

## Table of Contents

### STUDENTS

#### Series 500

- 500 Equal Educational Opportunity
  - 500.E1 ADA/Section 504 Notice of Nondiscrimination
  - 500.E2 ADA/Section 504 Student and Parental Rights
  - 500.E3 Objectives for Equal Educational Opportunities for Students
- 500.1 Multicultural Gender Fair Education
  
- 501 Student Attendance
  - 501.8 Student Attendance Records
  
- 502 Student Rights and Responsibilities
  - 502.1 Student Appearance
  - 502.2 Care of Agency Property/Vandalism
  - 502.4 Student Complaints and Grievances
  - 502.6 Weapons
    - 502.6R1 Weapons Regulation
  - 502.8 Search and Seizure
    - 502.3E1 Search and Seizure Checklist
    - 502.3R1 Search and Seizure Regulations
  - 502.9 Interviews of Students by Outside Agencies
  
- 503 Student Discipline
  - 503.1 Student Conduct
  - 503.4 Good Conduct Rule
  - 503.5 Corporal Punishment
  
- 506 Student Records
  - 506.1 Student Records Access
    - 506.1E1 Student Records Checklist
    - 506.1E3 Authorization for Release of Student Records
    - 506.1E4 Request for Hearing on Correction of Student Records
    - 506.1E5 Request for Examination of Student Records
    - 506.1E6 Notification of Transfer of Student Records
    - 506.1E7 Letter to Parent Regarding Receipt of a Subpoena
    - 506.1E8 Juvenile Justice Agency Information Sharing Agreement
    - 506.1E9 Annual Notice
    - 506.1R1 Use of Student Records Regulation
  
- 508 Miscellaneous Student-Related Matters
  - 508.3 Services To Non-Public Students
  
- 509 Special Education
  - 509.1 Special Education
  - 509.2 Early Identification of Children Requiring Special Education
  - 509.3 Procedural Safeguards for Children with Disabilities
  - 509.4 Program and Building Accessibility
  - 509.5 Educational Programs Serving Shelter Care Students
  - 509.6 Confidentiality of Personally Identifiable Information
  - 509.8 Use of Funds
  - 509.9 Surrogate Parent
  - 509.10 Role of Special Education Division

- 509.11 Full Educational Opportunity Goal
- 509.12 Child Find
- 509.13 Free Appropriate Public Education
- 509.14 Ensuring Services to Eligible Individuals
- 509.15 Evaluation and Determination of Eligibility
- 509.16 Independent Educational Evaluations
- 509.17 Least Restrictive Environment
- 509.18 Individualized Education Program
- 509.19 Performance Goals and Indicators
- 509.20 Personnel Standards
- 509.21 Provision of Special Education and Related Services to Student in Nonpublic Schools
- 509.22 Participation in Assessments
- 509.23 Access to Instructional Materials
- 509.24 Prohibition on Mandatory Medication

510 Early ACCESS

- 510.1 Early Intervention Services Available to All Eligible Children
- 510.2 Regional Eligibility Criteria and Procedures
- 510.3 Identification of Eligible Children – Public Awareness
- 510.4 Identification of Eligible Children – Comprehensive Child Find System
- 510.5 Identification of Eligible Children – Evaluation and Assessment
- 510.6 Identification of Eligible Children – Nondiscriminatory Procedures
- 510.7 Individualized Family Service Plans (IFSPs)
- 510.8 Personnel Standards
- 510.9 Comprehensive System of Personnel Development
- 510.10 Contracting or Otherwise Arranging for Services
- 510.11 Transition to Preschool Programs
- 510.12 Equitable Distribution of Resources
- 510.13 Procedural Safeguards Including Mediation and Due Process Procedures for Parents and Children
- 510.14 Confidentiality
- 510.15 Procedures for Resolving Complaints
- 510.16 Policies and Procedures Related to Financial Matters
- 510.17 Interagency Agreements; Resolution of Individual Disputes

**EQUAL EDUCATIONAL OPPORTUNITY**

The Northwest Area Education Agency Board will not discriminate in its educational activities on the basis of: race, color, national origin, religion, sex, disability, sexual orientation, or marital status.

The Board requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the Agency to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity.

