

256B.3 Powers and duties of division of special education.

The division of special education has 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 administer rules adopted by the state board that are consistent with [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.
3. 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.
4. 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.
5. 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.
6. 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.
7. To initiate the establishment of classes for children requiring special education or home study services in hospitals, nursing, convalescent, juvenile and private homes, in cooperation with the management thereof and local school districts or area education agency boards.
8. To cooperate 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 the child resides when there is no available special school, class, or instruction in the districts in which the child resides.
9. To cooperate with existing agencies such as the department of health and human services, the Iowa school for the deaf, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.
10. To investigate and study the needs, methods and costs of special education for children requiring special education.
11. 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.
12. To provide for the establishment of special education research and demonstration projects and models for special education program development.
13. 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.
14. To approve the acquisition and use of special facilities designed for the purpose of providing educational services to children requiring special education.
15. To submit copies of all reports the division provides to the United States department of education under part B of the federal Individuals with Disabilities Education Act, as amended, including but not limited to any report concerning disproportionate representation in special education based on race or ethnicity, to the general assembly on the date each such report is provided to the United States department of education.
16. Beginning July 1, 2024, oversee the operation of each area education agency to ensure the area education agency complies with all applicable federal and state laws related to special education.
17. Develop and distribute to school districts and accredited nonpublic schools a process to facilitate the development of individualized education programs and assist individualized education program teams with decisions regarding free appropriate public education and placement for students enrolled in accredited nonpublic schools.

18. Provide professional learning and other support materials and tools for individualized education program teams, including students, families, teacher service providers, and administrators of both school districts and accredited nonpublic schools to help such individuals understand the processes required under the federal law that are relevant to students enrolled in accredited nonpublic schools and to promote informed participation in individualized education program meetings of students enrolled in accredited nonpublic schools.

19. Provide information to individualized education program teams and public agencies that nonpublic schools shall be considered a placement option so long as the individualized education program of a child with a disability does not require some other arrangement.

20. Develop and distribute to school districts professional learning and other materials for meaningful consultation for representatives of area education agencies, school districts, and accredited nonpublic schools.

21. Establish sustainable accountability and data collection systems related to special education that meet federal and state legal requirements and encourage innovative models for meeting the needs of students.

22. Develop and distribute to school districts and accredited nonpublic schools an implementation plan related to identifying, evaluating, and promoting strategies and models for providing special education and related services with accredited nonpublic schools that improve the experiences and outcomes for students with disabilities.

23. To make rules to carry out the powers and duties provided for in [this section](#).

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.3]

[83 Acts, ch 96, §160; 83 Acts, ch 101, §64; 86 Acts, ch 1245, §1477, 1478](#)

[C93, §256B.3](#)

[2010 Acts, ch 1016, §2; 2011 Acts, ch 34, §64; 2020 Acts, ch 1102, §11; 2023 Acts, ch 19, §992, 2485; 2024 Acts, ch 1002, §2](#)

NEW subsections 16 – 22 and former subsection 16 renumbered as 23