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**School psychological
services : guidelines &
resource material**

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1975

SCHOOL PSYCHOLOGICAL SERVICES

GUIDELINES & RESOURCE MATERIAL

~~STATE OF IOWA
DEPARTMENT OF PUBLIC INSTRUCTION~~

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Special Education Division
Grimes State Office Building
Des Moines, Iowa 50319

September 1975

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SCHOOL PSYCHOLOGICAL SERVICES

GUIDELINES

&

RESOURCE MATERIAL

- Part 1 Guidelines School Psychological Services
- Part 2 Safeguards and Procedures for Selecting
Appropriate Program and Service Options
for Pupils Requiring Special Education
- Part 3 Excerpts from Iowa's State Plan Amendment
Education of the Handicapped Act,
Title VI, P.L. 93-380
- Part 4 Selected Chapters from Iowa Code and Rules

GUIDELINES

SCHOOL PSYCHOLOGICAL SERVICES

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ADVISORY COMMITTEE:

An advisory committee of school psychologists from throughout Iowa and representation from the Iowa School Psychological Association participated in the draft of the Guidelines (December 1974). The advisory committee included:

Charlene Bell (Mason City)	Bill Kerfoot (Mount Pleasant)
Elmer Buhler (Sioux City)	Carroll Roland (Marshalltown)
Don Carr (Des Moines)	Jim Spradling (Sheldon)
Deborah Hauck (Spencer)	Bill Stockton (Decorah)
Dean Kaumans (Oskaloosa)	Joe Ulman (Storm Lake)

The initial draft of the guidelines was provided to all school psychologists, AEA Directors of Special Education, AEA Administrators, universities with school psychologist training programs, the Iowa School Psychological Association, Iowa Psychological Association, and the Division of Special Education staff. The material presented in the guidelines reflects the input of the personnel listed above. Final copy completed June 1975.

RESOURCE MATERIAL:

Resource material listed below was useful in drawing upon current concepts and recommended practices appropriate to the profession of psychology. Some parts of the material listed below were extracted verbatim, other parts used in concept with modification and adaptation added to make it appropriate to Iowa, and, of course, some parts are unique to this publication and were concepts offered by advisory committee members. In all cases where resource material was utilized, appreciation is expressed to the authors of these publications.

- CERTIFICATION AND APPROVAL HANDBOOK. Iowa Department of Public Instruction, 1968.
- COMPETENCY CONTINUUM FOR SCHOOL PSYCHOLOGISTS AND SUPPORT PERSONNEL. Prepared by the Training and Accreditation Committee of the National Association of School Psychologists, 1973.
- THE EVALUATION OF SCHOOL PSYCHOLOGICAL SERVICES: A SYSTEMS APPROACH. Marvin J. Fine, University of Kansas, 1972.
- FUNCTIONS OF SCHOOL PSYCHOLOGIST. Iowa School Psychologists Association, 1974.
- GUIDELINES FOR CONDITIONS OF EMPLOYMENT OF PSYCHOLOGISTS. American Psychological Association, 1971.
- GUIDELINES FOR THE SCHOOL PSYCHOLOGICAL SERVICE. Michigan Department of Education, Special Education Services, 1974.
- HANDBOOK FOR SCHOOL PSYCHOLOGICAL SERVICES, SECTION II: RECOMMENDED GUIDELINES FOR SCHOOL PSYCHOLOGICAL SERVICES. Indiana Department of Public Instruction, Division of Pupil Personnel Services, 1972.
- LITIGATION, LEGAL AND ETHICAL ISSUES IN SCHOOL PSYCHOLOGY AND SPECIAL EDUCATION. Iowa Department of Public Instruction, 1974.
- A MODEL FOR PLANNING AND MONITORING COMPREHENSIVE SUPPORT SERVICES. Iowa Department of Public Instruction, 1974.
- PSYCHOLOGY AND NATIONAL HEALTH CARE. American Psychological Association, 1971.
- RULES OF SPECIAL EDUCATION, Iowa Department of Public Instruction, 1974.
- STANDARDS FOR PROVIDERS OF PSYCHOLOGICAL SERVICES. American Psychological Association, 1974.

GUIDELINES FOR PSYCHOLOGICAL SERVICES

I. PERSONNEL

A. School Psychologist

The school psychologist shall possess at least a masters degree, meeting the full requirements of a program in school psychology, from an institution recognized by the Department of Public Instruction (DPI) and shall have the appropriate endorsement for a school psychologist from the Division of Teacher Education and Certification, DPI, prior to beginning employment as a school psychologist.

Employment of individuals possessing less than these minimal credentials is inconsistent with the goal of providing high-quality psychological services and the educational unit is in violation of DPI Rules of Special Education and Chapter 257 of the Code of Iowa.

An earned masters degree should be considered as only partial readiness for entry into the practice of school psychology. In addition, individuals should possess a broad range of competencies essential to successfully carry out the functions of school psychologists (Section II, Guidelines).

B. Supervisor, School Psychological Services

As stated in the Rules of Special Education 12.26(3): "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."

The supervisor shall have four years of experience as a school psychologist and have advanced training in the areas of psychology, management and supervision.

C. Intern and Practicum Students in School Psychology

The intern in school psychology or practicum student in school psychology should function under the direct supervision of a practicing school psychologist and is subject to the same ethical standards which govern school psychologists. Experienced school psychologists should be given preference in supervision of interns or practicum students. Experiences and job responsibilities will be mutually determined by the AEA supervisor of psychological services and other personnel including the intern or practicum student in school psychology, school psychologist with the supervising responsibility, university personnel, and others when appropriate. Interns and practicum students shall meet appropriate standards for certification determined by the conditions of service or employment.

D. Psychological Aide

The psychological aide, either paid or volunteer, shall function under the direct supervision of a practicing school psychologist and is subject to the same ethical standards which govern school psychologists. Experienced school psychologists should be given preference in supervision of aides. In all other aspects, the psychological aides shall be appropriately trained and shall be governed by the provisions of Rule 12.28(281), DPI Rules of Special Education.

E. Contracted Psychological Services

In situations where psychological services are contracted or provided in specific agreement with the Area Education Agency (AEA) from an individual or from private, public or community agency, psychologists are to possess appropriate professional training and credentials for the services to be provided.

F. Advisory Committee

It is appropriate that representatives from practicing school psychologists, training institutions and relevant professional organizations participate in an advisory capacity with the DPI in the formulation and periodic review of qualifications for entry into and continuance in the field of school psychology in the state of Iowa.

II. SCHOOL PSYCHOLOGICAL SERVICES DEFINED

A. Purpose of School Psychological Services

School psychological services has as its major thrust the development and the advocacy of the total child; cognitive, emotional, and physical characteristics as they facilitate his/her adjustment to his/her total environment. Psychologists' professional activities should be primarily guided by the principle of "promoting human welfare."

B. School Psychologist Defined

As stated in the Rules of Special Education 12.26(3): "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."

A. Utilize appropriate assessment procedures in collecting data for decision-making concerning a pupil's abilities, disabilities and educational needs.

In providing for impartial and comprehensive assessment procedures, it is critical to consider the following: (1) utilize many kinds of people in assessing the pupil's behavior including assessment specialists,² teachers, parents and others as necessary; (2) utilize various procedures to measure the pupil's abilities and disabilities to insure that standardized test scores, behavioral data, impressions, opinions and other information are validated from multiple sources; (3) focus on behavior in a variety of structured and unstructured situations and including: classroom, at home, community and other settings.

Assessment methods must provide for valid and reliable measures which are consistent with currently accepted standards of professional practices. Measurement efforts must take into account cultural, sensory and other variables which could bias assessment results.

B. Utilize a diagnostic-educational team approach for pupil case review and school decision-making.

When considering a special education program there should be a review of the pupil's adjustment, learning and the quality of the school experience. It is essential to provide for a team approach which allows for input by the pupil's present teacher, potential receiving teacher, parents, assessment specialists most involved in the evaluation, the pupil when possible, and any others who could significantly add to the educational decision-making process. The parents, if they desire, should be permitted to be represented by an advocate

²"assessment specialists" is a generic term referring to support personnel including school psychologists, speech clinicians, hearing clinicians, consultants in special education, social workers, etc.

of their choice. This staffing team should consider the pupil's behavior from a variety of vantage points and, collectively, make a decision that reflects the total interest of the pupil. Provisions must be made for dissenting opinions regarding team decisions or recommendations and a process for case review by appropriate authorities as provided by the Rules of Special Education and the Code of Iowa.

C. Match pupil needs to program and service options and indicate anticipated benefits for the pupil.

In determining an appropriate program or service, the pupil's needs must be matched with the nature, scope, and intensity of the special education option. In determining a pupil's needs, the team should give consideration to a complexity of factors including: (1) ability to adapt to group learning experiences, (2) ability to effectively attend to and organize a learning task, (3) ability to perceptually and conceptually deal with learning tasks, (4) the individual's social and emotional adjustment, and (5) other factors related to school and learning performance. The individual's plan containing behavioral goals and objectives should be designed to match pupil needs with the benefits to be accrued from the special education option.

D. Select the least restrictive program or service option.

The pupil should receive programs and services appropriate to the pupil's needs and should not be recommended, placed or unduly involved in special education options which are more restrictive or more "special" or more segregating than is necessary. The Code of Iowa, Chapter 281.2(2) indicates:

"To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hinderances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aides and services rather than by separate programs for those in need of special education. Special classes, separate schooling or other removal of children requiring special education from the regular educational environment, shall occur

5. Maintaining a high level of professional and ethical practice.
6. Coordinating the activities of psychological service with other professional and technical groups both within and outside the AEA.
7. Providing opportunities for psychologists to acquire, maintain and improve skills essential to quality psychological services.

C. Legal and Ethical Considerations

The activities of school psychological services staff shall conform to relevant statutes established by federal, state and local governments and should be in accord with the existing state and national codes of ethical standards of the profession of school psychology.

IV. PUPILS, PATRONS, CASELOADS AND PROFESSIONAL RATIO

A. Potential Recipients of Psychological Services

School psychologists shall serve any child who is receiving or may require special education programs and services (as defined in Chapter 281 of the Code of Iowa and Rules of Special Education), provided that the school district has obtained prior written consent from the child's parent or guardian, up to the legal age of 18 years. When necessary, psychologists should participate in due process hearing and appeal procedures to insure appropriate services for the child are provided.

1. Services of school psychologists are available to children, parents or guardians, to school personnel, support personnel, and other persons who have a responsibility for the total development of children handicapped in obtaining an education.
2. The school psychologist shall be authorized to provide psychological services for individuals from birth through twenty-one years of age (and to a maximum allowable age in accord with section 281.8 of the Code of Iowa).

B. Caseload

Caseload will be determined by the population being served and by the nature and extent of services essential to the needs of the child. In determining the population assigned to each psychologist, the following variables should be considered:

1. Number of buildings or attendance centers.
2. Travel time.
3. Concentration of program for children requiring special education.
4. Number of secondary and elementary pupils.

5. Support personnel available.
6. Psychologist's area of specialization or special skills.
7. Other pertinent factors.

The pupil population assigned each school psychologist should allow for prompt and efficient delivery of services with appropriate follow-up with pupils, school staff and parents.

C. Professional/Student Ratio

As specified in the Rules of Special Education (12.27 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."

School Psychologist: 1:2000-2500

Application for staff/pupil ratios providing less than 2,000 pupils per psychologist will require detailed justification as to the unique special education needs that require the granting of a ratio exception. The categories of justifications for modification in established staff/pupil ratios are specified in Rules of Special Education 12.27(1) through 12.27(8).

V. FACILITIES, MATERIALS AND SUPPORT ELEMENTS

A. Working Environment for Psychological Services

The availability of appropriate environments for psychological services, conferences and in-service training is insured by seeing that:

1. School psychologists working regularly in specific schools have private, well-lighted and quiet rooms available within each school for individual pupil assessment and conferences with parents and staff.
2. Where appropriate facilities do not exist within the school, they exist in an alternative form (e.g. a mobile van which can serve the purposes described in #1 above) or transportation be provided to another facility.
3. Central office rooms meeting the physical standards set above, are available for individual pupil assessment and conferences in cases that are best handled away from the regular school building.