The Board is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of race, color, national origin, gender, sexual orientation, gender identity, marital status, socioeconomic status, disability, religion or creed. Further, the Board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

Harassment or discriminatory behavior that denies civil rights or access to equal educational opportunities includes comments, name-calling, physical conduct or other expressive behavior directed at an individual or group that intentionally demeans the race, color, national origin, gender, sexual orientation, gender identity, marital status, socioeconomic status, disability, religion or creed of the individual or individuals or creates an intimidating, hostile or demeaning environment for education.

Inquiries by students regarding compliance with equal educational opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Region VII office of Civil Rights, U.S. Department of Education 8930 Ward Parkway, Suite 2037, Kansas City, MO. 64114 (816) 268-0550, <http://www.state.ia.us/government/crc/index.html> or Iowa Dept. of Education, Grimes State Office Bldg., Des Moines, IA. (515) 281-5294. This inquiry or complaint to the federal or state office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Legal Reference:       20 U.S.C. §§ 1221 *et seq.* (2012).  
                              20 U.S.C. §§ 1681 *et seq.* (2012).  
                              20 U.S.C. §§ 1701 *et seq.* (2012).  
                              29 U.S.C. § 794 (2012).  
                              42 U.S.C. §§ 12101 *et seq.* (2012).  
                              34 C.F.R. Pt. 100 (2012).  
                              34 C.F.R. Pt. 104 (2012).  
                              Iowa Code §§ 216.9; 256.11, .11A; 280.3 (2013).  
                              281 I.A.C. 12.

Cross Reference:       100     Educational Philosophy  
                              101     Educational Objectives

Adopted 1/16/06

Reviewed 7/18/16

Revised 7/18/16

**ADA/SECTION 504 NOTICE OF NONDISCRIMINATION**

Students, parents, employees and others doing business with or performing services for the Northwest Area Education Agency are hereby notified that this Agency does not discriminate on the basis of race, color, national origin, gender, sexual orientation, gender identity, marital status, socioeconomic status, disability, religion or creed in admission or access to, or treatment in, its programs and activities. Any person having inquiries concerning the Agency's compliance with the regulations implementing Title VI, Title VII, Title IX, the Americans with Disabilities Act (ADA), § 504 or *Iowa Code* § 280.3 is directed to contact:

Equity Coordinator  
Northwest Area Education Agency  
1520 Morningside Avenue  
Sioux City IA 51106  
(712) 222-6114

504 Coordinator  
Northwest Area Education Agency  
1520 Morningside Avenue  
Sioux City IA 51106  
(712) 222-6011

Who has been designated by the AEA to coordinate the Agency's efforts to comply with the regulations implementing Title VI, Title VII, Title IX, the ADA, § 504 and *Iowa Code* §280.3.

Adopted 1/16/06

Reviewed 7/18/16

Revised 7/18/16

**ADA/SECTION 504 STUDENT AND PARENTAL RIGHTS**

The Agency does not discriminate in its educational programs and activities on the basis of a student's disability. Accommodations will be made for all children who have qualifying disabilities to meet their needs. Parents have the right to the following:

- participation of their children in agency programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
- receipt of free educational services to the extent they are provided students without disabilities;
- receipt of information about their child's educational programs and activities in their native language;
- notice of identification of the child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of the child and right to periodically request a re-evaluation of the child;
- inspect and review the child's educational records including a right to copy those records for a reasonable fee; parents also have a right to ask the agency to amend the child's educational records if they feel the information in the records is misleading or inaccurate, should the agency refuse to amend the records, parents have a right to a hearing and to place an explanatory letter in the child's file explaining why they feel the records are misleading or inaccurate;
- hearing before an impartial hearing officer if they disagree with their child's evaluation or placement; they have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.

Inquiries concerning Northwest Area Education Agency's compliance with the regulations implementing Title VI, Title IX, The Americans with Disabilities Act (ADA). § 504 or *Iowa Code* § 280.3 should be directed to:

Equity Coordinator  
Northwest Area Education Agency  
1520 Morningside Ave.  
Sioux City IA 51106  
(712) 222-6114

504 Coordinator  
Northwest Area Education Agency  
1520 Morningside Avenue  
Sioux City IA 51106  
(712) 222-6011

Who has been designated by the Agency to coordinate the Agency's efforts to comply with the regulations implementing Title VI, Title IX, the ADA § 504 and *Iowa Code* 280.3.

