

281—41.39 (256B,34CFR300) Special education.

41.39(1) General. “Special education” means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including:

- a. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
- b. Instruction in physical education.

41.39(2) Specific services included in special education. Special education includes each of the following, if the services otherwise meet the requirements of subrule 41.39(1):

- a. Any service listed in this chapter, including support services, related services, and supplemental aids and services, that is specially designed instruction under subrule 41.39(1) or state standards or is required to assist an eligible individual in taking advantage of, or responding to, educational programs and opportunities;
- b. Travel training; and
- c. Vocational education.

41.39(3) Individual special education terms defined. The terms in this definition are defined as follows:

a. “*At no cost*” means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program. An AEA or LEA may ask, but not require, parents of children with disabilities to use public insurance or benefits or private insurance proceeds to pay for services if they would not incur a financial cost, as described in rule 281—41.154(256B,34CFR300).

b. “*Physical education*” means the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sports, including intramural and lifetime sports; and includes special physical education, adapted physical education, movement education, and motor development.

c. “*Specially designed instruction*” means adapting, as appropriate to the needs of an eligible child under this chapter, the content, methodology, or delivery of instruction:

- (1) To address the unique needs of the child that result from the child’s disability; and
- (2) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

d. “*Travel training*” means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to:

- (1) Develop an awareness of the environment in which they live; and
- (2) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

e. “*Vocational education*” means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.