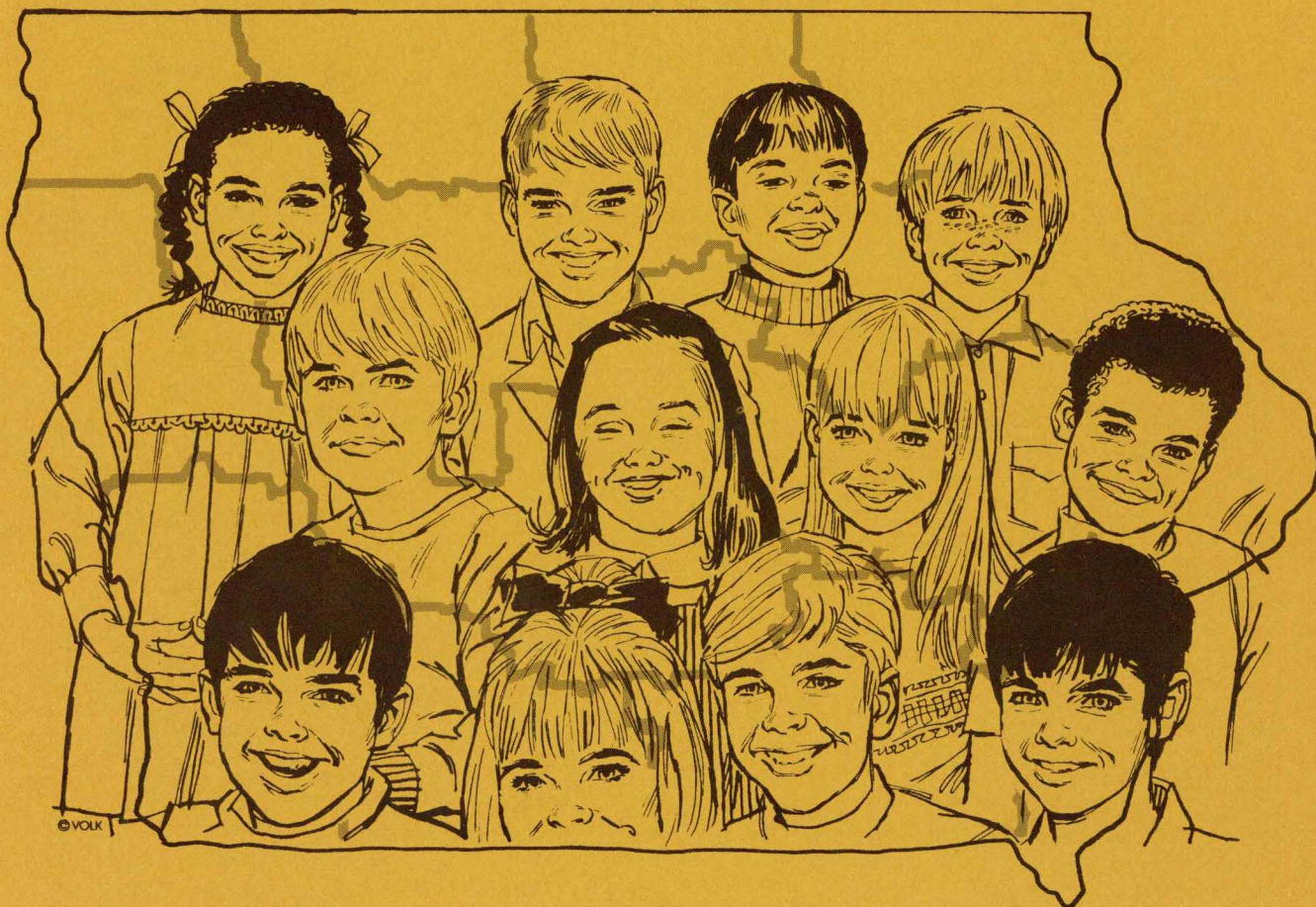


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Rules of Special Education



State of Iowa • Department of Public Instruction

RULES OF SPECIAL EDUCATION

State of Iowa
DEPARTMENT OF PUBLIC INSTRUCTION
Grimes State Office Building
Des Moines, Iowa 50319
1974

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State of Iowa
DEPARTMENT OF PUBLIC INSTRUCTION
Special Education Division
Grimes State Office Building
Des Moines, Iowa 50319

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Pursuant to the authority conferred by section 281.3, Code of Iowa, and for the purpose of implementing Chapter 281, Code of Iowa, Title X of the Rules of the State Department of Public Instruction, which appears at pages 720 through 724 of the 1973 I.D.R., and consists of Chapter 12, is hereby rescinded and the following adopted in lieu thereof.

TITLE X

SPECIAL EDUCATION AND GUIDANCE

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DIVISION I

AUTHORITY, SCOPE, GENERAL PRINCIPLES AND DEFINITIONS

12.1(257, 281 and 442) Scope. These rules apply to the provision of educational and education-related services to children requiring special education between birth and the age of 21 (and to a maximum allowable age in accord with section 281.8 of the Iowa Code) who are enrolled in the public schools of this state or in non-public schools. In addition, they apply to children who require special education and are being educated at home, in hospitals, or in facilities other than schools, and to persons below or above the compulsory school attendance age, to the extent that programs of special education and related services are required or available pursuant to statute for such persons.

12.2(257, 280 and 281) General Principles.

12.2 (1) Special education programs and services must be made available to all children requiring special education. For all persons referred to in section 12.1 of these rules, required services include screening, assessment and evaluation to ascertain whether a pupil is in need of special education, remedial or supportive instruction and habilitation, counseling or other aid in order to permit each child requiring special education to benefit from an educational program or service or to perform reasonably therein.

12.2 (2) It is the responsibility of school districts to assure special education programs and services adequate to meet the requirements of state statute and these rules. This responsibility shall be met by one or more of the following: by each school district acting for itself; by action of two or more school districts through establishment and maintenance of joint programs; by the area education agency; by contract for services from suitable public or private agencies having the appropriate programs, capacity and competence; or, by any combination of the foregoing. Regardless of the method or methods chosen the individual school district has the responsibility and is accountable for provision and appropriateness of the programs and services. The appropriateness of special education programs and services shall be determined by the area education agency director of special education.