**OBJECTIVES FOR EQUAL EDUCATIONAL OPPORTUNITIES FOR STUDENTS**

This series of the board policy manual is devoted to the board's goals and objectives for assisting the students of the school district in obtaining an education. Each student will have an opportunity to obtain an education in compliance with the policies in this series.

It is the goal of the board to develop a healthy social, intellectual, emotional, and physical self-concept in the students enrolled in the school district. Each student attending school will have the opportunity to use it and its education program and services as a means for self-improvement and individual growth. In so doing, the students are expected to conduct themselves in a manner that assures each student the same opportunity.

The board supports the delivery of the education program and services to students free of discrimination on the basis of race, color, national origin, gender, sexual orientation, gender identity, marital status, socioeconomic status, disability, religion or creed. This concept of equal educational opportunity serves as a guide for the board and employees in making decisions relating to school district facilities, employment, selection of educational materials, equipment, curriculum, and regulations affecting students.

In the delivery of the education program, students will treat the employees with respect and students will receive the same in return. Employees have the best interests of the students in mind and will assist them in school-related or personal matters if they are able to do so. Students should feel free to discuss problems, whether school-related or personal, with the guidance counselor or other employees.

Board policies, rules and regulations affect students while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district.

Board policy refers to the term "parents" in many of the policies. The term parents for purposes of this policy manual means the legal parents, the legal guardian or custodian of a student, and students who have reached the age of majority or are otherwise considered an adult by law.

Inquiries by students regarding compliance with equal educational opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, are directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Northwest AEA, Sioux City, Iowa; or by telephoning 712-222-6000.

Inquiries by students regarding compliance with equal educational opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Region VII office of Civil Rights, U.S. Department of Education 8930 Ward Parkway, Suite 2037, Kansas City, MO. 64114 (816) 268-0550, <http://www.state.ia.us/government/crc/index.html> or Iowa Dept. of Education, Grimes State Office Bldg., Des Moines, IA. (515) 281-5294. This inquiry or complaint to the federal or state office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

Adopted 2/16/15

Reviewed 7/18/16

Revised 7/18/16

**MULTICULTURAL GENDER FAIR EDUCATION**

Northwest AEA shall insure that multicultural, gender fair educational concepts are a visible, viable and integral part of its programs and services. Efforts shall include providing resources, technical support for Agency staff and schools, and direct services to students which:

- foster knowledge of and appreciation for the racial and cultural diversity in the United States;
- foster knowledge of and appreciation for the historical and contemporary contributions of all members of our pluralistic society;
- foster knowledge of and appreciation for the variety of careers, roles, and life styles open to both men and women in our society;
- foster awareness of the rights, duties and responsibilities of each individual as a member of a pluralistic society.
- provide for non-biased assessment of students eligible to receive special education services.

The Northwest Iowa multicultural, gender fair coordinator will carry out efforts related to this policy in collaboration with the entire agency.

Legal Reference: 20 U.S.C. §§ 1681-83, 1685-86  
29 U.S.C. §§ 624-634  
42 U.S.C. §§ 2000e-11  
24 C.F.R. 106.41  
Iowa Code §§ 256.11, 279.8, 280.3-280.14, 601A.9 (2005)  
281 I.A.C. §§ 12.1(1), 12.5(8)

Cross Reference: 101 Educational Objectives  
500 Equal Educational Opportunity

Adopted 1/16/06

Reviewed 2/16/15

Revised \_\_\_\_\_

**STUDENT ATTENDANCE RECORDS**

As part of the Agency's records, the daily attendance of each student is recorded and maintained on file with the permanent records of the student.

It is the responsibility of the teachers to ensure that such reports are filed with the home school district, the custodian of school records.

Legal Reference: Iowa Code §§ 294.4; 299 (2013).  
281 I.A.C. 12.2(4).

Cross Reference: 501 Student Attendance  
506 Student Records

Adopted 10/15/12

Reviewed 2/16/15

Revised \_\_\_\_\_



## STUDENT APPEARANCE

The Board believes inappropriate student appearance causes material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees and visitors.

