

273.5 Special education.

There shall be established a division of special education of the area education agency which shall provide for special education programs and services to the local school districts. The division of special education shall be headed by a director of special education who meets certification standards of the department of education. The director of special education shall be an employee of the division of special education of the department of education. The director of special education shall not be an employee of the area education agency, shall not receive compensation from the area education agency, shall not supervise or manage employees of the area education agency, and shall not directly provide special education services for the agency. The director of special education's primary job duties and responsibilities to the area education agency are to provide oversight of the area education agency's special education services. The director of special education shall also have the responsibility for implementation of state regulations and guidelines relating to special education programs and services. The director of special education shall have the following powers and duties:

1. Properly identify children requiring special education.
2. Insure that each child requiring special education in the area receives an appropriate special education program or service.
3. Assign appropriate weights for each child requiring special education programs or services as provided in [section 256B.9](#).
4. Supervise special education support personnel.
5. Provide each school district within the area served and the department of education with a special education weighted enrollment count, including the additional enrollment because of special education for December 1 of each year.
6. Submit to the department of education special education instructional and support program plans and applications, subject to criteria listed in [chapter 256B](#) and [this chapter](#), for approval by February 15 of each year for the school year commencing the following July 1.
7. Coordinate the special education program within the area served.

[C75, 77, 79, 81, §273.5]

[89 Acts, ch 135, §59](#); [2024 Acts, ch 1002, §9](#)

Referred to in [§256B.9](#), [256B.11](#), [273.2](#), [273.3](#), [273.9](#), [273.23](#), [280.15](#)

Unnumbered paragraph 1 amended