



# UPDATE

**PROPOSED RULES OF SPECIAL EDUCATION**

October 1994

**Q** **Question:**  
**Why change the administrative rules that guide Special Education in Iowa?**

**A** **Answer:**  
**To enable the educational community to more effectively meet the needs of each child.**

*The purpose of this communication series is to keep Iowans informed about the process of adopting new administrative rules for special education. Due to the cost of printing and distribution, we encourage you to copy and share this publication with your colleagues.*

### **For Further Information**

If you have questions or need more information, please contact:

**Bureau of Special Education**  
Iowa Department of Education  
Grimes State Office Building  
Des Moines, Iowa 50319-0146  
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### **A Productive Summer**

During the last year, Iowa educators, parents and other people identified their concerns regarding the proposed administrative rules on special education. In order to address these concerns, the Bureau of Special Education organized four work groups this past summer. The work groups were asked to formulate recommendations that would strengthen and improve the proposed rules.

Panel members were selected to reflect geographic balance, diverse constituencies, as well as supporting and opposing viewpoints. Each group focused on one of the following areas:

- ✓ Instructional Services issues
- ✓ Policy issues
- ✓ Technical issues
- ✓ Legal issues

The following overviews summarize the findings of each work group.

### **Instructional Services Issues Work Group**

This work group consisted of parents, special education and general education teachers, school administrators, AEA (Area Education Agency) directors of special education, AEA support staff, professional organizations and advocacy groups. The 18 member panel met on four occasions in June, July and August.

The group initially adopted a list of guiding principles, then focused their

efforts on the school district (LEA) plan, the levels of service and delivery methods, and the issues surrounding class size and caseloads. Recommendations were made regarding the LEA planning process and the composition of the planning group members. The group also suggested a periodic review of the school district (LEA) plan and AEA verification prior to local school board adoption.

The panel acknowledged that the IEP team is responsible for determining the appropriate services based on student needs utilizing a continuum of instructional and support services, and therefore supported the Least Restrictive Environment provisions of the proposed rules.

The work group strongly recommended that the Bureau of Special Education develop and provide guidelines regarding considerations to use in determining class size and case loads. Language and guideline parameters, in accord with the group's guiding principles, were also suggested.

### **Policy Issues Work Group**

This 16 member work group concentrated on the identification process and disability designations. Panel members included a parent, special education and general education teachers, LEA special education director, a school administrator, AEA director of special education and assistant director, AEA support staff, and advocacy groups.

Parents and teachers had identified their policy concerns at public hearings during the public comment period. Panel members grouped these concerns into areas of: *AEA Application, General*

*Education Intervention, Non-Categorical Identification, Multidisciplinary Team, the Role of Parents in the Identification Process, or Full and Individual Evaluation.*

The group clarified each concern, determined the extent to which they agreed with the concern, suggested specific actions that should be taken, and provided rationale for their recommendations.

Generally, the group expressed support for the language of the proposed rules. However, the panel offered two specific recommendations: one suggesting language to help guide the AEA/LEA planning process and one describing the role of parents in the identification process.

### **Technical Issues Work Group**

This work group met twice to focus on disability definitions and eligibility criteria. The panel included a LEA special education director, AEA director of special education, several AEA support staff members, university representatives and advocacy groups. After extensive deliberation the work group submitted the following suggestions.

The panel recommended keeping the federal language for the Mental Disabilities definition and the Learning Disabilities definition – with one exception: delete the sentence containing specific conditions. Specification of eligibility criteria, in both areas, should be dealt with using guidelines.

The work group suggested a specific participatory process be used to create eligibility guidelines for Mental Disabilities and Learning Disabilities. Work

group members felt the need for a field review of the process prior to adoption and implementation.

In addition, the panel recommended that no student currently entitled to special education services shall have that entitlement removed solely as a result of the development of new eligibility guidelines.

## **Legal Issues Work Group**

The legal issues work group met for two days to discuss the legal implications of the proposed rules. Because the legality of rules and regulations is of great importance in protecting the rights of children with disabilities, it was important to solicit input from key authorities. That is why three nationally known experts on special education law were invited to lead the discussion.

The experts included: Dr. Judy Schrag, former director of the Office of Special Education during the Bush Administration; the honorable Reed Martin, a nationally respected special education attorney; and Dr. David Prasse, a professor at Governor's State University and an expert on special education assessment and the law.

Participants from Iowa included a wide range of people concerned with legal issues in special education. Advocacy groups, administrative law judges, AEA directors of special education, professional organizations, and Iowa Protection and Advocacy were represented. This panel generated a list of legal questions related to the proposed rules of special education. These questions were added to the

legal concerns gathered at public hearings during the public comment period.

The panel grouped the questions into areas of: *Assessment and Identification, Due Process, Programs and Services, and other concerns*. Each question was addressed and answered individually. The group clarified each issue prior to answering it and provided rationale for their answers.

Generally, the group expressed strong support for the intent and direction of the proposed rules. The experts offered two specific suggestions to strengthen the proposed rules: one dealing with early parent notice and one related to public comment on AEA procedures.

## **Summary**

A written report containing the detailed findings of the four works groups is currently available from the Bureau of Special Education, Iowa Department of Education.

Public comment has generated positive revisions to the proposed administrative rules on special education. The latest revisions should be available early in November, 1994. Informational meetings will then be held to allow parents, educators and others to review the proposed rules and comment further.

The reason for revising the rules remains intact: to enable the educational community to more effectively meet the needs of each child. Recent history demonstrates that, by working together, Iowans can develop a set of administrative rules that better meet the diverse educational needs of individuals with disabilities.

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