Students are expected to adhere to standards of cleanliness and dress that are compatible with the requirements of a good learning environment. The standards will be those generally acceptable to the community as appropriate in a school setting.

The Board expects students to be clean and well-groomed and wear clothes in good repair and appropriate for the time, place and occasion. Clothing or other apparel promoting products illegal for use by minors and clothing displaying obscene material, profanity, or reference to prohibited conduct are disallowed. Student held in detention must follow the dress code of the juvenile court system. While the primary responsibility for appearance lies with the students and their parents, appearance disruptive to the education program will not be tolerated. When, in the judgment of a principal or teacher, a student's appearance or mode of dress disrupts the educational process or constitutes a threat to health or safety, the student may be required to make modifications.

It is the responsibility of the Chief Administrator, in conjunction with the teachers, to develop administrative regulations regarding this policy.

Legal Reference:        *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).  
                              *Bethal School District v. Fraser*, 478 U.S. 675 (1986).  
                              *Tinker v. Des Moines Ind. Comm. Sch. Dist.*, 393 U.S. 503 (1969).  
                              *Bystrom v. Fridley High School*, 822 F.2d 747 (8th Cir. 1987).  
                              *Torvik v. Decorah Community School*, 453 F.2d 779 (8th Cir. 1972).  
                              *Turley v. Adel Community School District*, 322 F.Supp. 402 (S.D. Iowa 1971).  
                              *Sims v. Colfax Comm. School Dist.*, 307 F.Supp. 485 (Iowa 1970).  
                              Iowa Code § 279.8 (2011).

Cross Reference:        500     Objectives for Equal Educational Opportunities for Students  
                              502     Student Rights and Responsibilities

Adopted 1/16/06

Reviewed 2/16/15

Revised 10/15/12

**CARE OF AGENCY PROPERTY/VANDALISM**

Students will treat Agency property with the care and the respect they would treat their own property. Students found to have destroyed or otherwise harmed Agency property may be required to reimburse the Agency. They may be subject to discipline under board policy and the Agency rules and regulations. They may also be referred to local law enforcement authorities.

It is the responsibility of the Chief Administrator, in conjunction with the teachers, to develop administrative rules regarding this policy.

Legal Reference: Iowa Code §§ 279.8; 282.4, .5; 613.16 (2013).

Cross Reference: 502 Student Rights and Responsibilities  
802.1 Maintenance Schedule

Adopted 10/15/12

Reviewed 2/16/15

Revised \_\_\_\_\_

**STUDENT COMPLAINTS AND GRIEVANCES**

Student complaints and grievances regarding board policy or administrative regulations and other matters should be addressed to the student's teacher or another licensed employee, other than the administration, for resolution of the complaint. It is the goal of the board to resolve student complaints at the lowest organization level.

If the complaint cannot be resolved by a licensed employee the student may discuss the matter with the appropriate AEA Supervisor within 5 days of the employee's decision. If the matter cannot be resolved by the principal, the student may discuss it with the Chief Administrator within 5 days after speaking with the AEA Supervisor.

If the matter is not satisfactorily resolved by the Chief Administrator, the student may ask to have the matter placed on the board agenda of a regularly scheduled board meeting in compliance with board policy.

Legal Reference: Iowa Code 279.8 (2013).

Cross Reference: 210.8 Board Meeting Agenda  
213 Public Participation in Board Meetings

Adopted 2/16/15

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

**WEAPONS**

The Board believes weapons and other dangerous objects and look-a-likes in Agency facilities cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees and visitors on the Agency premises or property within the jurisdiction of the Agency.

The Agency facilities are not an appropriate place for weapons or dangerous objects and look-a-likes. Weapons and other dangerous objects and look-a-likes shall be taken from students and others who bring them onto Agency property or onto property within the jurisdiction of the Agency or from students who are within the control of the Agency.

Parents of students found to possess a weapon or dangerous objects or look-a-likes on Agency property shall be notified of the incident. Confiscation of weapons or dangerous objects shall be reported to the law enforcement officials, and the student will be subject to disciplinary action including suspension or expulsion.

