement that KDVR funds had to be used to pay for these services for their clients was dropped. However, KDVR realized that the exact yearly costs for these services were unpredictable and by accepting administrative responsibility, the agency would have to provide additional funding for these services for VR student/clients if there was not enough state funding.

Basically, this has been accomplished by setting up two accounts in KDVR: one for non-KDVR students and one for KDVR student/clients. The state-appropriated funds are always used for non-KDVR students first, to ensure that these needs are met. For state appropriations used for KDVR student/clients, this funding qualifies as state match money to draw down the federal funding for KDVR services. Thus, this aspect is one of the big win/wins for the Kentucky Department of Vocational Rehabilitation.

KDVR, with input from coordinators of services for students who are deaf at state institutions, developed guidelines concerning how the state funding is distributed for interpreter services, notetakers, and other needed support services. These guidelines also include information about state and federal legislation pertinent to these services, qualifications of service providers, and resources to locate qualified interpreters, etc.

In 1998, this Kentucky law was amended again to also provide funding to technical schools; thus the state appropriations were available for all public postsecondary institutions, not just for colleges and universities. This coincided with the state merger of universities, community colleges and technical schools as part of one entity for postsecondary education. KDVR continued to administer this funding to reimburse the postsecondary institutions for support services for students who are deaf and hard of hearing. However, a different reimbursement method had to be developed for the technical school programs.

### **Win/Win – Kentucky VR and Public Postsecondary Programs**

This initiative has been a win/win situation for the Kentucky Department of Vocational Rehabilitation and Kentucky postsecondary education programs. Specific positive outcomes include:

- A centralized state fund has been established and increased as needed to address the support services

needs of students who are deaf or hard of hearing in public postsecondary institutions. This has been extremely helpful to programs that do not have established services for this population but do occasionally have students who need these accommodations.

- Accommodations and services to students who are deaf or hard of hearing are more consistent statewide, which allows for more choices for students.
- The issues about ‘who pays’ for interpreter and other accommodations are resolved; the state has basically had an interagency agreement since 1986.
- As previously stated, the state funding can be used by KDVR for federal matching funds. KDVR has also been able to track specific costs of accommodations to their student/clients and can use this information when requesting Social Security reimbursement.
- VR and postsecondary personnel have developed effective relationships allowing for collaboration to improve services to these students.

After the last amendment to the Kentucky law, the postsecondary programs and KDVR have used a lot of creative ideas to “get the most for the money” and improve services to these students. One of the ideas implemented has been to encourage programs with larger numbers of students who are deaf/hard of hearing to develop yearly program budgets including salaries for staff such as interpreters. This has been more cost effective and has improved the quality of services instead of only reimbursing the postsecondary programs for interpreters for each student after the services have occurred. Additional examples of improved programming were postsecondary institutions that hired tutors and teachers specifically for students who are deaf or hard of hearing and included these costs in their budgets for reimbursement.

### **Collaboration Between Kentucky VR and Eastern Kentucky Interpreter Training Program**

The other part of the original law required the establishment of interpreter training programs in Kentucky. This program was established at Eastern Kentucky University (EKU), but the demand for qualified interpreters continued to exceed the availability of trained interpreters. Around 1994, when KDVR became the administrator of this state funding, the agency also decided to develop a separate agreement to provide funding for expansion of the EKU Interpreter Training Program (ITP). This agreement provided short-term funding that has helped the EKU-ITP to grow from a two-year to a four-year degree program and to add a training program at a satellite location.

The collaboration and subsequent relationships have been very successful, resulting in (a) an increased pool of qualified interpreters for VR and postsecondary institutions, (b) projects that improved services to persons who are deaf or hard of hearing, and recently, (c) the estab-

lishment of a Center on Deafness through Eastern Kentucky University. In addition to VR and EKV, several state agencies and other organizations have become partners in the Center on Deafness with the purpose of sharing available data and resources to conduct joint projects to improve existing and/or create new programs as needs are identified.

The Center on Deafness has employed a grant writer who works with all partners. Recently the Center on Deafness was successful in getting a federal Technology Opportunities Program (TOP) grant to establish remote video conferencing shared by several agencies to improve service delivery and provide accessibility for individuals who are deaf.