12.2 (3) To the extent practicable, children requiring special education programs or services shall be educated in the regular school program of the school district; shall receive instruction in classes attended primarily by pupils who are not handicapped; shall receive instructional time equivalent to pupils who are not handicapped; and, shall be furnished

such supplemental equipment, facilities, instructional materials and remedial or other services as may be necessary to enable them to perform satisfactorily in the normal environment of the school. Special education instructional classes, facilities, and services shall be provided outside of the regular school program only to the extent that such other locations are necessary for the proper performance of clinical, medical or other services or that performance requires personnel, equipment or facilities which cannot be reasonably and efficiently accommodated on the premises of regular schools.

12.3(281) Definitions. As used in these rules:

12.3 (1) "Department" means the state department of public instruction.

12.3 (2) "Parent" means a natural parent or any other person who has personal guardianship rights and responsibilities for a pupil.

12.3 (3) "Pupil" means a person over seven and under sixteen years of age who pursuant to the statutes of this state is entitled or required to receive a public education; a person under seven or over sixteen years of age who pursuant to the statutes of this state is entitled to receive a public education; and, a person under twenty-one years of age who pursuant to the statutes of this state is entitled or required to receive special education programs and services.

12.3 (4) "'Children requiring special education" are those pupils handicapped in obtaining an education as specified in Chapter 281 of the Iowa Code, and as defined in these rules.

a. "Physical disability" is the inclusive term used in denoting physical or visual impairments of pupils requiring special education programs and services.

(1) Pupils with physical impairments manifest an aberration of an essential body structure, system or function. Included may be disabilities resulting from cardiac, congenital or orthopedic anomalies and conditions, or conditions of unknown or miscellaneous causes.

(2) Pupils with visual impairments are those whose vision deviates from the normal to such an extent that they, in the combined opinion of an educator qualified in the education of the visually impaired and an eye specialist, require special education programs, facilities, or services. Visual acuity and educational functioning are used in determining needs of partially sighted and blind pupils.

b. "Mental disability" is the inclusive term denoting significant deficits in adaptive behavior and sub-average general intellectual functioning. For educational purposes, adaptive behavior refers to the individual's effectiveness in meeting the demands of his environment and sub-average

general intellectual functioning as evidenced by performance greater than one standard deviation below the mean on a reliable individual test of general intelligence valid for the individual pupil.

c. "Emotional disability" is the inclusive term denoting behaviors manifested within the school setting which significantly interfere with the learning process, interpersonal relationships or personal adjustment of the pupil and require provision of special education programs and services. Behaviors indicative of emotional disability may include but are not limited to:

- (1) Withdrawal from social interaction in the school environment.
- (2) Difficulty in maintaining satisfactory interpersonal relationships with peers or adults.
- (3) Consistently inappropriate behavior under normal circumstances.
- (4) General pervasive mood of unhappiness or depression.

d. "Communication disability" is the inclusive term denoting deficits in language, voice, fluency, articulation and hearing.

(1) Impairment in language is a disability in verbal learning resulting in a markedly impaired ability to acquire, use or comprehend spoken, read or written language due to difficulties in acquisition and usage of syntax, morphology, phonology and semantics.

(2) Impairment in voice is an abnormality in pitch, loudness or quality resulting from pathological conditions, psychogenic factors or inappropriate use of the vocal mechanism which interferes with communication or results in maladjustment.

(3) Impairment in fluency is a disruption in the normal flow of verbal expression which occurs frequently, or is markedly noticeable and not readily controllable by the pupil. These disruptions occur to the degree that the pupil or his listeners evidence reactions to the manner of one's communication and one's disruptions so that communication is impeded.

(4) Impairment in articulation is defective production of phonemes which interferes with ready intelligibility of speech.

(5) Impairment in hearing is a loss of auditory sensitivity ranging from mild to profound which may effect one's ability to communicate with others.

(a) "Deaf" pupils include those individuals whose hearing impairment is so severe that they do not learn primarily by the auditory channel even with a hearing aid, and who need extensive specialized instruction in order to develop language, communicative and learning skills.

(b) "Hard of hearing" pupils include those individuals whose level of communicative ability is adequate to allow them to acquire speech, language and to learn by auditory means although they may experience difficulty, under certain circumstances, in oral communication, language and learning skills with or without amplification and who may need various classroom and instructional modifications in order to make full use of school experiences.

e. "Learning disability" is the inclusive term denoting deficiencies which inhibit a pupil's ability to efficiently learn in keeping with his potential by the instructional approaches presented in the usual curriculum and require special education programs and services for educational progress.

These deficiencies occur in the acquisition of learning skills and processes or language skills and processes, including, but not limited to the ability to read, write, spell or arithmetically reason and calculate. These deficiencies may also be manifested in an inability to receive, organize, or express information relevant to school functioning.

The deficiencies displayed by pupils with learning disabilities are not primarily due to sensory deprivation, mental disabilities, severe emotional disabilities, or a different language spoken in the home.

f. "Children who are chronically disruptive" refers to those pupils who, due to marked personal, school, family or community adjustment problems, have been excluded from school, are under judicial jurisdiction and require a self-contained special class program.

12.3 (5) "Children who are handicapped in obtaining an education" are those pupils whose educational potential cannot be adequately realized in the regular school experience without the provision of special education programs or services.

12.3 (6) "Special education programs and services" are all special education activities provided for children requiring special education by the department, area education agency or school district. Special education provides a continuum of program and service options in order to provide the intervention which is required to meet the educational needs of each pupil regardless of his disability.

12.3 (7) "Special education instructional programs" are those regular or special education classroom and instructionally related activities for children requiring special education ordinarily provided by the school district but which in some instances, subject to the approval of the department, may be contracted from the area education agency or another public or private agency.

12.3 (8) "Special education support programs and services" are those special education activities including inter-district transportation

and other unique service needs as approved by the department which augment, supplement or support regular or special educational programs and services for children requiring special education and which are ordinarily provided by the area education agency but may be provided by contractual arrangement, subject to the approval of the department, by the school district or another qualified public or private agency.