Students bringing a firearm to school or knowingly possessing firearms at school shall be expelled for not less than twelve months. Students bringing to school or possessing dangerous weapons, including firearms, will be referred to law enforcement authorities. The Chief Administrator shall have the authority to recommend this expulsion requirement be modified for a student on a case-by-case basis. For purposes of this portion of this policy, the term "firearm" includes any weapon which is designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive, incendiary or poison gas.

Weapons under the control of law enforcement officials shall be exempt from this policy. The Principal may allow authorized persons to display weapons or other dangerous objects for look-a-likes or educational purposes. Such a display shall also be exempt from this policy. Administrative regulations regarding this policy will be developed as needed.

Weapons shall include handguns, hunting rifles and shotguns, bombs, knives, other dangerous objects, look-a-likes, etc.

Legal References: No Child Left Behind, Title IV, Sec 4141, P.L. 107-110(2004).  
Improving America's Schools Act of 1994, P.L. 103-382,  
18 U.S.C. § 921 (1988).  
McClain v. Lafayette County Bd. of Education., 673 F.2d 106,  
(5<sup>th</sup> Circ. 1982).  
Iowa Code §§ 280.21B, 724 (2005).

Cross Reference: 505 Student Health and Well-Being  
506 Student Rights and Responsibilities

Adopted 1/16/06

Reviewed 2/16/15

Revised \_\_\_\_\_

## **WEAPONS REGULATION**

This regulation sets forth the definition and operational procedure for administering the Weapons Policy.

The definition of a weapon is set forth as follows:

- Any device which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, or from which a destructive device may be readily assembled or a compressed air spring action and a catapult device.
- Any pistol, revolver, rifle, shotgun and other firearm.
- Any explosive, incendiary, or poison gas
  - (1) Bomb, homemade,
  - (2) grenade,
  - (3) rocket having a propellant of more than four ounces,
  - (4) missile having an explosive or incendiary charge of more than one-quarter ounce,
  - (5) mines, or similar device
  - (6) ammunition
- Knives, blades, cross bows and hunting bows include, but are not limited to, (use for offensive purposes, including revolver, or other firearm,) dagger, razor, stiletto, arrows, switchblade knife, or other knives; in general, similar objects bearing a sharpened edge tapered for cutting or slicing.

In summary, a "dangerous weapon" is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon human beings when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon.

Students who have been suspended or expelled under the weapons policy shall be able to continue school involvement as set forth in the agency's At Risk Plan and 504 guidelines. A student receiving special ed services, who brings a dangerous weapon to school, may be placed in an alternative setting for up to 45 days. Students with disabilities have the right to continue education. A modification to the one year mandatory expulsion will be considered in the case of a student with disabilities.

Look-a-likes most often are toy weapons. These look-a-likes will be considered weapons and will not be tolerated in the schools. A student who possesses a look-a-like will be subject to disciplinary actions which may include suspension and/or expulsion.

Students may not discharge a firearm on agency property or at an agency Activity for any reason. Any student knowingly possessing or using non-explosive firearms, toy or look-a-like weapon on Agency property or at an agency sponsored activity shall be subject to suspension or expulsion just as if the toy or look-a-like were the dangerous weapon it resembles.

Hunting guns and rifles fall under the weapons policy. They are not to be transported to Agency nor are they to be on Agency grounds. It is prohibited to have hunting rifles or shotguns in cars that are parked on Agency grounds.

Students may not possess, use, or store a firearm or any part thereof or any other weapon on Agency property or at an Agency activity for any reason.

Possession includes but is not limited to storage in a student's locker, desk, book bag, purse, coat, jacket, or other clothing, car, bike bag, or other container or area of confinement used by the student whether personal or agency owned.

## **WEAPONS REGULATION**

Students who have knowledge or a belief of the existence of a weapon on Agency grounds or at an Agency activity shall promptly report to an Agency official. Failure to report will be grounds for suspension or expulsion from school.

Weapons or other dangerous objects may be displayed within the Agency for educational purposes. This may be done by an adult only. Examples where this waiver will apply include hunter safety classes, demonstration by an employee, law enforcement officer, military personnel and when approved, by the Principal.

All dangerous objects, weapons and look-a-likes will be confiscated immediately. Dangerous objects and weapons will be turned over to law enforcement officials. The students will forfeit all rights of ownership of the dangerous object, weapon or look-a-like.