### **Future Plans and/or Needs**

The state funding for support services is only for public postsecondary institutions. Private postsecondary institutions in Kentucky do not have access to this funding when students who are deaf or hard of hearing attend these programs. In the past, the state VR agency has negotiated, as needed, a shared arrangement for payment of interpreters or notetakers, but increased costs of these services have made this process more difficult. As always, there is the continued need for more qualified interpreters in postsecondary settings. Other parts of the state want to expand interpreter training programs to meet the needs in their areas.

Finally, there is always a concern about continuation and increase of funding as needed to meet the need for these services. Kentucky has been fortunate to receive increased funding for these services during each state budget cycle. This funding, which began around \$30,000 per year in 1986 is now over \$1 million per year. As more students utilize print access such as captioning, there is concern about the funding level meeting the demand for services.

However, the real key to success at the postsecondary level for many students who are deaf or hard of hearing may lie in the development of more comprehensive programs that address all of their transition needs, not only reasonable accommodations. This will require the collaboration and resources of KDVR, postsecondary institutions and many other programs.

Again, and in summary, this Kentucky legislation to fund support services for students who are deaf or hard of hearing appears to be working in this state and has resulted in many positive projects and activities between postsecondary programs and vocational rehabilitation. As other states grapple with how to meet the requirements of developing interagency agreements to decide who pays for these costs, legislation and/or requests for funding may be another option to explore at the state level.

### **Comments from Tom Thompson Developing a Strategy**

In 2000, representatives from Illinois institutions of

higher education met with representatives from the Illinois Office of Rehabilitation Services (ORS), the Illinois Board of Higher Education, and the Illinois Community College Board. They set up two exploratory meetings to talk about how to meet this mandate and what benefit the interagency agreements could provide.

As a result of those meetings, there was an idea about an approach that sounds similar to what has happened in Maryland. The idea was to develop a design for agreements that all schools could implement, but on a one-to-one basis, rather than having something at the state level. A task force was developed to create a boilerplate form. This was a basic contract with a fill-in-the-blanks approach that could be used as a starting point to develop the agreements between the institution and the local ORS office

### **Implementing the Process**

Several approaches were used to publicize these efforts. The institutions of higher education, Illinois Community College Board, and the Office of Rehabilitation Services (ORS) planned three meetings. These were held in the Chicago area, in the middle of the state, and in the southern part of the state. Each meeting provided the same training and utilized some of the same trainers. The intent was to provide a half-day meeting to share the boilerplate with people and motivate them to begin the process. This meeting also gave them ideas as to how other schools have approached this task, and shared information about ORS to help the participants better understand how this agency functions. They had the opportunity to discuss what was going on in some of the institutions of higher education, what kinds of services were needed, and what services were being provided.

There were many questions about beginning and conducting the process. There were concerns about what to do if it appeared there wasn't much interest within the institution or from the local ORS office. The meetings provided an opportunity to discuss these types of issues.

The Office of Rehabilitation Services had the goals of getting everyone to have an agreement written and developing a shared approach to paying for services. The actual range of agreements that they allowed in the first round of development were anywhere from a 70/30 share (with 70% as ORS' responsibility and 30% as the institution's responsibility) to a 50/50 share. They initially allowed a range in the cost share. Each school had to justify why they needed ORS to assume more than a 50% share and this had to be negotiated with the local ORS office.

In addition to the three meetings to initiate the process, those involved networked with several state organizations. The group worked with the Illinois Community College Board (ICCB) to get the Governor's Deputy Assistant of Higher Education to motivate some of the networks of people with whom they worked. The group facilitated getting the President/Chief Executive Officer

of the ICCB to write a letter to all the presidents of all the community colleges, urging them to get appropriate people at their institutions working on this. Representatives from ORS wrote to all the casework supervisors in the local offices and encouraged them to take the initiative by contacting local schools and start developing the agreements. Locally, the group worked through a few disability services networks in the state to provide informal technical assistance, give people ideas about what kinds of agreements were being developed, and show how they were working out.