12.3 (9) "Director of special education" means the director of special education of the area education agency.

12.3 (10) "Severely handicapped" are those pupils also termed "profoundly handicapped" who have special education needs which require intensive special education programs and services.

12.3 (11) "Multiple handicaps" are those conditions in which a pupil has two or more disabilities requiring intensive special education programs and services designed to ameliorate the effects of the combined disabilities.

DIVISION II

METHODS OF PROVIDING PROGRAMS AND SERVICES

12.4(281) Regular Instruction Preferred. In implementation of section 281.2 of the Iowa Code and these rules, children requiring special education shall attend regular class and receive services in a regular school to the maximum extent possible and appropriate. It is the policy of the department that school districts shall in cooperation with the area education agency, assemble sufficient numbers of children requiring special education in individual regular schools so that they may be efficiently served in conjunction with school programs for non-handicapped pupils.

12.5(281) Special Education Instructional Programs. Special education instructional programs may be of three types:

12.5 (1) Self-contained special class: an educational program serving pupils with similar special education needs to the degree that they require special education instruction on a full time basis. Such pupils ordinarily cannot profit from participation with regularly enrolled pupils in academic subjects but benefit from integration into other school activities.

12.5 (2) Special class with integration: an educational program for children requiring special education with similar educational needs who are enrolled in a special education classroom but who can profit from participation in one or more academic subjects with pupils who are not handicapped. These programs may be operated on a multi-disability basis when approved by the department.

12.5 (3) Resource teaching program: an educational program for children requiring special education who are enrolled in a regular classroom program for most of the school day but who require special education instruction in specific skill areas on a part-time basis. These programs may be operated on a multi-disability basis.

12.6(281) Itinerant Model. Special education programs and services may be provided on an itinerant basis whenever the number and location of pupils to be served does not justify their provision by professional personnel attached on a full-time basis to two or less attendance centers. It shall be a condition precedent to approval of an itinerant program that the director of special education submit evidence satisfactory to the department that the quantity and quality of an itinerant program does and will continue to meet the requirements of each pupil at each location and in the area as a whole.

12.7(281) Home Services; Hospital Services. Pupils whose condition is such as to preclude their attendance at school shall not be denied instruction on account thereof. Instruction and appropriate special education services shall be provided through home or hospital programs. The provision of special education programs and services for homebound or hospitalized pupils will be approved only for those pupils with a disability (or disabilities) which precludes their participation in the regular or special education program conducted in schools or related facilities.

12.8(281) Special School Provisions.

12.8 (1) Special schools for children who cannot be effectively educated in the regular schools shall be maintained by individual school districts; jointly by two or more school districts; by the area education agency; jointly by two or more area education agencies; or, by contractual agreement. In appropriate circumstances, such schools may provide services of a supplementary or support character for regular schools and children in attendance in them.

12.8 (2) School districts may make provision for children requiring special education by contracting with a private school or facility offering competent and appropriate programs and services, but in the case of a particular pupil, the program or service furnished shall be in a private school or facility only if it is impracticable for the school district to provide the program or service pursuant to subdivision (1) of this section.

12.8 (3) The state may provide instruction and related services in special schools which it maintains and operates, but in the case of a particular pupil, consideration will first be given to accommodation of the pupil in a regular school, or in a school maintained and operated pursuant to subdivision (1) of this section.

12.8 (4) When the choice is between accommodating a pupil in a private facility or program or in a state school, the decision shall be made on the basis of the following criteria:

a. The comparative distances of the facilities involved from the pupil's home or regular place of residence.

b. The comparative quality and suitability of the state and private programs being considered.

12.9(281) Transportation. School districts shall make provisions for special transportation for any pupil whose handicap or subsequent special education program or service requires him to be transported to and from or in and about school.

12.10(281) Special Education Centers. Special education centers may be established pursuant to section 281.4(10) of the Iowa Code and subject to approval by the department.

DIVISION III

DISTRICT AND AREA RESPONSIBILITIES

12.11(281) School District Responsibilities.

12.11 (1) To the extent, and in those cases where it is not expressly otherwise provided by state statute, it is the responsibility of each school district to provide each pupil who is a resident thereof with a suitable special education program of instruction and with services incidental thereto. This responsibility may be fulfilled by using the service delivery alternatives and program options as enumerated in Division II of these rules, with the extent and character of pupil need as the chief determinant of the nature and degree of intervention provided.

12.11 (2) School districts, in conjunction with the area education agency or the department, shall implement activities designed to evaluate and improve special education programs and services.

12.11 (3) School districts should cooperate in research activities designed to evaluate and to improve programs and services received by children requiring special education.

12.11 (4) School districts contracting with other districts, area education agency, or private agencies to provide programs for an individual pupil or groups of pupils shall maintain responsibility for pupils receiving such programs or services by:

a. Insuring the adequacy and appropriateness of the program or service provided by requiring and reviewing periodic reports; and,

b. Conditioning payments on the proper delivery of program or service.

12.11 (5) The school district shall assist the area education agency in selecting the site or sites of special education programs and services from among the several schools which may be within the area.

12.11 (6) Policies, rules and procedures pertinent to the provision of special education programs and services shall be filed at the area education agency.

12.12(281) Area Education Agency Responsibilities.

12.12 (1) The area education agency shall develop policy and provide special education programs and services to children requiring special education pursuant to Chapter 1172, Acts of the 65th G.A., 1974 Session, (S.F. 1163) and these rules.

12.12 (2) Area education agencies contracting with school districts, other area education agencies, or private agencies to provide programs or services for individual pupils or groups of pupils shall maintain responsibility for quality of such programs or services by:

a. Insuring the adequacy and appropriateness of the programs or services provided by requiring and reviewing periodic reports; and,

b. Conditioning payments on the proper delivery of programs or services.

12.12 (3) The area education agency shall maintain sufficient records and reports for audit by the department pursuant to section 281.9 of the Iowa Code.

12.12 (4) School district and area education agency policies, rules and procedures pertinent to the provision of special education programs and services shall be filed at the area education agency.

