

281—41.51(256B,34CFR300) Other definitions applicable to this chapter. The following additional definitions apply to this chapter.

41.51(1) *Appropriate activities.* “Appropriate activities” means those activities that are consistent with age-relevant abilities or milestones that typically developing children of the same age would be performing or would have achieved.

41.51(2) *Board.* “Board” means the Iowa state board of education.

41.51(3) *Department.* “Department” means the state department of education.

41.51(4) *Director.* “Director” means the director of special education of the AEA.

41.51(5) *Director of education.* “Director of education” means the state director of the department of education.

41.51(6) *Early childhood special education.* “Early childhood special education” or “ECSE” means special education and related services for those individuals below the age of six.

41.51(7) *General curriculum.* “General curriculum” means the curriculum adopted by an LEA or schools within the LEA for all children from preschool through secondary school.

41.51(8) *General education environment.* “General education environment” includes, but is not limited to, the classes, classrooms, services, and nonacademic and extracurricular services and activities made available by an agency to all students. For preschool children who require special education, the general education environment is the environment where appropriate activities occur for children of similar age without disabilities.

41.51(9) *General education interventions.* “General education interventions” means attempts to resolve presenting problems or behaviors of concern in the general education environment prior to conducting a full and individual evaluation as described in rule 281—41.312(256B,34CFR300).

41.51(10) *Head injury.* “Head injury” means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects an individual’s educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

41.51(11) *Multicategorical.* “Multicategorical” means special education in which the individuals receiving special education have different types of disabilities.

41.51(12) *School district of the child’s residence.* “School district of the child’s residence” or “district of residence of the child” is that school district in which the parent of the individual resides, subject to the following:

a. If an eligible individual is physically present (“lives”) in a district other than the district of residence of the individual’s parent for a primary purpose other than school attendance, then the district of residence of the individual is the district in which the individual resides, and that district becomes responsible for providing and funding the special education and related services.

b. If an eligible individual is physically present (“lives”) in a district other than the district of residence of the individual’s parent solely for the purpose of school attendance, the district of residence remains that of the parent; therefore, the parent must pay tuition to the receiving district. The district of residence cannot be held responsible for tuition payment.

c. If an individual is physically present (“lives”) in an intermediate care facility, residential care facility, or other similar facility, the individual’s district of residence is deemed to be that of the individual’s parents.

d. “Children living in a foster care facility” are individuals requiring special education who are living in a licensed individual or agency child foster care facility, as defined in Iowa Code section 237.1, or in an unlicensed relative foster care placement. District of residence of an individual living in a foster care facility and financial responsibility for special education and related services are determined pursuant to paragraph 41.907(5)“*a.*”

e. “Children living in a treatment facility” are individuals requiring special education who are living in a facility providing residential treatment as defined in Iowa Code section 125.2. District of residence of

an individual living in a treatment facility and financial responsibility for special education and related services are determined pursuant to paragraph 41.907(5)“b.”

f. “Children placed by the district court” are pupils requiring special education for whom parental rights have been terminated and who have been placed in a facility or home by a district court. Financial responsibility for special education and related services of individuals placed by the district court is determined pursuant to subrule 41.907(6).

41.51(13) *Severely disabled.* “Severely disabled” is an adjective applied to individuals with any severe disability including individuals who are profoundly, multiply disabled.

41.51(14) *Signature.* “Signature” has the meaning given the term in Iowa Code section 4.1(39).

41.51(15) *Systematic progress monitoring.* “Systematic progress monitoring” means a systematic procedure for collecting and displaying an individual’s performance over time for the purpose of making educational decisions.

[ARC 7792C, IAB 4/17/24, effective 5/22/24]