256B.6 Parent's or guardian's duties — review.

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 the parent or guardian of the child, or the school district in which the child resides, may obtain a review of an action or omission of state or local authorities pursuant to the procedures established by the state board of education 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 the child's condition and needs.

2. Placed in a special education program which is inappropriate to the child's 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 the child does not have a disability.

Notwithstanding section 17A.11, the state board of education shall adopt rules for the appointment of an impartial administrative law judge for special education appeals. The rules shall comply with federal statutes and regulations.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.6]

84 Acts, ch 1070, §1; 88 Acts, ch 1109, §22

C93, §256B.6

96 Acts, ch 1129, §69

Referred to in §299.5