12.12 (5) The area education agency and school districts shall insure that rules pertinent to programs and services, eligibility, equipment, materials, facilities, evaluation, supervision and duties of personnel are observed in extended year or vacation period programs for children requiring special education.

DIVISION IV

PLANNING

12.13(281) Content and Development of Plan.

12.13 (1) On or before November 1, of each year for the school year commencing the following July 1, each area education agency shall submit to the department, on forms provided by it, a plan for providing comprehensive special education programs and services for pupils, and for relating such programs and services to the educational needs of children requiring special education within the area served by the area education agency. The plan shall:

a. Set forth the number of children in the area in need of special education; the number presently receiving it; and the means being employed or proposed to be employed to provide appropriate special education to any child not receiving it but in need thereof.

b. Identify the kinds of special education required to meet the needs of all children in the area; the numbers of children needing each type, and the number presently receiving that type of special education.

c. Provide a statement indicating to what extent the children referred to in response to items a. and b. hereof receive special education (e.g., on a daily basis throughout the school year, on a part-time basis, or at intervals).

d. Survey existing programs, services and facilities and provide an assessment of pupil needs.

e. Identify the goals and objectives of planned programs and services and designate the role of staff to meet these goals and objectives.

f. Specify provisions for the ongoing identification, assessment, evaluation and placement of pupils in appropriate programs and services, the extent of parental involvement, cooperation with appropriate community service agencies, and the use and composition of diagnostic-educational teams for evaluation and placement recommendations.

g. Describe provisions for the orderly development of sequential programs and services including curriculum, instructional resources, administrative/supervisory services, staffing, personnel training, facilities, funding sources, and any plans for cooperative or contractual arrangements.

h. Describe the design for evaluation of programs and services.

- i. Be revised and resubmitted annually.

12.13 (2) The plan shall identify, by district, the number of personnel positions, sponsoring agency, and geographical location of programs and services. Names of professional personnel employed to fill the positions shall be submitted to the department by September 15 of the school year in which the plan is in force.

12.13 (3) Special education programs and services shall be preceded by careful planning which insures proper identification of pupils, meeting of required standards, and continuity of instruction which includes follow-up activities at all levels consistent with needs of each child requiring special education. Consideration shall be given to the number of children requiring special education necessary to produce appropriate groupings according to the nature and severity of disability, ages of pupils, educational objectives at all educational levels, and to the provision for appropriate and continuous identification procedures.

12.13 (4) Written approval shall be obtained from the department prior to initiation of special education programs and services which depend upon the employment of personnel who are employed part-time in special education and part-time in other capacities within the school or part-time in two or more of the special education personnel areas, or, only part-time within the school system.

12.14(281) Basis of Approval of Plan. Department approval of each area education agency plan shall be based on the following:

12.14 (1) Receipt of data and information from which it can reasonably be concluded that there are or will be procedures and resources to provide the programs and services required by state statute and these rules.

12.14 (2) Prior approval of the area education agency plan by the area board of directors.

12.14 (3) Verification of the data and information submitted and supplemental information acquired by site visits, program reviews and otherwise, when deemed appropriate by the department.

12.14 (4) Evidence of school district involvement in the formulation of the area education plan.

12.15(281) Approval of Plan: Exceptions. The department will notify each area education agency in writing of the approval of its plan. If approval is denied, the written notice thereof shall contain a statement of the reasons therefore. A plan may be approved in part, or subject to the remedying of deficiencies or omissions. A plan denied approval in whole or in part shall be revised and resubmitted by the area education agency.

12.16(281) Approval of Plan: Personnel. No plan shall be approved unless the department is satisfied that the personnel resources committed thereto by the area education agency or the participating school district or districts is sufficient for the provision of adequate services. The grounds for requiring increased personnel shall include:

a. Newly identified children requiring special education support services.

b. Referral backlog of pupils who need special education identification and evaluation.

c. Implementation of new models and increased intervention for previously identified pupils.

d. Demographic consideration which make it appear that present staff distributions cannot reasonably service the entire area and its children requiring special education.

DIVISION V

SERVICES AND PROGRAM MANAGEMENT

12.17(281) Programs and Procedures Required. Consistent with provisions of a working environment which will encourage efficient and effective utilization of the professional abilities and time of special educators and the integration of special education programs and services with the instructional and other programs of the school district as a whole, the area education agency and school district shall establish and maintain procedures to provide the programs and services identified herein.

12.18(281) Identification, Assessment and Evaluation. Each area education agency, in conjunction with each school district, shall establish and maintain an ongoing identification, assessment and diagnostic program to insure early identification of and appropriate service for children requiring special education. The program shall include:

12.18 (1) Screening for pupils who may require special education which is consistent with the following:

a. The population to be screened and the screening model(s) used shall be specified.

b. Qualified personnel shall conduct or supervise screening programs. Paraprofessional personnel, after receiving appropriate training, may assist in screening under supervision of a qualified professional.

c. Measures shall be included to secure procedural uniformity by all examiners.

d. Control measures shall be included to validate and, where necessary, to refine screening procedures.

e. Referral for further evaluation shall be arranged for those pupils who show problems significant enough to warrant further diagnostic study.

12.18 (2) A referral system which includes interaction with pupils, teachers, school administrators, parents and others having specific responsibilities for or knowledge of pupils who may require special education. The referral system shall show specific procedures for:

a. Securing initial screening for previously unidentified pupils who may require special education.

b. Obtaining health history, social work services, psychological evaluation, educational evaluation, vision evaluation, language, speech and hearing evaluations and other evaluations considered necessary for pupils as a result of special education screening or assessment.

12.18 (3) Specialized tests, materials and equipment appropriate to the diagnostic process shall be available for use by qualified professionals.

a. When assessment and diagnostic procedures and instruments are selected, adjustments shall be made where necessary to account for sensory and physical differences, emotional and perceptual characteristics, socio-cultural and linguistic background and home environment of pupils. The appropriateness of such procedures and instruments shall be considered in administering such tests and evaluating the results.

b. Tests to determine the intellectual functioning of hearing impaired pupils shall be selected from non-language performance scales standardized on, or adapted for, the hearing impaired.

