

256B.2 Definitions — policies — funds.

1. As used in [this chapter](#):

a. “*Children requiring special education*” means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education. “*Children requiring special education*” includes children receiving special education services, who reach the age of twenty-one during an academic year, and who elect to receive special education services until the end of the academic year.

b. “*Special education*” means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in [this subsection](#); transportation and corrective and supporting services required to assist children requiring special education, as defined in [this subsection](#), in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the state board of education.

2. a. It is the policy of this state to require school districts and state-operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all 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 the children can benefit from all or part of the education program as offered by the local school district. Children requiring special education shall, consistent with the least restrictive environment requirements under the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., attend regular classes and shall be educated with children who do not require special education.

b. (1) Whenever appropriate, hindrances 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.

(2) 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 disability is such, that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.

(3) Individualized education programs for children requiring special education within the regular school environment and behavioral intervention plans shall not include provisions for clearing all other students out of the regular classroom in order to calm the child requiring special education or the child for whom a behavioral intervention plan has been implemented except as provided in [section 279.51A](#).

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under [chapter 263](#) or [chapter 256, subchapter V](#), upon the request of the board of directors of an area education agency, the department of health and human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the department of education to provide the services required by [this chapter](#).

3. 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.

4. 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](#), [this chapter](#), and [chapter 257](#). 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 licensed, 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 agency, or in cooperation with one or more other districts.

5. Moneys received by the school district of the child's residence for the child's education, derived from moneys received through [chapter 257](#), [this chapter](#), 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 6](#).

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.2]

[83 Acts, ch 3, §1](#); [83 Acts, ch 96, §157, 159](#); [85 Acts, ch 24, §1](#); [89 Acts, ch 135, §82](#); [89 Acts, ch 265, §41](#); [92 Acts, ch 1022, §1](#); [92 Acts, ch 1163, §63](#)

C93, §256B.2

[96 Acts, ch 1129, §68, 113](#); [97 Acts, ch 23, §24](#); [2009 Acts, ch 133, §224](#); [2010 Acts, ch 1016, §1](#); [2015 Acts, ch 30, §88](#); [2020 Acts, ch 1108, §5](#); [2023 Acts, ch 19, §991, 2484](#); [2023 Acts, ch 64, §38](#)

Referred to in [§237.3](#), [256.7](#), [256B.8](#), [273.1](#), [273.2](#), [273.7](#), [422.7\(22\)\(c\)](#), [598.21B](#)

See Code editor's note on simple harmonization at the beginning of this Code volume
Subsection 2, paragraph c amended