
FISCAL TOPICS

Fiscal Services Division

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Individualized Education Programs

The [Individuals with Disabilities Education Act \(IDEA\)](#) is the federal law that defines and regulates special education. The law requires public schools to provide special education to children ages 3 to 21 who meet certain criteria. [Individualized Education Programs \(IEPs\)](#) detail how the school will support students needing special education.

Eligibility

To qualify for special education services, a student must have an identified disability covered by the IDEA and need special education to access the general education curriculum. Under the IDEA, there are 13 categories in which a student can receive special education services:

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment, which would include attention deficit hyperactivity disorder (ADHD)
- Specific learning disabilities, which would include dyslexia
- Speech or language impairment
- Traumatic brain injury
- Visual impairment

Least Restrictive Environment

Federal law requires schools to provide special education in the least restrictive environment (LRE) and to educate students with learning disabilities alongside their nondisabled peers to the maximum extent possible. Schools determine placement of special education students in the regular classroom; in a separate classroom; or in a segregated school, home, or institution. The goal of proper placement is to educate students with peers to the maximum extent possible but also ensure that students are performing at their best in the best environment for them.

More Information

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IEP Process

When a school district has determined that a student is eligible for special education services, a team will meet to write an IEP document that describes the student's special educational program. Every IEP meeting requires the attendance of the student's special education teacher, a school district representative, someone to interpret test data, and a general education teacher. Parents are encouraged to attend, and the student may also be involved. Additional school staff and service providers such as speech and language specialists or occupational therapists may also be in attendance. The IEP document is required to be reviewed annually.

IEP Document Components

The IEP document has specific required components and begins with the student's strengths and weaknesses and present level of achievement, including reading and math test results, current grades, observed skills, behavioral referrals, and records of work habits. Starting from the present level, goals will be set that are achievable and measurable and direct the student toward high expectations. Goals can be academic, behavioral, social, or transition-based, and should be written for recognized areas of need.

The IEP document will also include the special education and related services and supplementary aids and services that will be provided to the student or on behalf of the student. The school district will detail classroom services or ancillary services, like speech therapy or adaptive physical education, that will be offered to the student. Detail on the provision of these services is required.

Necessary accommodations and modifications will also be detailed in the IEP document.

Accommodations and modifications are changes to the classroom environment that may be necessary to assist the student. Accommodations refer to how a student learns. An accommodation helps the student to complete the same work at the same level as peers; examples would include text-to-speech software or having test questions read out loud. Modifications refer to how much a student is expected to do or learn. A modification changes the work or the level of work; examples would include shorter writing assignments or lower-reading-level books.

Dispute Resolution

Parents may have a disagreement with an IEP team because of decisions made during the IEP meeting, if they feel the IEP is not being implemented as it was written, or if they feel the current IEP is not meeting the needs of their child. When parents file a complaint, there is a dispute resolution process in place with varied levels of oversight involved, which may include the Area Education Agencies (AEAs), the Iowa Department of Education, or an administrative law judge.

The earliest level of dispute resolution is through AEA mediation. An impartial AEA staff person trained in mediation will meet with the parent and school district, and both parties must agree to the solution in writing. A State level of mediation is also available, involving an impartial State-assigned person trained in mediation, with the goal of the parties agreeing to a written solution that is legally binding.

If the dispute cannot be resolved through mediation, the next step is a request for a hearing. Mediation, often including attorneys, may be tried again prior to a formal hearing. A due process hearing occurs before an administrative law judge, usually with attorneys involved. The administrative law judge makes the decision, which can be appealed in State or federal court.

At any time, if there is a perceived violation of special education rules, a parent may file a written complaint with the State. The complaint will be investigated by the IDEA Complaint Investigation Team, and a corrective action plan will be required within one year if the violation is proven.

Funding

Special education is funded by a mix of State and additional local property tax levy. State Foundation Aid is determined by the School Aid Formula, Iowa Code chapter [257](#), which is primarily determined by each school district's certified enrolled pupil counts. This count is adjusted with the inclusion of Special Education Weighting which adds to the district pupil count based on need and makes up the bulk of Special Education spending in each district. The School Budget Review Committee last updated the

weighting in FY 2003 and has the option of readjusting the weighting every two years. **Figure 1** below displays the Special Education Weightings from FY 2022-FY 2024.

Figure 1: Special Education Funding FY 2022-FY 2024

<u>Fiscal Year</u>	<u>Pupil Count</u>	<u>Total Add'l Weighting</u>	<u>Additional Funding</u>
FY 2022	60,342	66,798	\$ 483,587,696
FY 2023	61,193	67,479	\$ 500,969,213
FY 2024	62,228	68,652	\$ 524,919,359

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