12.18 (4) A confidential record, subject to audit by the department, registering the name and certified disability of each child requiring special education and shall be maintained by the area education agency and provision made for its periodic revision. Adequate records of the population screened shall be maintained.

12.18 (5) If the screening, assessment and evaluation procedures required by these rules are performed under contract by an agency other than the school district or area education agency, it shall be the duty of the area education agency to assure that these requirements are met.

12.19(281) Placement.

12.19 (1) The area education agency shall have written procedures for the determination of eligibility and placement of pupils in appropriate special education programs and the receipt by pupils of special education services. The area education agency and any school district therein, in discharging its responsibilities in connection with the provisions of special education, shall employ such procedures. They shall include:

a. The utilization of diagnostic-educational teams for evaluation and placement recommendations for children requiring special education instructional programs.

b. The compilation or acquisition of a comprehensive educational evaluation for each pupil which includes recent evaluations of vision, hearing, language and speech, intellect, social functioning, academic status, health history, and other elements as deemed appropriate by the diagnostic-educational team.

c. A process for informing the parents of the results of screening, assessment, diagnosis and which also provides for parental involvement in determining plans for habilitation prior to placement of any child requiring special education.

d. Specified procedures for parental appeal of placement decisions as defined in section 281.6 of the Iowa Code.

e. The director of special education's certification and assignment of the appropriate weighted enrollment factor.

12.19 (2) When decisions for professional programs and services are made for a particular handicapping condition, the appropriate specialist shall have primary responsibility for recommending the type of program model needed, the extent of services to be provided and the frequency of direct/indirect contacts scheduled for the pupil.

12.19 (3) When recommendations for a pupil with emotional disabilities indicate a need for provision of services in a special class, self-contained special class or class for pupils with severe handicaps, a clinical psychologist or psychiatrist, approved by the department, shall be consulted prior to certification by the director of special education. Such consultation may provide recommendations for additional evaluation, instructional and support services necessary to meet the pupil's needs.

12.19 (4) Placement of each child requiring special education shall be reviewed for appropriateness on an annual basis. When comprehensive re-evaluation is required or requested by school personnel or parent, the pupil shall be referred to the diagnostic-educational team. In either case, written documentation shall be prepared for:

- a. Continuation in the program,
- b. Transfer to a different program or service, or,
- c. Dismissal and follow-up.

12.19 (5) Maximum class size limits are set forth in the following chart and may not exceed the number of pupils indicated.

	Itinerant Teacher	Resource Teaching Programs	Special Class With Integration		Self-Contained Special Class			Severely Handi-capped
			Elementary	Secondary	Preschool	Elementary	Secondary	
Communication Disability	Not An Option	18	12	15	D e p a r t m e n t A p p r o v a l	8	10*	5
Hearing Impaired	10	Department Approval	10	10		8	10*	5
Emotional Disability	10	18	12	15		8	10*	5
Learning Disability	10	18	12	15		8	10*	5
Mental Disability	Department Approval	18	12	15		8	10*	5
Physical Disability	10	18	12	15		8	10*	5
Visually Impaired	10	Department Approval	12	15		8	10*	5
Chronically Disruptive	Not An Option							5
Multiple Handicaps	Not An Option							5

* Self-contained special classes at the secondary level may be operated with an enrollment limit of 15 students if a work experience instructor supervises on-the-job work experience and provides related instruction.

NOTE: Chronological Age Range Limitations

1. Resource teaching programs and special classes with integration will be housed in elementary or secondary school facilities and serve pupils of a corresponding age range.
2. Self-contained special classes may be operated at the preschool level or other instructional levels so long as the chronological age range of pupils enrolled does not exceed six (6) years.

12.20(281) Scheduling; Records.

12.20 (1) Within the first 30 days of the school year, each school district, in conjunction with the area education agency, shall provide for the initiation of screening and assessment programs in its schools in order to ascertain which pupils may require special education programs and services.

12.20 (2) Children requiring special education who are pre-registered for the school year or who were enrolled previously and are known to require continued special education of a particular kind or degree shall receive such services or programs as are necessary to permit their satisfactory performance in the education program from the beginning of the school year. Facilities, personnel, classes, supplementary activities, equipment and supplies shall be provided to accomplish this requirement. Necessary programs and services may also be provided to pupils on an extended year basis or in sessions during vacation periods.

12.21(281) Habilitation and Instruction.

12.21 (1) The programs and services provided by special education staff shall be based on and responsive to assessment and diagnostic evaluation of the pupil's case history and present status. The relationship between the special education provided and the overall needs of the child shall be fully considered. The approach shall be interdisciplinary and shall have the objective of improving the capacity of the pupil to learn and function, as nearly as may be, in a normal family and community environment or, if that is not probable of attainment, in the environment most suitable for the pupil.

12.21 (2) The programs and services provided for each child requiring special education shall be contained in a written individualized plan which includes:

a. Establishment of goals and objectives to meet individual needs which are consistent with the pupil's total educational program and curriculum, including opportunities for vocational and career education.

b. Continuous evaluation of the efficacy of the special education program or service provided for each pupil, with resultant redefinition of objectives and habilitative or instructional procedures as needed.

c. The setting forth of the goals and objectives which, when attained, will warrant a change in services provided or dismissal from the program.

d. Reporting pupil status on a periodic basis to parents, teachers and other responsible parties involved.

12.22(281) Consultative Services. Special education consultative services include:

12.22 (1) Provision of information and support to classroom teachers, curriculum specialists, special education support personnel and administrators.

12.22 (2) Supervision and training of aides.

12.22 (3) Inservice training of personnel providing or being prepared to provide instructional or related services.

12.22 (4) Parent counseling and instruction.

12.22 (5) Demonstration of instructional or therapeutic procedures and techniques.

12.22 (6) Curriculum development activities.

12.23(281) Coordination Time. Coordination time shall be provided to staff delivering special education programs and services to allow staff to perform necessary professional responsibilities, such as:

12.23 (1) Parent conferences.

12.23 (2) Attendance at inservice professional development activities.

12.23 (3) Consultations with medical, teaching and other professional support personnel.