### Ongoing Support

Although the primary reason for the agreements was money, the agreements in Illinois involved other areas. They also were intended to involve issues of referral and communication between institutions of higher education and the Office of Rehabilitation Services. So the group expanded the training to get into those issues and also to talk about the possibility of mutual training. An idea emerged that there would be an annual meeting to follow up with the progress. This would provide an opportunity to meet at different places in the state, discuss how things were working out, and identify any problems. The participants could also identify any mutual training needs in order to help each other.

Initial meetings were planned for 2000 and the training meetings were held during 2001 in January and February. Institutions were urged to begin developing the agreements by June 30, 2001, the end of the fiscal year. The goal was to implement the agreements during the fall of 2001. Within Illinois, there are about 40 community colleges and about a dozen major state universities. Currently, there are approximately 31 public colleges that drafted agreements, and there are several more in progress. So it's been successful in terms of reaching the majority of public institutions.

### Questions from the Audience

*Question - Frank Bowe:* Annette Reichman pointed out that more than half of the states do not have any agreement at all after more than three years. Why? Is it because the colleges don't have an incentive? Is there some other reason? But why do most states not have any agreement at all?

*Annette Reichman:* Why is a good question. I don't have an answer to that. What I hear is that there is no penalty for not being in compliance. So if you're not complying, there are no consequences. Institutions of higher education have been resistant to developing agreements with their state VR agencies because they don't want to assume any responsibilities... and vice versa. It gets more interesting each year to see what individual states are doing, how they are wording their inter-agency agreements, how they are charging and charging back for those services, and how it's affecting students. I

think there are about 15 or 16 states that are currently in the negotiation process and hopefully by the end of the year that will be done.

*Patty Conway:* I think we have an agreement in Kentucky, although it might not be the same type of agreement that is being worked out in other states. For me, if I had to do that in my state now, I think it would be very time consuming. It's an overwhelming task.

*Tom Thompson:* The schools in Illinois that have not done an agreement may have the perception, "Do we really want to get into this? Are we going to lose something?" The Office of Rehabilitation Services indicated in the training sessions that if they didn't enter into an agreement, they would continue to fund things on a client-by-client basis. This functioned as it had in the past, but there were no guarantees that it would continue. Another issue was the availability of money. Some schools may think things are going well without an agreement, and perhaps have adopted a "wait and see what happens" attitude.

*Frank Bowe:* The federal government is holding hearings around the country now, and information about upcoming meetings is on the NAD website at <[www.nad.org](http://www.nad.org)>. Conference participants can email comments to Frank Bowe at the Government Affairs of the NAD website. The NAD is very interested in what is happening to consumers. There is concern that consumers are not receiving necessary services.

*Question - Bobbi Cordano:* I'm the Director of Disability Services at the University of Minnesota and I'd like to clarify something. The University of Minnesota has agreed to pay 100% of the costs, so does that reduce the amount that might be available to other colleges in the state university system? The State of Minnesota has a central fund for all disability access issues that includes deaf and hard-of-hearing services. The University of Minnesota accepts the entire responsibility. I know that that agreement was in place before I got on to the scene.

For the last two years I've been looking over that seemingly inequitable agreement. Our interpreter costs are rising to nearly \$1.5 million each year. If our costs continue to rise, as they have in the past, then by 2005 they could be as high as \$4.3 million a year for interpreting services. Now, that is if all things stay the same for the next ten years as they have for the last ten years. One thing is that we have an increasing number of graduate students who are deaf and hard of hearing. We have people who are becoming doctors and lawyers and veterinarians and dentists. I share NAD's concern about client access to public institutions of higher education. If a university or college sees these costs rising so astronomically, then they are going to start finding reasons to reject or refuse to accept deaf students.

I see another trend in the blind community. A new profession – certified Braille – is developing that may be very comparable to sign language interpreters for the deaf. Now our office is predicting that we are going to have to be paying for certified Braille, just like we now pay for certified sign language interpreters. If deafness and blindness are low-incidence populations, how are we going to be able to make sure that our public schools are accessible in the long run for low-incidence populations, like deaf people and blind people?