4. Observation rooms are available for in-service and intern training purposes.

B. Office Facilities

Appropriate office facilities should include the following components:

1. Each school psychologist has an office in a centralized location adjacent to the offices of other school psychological services personnel or other facility as appropriate to the model of service of the psychologist.
2. Offices contain the furniture and equipment necessary for effective services (e.g. desk, filing cabinet with lock, one or more book cases, dictating equipment, a tape recorder, and a telephone with one or more outside lines).
3. An office providing privacy be available to psychologists for conferences and consultation.
4. A conference room is near the offices of school psychological services personnel which promotes working and communicating as a total staff unit.
5. Where special education services suites exist in a central office location, the offices of the school psychologists are housed in or near it.
6. A suitable waiting room is adjacent to the office or offices.

C. Availability of Professional Materials

Each school psychologist should have, close at hand or available in a designated depository, all instruments and materials requisite to providing effective service. These should include:

1. Psychometric instruments which allow the psychologist to adjust for sensory and physical differences, emotional and perceptual characteristics, socio-cultural and linguistic background, and home environment of pupils.
2. Materials and equipment required to systematically and scientifically record intervals, duration and/or frequency of selected human behaviors.
3. In addition to those items personally used by the school psychologist with some frequency, specimen sets of all materials used in the school system group assessment procedure should be available.

D. Secretarial Support

Sufficient secretarial personnel, with necessary materials and equipment at their disposal, provide services to and are directly responsible to the school psychological services staff.

VI. INSTRUCTIONAL SERVICES

Instructional services to children, staff, parents and community are facilitated by having:

1. Upon the request of the individual schools, one or more school psychologists to provide topic presentations relating to the field of psychology. The school psychologist shall not be assigned teaching responsibilities for pupils.
2. School psychological services staff available to provide scheduled in-service training experiences to groups of school personnel.
3. School psychological staff members available for the presentation of singular or serial workshops to interested parent groups regarding child and adolescent development and other topics.
4. School psychologists available to speak during the school year before local community groups (e.g. PTA/PTO, community service clubs/organizations, medical associations, teachers' associations or unions, counseling and guidance associations, associations for handicapped children, etc.).

VII. PROGRAM PLANNING AND ACCOUNTABILITY

A. Planning and Accountability, School Psychological Services Unit

It is important that each Area Education Agency school psychological services unit develop and implement a system of accountability which takes into account the protection of the rights of each student. The system of accountability should also consider the code of ethics relevant to the profession of psychology and shall consider the goals of local, area, state and federal educational agencies.

1. There should be a written service delivery plan for each category of major consumer for whom psychological services are provided.
2. There should be periodic systematic and objective evaluation of the psychological services offered by the AEA at least once every three years.
3. The AEA supervisor of psychological services should review services planned by individual psychologists to insure that:
 - a. all special education programs and services and all handicapping conditions, from severe through mild, are receiving appropriate attention; and
 - b. an appropriate balance of prevention, identification, intervention and other services exist.

4. An end-of-year report of the psychological services unit's work should be developed and copies provided to the AEA director of special education and the consultant for psychological services, DPI.

B. Planning and Accountability, Individual School Psychologist

Psychologists are accountable for all aspects of the services they provide and should be responsive to those concerned with these services.

1. Each psychologist should develop a plan for psychological services to be offered within the schools or geographic area assigned.
2. Each psychologist should review the effectiveness of services provided with consumers and school staff and adjust the plan and services accordingly. Modifications in the plan for psychological services should be provided to the supervisor of psychological services.
3. Accurate, current and reasonable documentation need to be made of psychological services provided.
4. Each psychologist is responsible to render only those psychological services in which he/she has gained competence by reason of education, training, and experience and is accountable and responsible for his/her actions.

VIII. CONTINUING EDUCATION

Psychologists should maintain current knowledge of scientific and professional information which is directly related to the services they render. To insure this:

1. All school psychologists should take part in intra-discipline in-service training and/or consultation meetings on a regular basis (monthly, when feasible).
2. Adequate opportunity should be provided each school psychologist to participate in local/state/national training institutes or workshops during the school year.
3. The employing AEA or LEA should make attendance possible by granting time away from direct services and adequate funding for transportation, lodging, meals and appropriate registration fees.
4. A framework should be established in which psychologists from a given AEA could exchange knowledge and/or competencies germane to their professional undertakings (e.g. counseling techniques, behavior modification, interview skills, etc.) within that AEA or with other AEAs.

5. Each AEA should develop interdisciplinary library of journals and books for staff development. Materials contained within said library will be determined by the professional staff and funded by AEA funds.
6. Provisions should be made for special duty assignments or leave to be utilized for upgrading professional competencies (e.g. formal academic training, clinical experience, research).

IX. FINANCIAL SUPPORT, BUDGET AND FUNDING

Financial support should be provided so that:

1. Funds for essential materials chosen by staff members are readily available.
2. The AEA plan should reflect requests for funds allocated for employing additional psychological personnel essential to meet the need for psychological services in the area.
3. School psychologists are paid according to a schedule which demonstrates recognition of their advanced training, experience, special skills, and significant responsibilities and is competitive on a national level in order to insure maintenance of high-quality psychological services.
4. School psychologists are reimbursed for, or given additional funds to cover, all travel cost incurred through their employment.
5. Efforts should be made to obtain additional local, state and federal as well as private (corporate grants, private endowments, professional organizations and other private resources) funds in order to develop new and expanded programs beyond the level generated by support services monies in local and Area Education Agency budgets.

SAFEGUARDS AND PROCEDURES FOR SELECTING APPROPRIATE PROGRAM AND SERVICE OPTIONS FOR PUPILS REQUIRING SPECIAL EDUCATION

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Part I--Safeguards in Determining Appropriate Special Education Programs and Services

- A. Utilize appropriate assessment procedures in collecting data for decision-making concerning a pupil's abilities, disabilities and educational needs.
- B. Utilize a diagnostic-educational team approach for pupil case review and school decision-making.
- C. Match pupil needs to program and service options and indicate anticipated benefits for the pupil.
- D. Select the least restrictive program or service option.
- E. Provide an on-going program of progress evaluation.
- F. Receive parental permission and provide for informed consent of parents prior to providing special education programs or services.

Part II--Special Education Program and Service Options



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SAFEGUARDS AND PROCEDURES FOR SELECTING APPROPRIATE PROGRAM AND SERVICE OPTIONS FOR PUPILS REQUIRING SPECIAL EDUCATION

Overview

Education is commonly viewed as important in the development of children. The value placed upon education is further underscored by Iowa's compulsory attendance law which mandates that certain pupils be enrolled. It is generally accepted that all pupils deserve an education, but merely attending school does not insure that learning and preparation for life are occurring. It is better said that pupils deserve "an appropriate education." The Iowa legislature supported this concept by enacting legislation which revised the special education system for delivery and finance of services to more effectively provide opportunities for all pupils handicapped in obtaining an education. We are now at the point of turning educational philosophy and legislative intent into actions that benefit Iowa pupils.

This brings into focus concerns related to determining appropriate programs and services for pupils requiring special education. Historically, there have been problems involved in the processes of identification, placement and service to handicapped pupils. Specifically, some of the major problems have been:

- (A) mis-diagnosis or incomplete diagnosis of children with educationally handicapping disabilities,¹

¹A related problem which is important but which will not be dealt with in the scope of this paper pertains to early identification and non-identification of handicapped pupils.

- (B) one professional independently making decisions regarding a pupil's involvement or non-involvement in special education programs,
- (C) placing pupils into special or regular programs which are immediately available, but not appropriate to the pupil's needs (e.g. pupil placed in a special education program option such as resource teaching program or self-contained class that could be appropriately served in a regular classroom, or pupil in a regular class who needs another program option),
- (D) placing pupils into available special programs which create more segregation from peers than is merited by the nature of the pupils' disabilities,
- (E) lack of systematic evaluation to determine if the special education program or services were appropriate to the individual's changing needs, and
- (F) pupils were enrolled into special education programs without parental involvement or approval.

This paper is organized into two main sections. The first portion will address the six problems cited above by offering safeguards which must be taken into account when selecting an appropriate program or service for pupils requiring special education. Additionally, the reader is referred to Division V, "Services and Program Management," of the Rules of Special Education for further information pertaining to placement procedures for special education. The second portion of this paper will enumerate a variety of programs and service options possible under the Rules of Special Education. Additionally, special education programs are specified in Division II, "Methods of Providing Programs and Services," of the Rules of Special Education.

I. SAFEGUARDS IN DETERMINING APPROPRIATE SPECIAL EDUCATION PROGRAMS AND SERVICES

The following safeguards will provide for the protection of the rights of the pupil and provide a process that allows for considered judgment regarding appropriate programs or services for the pupil.

A. Utilize appropriate assessment procedures in collecting data for decision-making concerning a pupil's abilities, disabilities and educational needs.

In providing for impartial and comprehensive assessment procedures, it is critical to consider the following: (1) utilize many kinds of people in assessing the pupil's behavior including assessment specialists,² teachers, parents and others as necessary; (2) utilize various procedures to measure the pupil's abilities and disabilities to insure that standardized test scores, behavioral data, impressions, opinions and other information are validated from multiple sources; (3) focus on behavior in a variety of structured and unstructured situations and including: classroom, at home, community and other settings.

Assessment methods must provide for valid and reliable measures which are consistent with currently accepted standards of professional practices. Measurement efforts must take into account cultural, sensory and other variables which could bias assessment results.

B. Utilize a diagnostic-educational team approach for pupil case review and school decision-making.

When considering a special education program there should be a review of the pupil's adjustment, learning and the quality of the school experience. It is essential to provide for a team approach which allows for input by the pupil's present teacher, potential receiving teacher, parents, assessment specialists most involved in the evaluation, the pupil when possible, and any others who could significantly add to the educational decision-making process. The parents, if they desire, should be permitted to be represented by an advocate

²"assessment specialists" is a generic term referring to support personnel including school psychologists, speech clinicians, hearing clinicians, consultants in special education, social workers, etc.

of their choice. This staffing team should consider the pupil's behavior from a variety of vantage points and, collectively, make a decision that reflects the total interest of the pupil. Provisions must be made for dissenting opinions regarding team decisions or recommendations and a process for case review by appropriate authorities as provided by the Rules of Special Education and the Code of Iowa.

C. Match pupil needs to program and service options and indicate anticipated benefits for the pupil.

In determining an appropriate program or service, the pupil's needs must be matched with the nature, scope, and intensity of the special education option. In determining a pupil's needs, the team should give consideration to a complexity of factors including: (1) ability to adapt to group learning experiences, (2) ability to effectively attend to and organize a learning task, (3) ability to perceptually and conceptually deal with learning tasks, (4) the individual's social and emotional adjustment, and (5) other factors related to school and learning performance. The individual's plan containing behavioral goals and objectives should be designed to match pupil needs with the benefits to be accrued from the special education option.

D. Select the least restrictive program or service option.

The pupil should receive programs and services appropriate to the pupil's needs and should not be recommended, placed or unduly involved in special education options which are more restrictive or more "special" or more segregating than is necessary. The Code of Iowa, Chapter 281.2(2) indicates:

"To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hinderances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aides and services rather than by separate programs for those in need of special education. Special classes, separate schooling or other removal of children requiring special education from the regular educational environment, shall occur

only when, and to the extent that the nature or severity of the educational handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily."

It is viewed as inappropriate to have a pupil receive services in a program option which is less intense than is necessary in order to meet the pupil's educational needs.

E. Provide an on-going program of progress evaluation.

Once a pupil is either identified or begins receiving special education programs or services, an on-going system of monitoring performance will be utilized to determine: (1) if the existing option and habilitation plan should be supplemented, or otherwise changed to better serve the individual, (2) if a different option would better meet the individual's needs, or (3) if the pupil no longer requires the program or services. This evaluation or performance review should occur at least at intervals of 45 school days and at the end of the school year. Additionally, informal teacher evaluation should be continuous to permit adjustment of the pupil's daily instructional program.

F. Receive parental permission and provide for informed consent of parents prior to providing special education programs or services.

The parents shall be consulted and permission should be secured prior to initiating special education programs and services. In order to provide the essential information for informed consent, the parents should be apprised of (1) what special education program or service options are being recommended, (2) alternatives to the proposed special education option, (3) the anticipated benefits and possible disadvantages from the proposed option, (4) rights of parents and pupil related to appealing decisions, and

(5) an estimated timetable of when actions should occur.

When disagreement exists between parents and the school, procedures appealing decisions shall be utilized.

II. SPECIAL EDUCATION PROGRAM AND SERVICE OPTIONS

One of the major tasks facing a staffing team is to determine if a pupil requires special assistance or intervention beyond that which can be offered in the regular classroom, and if so, to determine what specific programs or services are needed. Below is a listing of programs and services authorized under the Rules of Special Education.