12.23 (4) Screening, assessing and evaluating pupils referred after the initial identification program has ended.

12.23 (5) Classroom observation of pupils.

12.23 (6) Planning, record keeping and correspondence.

12.24(281) Records and Reports.

12.24 (1) For each pupil, all screening, assessment and evaluation results shall be evaluated promptly, and a full record made and preserved. The record shall show in detail the handicapping condition of the pupil with respect to performance and capability. For children identified as needing special education programs or services, their records shall also show the certified handicapping condition, the program or services required, and the manner of and extent to which they are being provided, together with the course of progress or regression, if any. Such records shall be confidential and neither the records themselves nor information contained therein shall be disclosed to any persons, except for school

personnel required to use them in connection with the instruction or treatment of the pupil, the parents of the pupil, or persons authorized by a parent. The parental authorization must be in writing and signed.

12.24 (2) Records initiated in accordance with the foregoing paragraph shall be maintained in a current status.

12.24 (3) The area education agency shall adopt and recommend an individual case record for use by professional staff incorporating the following characteristics:

a. The written program and services planned as required by section 12.21 (2) of these rules.

b. Relevant background data, results of assessment and diagnostic reports.

c. The person responsible for primary management of each case and other participants involved.

d. A chronology of all programs or services rendered. Each item appearing in the record shall be dated and signed by the person providing the program or service.

e. Progress reports for pupils receiving services shall be prepared at regular intervals and shall become part of each pupil's case record. A final summary report shall be prepared at the time when services are terminated.

12.24 (4) Individual case records shall be considered official school records and subject as such to general regulations regarding such records. They shall be kept in a manner which insures security, continuity and confidentiality. (See Chapter 68A of the Iowa Code.)

12.24 (5) The custodian of case records shall not furnish them, or information from them, to persons not professionally employed by the school district or area education agency, unless the custodian is in receipt of a release signed by the parent authorizing the furnishing of case record information. Such a release shall provide authority for the furnishing of information only to the person or persons specified therein, unless the terms thereof make it clear that the release is a general release. Whenever information is released, a record shall be made and preserved that shows the recipient and the date of transmittal.

12.24 (6) Procedures shall be established to terminate maintenance of individual case records when the instructional and habilitative program is completed and the pupil no longer has need for services. If there is no time period otherwise prescribed, records shall be kept until not less than three years after the pupil has completed the school program or would have reached the maximum age of compulsory school attendance. This does not preclude transfer of records, or copies thereof, to the school district in which the pupil is newly enrolled.

12.24 (7) Records and reports shall be initiated and maintained by the area education agency in order to provide evidence of:

- a. Certification of the existence of an individual's disability for children requiring special education.
- b. Approval for pupil participation in programs or services.
- c. Approval of program and service personnel.
- d. Continuity and sequential development of programs and services.
- e. Nature and extent of present programs and services.
- f. Assessment of present needs and projections for future needs.
- g. Periodic program and services evaluation by staff or outside consultants.
- h. Baseline data for research efforts necessary to improve decision-making program planning and staff performance.

12.24 (8) The area education agency and the school district shall submit to the department records and reports specifically requested.

DIVISION VI

PERSONNEL

12.25(281) Certification. Special education personnel shall meet the department certification or recognition requirements for the position employed and shall meet the approval requirements of the department as provided for particular special education services and programs. In addition, any special education personnel who, by the nature of their work, are required to hold a professional or occupational license, certificate, or permit in order to practice or perform the particular duties involved in this state shall be required to hold such license, certificate, or permit.

12.26(281) Authorized Personnel. The following types of special education personnel are authorized to be employed by a school district or area education agency as appropriate. Except as provided in section 12.13 (4) of these rules, the area education agency or school district must employ its authorized personnel on a full time special education assignment to be eligible for special education funding.

12.26 (1) "Director of special education" shall function as an advocate for children requiring special education and serve as an extension of the state division of special education in meeting the intent of the special education mandate and compliance with statutes and rules. The director of special education shall be responsible for the implementation of programs and services for children requiring special education pursuant to provisions of Chapter 1172, Acts of the 65th G.A., 1974 Session, (S.F. 1163, Section 6) and these rules. The director of special education shall be employed on a full-time basis and shall not be assigned the responsibility for any other administrative unit within the area education agency. It shall be the responsibility of the director of special education to report any violation of these rules to the department for appropriate action as provided in the Iowa Code.

12.26 (2) Instructional personnel may be employed to serve as resource teachers, special class teachers, or self-contained classroom teachers in the following areas:

- a. Chronically disruptive,
- b. Communication disability,
- c. Emotional disability,
- d. Hearing impaired,

- e. Learning disability,
- f. Mental disability,
- g. Multiple handicapped,
- h. Physical disability,
- i. Preschool handicapped,
- j. Severely handicapped, and,
- k. Visually impaired.

12.26 (3) The following positions are classified as support personnel:

a. "Assistant director of special education" shall assist the director of special education in the performance of specific area-wide administrative, supervisory and coordinating functions as delegated by the director of special education.

b. "Special education coordinator" shall be a special educator and shall assist the director of special education in coordinating special education programs and services within a school district.

c. "Supervisor" shall be the professional discipline specialist who has been assigned responsibility by the director of special education for the development, maintenance, supervision, improvement and evaluation of professional practices and personnel within a specialty area.

d. "Hearing clinician" shall provide services necessary for the identification and diagnostic evaluation of pupils having hearing impairments and for the planning and providing of special education programs and services for them.

e. "School psychologist" shall provide psychological services for the identification, planning, referral and counseling of children requiring special education programs and services, and consultation with school personnel and parents.

f. "Speech clinician" shall provide clinical language and speech services necessary for identifying, planning, coordinating and carrying out programs and services for pupils with deficits in language, voice, articulation and fluency.

g. "Consultant" shall be the instructional program specialist and shall provide on-going support to instructional programs for children requiring special education through the supervision and evaluation of curriculum and methodology.

h. "Hospital/homebound teacher" shall provide instruction for pupils who are homebound or hospitalized and unable to attend classes.

i. "School social worker" shall serve children requiring special education through group or individual casework practice, consultation with school personnel, and counseling with parents and pupils.