*Annette Reichman:* I've heard this same concern from several individuals who are sitting in this room. It is a true concern about the rising costs that we are currently experiencing. Informally, I've heard some comments that colleges and universities have already made the decisions about not actively recruiting deaf and hard-of-hearing individuals because of the rising costs that they are facing. So this is already happening. They are not saying publicly, "Do not recruit any deaf and hard-of-hearing or any other disabled individuals," but it's subtle. We need to look for other ways or other alternative solutions for providing low-cost solutions. As an example, some people look at voice recognition technology for speech-to-text access. Will we be able to develop software that allows one to speak and then the text appears on a screen? This might be viable because this does not cost as much as interpreters.

So those kinds of things are currently being discussed as short-term and possibly even long-term solutions.

How we limit the need for those high costs for professional services is going to rely more on what technology is going to be available as a substitute.

*Tom Thompson:* I'll give you an example using Illinois in my response to that question. In preparation for the meetings, we had a group of representatives from about 20 institutions together for a meeting. I did an informal survey of the people that were there, asking them where their funding for disability services came from. The surprising, and perhaps appalling, thing is that one third to one half of the schools got no money from their institution for disability services. These were mostly representatives from community colleges. They got their money from federal flow-down grants, like Carl Perkins funding, Special Populations grants, and other sources, but there was no institutional investment.

To address Bobbi's question, part of my answer is that it's a shared responsibility. Institutions have to step to the plate and fund a lot of these services themselves. It's part of the mandate in higher education. We have to be creative looking at technology, and I think state and federal governments are going to have to take a role.

*Patty Conway:* I agree with what Tom said. Even in Kentucky where we have state funding of about \$1 mil-

lion a year right now, that's not all that is used. Colleges and universities still put money in their budgets to provide these services, too.

*Question – Michael Canale:* I'm from New York. Since we are located in Manhattan, there are students coming to my institution from Connecticut and New Jersey. What is the policy regarding students coming from out of state? Are VR-sponsored students being encouraged to go to an institution within another state, like New York? Are there regulations or policies, other than they don't pay for institutions outside of their own state?

*Frank Bowe:* Patty, do you have a policy if the person is outside of your state? Does that affect the agreement?

*Patty Conway:* It very much affects it. The law that I described is a Kentucky law, so that is for Kentucky residents. So if someone is from out of state, then all kinds of things can happen and do. The colleges usually go to the state VR office to see what money they can get from the other state VR to pay for that student.

*Question – Bob Davila:* This is one of the problems – VR is not an entitlement program. I think that Annette Reichman made that point very well. It's an investment, so naturally they expect a return on their investment. Between Gallaudet and NTID, they get about \$130 million each year from Congress to educate 2500 young men and women. That is certainly not charity, though; it is an investment. We can document the return to the public on that investment. As long as we can continue to do that, we can take any challenging questions. No doubt, Congress is working very carefully to limit resources. I think that we can show the rest of the country the data. And to speak for the students from NTID and RIT, we have great data about collaborative studies with the Social Security Administration. We can document, for example, that over the working life of the past 25 years of NTID graduates, they pay back to the public several times over the cost of his or her own education. That is very important information for Congress to have because they have got to pay the bills. If you add to that the cost of \$1 million to support a person with a disability who doesn't work throughout their lifetime, that is \$1 million that will not be paid back.

So, the investment in education and sending people to work is going to save the public that \$1 million, too. I think that's the approach that we should take as we begin a national program to develop a database related to the employment of disabled people because deaf people as well as blind people are among the most employable of those with disabilities. Therefore it is a great advantage.

*Question – Frank Bowe:* Any follow-up comments?

*Patty Conway:* I just wanted to add one thing that I feel I have to say related to my VR colleagues. I think

those of us in VR are very concerned that we are mandated to serve those with the most severe disabilities. Those often are not students who are in postsecondary education. These services take so much money, and many of us in VR are very concerned about having enough money to meet that need when there's often no one else to help us address those issues.

*Frank Bowe:* Bob Davila mentioned Social Security, and I want to add one point to this. The Social Security Administration told me a few months ago that there are 53,000 deaf adults who are getting SSI benefits. Most of those people are on SSI for much their lives. If you do the math, the benefits from SSI plus the Medicaid benefits, you will see the cost to us is enormous. My point is that there are an enormous number of deaf people who are not working.