## SEARCH AND SEIZURE

Agency property is held in public trust by the Board. Agency authorities may, without a search warrant, search students or protected student areas based on a reasonable and articulable suspicion that an agency policy, rule, regulation or law has been violated. The search is in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees and visitors to the Agency facilities. The furnishing of a locker, desk or other facility or space owned by the Agency or school and provided as a courtesy to a student, even if the student provides the lock, will not create a protected student area and will not give rise to an expectation of privacy with respect the locker, desk, or other facility.

Agency authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons and stolen property. Such items are not to be possessed by a student while they are on agency property or on property within the jurisdiction of the agency; while on agency owned and/or operated agency or chartered vehicles; while attending or engaged in agency activities; and while away from agency grounds if misconduct will directly affect the good order, efficient management and welfare of the agency. Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The Board believes that illegal, unauthorized or contraband materials may cause material and substantial disruption to the agency environment or presents a threat to the health and safety of students, employees, or visitors on the agency district premises or property within the jurisdiction of the agency.

It is the responsibility of the Chief Administrator, in conjunction with the Director and teachers, to develop administrative regulations regarding this policy.

Legal Reference: U.S. Const. amend. IV.  
New Jersey v. T.L.O., 469 U.S. 325 (1985).  
Cason v. Cook, 810 F.2d 188 (8th Cir. 1987), *cert. den.*, 482 U.S. 930 (1987).  
 Iowa Code ch. 808A (2013).  
 281 I.A.C. 12.3(8).

Cross Reference: 506 Student Rights and Responsibilities

Adopted 1/16/06

Reviewed 2/16/15

Revised \_\_\_\_\_

**SEARCH AND SEIZURE CHECKLIST**

I. What factors caused you to have a reasonable and articulable suspicion that the search of this student or the student's effects or automobile would turn up evidence that the student has violated or is violating the law, agency policy, rules or regulations affecting agency order?

A. Eyewitness account.

1. By whom: \_\_\_\_\_
2. Date/Time: \_\_\_\_\_
3. Place: \_\_\_\_\_
4. What was seen: \_\_\_\_\_

B. Information from a reliable source.

1. From whom: \_\_\_\_\_
2. Time received: \_\_\_\_\_
3. How information was received: \_\_\_\_\_
4. Who received the information: \_\_\_\_\_
5. Describe information: \_\_\_\_\_  
\_\_\_\_\_

C. Suspicious behavior? Explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Student's past history? Explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Time of search: \_\_\_\_\_

F. Location of search: \_\_\_\_\_

G. Student told purpose of search: \_\_\_\_\_

H. Consent of student requested: \_\_\_\_\_



**SEARCH AND SEIZURE CHECKLIST**

II. Was the search you conducted reasonable in terms of scope and intrusiveness?

A. What were you searching for: \_\_\_\_\_

B. Where did you search? \_\_\_\_\_

C. Sex of the student: \_\_\_\_\_

D. Age of the student: \_\_\_\_\_

E. Exigency of the situation: \_\_\_\_\_

F. What type of search was being conducted: \_\_\_\_\_

G. Who conducted the search: \_\_\_\_\_

Position: \_\_\_\_\_ Sex: \_\_\_\_\_

H. Witness(s): \_\_\_\_\_

III. Explanation of Search.

A. Describe the time and location of the search:  
\_\_\_\_\_

B. Describe exactly what was searched:  
\_\_\_\_\_

C. What did the search yield: \_\_\_\_\_

D. What was seized: \_\_\_\_\_

E. Were any materials turned over to law enforcement officials?  
\_\_\_\_\_

F. Were parents notified of the search including the reason for it and the scope:  
\_\_\_\_\_

## SEARCH AND SEIZURE REGULATION

### I. Searches, in general.

- A. Reasonable and Articulate Suspicion: A search of a student will be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has violated or is violating the law or agency policy, rules, or regulations affecting agency order. Reasonable suspicion may be formed by considering factors such as the following:
- (1) eyewitness observations by employees;
  - (2) information received from reliable sources;
  - (3) suspicious behavior by the student; or,
  - (4) the student's past history and school record although this factor alone is not sufficient to provide the basis for reasonable suspicion.
- B. Reasonable Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined based on factors such as the following:
- (1) the age of the student;
  - (2) the sex of the student;
  - (3) the nature of the infraction; and
  - (4) the emergency requiring the search without delay.

