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## FISCAL TOPICS

Fiscal Services Division

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## Student Support Services

The [Individuals with Disabilities Education Act \(IDEA\)](#) is the federal law that defines and regulates special education. The law requires public schools to provide special education to children ages 3 to 21 who meet certain criteria. [Individualized Education Programs \(IEPs\)](#) detail how the school will support students needing special education.

### Eligibility

To qualify for special education services, a student must have an identified disability covered by the IDEA and need special education to access the general education curriculum. Under the IDEA, there are 13 categories in which a student can receive special education services:

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment, which would include attention deficit hyperactivity disorder (ADHD)
- Specific learning disabilities, which would include dyslexia
- Speech or language impairment
- Traumatic brain injury
- Visual impairment

### Least Restrictive Environment

Federal law requires schools to provide special education in the least restrictive environment (LRE) and to educate students with learning disabilities alongside their nondisabled peers to the maximum extent possible. Schools determine placement of special education students in the regular classroom; in a separate classroom; or in a segregated school, home, or institution. The goal of proper placement is to educate students with peers to the maximum extent possible but also ensure that students are performing at their best in the best environment for them.

### IEP Process

When a school district has determined that a student is eligible for special education services, a team will meet to write an IEP document that describes the student's special educational program. Every IEP meeting requires the attendance of the student's special education teacher, a school district representative, someone to interpret test data, and a general education teacher. Parents are encouraged to attend, and the student may also be involved. Additional school staff and service providers such as

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### More Information

Iowa Department of Education: [educate.iowa.gov](http://educate.iowa.gov)  
LSA Staff Contact: Lora Vargason (515.725.1286) [lora.vargason@legis.iowa.gov](mailto:lora.vargason@legis.iowa.gov)

speech and language specialists or occupational therapists may also be in attendance. The IEP document is required to be reviewed annually.

### **IEP Document Components**

The IEP document has specific required components and begins with the student's strengths and weaknesses and present level of achievement, including reading and math test results, current grades, observed skills, behavioral referrals, and records of work habits. Starting from the present level, goals will be set that are achievable and measurable and direct the student toward high expectations. Goals can be academic, behavioral, social, or transition-based, and should be written for recognized areas of need.

The IEP document will also include the special education and related services and supplementary aids and services that will be provided to the student or on behalf of the student. The school district will detail classroom services or ancillary services, like speech therapy or adaptive physical education, that will be offered to the student. Detail on the provision of these services is required.

Necessary accommodations and modifications will also be detailed in the IEP document. Accommodations and modifications are changes to the classroom environment that may be necessary to assist the student. Accommodations refer to how a student learns. An accommodation helps the student to complete the same work at the same level as peers; examples include text-to-speech software or having test questions read out loud. Modifications change what a student is expected to learn, based on their individual abilities. A modification changes the work or the level of work; examples include shorter writing assignments or lower-reading-level books.

### **Dispute Resolution**

When parents file a complaint, there is a dispute resolution process in place with varied levels of oversight involved, which may include the Area Education Agencies (AEAs), the Iowa Department of Education, or an administrative law judge.

The first level of dispute resolution is through AEA mediation. An AEA staff person trained in mediation will meet with the parent and school district, and both parties must agree to the solution in writing. A State level of mediation is also available, involving an impartial State-assigned person trained in mediation, with the goal of the parties agreeing to a written solution that is legally binding.

If the dispute cannot be resolved through mediation, the next step is a request for a hearing. Mediation, often including attorneys, may be tried again prior to a formal hearing. A due process hearing occurs before an administrative law judge, usually with attorneys involved. The administrative law judge makes a ruling on the dispute, which can be appealed in State or federal court.

At any time, if there is a perceived violation of special education rules, a parent may file a written complaint with the State. The complaint will be investigated by the IDEA Complaint Investigation Team, and a corrective action plan will be required within one year if the violation is proven.

### **Behavior Intervention Plan**

A Behavior Intervention Plan (BIP) may be used when a student's behavior interferes with the student's learning or the learning of other students, and/or when the student is engaging in unsafe behaviors. A BIP is designed to teach and reinforce positive behaviors and help a student replace problem behaviors with more appropriate behaviors. It can help a student learn problem-solving skills and appropriate ways to respond to those things that may trigger inappropriate behavior. A BIP describes the problem behavior, the reasons the behavior occurs, and the intervention strategies that will address the problem behavior. The plan should be reviewed and adjusted if the desired results are not achieved.

The BIP is developed by reviewing the results of a Functional Behavior Assessment (FBA). The FBA provides a way to help understand why a student is showing a problem behavior by looking at the following:

- Antecedents that occur immediately before the behavior and may trigger the behavior.
- Behavior that is causing a concern.
- Results of the behavior that happen right after the behavior and provide information as to why the behavior is happening.

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- Setting, which includes the location, people, materials, and activities that can be used to help create a successful plan.

An FBA provides information on how to change the antecedents, results of the behavior, and/or setting to prevent the inappropriate behaviors and to teach appropriate behaviors in its place. The data that is gathered during an FBA is used to develop a BIP for a student.

### **504 Plan**

A student who does not qualify for special education but still needs support may have a 504 plan developed for them. These plans cover any condition that limits daily activities in a major way and are provided for under [Section 504 of the Rehabilitation Act](#). Students are provided with accommodations to support their learning. Examples of accommodations include the following:

- Changes to the environment like a quiet test-taking place.
- Changes to instruction like additional follow-up on key concepts.
- Changes to how curriculum is presented like providing lesson outlines.

Accommodations do not change what students learn, just how they learn it. The goal of a 504 plan is to remove barriers for student learning.

The process for a student to receive a 504 plan is different, and often simpler, than the process for establishing an IEP. A request for a 504 plan is coordinated through a school's 504 coordinator. The school will then hold a meeting to decide whether the student is qualified and what supports are appropriate.