j. "Educational strategist" shall provide assistance to regular classroom teachers in developing intervention strategies for pupils who are mildly handicapped in obtaining an education but can be accommodated in the regular classroom environment.

k. "Itinerant teacher" shall provide supportive instruction on an itinerant basis to children requiring special education.

l. "Occupational therapist" shall provide those specific therapeutic activities needed by handicapped children.

m. "Physical therapist" shall provide those specific therapies prescribed by a physician that are needed by children requiring special education.

n. "Preschool teacher" shall provide specialized instructional programs and assistance for children less than five years of age who require special education programs and services.

o. "School vocational rehabilitation counselor" shall plan and implement vocational habilitation services to children requiring special education.

p. "Special education media specialist" a media specialist who shall provide correlation of media services only for children requiring special education and provide for the development, availability, maintenance and effective utilization of media for special education programs and support services.

q. "Special education nurse" a school nurse who shall provide professional nursing services only to children requiring special education.

r. "Work experience instructor" shall plan and implement a sequential secondary school program which provides on and off-campus work experiences for children requiring special education.

s.. Paraprofessional personnel.

1. "Audiometrist" shall provide hearing screening and other specific activities, as approved by the department, and as assigned and supervised by the hearing clinician.

2. "Communication aide" shall provide, under supervision of a speech clinician, certain language, articulation, voice and fluency activities specifically assigned by the supervising speech clinician.

3. Other paraprofessionals as approved by the department.

12.27(281) Support Personnel Ratios. The granting of departmental approval for the employment of special education support personnel shall be determined after reviewing the justification for employment of such personnel as outlined in the area education agency's special education plan. The employment of special education support services personnel shall be based upon service needs and models utilized. Application for staff/pupil ratios smaller than those specified below will require detailed justification as to the unique special education needs that require the granting of a ratio exception.

<u>Position</u>	<u>Ratio</u>
Hearing clinician	1:6,000-12,000 enrollment
School psychologist	1:2,000-2,500 enrollment
Speech clinician	1:1,000-1,500 enrollment
Consultant	1:10-15 instructional programs
Hospital/homebound teacher	1:10 handicapped pupils
School social worker	1:2,500-3,000 enrollment
Educational strategist	1:1,000-1,500 enrollment
Occupational therapist	1:special education facility
Physical therapist	1:special education facility
School vocational rehabilitation counselor	1:5,000 enrollment
Special education media specialist	1-3:area education agency
Special education nurse	1-5:area education agency
Work experience instructor	1:20-35 handicapped pupils

Modifications in these staff/pupil ratios may be approved subject to the following variations:

12.27 (1) Unusual concentration of handicapped children due to the following:

a. Concentration of special education programs and facilities within a community.

b. High risk socio-economic nature of the community.

c. Other unusual situations resulting in a higher or lower than average prevalence of handicapping conditions.

12.27 (2) Severity of the handicapping condition served.

12.27 (3) Geographic distribution of pupils to be served.

12.27 (4) Characteristics of service model or models to be employed.

12.27 (5) Availability and utilization of paraprofessional assistance.

12.27 (6) Administrative, supervisory and clinical support available to special education personnel.

12.27 (7) Additional responsibilities of support personnel such as staffing, screening and supervision.

12.27 (8) Availability of support personnel who provide complementary service in a team approach.

12.28(281) Paraprofessionals. Clinical aides and instructional aides (paraprofessional personnel), as approved by the department, may be employed as ancillary personnel in special education and shall:

12.28 (1) Be at least 18 years of age.

12.28 (2) Complete appropriate pre-service or in-service training specific to the functions to be performed. The area education agency or school district, as the case may be, shall make provision for and require such completion prior to the beginning of service wherever practicable, and within a reasonable time of the beginning of service where the pre-entry completion is not practicable. In addition, the area education agency or school district shall provide such advanced or continuing training or instruction as may be appropriate on an in-service basis.

12.28 (3) Work under the supervision of the appropriate professional.

DIVISION VII

FACILITIES, MATERIALS AND EQUIPMENT

12.29(281) Facilities.

12.29 (1) Each school or other center where special education programs or services are provided shall supply therefor facilities which shall be at least equivalent in quality to regular classrooms in the system, located in buildings housing regularly enrolled pupils of comparable ages and meet the following criteria:

a. Rooms shall be provided for itinerant and permanently-assigned staff and shall be regularly available for their use, of adequate size, with sufficient and appropriate work space, seating space and furnishings.

b. Physical mobility of pupils shall be considered in providing an environment that is architecturally barrier-free.

12.29 (2) Where available space in schools or other centers does not meet these standards, relocatable buildings for special education programs and services may be approved by the department. The use of such buildings shall be subject to reapproval or termination of approval, by the department, at intervals not to exceed one year.

12.29 (3) Special education personnel shall be provided office space, secretarial and clerical assistance and telephone service.

12.30(281) Materials and Equipment.

12.30 (1) Each school district shall make provision for its special education programs and services, building modifications, necessary equipment and materials, including both durable items and expendable supplies; provided that, where an area education agency, pursuant to appropriate arrangements authorized by the laws of this state, furnishes a special education program or service, performance by the area education agency shall be accepted in lieu of performance by the school district.

12.30 (2) Each area education agency or school district operating one or more special education programs or services shall have a comprehensive program in operation under which equipment for those programs and services is acquired, inventoried, maintained, calibrated and replaced on a planned and regular basis.

12.30 (3) The area education agency or school district responsible for the operation of a special education program or service shall provide special aids, equipment, materials, or supplies as necessary and approved by the department, but shall not provide devices prescribed or designed on an individual basis for a particular pupil.

DIVISION VIII

PROGRAM REVIEW

12.31(281) Reports and Consultation.

12.31 (1) Not later than August 1 of each calendar year, each area education agency, on forms provided by the department, shall make a report covering the fiscal year just ended on June 30 to the department containing the following:

a. A narrative summary of the special education programs and services of the area education agency and constituent school districts during the school year just concluded.

b. The number of pupils who, during the school year or any part thereof, were identified to be in need of special education programs and services, listed by resident school district, types of programs and services needed with the number of pupils needing each type.

c. The number of pupils receiving special education, both in total and by each classification for each school district.

d. The reasons for any disparity between the numbers of pupils needing programs and services and the numbers receiving them.

e. Such other information and data as the department may require.

