

**299A.9 Children requiring special education.**

1. A child of compulsory attendance age who is identified as requiring special education under [chapter 256B](#) is eligible for placement under competent private instruction.

2. A child who has been placed under competent private instruction, whose performance indicates that the child may require special education, shall be referred for evaluation under [chapter 256B](#) and the rules of the state board of education. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian of a child who is identified as requiring special education may request dual enrollment pursuant to [section 299A.8](#). The appropriate special education services for the child shall be determined pursuant to [chapter 256B](#) and rules adopted pursuant to [chapter 256B](#).

[91 Acts, ch 200, §28](#); [2023 Acts, ch 91, §22, 23](#)

Referred to in [§299A.4](#)

Subsection 1 amended

NEW subsection 3