

INTERGOVERNMENTAL AGREEMENT By and between

BOARD OF REGENTS, STATE OF IOWA
(Governing body of the Iowa School for the Deaf)

And

IOWA DEPARTMENT OF EDUCATION

The Board of Regents, State of Iowa (BOR), the governing body for the Iowa School for the Deaf (ISD) and the Iowa Department of Education (DOE), agree to work cooperatively to provide appropriate programs and services for Iowa's students who are deaf or hard of hearing and enrolled at ISD.

Pursuant to the provisions of Iowa Code Chapter 262, Chapter 256, and Chapter 28E, pertaining to the BOR, the DOE and Joint Exercise of Governmental Powers, this Intergovernmental Agreement (Agreement) is entered into between the BOR and the DOE.

WHEREAS, Chapters 262, 256, and 28E, Code of Iowa, permit cooperative agreements between state departments and the parties to this Agreement will assume the responsibilities outlined below:

- I. In compliance with Chapter 28E, the parties agree and state as follows:
 - A. Duration. This continuing Agreement shall commence on July 1, 2020, and will be reviewed every 2 years. The Agreement will terminate on June 30, 2030, unless extended by mutual agreement of the parties or earlier terminated as provided in this Agreement.
 - B. No Separate Entity Established. No separate, legal or administrative entity is created by this Agreement.
 - C. Purpose. The purpose of this Agreement is to establish roles and responsibilities of the DOE, the BOR, and ISD for the provision of IDEA services to Iowa learners who are deaf and hard of hearing, including general supervision responsibilities of each entity.
 - D. No Property Acquisition. No real or personal property will be purchased in the performance of this Agreement.
 - E. Termination. Either party may terminate this Agreement by providing one hundred and twenty (120) days' notice.
 - F. Amendment. This Agreement may be amended only upon written agreement of all parties.

- G. Prior Agreement(s). This Agreement shall have the effect of terminating and replacing any and all previous agreements covering the same subject matter.

II. Roles and Responsibilities

- A. The DOE provides general supervision of special education services in the state of Iowa, and is the state education agency for the state of Iowa under the Individuals with Disabilities Education Act (“IDEA”). Iowa Code chapter 256B; Iowa Administrative Code chapter 281—41. The DOE is to cooperate with the ISD “in the coordination of” its “educational activities” for children who are deaf or hard of hearing. Iowa Code § 256B.3(9).
- B. ISD is established to provide education to “Any resident of the state less than twenty-one years of age, who has a hearing loss which is too severe to acquire an education in the public schools.” Iowa Code § 270.3. ISD is a public agency under the IDEA and the special education services provided by ISD are subject to the general supervision of the DOE. ISD is considered part of Iowa’s continuum of services for individuals who are deaf or hard of hearing who are eligible for IDEA services. Iowa Administrative Code rules 281—41.2(1)“c”; 281—41.33. ISD is located within the boundaries of Green Hills AEA.
- D. All services provided to students with disabilities who are eligible for services under the IDEA shall be pursuant to Iowa Administrative Code chapter 281—41. All decisions regarding a child’s eligibility for enrollment at ISD, including a decision that the child’s hearing loss “too severe to acquire an education in the public schools” (Iowa Code § 270.3), shall be made under the placement procedures established in Iowa Administrative Code chapter 281—41 and shall be subject to BOR and ISD policies and procedures governing referral and enrollment. ISD reserves the right to determine whether enrollment of an eligible individual at ISD is appropriate, subject to the procedural safeguards provided in Iowa Administrative Code chapter 281-41. Any decision to discontinue a child’s placement at ISD, whether for disciplinary purposes or otherwise, shall be subject to the procedures set forth in Iowa Administrative Code chapter 281—41 and BOR and ISD policies and procedures governing referral and enrollment.
- E. In addition to the required IEP team members established in Iowa Administrative Code 281—41.321, team-based decisions required by the preceding paragraph shall include ISD, Green Hills AEA, and the district and AEA of the child’s residence.
- G. The DOE shall exercise general supervision over special education provided at ISD, which may include providing technical assistance, corrective action, and other means of sanction and support.

- H. No placement at ISD of a student who is eligible for services under the IDEA shall be made unilaterally by a public agency, including ISD, a district of residence, or by a parent of a child who is deaf or hard of hearing.
- I. The DOE agrees to provide, on an annual basis (and which may be done electronically or by reference to another document or location), each AEA and school district in the State of Iowa with a description of IDEA's services and ISD's referral and enrollment procedures.

III. Funding

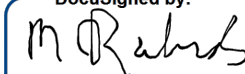
All costs associated with ISD, including educational costs, are the responsibility of the BOR. While the BOR is responsible for those costs, there are certain situations when additional funding, to provide services for students attending ISD, may be requested. The following occurrences fall outside the Board of Regents' financial responsibility:

- A. Special education services, provided to a student attending ISD, are the financial responsibility of the resident district when the resident district's IEP team determines the services are needed to provide a Free Appropriate Public Education (FAPE) and only for the services listed below:
 - 1. Special education services considered unique circumstances on the Weighted Enrollment Factor Matrix and written in the student's IEP;
 - 2. Special education services for a student attending ISD and provided by a district of residence outside the ISD campus;
 - 3. Specialized transportation for a student attending ISD, living off the ISD campus, and written in the student's IEP;
 - 4. Special education services provided by the AEAs as required in Iowa Code;
 - 5. Significant equipment/assistive technology needs identified on the Weighted Enrollment Factor Matrix and written in the student's IEP; and
 - 6. Special education health, physical, and behavioral support services written in the student's IEP;
 - 7. Special education instructional support delivered by a paraprofessional and written into the student's IEP.
- B. Iowa Medicaid eligible health services, written in an IEP, are considered the financial responsibility of the resident district when those services meet the requirements of section B above. If ISD claims Medicaid reimbursement for these health services on behalf of the resident district, the reimbursement amount received shall be deducted from any ISD request for payment from the resident district in providing these health-related services; and
- C. General education services, for a student attending ISD and provided by a district of residence outside the ISD campus, are the financial responsibility of the providing district.

IV. Dispute Resolution

- A. Disputes between families and education agencies concerning specific children shall be resolved according to the procedural safeguards contained in federal and state IDEA Part B regulations, available from the Department of Education.
- B. Disputes within a participating agency shall be resolved according to the procedures established by that agency. A representative of the participating agency may notify the other participating agencies of the dispute and its resolution. The other participating agencies may offer technical assistance to resolve this intra-agency dispute.
- C. Disputes between participating agencies will be brought to the attention of the Executive Director of the Board of Regents, State of Iowa, or his/her designee, and the Director of the Department of Education, or his/her designee. An unaffiliated individual or individuals, chosen by the parties to the dispute and based on the nature of the interagency dispute, shall attempt to help the agencies resolve the dispute, and all participating agencies commit to pursue good faith efforts to resolve disputes voluntarily. In resolving an interagency dispute, the signatory agencies may request technical assistance from a variety of sources. If all other attempts at dispute resolution fail, the dispute shall be submitted to a board of arbitration pursuant to Iowa Code section 679A.19 (2019). The decision of the board of arbitration shall be final.

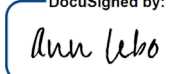
The parties have reviewed this document, and have consulted with legal counsel of their choice. In furtherance of this agreement, their authorized representatives have affixed their signatures below.

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Board President or Authorized Designee
Board of Regents, State of Iowa

6/15/2020

Date

DocuSigned by:

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Director or Authorized Designee
Iowa Department of Education

6/16/2020

Date