12.31 (2) The department will evaluate each report submitted and may require the reporting area education agency to furnish additional information to ascertain the status of special education programs and services of the area education agency in compliance with the requirements of Chapters 257 and 281 of the Iowa Code and these rules.

12.31 (3) The department shall inform the area education agency in writing if any aspect of its report is unsatisfactory and, in such case, shall include the reasons therefor. At the initiation of the area education agency, school district or the department, conferences and consultations may be held on any matter relating to a report of the special education programs and services of the area education agency.

12.32(281) Rule Exception. When, in unique circumstances, these rules do not provide for the appropriate program for a child requiring special education, the director of special education may request a rule exception from the department. Such a request shall be in writing and include:

12.32 (1) A description of the unique circumstances, and,

12.32 (2) The proposed program or service alternatives.

Department action on a request for a rule exception shall be communicated in writing to the director of special education and, if granted, such an exception shall be valid for one year.

12.33(281) State Aid. Any state aid otherwise available to a school district or area education agency on account of its special education programs and services, or otherwise, may be suspended or withheld in whole or in part by the department in the case of a school district, area education agency, or other entitled entity to which these rules apply and which district, agency or entity is not in compliance therewith.

DIVISION IX

PUBLIC PARTICIPATION

12.34(281) Information.

12.34 (1) Pupils, parents and the general public are the patrons of special education programs and services provided by school districts and area education agencies. To the end that these patrons may have reasonable opportunity to know of the programs, services and appeal procedures to which they are entitled, the procedures for obtaining them and the manner in which they are being provided, each area education agency shall:

a. Establish and conduct an information program relating to special education programs and services, including their content, methodology and availability.

b. Notify parents of pupils of the times and places where screenings and assessments are to occur to identify children requiring special education.

c. Promptly following each such screening, assessment, or diagnostic evaluation, notify the parents of each pupil screened, assessed or diagnosed of the results thereof as they pertain to the child of such parents. The notification shall include a statement as to whether the child was found to deviate from the norm in any respect and whether a program of treatment or special education service is proposed, together with an explanation of its intended character and duration. If a handicap is identified and no program of treatment or service is proposed, the reasons for making no proposal shall be set forth in the notice.

12.34 (2) Each school district and area education agency shall assure that the professional personnel engaged in its special education programs and services are available for individual conferences with parents. With reference to a child receiving special education, the conferences shall be for the purpose of providing information on the nature of the program, progress or lack thereof on the part of the child, and measures recommended to be taken by the parents and other family members. Parents of children not receiving special education also shall be entitled to a conference with professional personnel, if they desire to ascertain why their children are not receiving special education.

12.35(281) Advisory Mechanisms and Procedures.

12.35 (1) Each area education agency may provide on a regular basis for the receipt of advice from parents and the community at large concerning the education of children requiring special education programs and services

and the special needs of such pupils. The area education agency shall inform the department of the method and arrangements which it employs to secure such advice and shall provide such documentation concerning the actual operation thereof as the department may require.

12.35 (2) The area education agency shall prepare, issue, keep in force and from time to time revise or amend rules and procedures whereby parents may obtain a review of decisions made by school authorities concerning the extent and character of special education programs and services provided for or denied to a pupil. Such rules and procedures shall be on file in the office of the school district as a public record, in the offices of the area education agency and a copy thereof shall be available to any resident of the school district without charge, upon request.

DIVISION X

FINANCE

12.36(281) Administrative Support. Administrative costs incurred in behalf of the area education agency special education support services, including facilities for special education support services personnel, shall be included in calculating the cost per pupil to be assessed school districts.

12.37(281) Contractual Agreements. Any special education instructional program not provided directly by a school district or any special education support service not provided by an area education agency can only be provided through a contractual agreement approved by the department.

12.38(281) Research and Demonstration Projects and Models for Special Education Program Development. Applications for aid, whether provided directly from state funds or from federal or other sources, for special education research and demonstration projects and models for program development shall be submitted to the department.

12.39(281) Additional Services. Additional programs and services for children requiring special education made available through the provisions of Chapter 1172, Acts of the 65th G.A., 1974 Session, (S.F. 1163, Section 8) shall be furnished in a manner consistent with these rules.

12.40(281) Extended Year Or Vacation Period Programs. Approved extended year or vacation period programs for special education programs and services, when provided by the area education agency for children requiring special education, shall be funded through procedures as provided for special education support services in section 442.7 of the Iowa Code.

12.41(281) Special Education Centers. Special education centers, diagnostic and prescriptive, are authorized and funded in accord with special education support services provisions of sections 281.4 and 442.7 of the Iowa Code. When the special educational needs of a child have been determined and when the weighted enrollment factor has been certified, the instructional program will be funded in accord with provisions of section 281.9 of the Iowa Code.

12.42(281) Program Costs. The program costs charged by a school district or area education agency for an instructional program for a non-resident child requiring special education shall be the actual costs incurred in providing that program.

These rules are intended to implement Chapters 257, 280, 281 and 442 of the Code.

These rules shall become effective immediately on filing in the office of Secretary of State as provided in Chapter 17A of the Code.

DATE 9/20/74

DATE 9/20/74

/s/ Muriel I. Shepard
MURIEL I. SHEPARD
President, State Board of
Public Instruction

/s/ Robert D. Benton
ROBERT D. BENTON
State Superintendent of
Public Instruction

EXAMINED AND APPROVED

DATE _____

ATTORNEY GENERAL

APPROVED

DATE October 8, 1974

/s/ Floyd Millen waf
CHAIRMAN, DEPARTMENTAL RULES
REVIEW COMMITTEE

These proposed rules were submitted to the attorney general on September 26, 1974, and the attorney general did not render an opinion thereon within thirty days of said date.

Filed, '74 Oct 31, PM 2 11, Secretary of State, Iowa.

RULES OF SPECIAL EDUCATION

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