- Option 1 Regular educational program.
- Option 2 Regular educational program with supportive programs or services (not special education) available to all students.
- Option 3 Regular educational programs with the addition of special educational instructional materials, equipment or devices or special adaptations of materials to meet the pupil's needs.
- Option 4 Regular educational program with special education consultative services.
- Option 5 Regular educational program or special education program with special education consultative services for parents or family.
- Option 6 Regular educational program or special education program with provision for transportation of pupil.
- Option 7 Regular educational program in addition to itinerant special education support personnel working in the regular classroom or other facility.
- Option 8 Regular educational program in addition to special education resource teaching program.
- Option 9 Special education class with integration in the regular educational program.
- Option 10 Self-contained special education class.
- Option 11 Regular or special education service combined with a private or public supplementary program.
- Option 12 Special day school.
- Option 13 Special boarding school or residential facility.
- Option 14 Home service/hospital service.
- Option 15 Combination or other options.

EDUCATIONAL OPTIONS IN PLANNING
FOR PUPILS REQUIRING
SPECIAL EDUCATION PROGRAMS AND SERVICES

- OPTION 1 Regular educational program.
The pupil remains in the regular educational program and needs are met by the teacher without special assistance, support or intervention.
EXAMPLE: The teacher modifies pupil's educational assignments, restructures instructional groupings, modifies teaching methods, changes educational materials, etc.
- OPTION 2 Regular educational program with supportive programs or services (not special education) available to all pupils.
The pupil remains in the regular educational program but receives supplemental assistance through regular education support personnel or support programs.
EXAMPLE: Regular education support personnel - school nurse, guidance counselor, curriculum consultants, others. Regular education support programs - Title I math or reading, vocational projects, extra curricular activities, etc.
- OPTION 3 Regular educational programs with the addition of special educational instructional materials, equipment or devices or special adaptations of materials to meet the pupil's needs.
The pupil remains in the regular program and the teacher and/or pupil are supplied with materials and equipment geared towards meeting the individual's needs. The regular teacher conducts the program.
EXAMPLE: Desk model amplifiers, vision magnifiers, large print books, tape recorders and braillewriters, special instructional materials, etc.
- OPTION 4 Regular educational program with special education consultative services.
The pupil remains in the regular program and the teacher is provided with consultation from special service personnel who assist the teacher in designing individual prescriptive programs and help the teacher implement these programs.
EXAMPLE: School psychologist, school social worker, educational strategist, speech clinician.
- OPTION 5 Regular educational program or special education program with special education consultative service for parents or family.
The pupil is in either a special or regular educational program and the parents receive counseling or assistance in understanding the pupil's situation, are provided with information about community and state or other resources for service, or may receive ideas and activities to carry out at home with the student.
EXAMPLE: School social worker, school psychologist, consultants in speciality areas, special education nurse, etc.

- OPTION 6 Regular educational program or special education program with provision for transportation of pupil.
The pupil is in either regular or special education program and receives transportation to, from, in or about the school.
EXAMPLE: Inter- or intra-district transportation could be in the form of school bus, taxi or reimbursement to parents, or other means. Intra-school transportation may be provided for a pupil in a wheel chair or assistance in using restroom facilities, etc.
- OPTION 7 Regular educational program in addition to itinerant special education support personnel working in the regular classroom or other facility.
The itinerant personnel work with the regular teacher and provide direct instruction or counseling in the regular class or other facility, to a pupil whose needs can be met with part-time itinerant support.
EXAMPLE: School psychologist or school social worker may provide individual or group counseling for the student. Instruction may be provided by itinerant personnel such as speech clinicians, itinerant vision or hearing teachers, or other itinerant instructional personnel.
- OPTION 8 Regular educational program in addition to special education resource teaching program.
The pupil remains in the regular program for most of the school day. Resource teaching programs generally provide for at least 30 minutes and not more than two hours per day for the pupil who works individually or in small groups in a program designed specifically to meet identified needs. The duration of time spent in the resource teaching program is determined by the nature of the handicapping characteristics and the degree of intervention necessary to meet the pupil's needs. The instruction is carefully coordinated with the regular classroom teacher and the pupil's total educational program.
EXAMPLE: Multi-disability resource programs like the SPURT model, resource teaching programs for pupils with learning disabilities, hearing impairments, etc.
- OPTION 9 Special education class with integration in the regular educational program.
The pupil is generally in a special class more than half of the school day, but is integrated with other pupils in regular educational programs whenever this is appropriate. The duration of time spent in the special class shall be determined by the nature of the handicapping characteristic and the degree of intervention necessary to meet the pupil's educational needs.
EXAMPLE: Special class with integration is an option in all categorical disability areas such as mental, emotional, learning, communication, physical disabilities, etc.
- OPTION 10 Self-contained special education class.
The pupil receives most of the basic educational experiences through an instructional program in the special class. Experiences are supplemented by inclusion in those parts of the total

school program when appropriate and provision of supportive services as needed.

EXAMPLES: Special classes are possible in all disability areas. Supportive services may be offered by consultants in speciality areas (vision, communication, hearing, learning disabilities, etc.) or school psychologist, school social workers, etc.

OPTION 11 Regular or special education service combined with a private or public supplementary program.

This is a cooperative program in which the pupil receives most of the educational experiences through either the regular or the special program of the public school. However, this is supplemented through work experience programs or shared agency involvement.

EXAMPLE: Work evaluation center, physical therapy from a community agency, work-study program with student employed in community, etc.

OPTION 12 Special day school.

The pupil whose handicapping characteristics are so severe that no special education services offered in the regular public school facility can adequately or appropriately meet one's needs is placed in a special day school, either public or private, which will provide the necessary services.

EXAMPLE: Day care center, mental health center, day school programs, special schools for pupils with physical disabilities, or other handicapping conditions.

OPTION 13 Special boarding school or residential facility.

The pupil whose handicapping characteristics are so profound or complex that no special education services offered in the public school, or in special day school can adequately or appropriately meet one's needs is placed in a public operated or private residential facility.

EXAMPLE: In Iowa there are state institutions and residential facilities for pupils with severe emotional, mental, physical, or other disabilities.

OPTION 14 Home service/hospital service.

The home and hospital program consists of instructional services and support services which are provided by the school to a pupil in his home or in a hospital setting. Pupils with problems such as a broken hip, degenerative disease, contagious diseases, and various physical conditions necessitating prolonged non-school attendance would be eligible for continuing education through this service option.

EXAMPLE: Home-bound instructor or hospital school instructor or home to school telephone, video hook-up, etc.

OPTION 15 Combination or other options.

This listing is not intended to be all inclusive. In arriving at appropriate plans for a student, you might consider a combination of the above options or other programs or service alternatives not listed here.

Excerpts from
IOWA'S STATE PLAN AMENDMENT
Education of the Handicapped Act,
Title VI, P.L. 93-380

CONTENTS:

- A. Due Process Guarantees**
 - 1. Definitions
 - 2. Parent Permission for Testing
 - 3. Prior Notice
 - 4. Impartial Due Process Hearing
 - 5. Surrogate Parents

- B. Least Restrictive Alternative**

- C. Non-Discriminatory Testing and Placement**

II. PROCEDURAL SAFEGUARDS
(EHA-B: 613(a) (13))

Following are the procedures adopted by this SEA for insuring that handicapped children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement of handicapped children.

A. Due Process Guarantees. The following due process procedures have been adopted by this SEA to comply with Section 613(a)13)(A)(i)-(iv) of EHA-B, as amended by P.L. 93-380:

1. Definitions

a. Parent. The term "parent" includes a natural mother or father, an adoptive mother or father, a legally appointed guardian, a surrogate parent for a child appointed pursuant to procedures set out herein.

b. Pupil. The term "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.

c. Notification. Terms such as "notice" and "notification" include (1) written statements in English and in the primary language of the parent's home, and (2) oral communication in the primary language of the home.

d. State hearing officer. The term "State hearing officer" means a person or tribunal of persons who is/are employed by the SEA, are knowledgeable in area of special education, and have been designated by the State

Superintendent of Public Instruction to preside at due process hearings and whose duty it is to assure that proper procedures are followed and that the rights of the parties are protected. A State hearing officer must be:

- 1) unbiased --- not prejudiced for or against any party involved in the hearing; and
- 2) disinterested --- not having any personal interest at stake in the outcome; and
- 3) independent --- may not be an officer or agent of a local educational agency and shall not have been involved in the previous diagnosis, evaluation, prescription of educational services or in the decision process relating to the denial of services or changes in the educational status of a child made by a local educational agency.

e. "Surrogate Parent" -- means a person appointed to act in place of parents or guardians when a child's parents or guardians are not known, are unavailable, or the child is a ward of the state. Surrogate parents will not be employees of the SEA or LEA involved in the education or care of children. The function of the Surrogate parent shall be to represent the child's interest in the same way that a parent or guardian would be expected to represent the child's interest.

f. L.E.A. (Local Educational Agency) -- Means the board of directors of any school district and the board of directors of an area educational agency.

2. Parental Permission for Testing. When there is reason to believe that a preschool or school age child is in need of special education services, and such a child becomes the subject of individual evaluation procedures (formal testing, informal assessment, formal observation), then advanced written permission for such procedures shall be obtained from the parents. Parental permission for screening of a general preschool or school age population is not required. The letter requesting permission for such testing shall contain at least the following:

- The reasons the evaluation has been requested, and the name of the person who initiated the process,
- a statement of the right to refuse to permit the evaluation, with the understanding that the LEA can request a hearing to present its reasons and try to obtain approval to conduct the evaluation,
- a statement of the right to review all relevant records and to be fully informed of the results of the evaluation, and
- a declaration that the child's educational status will not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted.

a. Parents Refusal. If the parents refuse to give permission, the LEA shall attempt to seek resolution through an individual conference(s). If the parents still refuse to allow the proposed evaluation, the LEA shall either accept the decision or appeal to the (State) hearing officer. On appeal, a full adversarial hearing, meeting the requirements set out hereinafter, will be held. In such a hearing, the burden of proof is on the LEA to demonstrate that the continued program placement of the pupil is so dangerous to his/her health or safety or so disruptive to the program for the other children that the initiation of the evaluation procedure is justified as the first step to a special program placement.

b. Parents Failure to Respond. If a parent fails to respond at all to the LEA's repeated attempts by means in addition to regular mail (e.g., telephone, home visit) to obtain consent for evaluation, then the LEA can proceed with the evaluation of special needs, twenty calendar days after written notification is sent to State hearing officer notifying him of the proposed course of action, the reasons for such action and the date on which said action will commence. Ten calendar days prior to the proposed evaluation date, the State hearing officer shall provide notice via certified mail to the parent concerning the proposed course of action, the reasons for such action, the date the proposed course of action will commence and his/her full due process rights in this proceeding. In pursuing this course of action the LEA must:

- (1) demonstrate with documentation that it has repeatedly attempted to contact the parent through efforts that were reasonably likely to succeed; and
- (2) establish with facts about the child's performance in his/her present placement that there is reasonable likelihood that the child will be found to have special needs.

3. Prior Notice. Whenever a change is proposed in a child's educational program (including proposed changes resulting from periodic reviews), or when a parent's request for a different placement for the child is denied, the LEA must so notify the parent thirty calendar days in advance of the proposed action. Such notice shall be presented orally and in writing, via certified mail. The written notice shall:

- a. Describe in detail the proposed or requested action and the reasons why such action is deemed appropriate or inappropriate for the child.
- b. Specify any tests or reports upon which the proposed or requested action is based.
- c. State that school files, records, and reports pertaining to the child will be available for inspection and copying at reasonable cost.

