

Iowa Special Education Eligibility and Evaluation—Questions and Answers

Issue 4: Eligibility for Special Education

Joint Guidance by Iowa Department of Education and Iowa AEA Special Education Directors

Overview

The below guidance is intended to dispel common myths pertaining to legal requirements for special education eligibility and evaluation. This joint guidance should be used in conjunction with Iowa Administrative Rules for Special Education (IAC § 281—41), Iowa Special Education Evaluation and Eligibility Standards (2015), and the AEA Special Education Procedures Manual (August, 2018). This guidance is part of a series. Topics included in the series scheduled to be released during the 2018-2019 school year include:

- Discrepancy Data & Disability Decisions
- Determining a Need for Special Education
- Eligibility on the Basis of Specific Learning Disability (SLD) and/or the Academic Domain
- Eligibility for Special Education
- Disability Suspect

This guidance is issued by the Iowa Department of Education (IDE) and Iowa’s Area Education Agencies (AEA’s). The IDE has statutory authority to exercise “general supervision” over Iowa’s AEAs and school districts. Iowa’s AEA’s have authority to provide this guidance as they are required to be involved in systematic problem solving and general education interventions, and are responsible for child find. Additionally, the AEA Directors of Special Education certify special education eligibility determinations.

Authority

- Iowa Administrative Code Rules § 256.1
- Iowa Administrative Code Rules 281—41.402(2), 281—41.407, 281—41.306(4), 281—41.312-313



Iowa’s Area
Education
Agencies

Questions & Answers: Eligibility for Special Education

1. Question: If there is a disagreement about eligibility for special education, who makes the decision?

Answer: Under Iowa law the task of conducting the evaluation falls on the AEA. The AEA must gather relevant information including information from the school and family. The AEA, LEA and family must review the evaluation results and render a decision. Eligibility determination teams should work toward consensus in determining if a child is eligible for special education services. The individual team members are entitled to have input and participate (IAC § 281—41.306(1)), but not control the outcome. There are specific eligibility standards that must be addressed in this process and required procedures to meet these standards. It is not a matter of opinion. If consensus is not obtained, the decision lies with the AEA (IAC § 273.5(1)) and the family may pursue due process procedures.

2. Question: If a child is eligible and in need of special education in 1 performance area, can they automatically receive specially designed instruction in any other area of need?

Answer: First, a full and individual evaluation for special education must evaluate all areas related to the suspected disability as well as all of the special education and related service needs, whether or not commonly linked to the disability category. See Eligibility Q&A Issue 5, Question 3.

In determining eligibility for special education a child does not have to qualify for special education area by area. However, a child must need specially designed instruction (SDI) in the area of need to receive special education services. For example, if a child is eligible and in need of SDI in reading and an evaluation indicates they do not need SDI in math to meet age/grade level expectations, they are not eligible for SDI in the area of math.

Additionally, whenever an *eligible individual* needs non instructional supports such as accommodations, special seating, or transportation, these non-instructional supports must be addressed in the learner's individual education plan. This also applies to non-instructional supports in area/s where the learner is not receiving SDI (IDEA Due Process Hearing Decision, 28 D.o.E. App. Dec. 419 (2018)).

3. Question: Can a child be eligible for special education if they are performing adequately in academics such as reading and math?

Answer: Yes. When a child is performing adequately, teams should also consider the following ([Letter from Alexa Posny to Redacted January 13, 2010](#)):

1. Teams must consider the degree to which instructional supports (e.g., private tutoring, intensified/individualized intervention, etc.) may be masking a disabling condition. (See also [Eligibility Q&A Issue 1, Question 4](#) for additional detail).
2. Teams must be aware that not all areas of disability are primarily “academic”. A child might have, for example, a behavior or motor disability and have no specific concerns in academics (e.g., learning to read, or develop math concepts etc.). Instead this child may have specific motor/behavior deficits that impact his/her access, involvement and engagement with same/age expectations. A child is eligible if they have a disability and need specially designed instruction related to any one or more of the 7 performance domains that align to the 13 IDEA disability categories.