COMMITTEE MEMORANDUM

TO: Education and Student Affairs Committee Members
   Board of Regents, State of Iowa

FROM: Susan Anderson

DATE: June 1, 2005

SUBJ: Memorandum of Understanding with Iowa Vocational Rehabilitation Services and The Iowa Department for the Blind

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Recommended Action:

Review and recommend approval to the full Board for the Executive Director to enter into a memorandum of understanding with Iowa Vocational Rehabilitation Services and the Iowa Department for the Blind. (Attachment A)

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Executive Summary:

This memorandum of understanding puts in writing an allocation of costs among the Board of Regents, Iowa Vocational Rehabilitation Services and the Iowa Department of the Blind to address situations when Regent university students are also the clients of these two agencies. This agreement reflects the allocation that the parties have already been using through oral agreement for several years, but the law now requires that the terms of the agreement be in writing.

The Board Office has had several collaborative conversations and e-mails with all the parties, including a two-hour conference call with appropriate representatives from Iowa State, University of Iowa, University of Northern Iowa, Iowa Department for the Blind, and Iowa Vocational Rehabilitation Services. They have all reviewed, discussed and reached consensus upon the terms of this agreement. The Attorney General's Office has reviewed and approved the agreement as well.
Legal Background:

In the 1998 Amendments to the Rehabilitation Act of 1973, Congress expanded the requirements of State vocational rehabilitation ("VR") agencies to seek "comparable services and benefits" from other sources to preserve VR funds for services to program participants, by requiring collaboration between VR agencies and public institutions of higher education on the provision of services to eligible individuals in the VR program. Specifically, section 101(a)(8)(B) requires that "an interagency agreement or other mechanism for interagency coordination takes effect between… a public institution of higher education…and the designated State unit, in order to ensure the provision of vocational rehabilitation services."

This requirement is also specified in 34 CFR 361.53(d)(1) on Interagency Coordination:
"The State plan must assure that the Governor, in consultation with the entity in the State responsible for the vocational rehabilitation program and other appropriate agencies, will ensure that an interagency agreement or other mechanism for interagency coordination takes effect between the designated State vocational rehabilitation unit and any appropriate public entity, including the State entity responsible for administering…a public institution of higher education…to ensure the provision of vocational rehabilitation services."

Finally, the memorandum of understanding is one of the many ways through which the Board continues to demonstrate compliance with the Governor's Executive Order 27 to identify and remove barriers to community-based living faced by Iowans with disabilities.
MEMORANDUM OF UNDERSTANDING BETWEEN
IOWA VOCATIONAL REHABILITATION SERVICES AND
THE IOWA DEPARTMENT FOR THE BLIND AND
THE BOARD OF REGENTS, STATE OF IOWA

I. Purpose:

The purpose of this Memorandum of Understanding (“Memorandum”) is to formalize an agreement between Iowa Vocational Rehabilitation Services, a division of the Iowa Department of Education (“IVRS”;); the Iowa Department for the Blind (“IDB”); and the Board of Regents, State of Iowa (“BOR”) regarding their responsibilities to individuals with disabilities who are not only clients of the vocational rehabilitation programs at IVRS and IDB, but are also students enrolled in BOR universities.

The mission of the vocational rehabilitation programs of IVRS and IDB is to assist individuals with disabilities in successfully preparing for, obtaining, and retaining employment. With a focus on fostering successful employment outcomes for clients, vocational rehabilitation programs provide a variety of services in support of this mission. The mission of the BOR is to make available to all otherwise qualified students, regardless of disability, the opportunity to acquire knowledge, skills, and expertise commensurate with their ability. The BOR universities provide accommodations to students with disabilities, as necessary, to assure their access to such opportunities. Although the missions of vocational rehabilitation programs and the BOR are different, they are not mutually exclusive.

This Memorandum seeks to clarify roles and responsibilities of the parties involved in delivering a seamless system of services for successful employment outcomes and equal access to educational opportunity.