- d. Describe in detail the right to obtain a due process hearing if there are objections to the proposed or requested action, including a description of all of the rights regarding procedures at such a hearing.
 - e. List those agencies in the community from which legal counsel may be obtained for those unable to pay for counsel themselves.
 - f. Indicate the opportunity to obtain an independent evaluation of the child at public or LEA expense and including the names, addresses and telephone numbers of appropriate public agencies where such services can be obtained at no cost to the parent.
 - g. When the proposed or requested action involves placement or denial of placement, describe any alternative educational placements which are similar to regular class settings than is the proposed placement, and give the reasons why such alternative placements are not appropriate for the child.
 - h. Describe the procedures for appealing the decision resulting from the due process hearing.
 - i. State that the child will remain in the present educational placement until such time as there is a decision following the due process hearing or until a proposed educational placement is accepted by the parties.
(In an emergency situation where the health and safety of the child or of other persons would be endangered by continuing the present placement, a change in placement may be made earlier by a telephone or written order issued by the State hearing officer).
4. Impartial Due Process Hearing. Following written notice and upon request for a hearing, the procedures set forth below shall be followed:

a. Prerequisites to a hearing. Before the actual hearing is conducted, the following steps shall take place:

1. Prior notice as described in Section A-3, preceeding, shall be provided to the parents.
2. The parents shall be allowed access to school reports, files, and records pertaining to the child, for inspection and copying at reasonable cost.
3. The parents shall be provided the opportunity to obtain an independent evaluation of the child's educational needs at public or L.E.A. expense.
4. The parents shall be provided information as to the identity of the trained State hearing officer that will preside at the hearing.
5. The State hearing officer, twenty calendar days in advance of the due process hearing, shall provide to the parents and to the officials of the LEA written notification as to the time and place of the hearing, which shall be a time and place reasonably convenient for the parents.
6. The parents shall be given the opportunity to exercise their right to compel the attendance at the hearing of any officer, employee or agent of the local education agency or State Education Agency who may have testimony or evidence relevant to the question of the needs, abilities, proposed process or status of the child; and

7. Steps shall be taken to assure that the child will remain in his/her present educational placement until the hearing officer enters a decision following the hearing (except that in emergency situations where the health and safety of the child or of other persons would be endangered by continuing the present placement, a change in placement may be made earlier by a telephone or written order issued by the State hearing officer).

b. Procedures at the hearing. The due process hearing shall be conducted in accordance with the following procedures:

1. The State hearing officer will preside at the hearing and shall conduct the proceedings in a fair and impartial manner to the end that all the parties involved in the hearing have an opportunity to present their evidence and testimony;
2. The parents and the LEA may have representatives, including but not limited to legal counsel or other professional persons, attend the hearing;
3. The hearing shall be closed to the public unless the parents request an open hearing;
4. The parents and the LEA, or their respective representatives, have the right to present evidence and testimony;
5. The parents and the LEA and their respective representatives shall have an opportunity to confront and question all witnesses at the hearing;
6. If a child is over the age of majority, he or she, and his or her representatives, including but not limited to legal counsel or other professional persons, shall have the right to attend the hearing.

7. If the child has not reached the age of majority, the parents have the right to determine whether he/she should attend the hearing, except that upon a finding by the hearing officer that attendance by the child would be harmful to the his/her welfare, the child may be excluded from portions of or the entirety of the hearing;
 8. The burden of proof as to the appropriateness of any proposed program placement, as to why more regular placements could not adequately and appropriately serve the child's educational needs, and as to the adequacy and appropriateness of any test or evaluation procedure, will be upon the local educational agency;
 9. A tape recording or other verbatim record of the hearing shall be made.
 10. At all stages of the due process procedures, interpreters for the deaf, and when needed, interpreters fluent in the primary language of the home shall be provided at public or LEA expense.
- c. Decision of the hearing officer. The hearing officer's decision shall be issued in accord with the following requirements:
1. The decision shall be in writing and shall be sent by certified mail to the involved officials of the LEA, and to the parents and their respective representatives, within fifteen calendar days of the closing session of the due process hearing.
 2. The decision of the hearing officer shall include findings of fact, conclusions, and reasons for these findings and conclusions. If the decision is to disapprove a proposed education program, it shall include a statement as to what is an adequate and appropriate educational program for the child. If the decision is to

- approve a proposed educational program it shall include a finding that a less restrictive program could not adequately and appropriately serve the child's educational needs;
3. The decision of the State hearing officer shall be based solely on evidence and testimony presented at the hearing;
 4. A summary of the proceedings at the hearing shall be made, into which shall be included any materials or statements specifically requested by any of the parties to appear in the record, and such summary shall be made available to the parties to the hearing;
 5. Upon request of the parents or the LEA, a copy of the tape recording or other verbatim record of the hearing shall be transcribed and provided;
 6. A statement shall be included indicating that the decision of the State hearing officer is binding upon the parents or child if over the age of majority, and upon the administrative officers, employers or agents of a local educational agency, subject to the procedures for administrative or judicial appeal.
 7. The decision of the State hearing officer shall include a statement of the procedures to be used for appealing such a decision which are enumerated in Section (d) which follows.
- d. Appeal, Decision of State Hearing Officer. Any concerned party aggrieved by the decision of the State hearing officer may, within ten calendar days after the rendition of such a decision, appeal therefrom by filing a written notice of appeal with the secretary of the board of directors of the LEA setting forth the nature of the complaint in a concise manner.
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- e. Decision of the Local Educational Agency Board of Directors. The board of directors of any local educational agency shall, within thirty calendar days after receipt of a written notice of appeal concerning a decision of the State hearing officer, hear oral arguments as to the decision, review the full hearing record, consider no additional testimony, sustain, modify or overrule the aforementioned decision of the State hearing officer. The provisions of Chapter 28 A, Official Meetings Open to Public, School Laws of Iowa, will be applicable in determining whether the aforementioned appeal is given consideration in an open or closed meeting.
1. A written decision shall be prepared which shall identify the concerned parties and present a review of the points of contention and specifically enumerate the rationale upon which the board's decision is based.
 2. It shall also state that the parent has the right to appeal the board's decision within thirty days as prescribed in Section f which follows.
 3. A copy of the board's decision shall be sent within five calendar days following the date of the board's official action to the parent and to the State hearing officer.
- f. Appeals. The decisions of a board of directors of a school district or an area educational agency may be appealed by a parent to the State Board of Public Instruction, as enumerated in Chapter 290, Appeals From Decisions of Boards of Directors. See Appendix A.

5. Surrogate Parents: In order to provide assurance that every child residing in the state of Iowa and eligible for a public education has the protection of procedural due process, even under circumstances where the child's parents or guardian are not known, are unavailable, or the child is a ward of the state, each child is assigned a surrogate by the Iowa Department of Social Services in accordance with the provision of Chapter 222, Section .31; .32; .33; .34; and Chapter 232, Sections .33; .34; .35; .36; Code of Iowa. See Appendix B.

II. PROCEDURAL SAFEGUARDS
(EHA-B: 613(a)(13))

B. Least Restrictive Alternative. Following are the procedures to insure that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular education environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. These procedures are stipulated in Division II, Methods of Providing Programs and Services, Rules of Special Education, State of Iowa, Sections 12.4, 12.5, 12.6, 12.7, 12.8, 12.9 and 12.10.

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.

II. PROCEDURAL SAFEGUARDS
(EHA:B 613(a)(13))

C. Non-discriminatory Testing & Placement. This SEA, to insure that testing and evaluation materials and procedures utilized for purposes of classification and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory will require compliance with Sections, 12.17, 12.18, and 12.19(1-4), Division V, of the Rules of Special Education, State of Iowa.

SELECTED CHAPTERS FROM

IOWA CODE AND RULES

CONTENTS:

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|-------------|--|
| Chapter 28E | Joint Exercise of Government Powers |
| Chapter 273 | Area Education Agency |
| Chapter 281 | Education of Children Requiring
Special Education |
| Chapter 290 | Appeal from Decision by Board of
Directors |
| Chapter 299 | Compulsory Attendance |

CHAPTER 28E

JOINT EXERCISE OF GOVERNMENTAL POWERS

- 28E.1 Purpose.
- 28E.2 Definitions.
- 28E.3 Joint exercise of powers.
- 28E.4 Agreement with other agencies,
- 28E.5 Specifications.
- 28E.6 Additional provisions.
- 28E.7 Obligations not excused.

28E.1 Purpose. The purpose of this chapter is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to co-operate in other ways of mutual advantage. This chapter shall be liberally construed to that end. [61GA, ch 83, sec. 1]

28E.2 Definitions. For the purposes of this chapter, the term "public agency" shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. The term "state" shall mean a state of the United States and the District of Columbia. The term "private agency" shall mean an individual and any form of business organization authorized under the laws of this or any other state. [61GA, ch 83, sec. 2]

28E.3 Joint exercise of powers. Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency. [61GA, ch 83, sec. 3]

28E.4 Agreement with other agencies. Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or co-operative action pursuant to the provisions of this chapter, including the creation of a separate entity to carry out the purpose of the agreement. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies involved shall be necessary before any such agreement may enter into force. [61GA, ch 83, sec. 4]

28E.5 Specifications. Any such agreement shall

- 28E.8 Filing and recording.
- 28E.9 Status of interstate agreement.
- 28E.10 Approval of statutory officer.
- 28E.11 Agency to furnish aid.
- 28E.12 Contract with other agencies.
- 28E.13 Powers are additional to others.
- 28E.14 No limitation on contract.

specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
3. Its purpose or purposes.
4. The manner of financing the joint or co-operative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters. [61GA, ch 83, sec. 5]

28E.6 Additional provisions. If the agreement does not establish a separate legal entity to conduct the joint or co-operative undertaking, the agreement shall also include:

1. Provision for an administrator or a joint board responsible for administering the joint or co-operative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.
2. The manner of acquiring, holding and disposing of real and personal property used in the joint or co-operative undertaking. [61GA, ch 83, sec. 6]

28E.7 Obligations not excused. No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility. [61GA, ch 83, sec. 7]

28E.8 Filing and recording. Before entry into force, an agreement made pursuant to this chapter shall be filed with the secretary of state and recorded with the county recorder. [Ch. 99 (S.F. 70), sec. 1, 62nd G.A.]

28E.9 Status of interstate agreement. If an

28E.9, JOINT EXERCISE OF POWERS

agreement entered into pursuant to this chapter is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact. Such agreements shall, before entry into force, be approved by the attorney general who shall determine whether the agreement is in proper form and compatible with laws of this state.

In any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest, and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state. [61GA, ch 83, sec. 9]

28E.10 Approval by statutory officer. If an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction. [61GA, ch 83, sec. 10]

28E.11 Agency to furnish aid. Any public agency entering into an agreement pursuant to this chapter may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or co-operative undertaking by providing such personnel or services therefor as may be within its legal power to furnish. [61GA, ch 83, sec. 11]

28E.12 Contract with other agencies. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties. [61GA, ch 83, sec. 12]

28E.13 Powers are additional to others. The powers granted by this chapter shall be in addition to any specific grant for intergovernmental agreements and contracts. [61GA, ch 83, sec. 13]

28E.14 No limitation on contract. Any contract or agreement authorized by this chapter shall not be limited as to period of existence, except as may be limited by the agreement or contract itself. [61GA, ch 83, sec. 14]

CHAPTER 273

AREA EDUCATION AGENCY

Chapter 273, Code 1973, relating to county school systems and joint school systems abolished July 1, 1975; see 65GA, ch 1172, secs. 1, 133

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| 273.1 | Intent. | 273.6 | Media centers. |
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| 273.3 | Duties of area education agency. | 273.8 | Area education agency board of directors. |
| 273.4 | Area education agency administrator. | 273.9 | Payment for programs and services. |
| 273.5 | Special education. | | |

273.1 Intent. It is the intent of the general assembly to provide an effective, efficient, and economical means of identifying and serving children from under five years of age through grade twelve who require special education and any other children requiring special education as defined in section 281.2; to provide for media services and other programs and services for pupils in grades kindergarten through twelve and children requiring special education as defined in section 281.2; to provide a method of financing the programs and services; and to avoid a duplication of programs and services provided by any other school corporation in the state.

Referred to in secs. 273.2, 273.3, 281.9

273.2 Area education agency established. There is established in each of the several merged areas of the state an area education agency, governed by an area education agency board of directors. The area education agency shall have boundaries which are conterminous with the boundaries of the merged areas as provided in chapter 280A.

The area education agency board shall furnish educational services and programs to the local school districts as provided in sections 273.1 to 273.9 and chapter 281. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974.

The area education agency board shall provide for special education services and media services for the local school districts in the area.

The area education agency board may provide for the following programs and services to local school districts within the limits of funds available:

1. In-service training programs for employees of school districts and area education agencies, provided at the time programs and services are established they do not duplicate programs and services available in that area from the universities under the state board of regents and from other universities and four-year institutions of higher education in Iowa.

2. Educational data processing pursuant to section 257.10, subsection 14.

3. Research, demonstration projects and models, and educational planning for children under five years of age through grade twelve and children requiring special education as defined in section

281.2 as approved by the department of public instruction.

