

MEMORANDUM OF UNDERSTANDING BETWEEN THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DISABILITY RIGHTS NORTH CAROLINA

This agreement is made and entered into by and between the North Carolina Department of Health and Human Services (hereinafter referred to as "NCDHHS") and Disability Rights North Carolina (hereinafter referred to as "DRNC"), together collectively referred to as "the parties."

With the specific and mutual goals of advancing integrated work training and competitive integrated employment for persons with disabilities served by the State pursuant to Title I of the Rehabilitation Act, the parties agree to enter into this memorandum of understanding.

THEREFORE, IT IS MUTUALLY AGREED THAT:

Purpose

The parties recognize the value of establishing a collaborative relationship to promote compliance with the Americans with Disabilities Act and the Rehabilitation Act, laws intended to protect the rights of participants in North Carolina's Vocational Rehabilitation program. The parties enter this memorandum of understanding to effectively and efficiently implement reforms to the Vocational Rehabilitation program and communicate and share information relevant to each party's respective areas of administrative and enforcement authority.

Party Responsibilities

NCDHHS is the Department responsible for administering the Vocational Rehabilitation program in the State of North Carolina in accordance with Title I of the Rehabilitation Act. DRNC is North Carolina's congressionally mandated Protection and Advocacy agency whose responsibilities include monitoring of locations at which Vocational Rehabilitation participants receive services, supports, or other assistance, and pursuing legal, administrative, and other appropriate remedies to protect and advocate for the rights of individuals with disabilities.

Reforms & Covenants

NCDHHS agrees that the Division of Vocational Rehabilitation Services will reform its policies, procedures, and practices to transition all funding for Work Adjustment Training to support only fully-competitive and integrated settings by October 1, 2021. In consideration of this promise, DRNC agrees not to pursue legal or administrative remedies to enforce integrated work training in the Vocational Rehabilitation Work Adjustment Services program so long as NCDHHS implements these reforms by October 1, 2021. During the period between the date of this MOU and October 1, 2021, DRNC may, in its discretion, rescind its covenant not to sue where it has a reasonable and articulable basis for concluding that NCDHHS is unlikely to meet its commitments under this MOU.

Exchange of Information

The parties will meet quarterly to exchange information about the progress of phasing out segregated work training in the Vocational Rehabilitation program, discuss any difficulties or disagreements with how the reforms are progressing, and exchange information and developments of common concern to the parties, to the extent practicable.

Effect of Agreement

Nothing in this memorandum of understanding is intended to diminish or otherwise affect the authority of NCDHHS or DRNC to implement its administrative and/or statutory functions. This memorandum of

understanding contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this memorandum of understanding shall be deemed to exist or be binding upon the parties. This memorandum of understanding is not intended to confer any right upon any private person or other third party.

Resolution of Disagreements

Disputes arising under this memorandum of understanding will be resolved informally by discussions between the parties during quarterly meetings.

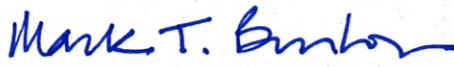
Period of Agreement


- This agreement becomes effective upon being signed by both parties and will expire on October 1, 2021.
- This agreement may be modified in writing by mutual agreement of the parties.
- Renewal of the agreement may be accomplished by written agreement of the parties.

This agreement is effective as of the 1st day of February, 2019.

NORTH CAROLINA DEPARTMENT OF HEALTH
AND HUMAN SERVICES

DISABILITY RIGHTS NORTH CAROLINA

By: 
Mark T. Benton
Deputy Secretary for Health Services
Date: 02.11.2019

By: 
Virginia Knowlton Marcus
Executive Director
Date: 2/11/19