II. Understandings.

The parties agree and understand that:

a. It is not the purpose of this Memorandum to change the mission of the parties to it, or to modify, supersede, or invalidate the rules, policies, procedures and practices employed by them in support of their respective missions. Rather, the purpose of this Memorandum is to allocate resources efficiently when responsibilities are shared.

b. The parties to this Memorandum may maintain different requirements regarding eligibility, documentation of disability, and the provision of services or accommodations. Nothing in this Memorandum shall obligate IVRS/IDB or the BOR to abandon or alter their policies as they are used in guiding the provision of services and support.
c. Students of the BOR universities who are also IVRS/IDB clients may receive accommodations from both the BOR universities and IVRS/IDB. Moreover, both the BOR and the IVRS/IDB may be responsible for providing certain services or accommodations which an eligible student may require as deemed appropriate by his or her vocational rehabilitation plan.

d. The parties to this Memorandum, pursuant to the 1998 Amendments to the Rehabilitation Act of 1973, shall seek to foster an efficient and effective delivery system for those services that overlap and will, therefore, implement the cost-sharing arrangements between and among them as described below and as appropriate to IVRS/IDB’s focus on successful employment outcomes and the BOR’s mission to provide equal access to educational opportunity.

e. Nothing in this Memorandum obligates the BOR universities to provide services or accommodations to students with disabilities who are clients of the IVRS/IDB programs that would not be required by law if they were not IVRS/IDB vocational rehabilitation clients.

f. Nothing in this Memorandum prohibits IVRS/IDB from contracting with the BOR to provide services/support for clients beyond those required by law to assure equal access to educational opportunity.

g. The parties to this Memorandum agree to meet and review this Memorandum if changes in federal or state law alter their respective responsibilities to students with disabilities who are clients of IVRS/IDB programs.

h. The parties to this Memorandum will keep each other informed of any changes in programs, policies and/or procedures that would impact students with disabilities who are clients of IVRS/IDB and are students enrolled in BOR universities.

III. Cost Obligations.

The parties agree and understand that cost obligations under this Memorandum shall be allocated as follows:

a. Communications access: This includes but is not limited to school-related sign language interpreting, captioning, and/or computer assisted real-time transcription (CART) services: Split cost 50/50 between BOR and IVRS/IDB.

b. Text conversion services: 100% of cost paid by BOR.

c. Memberships (for example, Recording for the Blind & Dyslexic): 100% of cost paid by IVRS/IDB for individual memberships.

d. Classroom access-related reader and note taker services: 100% of cost paid by BOR.

e. Tutoring services: Students with disabilities have the same access to academic tutoring services as do non-disabled students. Tutoring services beyond that are the responsibilities of IDB/IVRS or the student, with 100% of cost paid by IVRS/ IDB or student.
f. Disability assessments for the purposes of determining educational and vocational goals: 100% of cost paid by IVRS/IDB or student.

g. Transportation services: 100% of cost paid by IVRS/IDB or student.

h. Assistive technology related to classroom access and university-sponsored programs and activities: 100% of cost paid by BOR.

i. Personal services (for example, residential living support services, personal care attendant, student performance-related reader and notetaker services): 100% of cost paid by IVRS/IDB or student.

IV. Controlling Law: The construction, validity, and effect of this Memorandum of Understanding shall be governed by the laws of the State of Iowa. The parties have executed three original copies of this Agreement, each party retaining one original executed copy, on the date set forth next to their signatures below.

BOARD OF REGENTS, STATE OF IOWA

Signed: ___________________________ Date: ___________________________

By: Greg Nichols, Executive Director

IOWA VOCATIONAL REHABILITATION SERVICES, A DIVISION OF THE IOWA DEPARTMENT OF EDUCATION

Signed: ___________________________ Date: ___________________________

By: Judy Jeffrey, Director
Iowa Department of Education

IOWA DEPARTMENT FOR THE BLIND

Signed: ___________________________ Date: ___________________________

By: Allen C. Harris, Director