4. Auxiliary services for children under five years of age through grade twelve and children requiring special education as defined in section 281.2 as provided by law.

5. Other programs and services for children under five years through grade twelve and children requiring special education as defined in section 281.2 and for employees of school districts and area education agencies as approved by the department of public instruction.

The board of directors of an area education agency shall not establish programs and services which duplicate programs and services provided by the area schools under the provisions of chapter 280A. An area education agency shall contract, whenever practicable, with other school corporations for the use of personnel, buildings, facilities, supplies, equipment, programs, and services.

Referred to in secs. 273.3, 273.6, 281.9

273.3 Duties of area education agency board. The board in carrying out the provisions of section 273.2 shall:

1. Determine the policies of the area education agency for providing programs and services.

2. Be authorized to receive and expend money for providing programs and services as provided in sections 273.1 to 273.9 and chapter 281. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1 to 273.9 and chapters 281 and 442.

3. Provide data and prepare reports as directed by the superintendent of public instruction.

4. Provide for advisory committees as deemed necessary.

5. Be authorized, subject to rules and regulations of the department of public instruction, to provide directly or by contractual arrangement with public or private agencies for special education programs and services, media services, and other programs and services requested by the local boards of education as provided in this chapter, including but not limited to contracts for the area education agency to provide programs or services to the local school districts and contracts for local school

273.3, AREA EDUCATION AGENCY

districts, other educational agencies, and public and private agencies to provide programs and services to the local school districts in the area education agency in lieu of the area education agency providing such services.

6. Area education agencies may co-operate and contract between themselves to provide special education programs and services to children residing within their respective areas.

7. Be authorized, subject to the approval of the department of public instruction, to lease, receive by gift and operate and maintain such facilities and buildings as deemed necessary to provide authorized programs and services.

8. Be authorized, subject to the approval of the department of public instruction, to enter into agreements for the joint use of personnel, buildings, facilities, supplies and equipment with school corporations as deemed necessary to provide authorized programs and services.

9. Be authorized to make application for, accept, and expend state and federal funds that are available for programs of educational benefit approved by the department of public instruction, and co-operate with the department in the manner provided in federal-state plans or department rules in the effectuation and administration of programs approved by the department, or approved by other educational agencies, which agencies have been approved as a state educational authority.

10. In any county operating a juvenile home, upon request of the county board of supervisors in co-operation with and at the expense of the school districts of residence of the children residing in the home, provide suitable curriculum, teaching staff, books, supplies, and other necessary materials for the instruction of children of school age who are maintained in the juvenile home of the county, as provided in section 232.21.

11. Be authorized to perform all other acts necessary to carry out the provisions and intent of this chapter.

12. Employ such personnel as may be required, if any, to carry out the functions of the area education agency which may include the employment of an administrator who shall possess a superintendent's certificate issued under the provisions of section 260.9. The administrator shall be employed pursuant to the provisions of section 279.14. The salary range for an area education agency administrator shall be from seventeen thousand dollars to twenty-seven thousand five hundred dollars per annum, including additional benefits, over and above the additional benefits given all full-time employees. The provisions of section 279.13 shall apply to the area education agency board and to all certificated school employees of the area education agency.

13. Prepare an annual budget estimating income

and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281. The proposed budget shall be submitted to the department of public instruction, on forms provided by the department, no later than December 1 preceding the next fiscal year for approval. The department shall review the proposed budget and shall prior to January 1 either grant approval or return the budget without approval with comments of the department included. Any unapproved budget shall be resubmitted to the department for final approval.

14. Be authorized to pay, out of funds available to the board reasonable annual dues to an Iowa association of school boards. Membership shall be limited to those duly elected members of the area education agency board.

15. At the request of an employee through contractual agreement the board may arrange for the purchase of an individual annuity contract for any of its respective employees from any company the employee may choose that is authorized to do business in this state, and through an Iowa-licensed insurance agent that the employee may select, for retirement or other purposes and may make payroll deductions in accordance with such arrangements for the purpose of paying the entire premium due, and to become due, under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403b of the Internal Revenue Code of 1954 and amendments* thereto. The employee's rights under such annuity contract shall be nonforfeitable except for the failure to pay premiums.

16. Be authorized to establish and pay all or any part of the cost of group health insurance plans, nonprofit group medical service plans and group life insurance plans adopted by the board for the benefit of employees of the area education agency, from funds available to the board.

17. Meet quarterly with the members of the board of directors of the merged area in which the area education agency is located to discuss co-ordination of programs and services and other matters of mutual interest to the two boards.

Referred to in secs. 273.2, 273.9, 281.2, 281.9

*Act effective July 1, 1974

273.4 Area education agency administrator.

Under direction of the board of directors of the area education agency, the administrator of the area education agency shall, in addition to his other duties:

1. Co-operate with boards of directors of local school districts of the area education agency in considering and developing plans for the improvement of the educational programs and services in the area education agency.

2. When requested, provide such other

assistance as possible to school districts of the area education agency for the general improvement of their educational programs and operations.

Referred to in secs. 273.2, 273.3, 281.9, 281.11

273.5 Special education. There shall be established a division of special education of the area education agency which shall provide for special education programs and services to the local school districts. The division of special education shall be headed by a director of special education who meets certification standards of the department of public instruction. The director of special education shall have the responsibility for implementation of state regulations and guidelines relating to special education programs and services. The director of special education shall have the following powers and duties:

1. Properly identify children requiring special education.
2. Insure that each child requiring special education in the area receives an appropriate special education program or service.
3. Assign appropriate weights for each child requiring special education programs or services as provided in section 281.9.
4. Supervise special education support personnel.
5. Provide each school district within the area served and the department of public instruction with a special education weighted enrollment count for the second Friday in January and the second Friday in September of each year.
6. Submit to the department of public instruction special education instructional and support program plans and applications including those for new or expanded programs and services, subject to criteria listed in chapter 281, for approval by November 1 of each year for the school year commencing the following July 1.
7. Co-ordinate the special education program within the area served.

Referred to in secs. 273.2, 273.3, 281.9

273.6 Media centers.

1. The media centers required under section 273.2 shall contain:
 - a. A materials lending library, consisting of print and nonprint materials.
 - b. A professional library.
 - c. A curriculum laboratory, including textbooks and correlated print and audiovisual materials.
 - d. Capability for production of media-oriented instructional materials.
 - e. Qualified media personnel.
 - f. Appropriate physical facilities.
 - g. Other materials and equipment deemed necessary by the department.

2. Program plans submitted by the area education agency to the department of public instruction for approval of media centers under this subsection shall include all of the following:

- a. Evidence that the services proposed are based upon an analysis of the needs of the local school districts in the area.
- b. Description of the manner in which the services of the area education agency media center will be co-ordinated with other agencies and programs providing educational media.
- c. Description of the means for delivery of circulation materials.
- d. Evidence that the media center fulfills the requirements of subsection 1.

Referred to in secs. 273.2, 273.3, 273.9, 281.9

273.7 Additional services. If sixty percent of the number of local school boards located in an area education agency, or if local school boards representing sixty percent of the enrollment in the school districts located in the agency, request in writing to the area education agency board that an additional service be provided them, for pupils in grades kindergarten through twelve or children requiring special education as defined in section 281.2 or for employees or board members of school districts or area education agencies, the area education agency board shall arrange for the service to be provided to all school districts in the area within the financial capabilities of the area education agency.

Referred to in secs. 273.2, 273.3, 281.9

Temporary provisions providing functions of abolished systems, see 65GA, ch 1172, sec. 9.

273.8 Area education agency board of directors.

1. *Board of Directors.* The board of directors of an area education agency shall consist of the same number of directors as are authorized to serve on the board of the merged area under the provisions of chapter 280A, within the area being served by the area education agency. The members of the area education agency board shall be elected from director districts in the manner provided in this section. Each director shall serve a three-year term which expires on the first Monday in October, except that directors elected at the initial election to take office on October 7, 1974, shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday of October of each succeeding year.

2. *Election of Directors.* Area education agency directors shall be elected from director districts which are contemporaneous with the director districts for the election of members of the merged area board under chapter 280A.

273.8, AREA EDUCATION AGENCY

The board of directors of the area education agency shall be elected at director district conventions attended by members of the boards of directors of the local school districts located within the director district.

The director district conventions* shall be called and the locations of the conventions shall be determined by the area education agency superintendent. Annually the director district conventions shall be held within two weeks following the regular school election. Notice of the time, date and place of the director district conventions shall be published by the area education agency superintendent at least forty-five days prior to the day of the district conventions in at least one newspaper of general circulation in the merged area. The cost of publication shall be paid by the area education agency.

The board of each separate school district which is located entirely or partially inside an area education agency director district shall cast a vote for director of the area education agency board based upon the ratio that the population of the school district, or portion of the school district, in the director district bears to the total population in the director district. The population of each school district or portion shall be determined by the department of public instruction.

Vacancies, as defined in section 277.29, in the membership of the area education agency board shall be filled for the unexpired portion of the term by the board of the school district in which the member resided.

A candidate for election to the area education agency board may file a statement of candidacy with the area education agency secretary at least ten days prior to the date of the director district convention, on forms prescribed by the department of public instruction. The statement of candidacy shall include the candidate's name, address and school district. The list of candidates shall be sent by the secretary of the area education agency by ordinary mail to the presidents of the boards of directors of all school districts within the director district immediately following the last day for filing the statement of candidacy. The filing of a statement of candidacy shall not be a prerequisite or eligibility requirement for election as an area education agency director. For the initial director district convention the statement of candidacy shall be filed with the county superintendent who determines the date and location of the district convention and he shall send the list of candidates to the presidents of the school boards.

3. *Organization.* The board of directors of each area education agency shall meet on the first Monday in October at a suitable place designated by the president. Directors whose terms commence at the organization meeting shall qualify by taking the oath of office required by section 279.28 at or before the

organization meeting. For the initial board the location of the organization meeting shall be determined by the county superintendent who determined the date and location of the director district convention.

The provisions of section 280A.13 relating to organization, officers, appointment of secretary and treasurer, and meetings of the merged area board shall apply to the area education agency board.

4. *Quorum.* A majority of the members of the board of directors of the area education agency shall constitute a quorum.

Referred to in secs. 273.2, 273.3, 281.9

*Director district convention in 1974, and after July 1, 1975, see 65GA, ch 1172, sec. 10 (2)

273.9 Payment for programs and services.

1. As used in this section, unless the context requires otherwise:

a. *"Allowable growth"* means the allowable growth for a school district as computed under section 442.7.

b. *"Enrollment"* means the enrollment as determined under section 442.4, and *"per pupil"* means per pupil in enrollment for years prior to the school year beginning July 1, 1975, and per pupil in weighted enrollment for the school year beginning July 1, 1975, and each succeeding school year.

c. *"Weighted enrollment"* means the weighted enrollment as determined under section 281.9.

2. For the school year beginning July 1, 1975, and each succeeding school year, school districts shall pay for the programs and services provided through the area education agency and shall include expenditures for the programs and services in their budgets, in accordance with the provisions of this section.

3. School districts shall pay the costs of special education instructional programs with the moneys available to the districts because of weighted enrollment. Special education instructional programs shall be provided at the local level if practicable, or otherwise by contractual arrangements with the area education agency board as provided in section 273.3, subsection 5, but in each case the money available through chapter 442 because of weighted enrollment for each child requiring special education instruction shall be made available to the district or agency which provides the special education instructional program to the child, subject to adjustments for transportation or other costs which may be paid by the school district in which the child is enrolled. Each district shall co-operate with its area education agency to provide an appropriate special education instructional program for each child who requires special education instruction, as identified and counted within the certification by the area director of special education or as identified by the area director of special education subsequent to the certification, and shall not provide a special education instructional program

to a child who has not been so identified and counted within the certification or identified subsequent to the certification.