*Question – Cynthia Plue:* I'm an Assistant Professor at Northern Illinois University. When I graduated from college, I had some great concerns about going out in the real world. I also had some dreams and aspirations. I'm very much interested in the quality of services that are being provided or the lack of quality of services that are not being provided. There are many non-certified interpreters who are not prepared to work at a university level. Some may not even be state-screened. Deaf professionals may encounter interpreters without even an associate's degree. How can they interpret effectively for someone like me? So clearly, it is a domino effect to all of us who are the recipients of those services. In my role as a professor, when I think about what's important, I think not only about monetary issues, but also quality issues.

*Annette Reichman:* Quality of service provision is also a concern at the federal level. In Virginia, cost sharing is helping to address quality control issues. I indicated that the cost share in Virginia is 60/40, so the VR agency is in a position to have a voice in the determining who can provide interpreting services. I'm not sure what other states are doing for quality control.

*Patty Conway:* In Kentucky, we are not necessarily dealing with it because we passed a state law for licensure of interpreters, and we hope that will help in the quality of interpreters in postsecondary settings.

*Question – Suzette Dyer:* I'm from the University of Oklahoma; I am a member of the Oklahoma Association on Higher Education and Disability and participate Oklahoma PEC activities. We have an interagency agreement in Oklahoma simply because we felt the need to minimize damages. The Oklahoma rehabilitation agency didn't enter that agreement in a spirit of collaboration or cooperation. They did so in a manner to opt out of the

more expensive services in Oklahoma. The public institutions in Oklahoma feel very strongly, as an advocacy group within OK-AHEAD, that we provide effective services to our students who are deaf and hard-of-hearing. Technology isn't always going to be the answer to providing effective services to those individuals. Some of them are going to prefer an interpreter and be more successful with an interpreter, and we choose to support that.

So we pick up 100% of the costs in Oklahoma.

Oklahoma VR approached the agreement from the "last dollar" standpoint, that the state dollars in higher education were comparable benefits. They decided that the ADA basically replaced Section 504, rather than the two pieces of legislation working in conjunction with one another. Their stance is that it is absolutely illegal for them to participate in those auxiliary services. What I'd like to know is if the Department of Education would assist states like Oklahoma by clarifying that issue for those VR agencies who are maintaining that position. My guess is that it may be why many states don't have an agreement right now.

*Annette Reichman:* Since I've been at the Department of Education, which has been just about 2 ½ years, I've heard similar statements again and again throughout the country about the U.S. Department of Education not providing leadership on certain issues. I am trying to work inside the network within the Department of Education to develop a written document to provide that kind of leadership and guidance that is so desperately needed.

We had several meetings to review this issue. In my role in RSA, we have met with the Office of Civil Rights and the Office of General Counsel. These three entities have been in a continuous dialog with one another in an effort to develop an agreement for the 1998 Amendment to the Rehabilitation Act, so that the states can decide how to make decisions to pay for services. That is actually what the agreement is intended to do. It's not necessarily the role of the federal government to dictate to the states how they should do that. It is our role, though, to make sure that they are functioning in a cooperative relationship. When you look at the ADA and Section 504, both of them apply. Section 504 has specific text that says institutions of higher education that are receiving federal dollars will do the following, and that VR will pay for certain services. Legally, Section 504 is reviewed first and the ADA secondary. If the ADA is not applicable, then they turn to Section 504. If Section 504 is not applicable, then they turn to the ADA. And there are times that they view them both cooperatively.

*Frank Bowe:* We will probably have to amend the Act next year, so we need advice on how to specify this language in the law.

*Question – Louise Tripoli:* If you had a wish list, what kind of law would you like to see passed?

*Frank Bowe:* The questions that we are asking for is exactly that. What should change in the law next year when it comes up again? For example, should there be language in there that offers a penalty? Should there be language in there that offers incentives for the colleges? Should there be language in there calling upon private colleges to take part in these agreements? These are all questions that we have. I don't have answers yet. But the NAD is very actively interested in your input. We are very interested to get your thoughts about what should happen with this law.