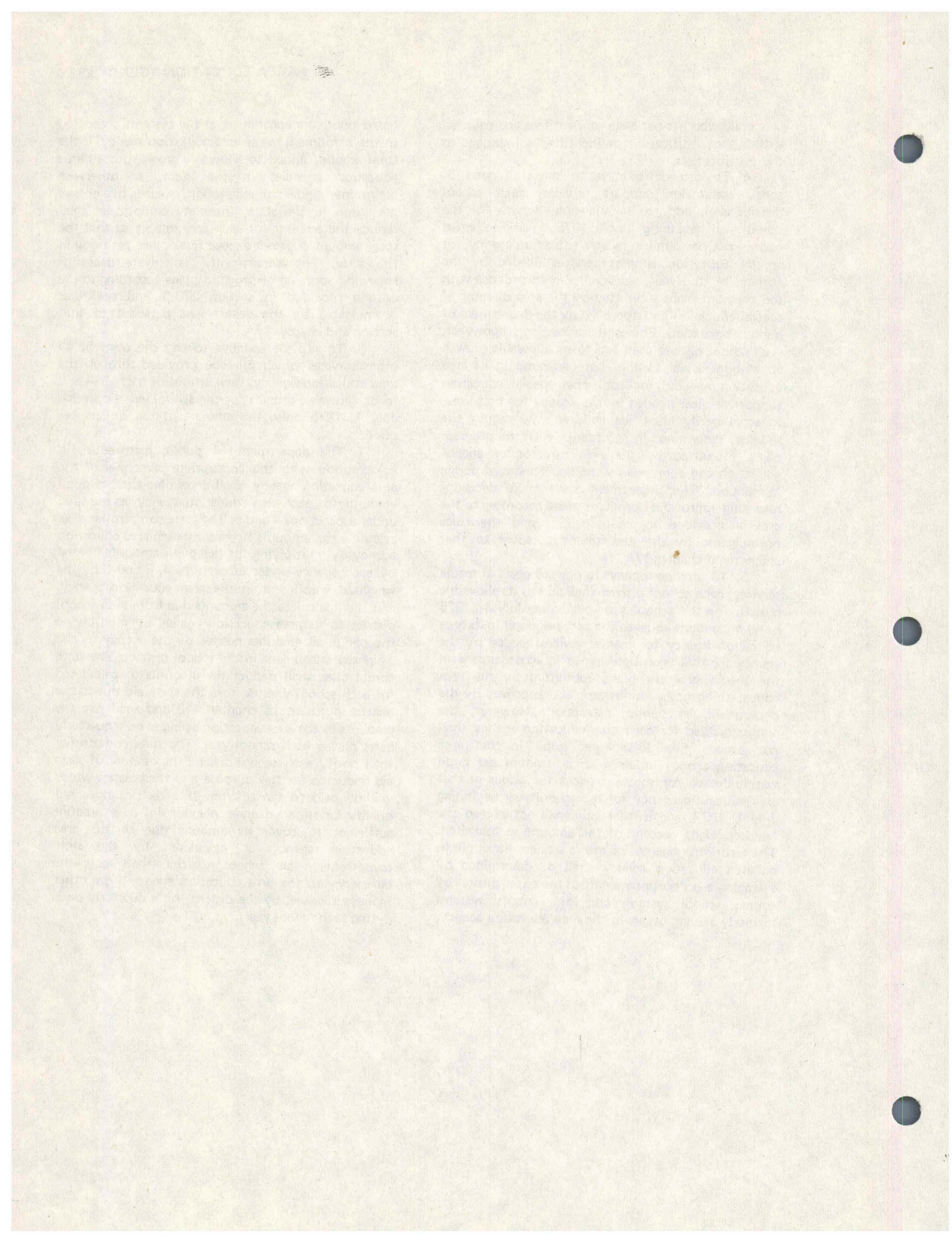
4. To provide moneys to pay the costs of special education support services, each school district shall add to its allowable growth for the school year beginning July 1, 1975, an amount equal to the cost per pupil in its area education agency, for special education support services needed by the agency for that year, determined in accordance with the program plans submitted by the area director of special education and approved by the department of public instruction. For each succeeding school year, each school district shall add to its allowable growth an amount equal to the cost per pupil in its area education agency, for additional special education support services needed by the agency for that year, to serve newly identified children who require the services, determined in accordance with the program plans submitted by the area director of special education and approved by the department of public instruction. The department shall make decisions regarding approval of program plans according to the criteria provided in chapter 281, and the rules promulgated by the department pursuant to that chapter and chapter 17A.

5. To provide moneys to pay the costs of media services, each school district shall add to its allowable growth for the school year beginning July 1, 1975 only, an amount equal to the cost per pupil in its area education agency for media services needed by the agency for that year, determined in accordance with the media program plans submitted by the area education agency administrator and approved by the department of public instruction. However, the amount added for each area education agency shall not exceed five dollars per pupil in that area education agency unless a larger amount per pupil was budgeted for media services for pupils in that area education agency for the school year beginning July 1, 1974, and in that case shall not exceed one hundred eight percent of the amount so budgeted. The amount budgeted for media services for pupils in an area education agency shall be determined by averaging a proportionate part of the expenditures by county school systems and joint county systems formerly serving pupils in the area education agency,

based upon the enrollment in the systems compared to the enrollment in the area education agency. If the total amount added to allowable growth for all area education agencies in the state, as otherwise determined under this subsection, exceeds five dollars per pupil in the state, the state comptroller shall reduce the amount for each area ratably so that the total amount does not exceed five dollars per pupil in the state. The department shall make decisions regarding approval of program plans according to the criteria provided in section 273.6, and the rules promulgated by the department pursuant to that section and chapter 17A.

6. To provide moneys to pay the costs of all other services which may be provided through the area education agency, each school district shall add to its allowable growth for the school year beginning July 1, 1975 only, the amount of ten dollars per pupil.

7. The department of public instruction, in co-operation with the appropriate personnel of the area education agency, shall determine the per pupil amounts for each area education agency, as required under subsections 4 and 5. The state comptroller shall calculate the amounts needed by each area education agency by multiplying the per pupil amounts needed by each agency under subsections 4, 5 and 6 by the weighted enrollment in the area education agency, and shall calculate the amounts due from each school district to its area education agency by multiplying the per pupil amounts needed by the agency by the weighted enrollment in the school district. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to chapter 442 and shall pay the amounts to the area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district the amount of state aid deducted for this purpose and the balance which will be paid to the district. If a district does not qualify for state aid under chapter 442 in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year.



CHAPTER 281

EDUCATION OF CHILDREN REQUIRING SPECIAL EDUCATION

Referred to in sec. 265.6

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|-------|--|--------|---------------------------|
| 281.1 | Division of education created. | 281.7 | Examinations of children. |
| 281.2 | Definitions. | 281.8 | Exceptions to attendance. |
| 281.3 | Powers and duties of state department. | 281.9 | Weighting plan. |
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| 281.6 | Parent's or guardian's duties. | | |

281.1 Division of education created. There is created within the state department of public instruction a division of special education for the promotion, direction, and supervision of education for children requiring special education in the schools under the supervision and control of the department. The state superintendent, subject to the approval of the state board of public instruction, is authorized to organize the division and to employ the necessary qualified personnel to carry out the provisions of this chapter.

281.2 Definitions.

1. "Children requiring special education" means persons under twenty-one years of age, including children under five years of age, who are handicapped in obtaining an education because of physical, mental, emotional, communication or learning disabilities or who are chronically disruptive, as defined by the rules of the department of public instruction.

2. "Special education" means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in subsection 1; transportation and corrective and supporting services required to assist children requiring special education, as defined in subsection 1, in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the department of public instruction.

It is the policy of this state to provide and to require school districts to make provisions, as an integral part of public education, for special education opportunities sufficient to meet the needs and maximize the capabilities of children requiring special education. This chapter is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when such children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hinderances to learning and to the

normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education. Special classes, separate schooling or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 263, 269, and 270, upon the request of the board of directors of an area education agency, the department of social services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall co-operate with the board of regents to provide the services required by this Act.

Special aids and services shall be provided to children requiring special education who are less than five years of age if the aids and services will reasonably permit the child to enter the educational process or school environment when the child attains school age.

Every child requiring special education shall, if reasonably possible, receive a level of education commensurate with the level provided each child who does not require special education. The cost of providing such an education shall be paid as provided in section 273.9 and chapters 281 and 442. It shall be the primary responsibility of each school district to provide special education to children who reside in that district if the children requiring special education are properly identified, the educational program or service has been approved, the teacher or instructor has been certified, the number of children requiring special education needing that educational program or service is sufficient to make offering the program or service feasible, and the program or service cannot more economically and equably be obtained from the area education agency, another school district, another group of school districts, a qualified private

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agency, or in co-operation with one or more other districts.

Any funds received by the school district of the child's residence for the child's education, derived from funds received through chapters 442 and 281 and section 273.9 shall be paid by the school district of the child's residence to the appropriate education agency, private agency, or other school district providing special education for the child pursuant to contractual arrangements as provided in section 273.3, subsections 5 and 7.

Effective July 1, 1975

281.3 Powers and duties of state department.

The division of special education, subject to the approval of the state board, shall have the following duties and powers:

1. To aid in the organization of special schools, classes and instructional facilities for children requiring special education, and to supervise the system of special education for children requiring special education.

2. To establish standards for teachers to be employed under the provisions of this chapter, to give examinations for teachers to qualify to teach children requiring special education, and to issue certificates to teachers who qualify for such teaching.

3. To adopt rules consistent with the provisions of this chapter for the approval of plans for special education programs and services submitted by the director of special education of the area education agency.

4. To adopt plans for the establishment and maintenance of day classes, schools, home instruction, and other methods of special education for children requiring special education.

5. To purchase and otherwise acquire special equipment, appliances, and other aids for use in special education, and to loan or lease same under such rules and regulations as the department may prescribe.

6. To prescribe courses of study, and curricula for special schools, special classes and special instruction of children requiring special education, including physical and psychological examinations, and to prescribe minimum requirements for children requiring special education to be admitted to any such special schools, classes or instruction.

7. To provide for certification by the director of special education of the eligibility of children requiring special education for admission to, or discharge from, special schools, classes or instruction.

8. To initiate the establishment of classes for children requiring special education or home study services in hospitals, nursing, convalescent, juvenile and private homes, in co-operation with the management thereof and local school districts or area education agency boards.

9. To co-operate with school districts or area

education agency boards in arranging for any child requiring special education to attend school in a district other than the one in which he resides when there is no available special school, class, or instruction in the districts in which he resides.

10. To co-operate with existing agencies such as the state department of social welfare, the state department of public health, the state school for the deaf, the Iowa braille and sight-saving school, the state tuberculosis sanatorium, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the co-ordination of their educational activities for such children.

11. To investigate and study the needs, methods and costs of special education for children requiring special education.

12. To provide for the employment and establish standards for the performance of special education support personnel required to assist in the identification of and educational programs for children requiring special education.

13. To provide for the establishment of special education research and demonstration projects and models for special education program development.

14. To establish a special education resource, materials and training system for the purposes of developing specialized instructional materials and provide in-service training to personnel employed to provide educational services to children requiring special education.

15. To approve the acquisition and use of special facilities designed for the purpose of providing educational services to children requiring special education.

16. To make rules to carry out the powers and duties provided for in this section.

Amendment effective July 1, 1975

281.4 Powers of the board of directors. The board of directors of any school district or area education agency, with the approval of the state department of public instruction, may provide special education programs and services as defined in this chapter. If services are provided by the area education agency, with the approval of the department of public instruction, the board of directors of the area education agency with the co-operation of the local school districts within its jurisdiction may:

1. Establish and operate special education programs and classes for the education of children requiring special education.

2. Acquire, maintain, and construct facilities in which to provide education, corrective services, and supportive services for children requiring special education.

3. Make arrangements with participating school districts for the provision of special education, corrective, and supportive services to the children requiring special education residing in the school districts.

4. Employ special education teachers and personnel required to furnish corrective or supportive services to children requiring special education services.

5. Provide transportation for children requiring special education services that are in need of transportation in connection with any programs, classes or services.

6. Receive, administer and expend funds appropriated for its use.

7. Receive, administer and expend the proceeds of any issue of school bonds or other bonds intended wholly or partly for its benefit.

8. Apply for, accept, and utilize grants, gifts or other assistance.

9. Participate in, and make its employees eligible to participate in, any retirement system, group insurance system, or other program of employee benefits, on the same terms as govern school districts and their employees.

10. Do such other things as are necessary and incidental to the execution of any of its powers.

The board of directors of the local district or the area education agency shall employ qualified teachers certified by the authority provided by law as teachers for children requiring such special education. The maximum number of pupils per teacher shall be determined by the board of directors of the local district or the area education agency board in accordance with the rules and regulations of the state department of public instruction.

The board of directors of the local district or the area education agency may establish and operate one or more special education centers to provide diagnostic, therapeutic, corrective, and other services, on a more comprehensive, expert, economic and efficient basis than can be reasonably provided by a single school district. Such services, if offered by the area education agency board, may be provided in the regular schools using personnel and equipment of the area education agency or, whenever it is impractical or inefficient to provide them on the premises of a regular school, the area education agency may provide services in its own facilities. To the maximum extent feasible, such centers shall be established at and in conjunction with, or in close proximity to one or more elementary and secondary schools. Local districts or the area education agencies may accept diagnostic and evaluation studies conducted by other individuals, hospitals, or centers, if determined to be competent. Children requiring special education services may be identified in any way that the department of public instruction determines to be reliable. Centers established pursuant to this section may contain classrooms and other educational facilities and equipment to supplement instruction and other services to handicapped children in the regular schools, and to provide separate instruction to children whose degree or type of educational

handicap makes it impractical or inappropriate for them to participate in classes with normal children.

Amendment effective July 1, 1975

281.5 Secretary's report. The state department of public health shall from time to time as requested furnish to the state division of special education information obtained from birth certificates relative to the name, address, and disability of any case of congenital deformity or physical defect. The state crippled children's service shall from time to time as required furnish to the state division of special education the name, address, and disability of all children of their register.

Amendment effective July 1, 1975

281.6 Parent's or guardian's duties. When the school district or area education agency has provided special education services and programs as provided herein for any child requiring special education, either by admission to a special class or by supportive services, it shall be the duty of the parent or guardian to enroll said child for instruction in such special classes or supportive services as may be established, except in the event a doctor's certificate is filed with the secretary of the school district showing that it is inadvisable for medical reasons for the child requiring special education to receive the special education provided; all the provisions and conditions of chapter 299 and amendments thereto shall be applicable to this section, and any violations shall be punishable as provided in said chapter.

A child, or his parent or guardian, or the school district in which the child resides, may obtain a review of any action or omission of state or local authorities pursuant to the procedures established in chapter 290 on the ground that the child has been or is about to be:

1. Denied entry or continuance in a program of special education appropriate to his condition and needs.

2. Placed in a special education program which is inappropriate to his condition and needs.

3. Denied educational services because no suitable program of education or related services is maintained.

4. Provided with special education which is insufficient in quantity to satisfy the requirements of law.

5. Assigned to a program of special education when he is not handicapped.

Amendment effective July 1, 1975

281.7 Examinations of children. In order to render proper instruction to each child requiring special education, the school districts shall certify children requiring special education for special instruction in accordance with the requirements set up by the division of special education and shall

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provide examinations for children preliminary to making certification. The examinations necessary for the certification of children requiring special education shall be prescribed by the state division of special education. Final decision in case of disagreement or appeal shall be the responsibility of the state superintendent of public instruction, who may secure the advice of competent medical and educational authorities including the state department of health, the university hospitals, the state department of social welfare, the superintendent of the state school for the deaf, the superintendent of the Iowa braille and sight-saving school, and the superintendent of the state tuberculosis sanatorium.

281.8 Exceptions to attendance. It shall not be incumbent upon the school districts or county boards of education to keep a child requiring special education in regular instruction when the child cannot sufficiently profit from the work of the regular classroom, nor to keep such child requiring special education in the special class or instruction for children requiring special education when it is determined that the child can no longer benefit therefrom, or needs more specialized instruction which is available in special state schools.

In the case of any person who, by reason of congenital factors, accident or prolonged illness, has not been able to finish the special education by his or her twenty-first birthday, the period of special education may be continued for not exceeding three years thereafter.

No provision of this chapter shall be construed to require or compel any person who is a member of a well-recognized church or religious denomination and whose religious convictions, in accordance with the tenets or principles of his or her church or religious denomination, are opposed to medical or surgical treatment for disease to take or follow a course of physical therapy, or submit to medical treatment, nor shall any parent or guardian who is a member of such church or religious denomination and who has such religious convictions be required to enroll a child in any course or instruction which utilizes medical or surgical treatment for disease.

281.9 Weighting plan.

1. In order to provide funds for the excess costs of instruction of children requiring special education, above the costs of instruction of pupils in a regular curriculum, a special education weighting plan for determining enrollment in each school district is adopted as follows:

a. Pupils in a regular curriculum are assigned a weighting of one.

b. Children requiring special education who require special adaptations while assigned to a regular

classroom for basic instructional purposes and handicapped pupils placed in a special education class who receive part of their instruction in regular classrooms are assigned a weighting of one and eight-tenths for the school year commencing July 1, 1975.

c. Children requiring special education who require full-time, self-contained special education placement with little integration into a regular classroom are assigned a weighting of two and two-tenths for the school year commencing July 1, 1975.

d. Children requiring special education who are severely handicapped or who have multiple handicaps, or who are chronically disruptive, are assigned to a weighting of four and four-tenths for the school year commencing July 1, 1975.

e. Shared-time and part-time pupils of school age who require special education shall be placed in the proper category and counted in the proportion that the time for which they are enrolled or receive instruction for the school year bears to the time that full-time pupils, carrying a normal course schedule, in the same school district, for the same school year are enrolled and receive instruction.

2. The weighting for each category of child multiplied by the number of children in each category in the enrollment of a school district, as identified and certified by the director of special education for the area, determines the weighted enrollment to be used in that district for purposes of computations required under the state school foundation plan in chapter 442.

3. The weight that a child is assigned under this section shall be dependent upon the required educational modifications necessary to meet the special education needs of the child. Enrollment for the purpose of this section, and all payments to be made pursuant thereto, includes all children for whom a special education program or course is to be provided pursuant to sections 273.1 to 273.9 and chapter 281, whether or not the children are actually enrolled upon the records of a school district.

4. On December 1, 1975, and no later than December 1 every two years thereafter, for the school year commencing the following July 1, the superintendent of public instruction shall report to the school budget review committee the average costs of providing instruction for children requiring special education in the categories of the weighting plan established under this section, and shall make recommendations to the school budget review committee for needed alterations to make the weighting plan suitable for subsequent school years. The school budget review committee shall establish the weighting plan for each school year after the school year commencing July 1, 1975, and shall report the plan to the superintendent of public instruction. The school budget review committee

shall not alter the weighting assigned to pupils in a regular curriculum, but it may increase or decrease the weighting assigned to each category of children requiring special education by not more than two-tenths of the weighting assigned to pupils in a regular curriculum. The department of public instruction shall promulgate rules under chapter 17A, to implement the weighting plan for each year and to assist in identification and proper indexing of each child in the state who requires special education.

5. The division of special education shall audit the reports required in section 273.5 to determine that all children in the area who have been identified as requiring special education have received the appropriate special education instructional and support services, and to verify the proper identification of pupils in the area who will require special education instructional services during the school year in which the report is filed. The division shall certify to the state comptroller the correct total enrollment of each school district in the state, determined by applying the appropriate pupil weighting index to each child requiring special education, as certified by the directors of special education in each area.

6. The division may conduct an evaluation of the special education instructional program or special education support services being provided by an area education agency, school district, or private agency, pursuant to sections 273.1 to 273.9 and chapter 281, to determine if the program or service is adequate and proper to meet the needs of the child; if the child is

benefiting from the program or service; if the costs are in proportion to the educational benefits being received; and if there are any improvements that can be made in the program or service. A written report of the evaluation shall be sent to the area education agency, school district, or private agency evaluated and to the president of the senate and speaker of the house of representatives of the general assembly.

Effective July 1, 1975

281.10 Repealed by 65GA, ch. 1172, sec. 133, effective July 1, 1975.

281.11 Program plans. Program plans submitted to the department of public instruction pursuant to section 273.4 for approval shall establish all of the following:

1. That there are sufficient children requiring special education within the area.
2. That the service or program will be provided by the most appropriate educational agency.
3. That the educational agency providing the service or program has employed qualified special educational personnel.
4. That the instruction is a natural and normal progression of a planned course of instruction.
5. That all revenue raised for support of special education instruction and services is expended for actual delivery of special education instruction or services.
6. Other factors as the department may require.

Effective July 1, 1975

CHAPTER 290

APPEAL FROM DECISIONS OF BOARDS OF DIRECTORS

Referred to in §281.6

290.1 Appeal to state board.
290.2 Notice—transcript—hearing.
290.3 Hearing—shorthand reporter—decision.

290.4 Witnesses—fees—collection.
290.5 Decision of state board.
290.6 Money judgment.

§290.1, APPEAL FROM DECISIONS

1320

290.1 Appeal to state board. Any person aggrieved by any decision or order of the board of directors of any school corporation in a matter of law or fact may, within thirty days after the rendition of such decision or the making of such order, appeal therefrom to the state board of public instruction; the basis of the proceedings shall be an affidavit filed with the state board by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner. [R60, §§2133-2135; C73, §§1829-1831; C97, §2818; C24, 27, 31, 35, 39, §4298; C46, 50, 54, 58, 62, 66, 71, 73, §290.1; 65GA, ch 1172, §86]

Amendment effective July 1, 1975

290.2 Notice — transcript — hearing. The state board of public instruction shall, within five days after the filing of such affidavit, notify the secretary of the proper school corporation in writing of the taking of such appeal, who shall, within ten days after being thus notified, file with the state board a complete certified transcript of the record and proceedings relating to the decision appealed from. Thereupon, the state board shall notify in writing all persons adversely interested of the time when and place where the matter of appeal will be heard. [R60, §§2136, 2137; C73, §§1832-1834; C97, §2819; C24, 27, 31, 35, 39, §4299; C46, 50, 54, 58, 62, 66, 71, 73, §290.2; 65GA, ch 1172, §87]

Amendment effective July 1, 1975

290.3 Hearing — shorthand reporter — decision. At the time fixed for the hearing, it shall hear testimony for either party, and may cause the same to be taken down and transcribed by a shorthand reporter, whose fees shall be fixed by the state board and be taxed as a part of the costs in the case, and it shall make such decision as may be just and equitable, which shall be final unless appealed from as hereinafter provided. [C97, §2819; C24, 27, 31, 35, 39, §4300; C46, 50, 54, 58, 62, 66, 71, 73, §290.3; 65GA, ch 1172, §88]

Amendment effective July 1, 1975

290.4 Witnesses — fees — collection. The state board of public instruction in all matters triable before it shall have power to issue subpoenas for witnesses, which may be served by any peace officer, compel the attendance of

those thus served, and the giving of evidence by them, in the same manner and to the same extent as the district court may do, and such witnesses and officers may be allowed the same compensation as is paid for like attendance or service in such court, which shall be paid out of the general fund of the proper school corporation, upon the certificate of the state board to and warrant of the secretary upon the treasurer; but if the superintendent is of the opinion that the proceedings were instituted without reasonable cause therefor, or if, in case of an appeal, it shall not be sustained, it shall enter such findings in the record, and tax all costs to the party responsible therefor. A transcript thereof shall be filed in the office of the clerk of the district court and a judgment entered thereon by him, which shall be collected as other judgments. [C97, §2821; C24, 27, 31, 35, 39, §4301; C46, 50, 54, 58, 62, 66, 71, 73, §290.4; 65GA, ch 1172, §89]

Amendment effective July 1, 1975

Contempts, ch 665

Fees for serving subpoenas, §337.11

290.5 Decision of state board. The decision of the state board shall be final. The state board may adopt rules of procedure for hearing appeals which shall include the power to delegate the actual hearing of the appeal to the superintendent of public instruction and members of his staff designated by him. The record of appeal so heard shall be reviewed by the state board and the decision recommended by the superintendent of public instruction shall be approved by the state board in the manner provided in section 257.10, subsection 4. [R60, §2139; C73, §1835; C97, §2820; C24, 27, 31, 35, 39, §4302; C46, 50, 54, 58, 62, 66, 71, 73, §290.5; 65GA, ch 1172, §90]

C97, §2820, editorially divided

Amendment effective July 1, 1975

290.6 Money judgment. Nothing in this chapter shall be so construed as to authorize the state board of public instruction to render judgment for money; neither shall they be allowed any other compensation than is now allowed by law. All necessary postage must first be paid by the party aggrieved. [R60, §2140; C73, §1836; C97, §2820; C24, 27, 31, 35, 39, §4303; C46, 50, 54, 58, 62, 66, 71, 73, §290.6; 65GA, ch 1172, §91]

Amendment effective July 1, 1975

CHAPTER 299

COMPULSORY EDUCATION

Referred to in sec. 281.6

- 299.1 Attendance requirement.
- 299.2 Exceptions.
- 299.3 Reports from private schools.
- 299.4 Reports as to private instruction.
- 299.5 Proof of abnormality.
- 299.6 Violations.
- 299.7 Custody of records.
- 299.8 "Truant" defined.
- 299.9 Truant schools—rules for punishment.
- 299.10 Truancy officers—appointment—compensation.
- 299.11 Duties of truancy officer.
- 299.12 Neglect by truancy officer.

- 299.13 Incurrigibles.
- 299.14 Discharge from truant school.
- 299.15 Reports by school officers and employees.
- 299.16 Census by school officer.
- 299.17 Repealed by 64 G.A., ch. 1065, sec. 1.
- 299.18 Education—state school.
- 299.19 Proceeding against parent.
- 299.20 Order.
- 299.21 Contempt.
- 299.22 When deaf and blind children excused.
- 299.23 Agent of state board of regents.
- 299.24 Religious groups exempted from school standards.

299.1 Attendance requirement. Any person having control of any child over seven and under sixteen years of age, in proper physical and mental condition to attend school, shall cause said child to attend some public school for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December.

The board may, by resolution, require attendance for the entire time when the schools are in session in any school year.

In lieu of such attendance such child may attend upon equivalent instruction by a certified teacher elsewhere.

Referred to in secs. 299.2, 299.6
See also sec. 281.6

299.2 Exceptions. Section 299.1 shall not apply to any child:

1. Who is over the age of fourteen and is regularly employed.
2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.
3. Who is excused for sufficient reason by any court of record or judge.
4. While attending religious services or receiving religious instructions.
5. Who is attending a private college preparatory school approved or probationally approved under the provisions of section 257.25, subsection 14.

299.3 Reports from private schools. Within ten days from receipt of notice from the secretary of the school district within which any private school is conducted, the principal of such school shall, once during each school year, and at any time when requested in individual cases, furnish to such secretary a certificate and report in duplicate of the names, ages, and number of days attendance of each pupil of such school over seven and under sixteen years of age, the course of study pursued by each such child; the texts used and the names of the teachers, during the preceding year and from the time of the last preceding report to the time at which a report is required. The secretary shall retain one of the reports and file the other with the secretary of the area education agency.

Referred to in sec. 299.6
Amendment effective July 1, 1975

299.4 Reports as to private instruction. Any person having the control of any child over seven and under sixteen years of age, who shall place such child under private instruction, not in a regularly conducted school, upon receiving notice from the secretary of the school district, shall furnish a certificate stating the name and age of such child, the period of time during which such child has been under said private instruction, the details of such instruction, and the name of the instructor.

Referred to in sec. 299.6

299.5 Proof of abnormality. Any person having the control of any child over seven and under sixteen years of age, who is physically or mentally unable to attend school, shall furnish proofs by affidavit as to the physical or mental condition of such child.

Referred to in sec. 299.6

299.6, COMPULSORY EDUCATION

299.6 Violations. Any person who shall violate any of the provisions of sections 299.1 to 299.5, inclusive, shall be fined not less than five dollars nor more than twenty dollars for each offense.

299.7 Custody of records. All such certificates, reports, and proofs shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of his office, and he shall furnish certified copies thereof to any person requesting the same.

299.8 "Truant" defined. Any child over seven and under sixteen years of age, in proper physical and mental condition to attend school, who fails to attend school regularly as provided in this chapter, without reasonable excuse for his absence, shall be deemed to be a truant.

299.9 Truant schools—rules for punishment. The board of directors may provide for the confinement, maintenance, and instruction of truant children and may for that purpose establish truant schools or set apart separate rooms in any public school building; and it shall prescribe reasonable rules for the punishment of truants.

299.10 Truancy officers—appointment—compensation. The board of each school district may, and in school districts having a population of twenty thousand shall, appoint a truancy officer.

In districts having therein a city, the board may appoint a member of the police force or marshal as such officer, and other districts may appoint a constable or other suitable person.

Such officers shall be paid a reasonable compensation by the board.

299.11 Duties of truancy officer. The truancy officer shall take into custody without warrant any apparently truant child and place him in the charge of the teacher in charge of the public school designated by the board of directors of the school district in which said child resides, or of any private school designated by the person having legal control of the child; but if it is other than a public school, the instruction and maintenance of the child therein shall be without expense to the school district.

The truancy officer shall promptly institute criminal proceedings against any person violating any of the provisions of the truancy law.

299.12 Neglect by truancy officer. Any truancy officer or any director neglecting his duty to enforce the truancy law after written notice so to do served upon him by any citizen of the county or by the area education agency administrator shall be liable to a fine not exceeding twenty-five dollars and be removed from such office. The county attorney shall prosecute such persons upon request of the administrator.

Amendment effective July 1, 1975

299.13 Incurriables. If the child is placed in a school other than a public school and does not properly conduct himself, the board may cause his removal to a public or to a truant school. If a truant placed in a public school fails to attend or properly conduct himself, he may be placed in a truant school, or the person in charge of the school may file information in the juvenile court, which may commit said child to a suitable state institution.

299.14 Discharge from truant school. Any child placed in a truant school may be discharged therefrom at the discretion of the board under such rules as it may prescribe.

299.15 Reports by school officers and employees. All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge, and he shall inform the president of the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as the facts justify.

299.16 Census by school officer. All school officers empowered to take the school census shall ascertain the number of children over seven and under sixteen years of age, in their respective districts, the number of such children who do not attend school, and so far as possible the cause of the failure to attend.

School census, sec. 291.9

299.17 [Repealed by Ch. 1065 (S.F. 1030), sec. 1, 64 G.A.(2)]

299.18 Education—state school. Children over seven and under nineteen years of age who are so deaf or blind or severely handicapped as to be unable to obtain an education in the common schools shall be sent to the proper state school therefor, unless exempted, and any person having such a child under his control or custody shall see that such child attends such school during the scholastic year.

Referred to in secs. 299.19, 299.20

299.19 Proceeding against parent. Upon the failure of any person having the custody and control of such child to require its attendance as provided in section 299.18, the state board of regents may make application to the district court or the juvenile court of the county in which such person resides for an order requiring such person to compel the attendance of such child at the proper state institution.

Referred to in sec. 299.20

299.20 Order. Upon the filing of the application mentioned in section 299.19, the time of hearing shall be determined by the juvenile court or the district court. If, upon hearing, the court determines that the person required to appear has the custody and control of a child who should be required to attend a state school under section 299.18, the court shall make an order requiring such person to keep such child in attendance at such school.

299.21 Contempt. A failure to comply with the order of the court shall subject the person against whom the order is made to punishment the same as in ordinary contempt cases.

Contempts, ch 665

299.22 When deaf and blind children excused. Attendance at the state institution may be excused when the superintendent thereof is satisfied:

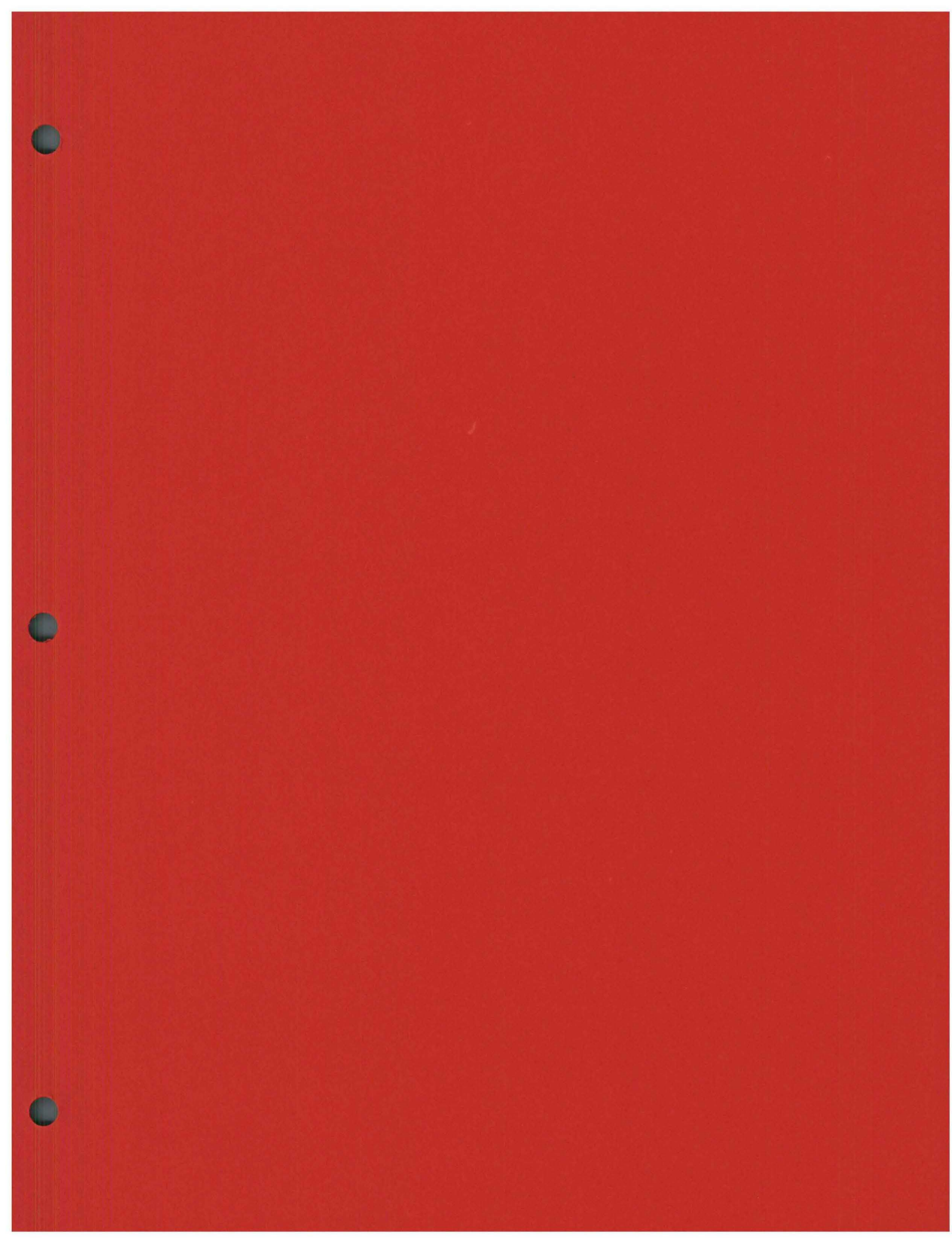
1. That the child is in such bodily or mental condition as to prevent or render futile attendance at the school.

2. That the child is so diseased or possesses such habits as to render his presence a menace to the health or morals of other pupils.

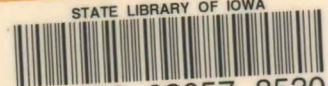
3. That the child is efficiently taught for the scholastic year in a private or other school devoted to such instruction or by a private tutor, in the branches taught in public schools.

299.23 Agent of state board of regents. The state board of regents may employ an agent to aid in the enforcement of law relative to the education of deaf and blind children. The agent shall seek out children who should be in attendance at the state schools but who are not, and require such attendance. He shall institute proceedings against persons who violate the provisions of said law. The agent shall be allowed compensation at a rate fixed by the board of regents, and his necessary traveling and hotel expenses while away from home in the performance of his duty.

299.24 Religious groups exempted from school standards. When members or representatives of a local congregation of a recognized church or religious denomination established for ten years or more within the state of Iowa prior to July 1, 1967, which professes principles or tenets that differ substantially from the objectives, goals, and philosophy of education embodied in standards set forth in section 257.25, and rules adopted in implementation thereof, file with the state superintendent of public instruction proof of the existence of such conflicting tenets or principles, together with a list of names, ages, and post-office addresses of all persons of compulsory school age desiring to be exempted from the compulsory education law and the educational standards law, whose parents or guardians are members of the congregation or religious denomination, the state superintendent, subject to the approval of the state board of public instruction, may exempt the members of the congregation or religious denomination from compliance with any or all requirements of the compulsory education law and the educational standards law for two school years. When the exemption has once been granted, renewal of such exemptions for each succeeding school year may be conditioned by the state superintendent, with the approval of the board, upon proof of achievement in the basic skills of arithmetic, the communicative arts of reading, writing, grammar, and spelling, and an understanding of United States history, history of Iowa, and the principles of American government, by persons of compulsory school age exempted in the preceding year, which shall be determined on the basis of tests or other means of evaluation selected by the state superintendent with approval of the board. The testing or evaluation, if required, shall be accomplished prior to submission of the request for renewal of the exemption. Renewal requests shall be filed with the state superintendent on or before April 15 of the school year preceding the school year for which the applicants desire exemption.



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