### II. Types of Searches

#### A. Personal Searches

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when an agency official has reasonable suspicion to believe the student is in possession of illegal or contraband items or has violated agency policies, rules, regulations or the law affecting agency order.
2. Personally intrusive searches will require more compelling circumstances to be considered reasonable.
  - (a) Pat-Down Search: If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted, it will be conducted in private by an Agency official of the same sex as the student and with another adult witness of the same sex present, when feasible.
  - (b) A more intrusive search, short of a strip search, of the student's person, handbags, book bags, etc., is permissible in emergency situations when the health and safety of students, employees, or visitors are threatened. Such a search may only be conducted in private by an Agency official of the same sex as the student, with an adult of the same sex present unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

#### B. Locker and Desk Inspections

Although Agency lockers and desks are temporarily assigned to individual students, they remain the property of the agency at all times. The Agency has a reasonable and valid interest in insuring the lockers and desks are properly maintained. For this reason, lockers and desks are subject to unannounced inspections and students have no legitimate expectations of privacy in the locker or desk. Periodic inspections of all or a random selection of lockers or desks may be conducted by Agency officials in the presence of the student or another individual. Any contraband discovered during such searches will be confiscated by Agency officials and may be turned over to law enforcement officials.

The contents of a student's locker or desk (coat, backpack, purse, etc.) may be searched when an agency official has reasonable and articulable suspicion that the contents contains illegal or contraband items or evidence of a violation of law or Agency policy or rule. Such searches should be conducted in the presence of another adult witness when feasible.

**SEARCH AND SEIZURE REGULATION**

C. Automobile Searches

Students are permitted to park on Agency premises as a matter of privilege, not of right. The Agency retains authority to conduct routine patrols of the student parking lots. The interior of a student's automobile on the Agency premises may be searched if the Agency official has reasonable and articulable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

## INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

Generally, students may not be interviewed during the school day by persons other than parents and Agency officials and employees.

Requests from law enforcement officers and from persons other than parents, juvenile court staff, probation officers, Agency officials, and employees to interview students are made through the principal's office. Upon receiving a request, it is the responsibility of the Director to determine whether the request will be granted.

If a child abuse investigator wishes to interview a student, the Director will defer to the investigator's judgment as to whether the student should be interviewed independently from the student's parents, whether the school is the most appropriate setting for the interview, and who will be present during the interview.

Students will not be taken from school without the consent of the principal and without proper warrant.

Legal Reference: Iowa Code §§ 232; 280.17 (2013).  
281 I.A.C. 102.  
441 I.A.C. 9.2; 155; 175.  
1980 Op. Att'y Gen. 275.

Cross Reference: 402.2 Child Abuse Reporting  
502.10 Search and Seizure  
503 Student Discipline  
902.2 News Conferences and Interviews

Adopted 10/15/12

Reviewed 2/16/15

Revised \_\_\_\_\_

**STUDENT CONDUCT**

The Board believes inappropriate student conduct causes material and substantial disruption to the school environment, interferes with the rights of others, or presents a threat to the health and safety of students, employees, and visitors on AEA premises. Appropriate classroom behavior allows Agency staff to communicate more effectively with students.

Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on Agency property or on property within the jurisdiction of the Agency; while on Agency owned and/or operated facilities or chartered vehicles; while attending or engaged in Agency activities; and while away from Agency grounds if misconduct will directly affect the good order, efficient management and welfare of the Agency. Consequences for the misconduct will be fair and developmentally appropriate in light of the circumstances.

Students who fail to abide by this policy, and the administrative regulations supporting it, may be disciplined for conduct which disrupts or interferes with the education program; conduct which disrupts the orderly and efficient operation of the Agency or Agency activity; conduct which disrupts the rights of other students to participate in or obtain their education; conduct that is violent or destructive; or conduct which interrupts the maintenance of a disciplined atmosphere. Disciplinary measures include, but are not limited to, removal from the Agency facilities, a recommendation to school staff that the student cannot attend Agency activities, or a recommendation to school staff for suspension or expulsion.

A student who commits an assault against an employee on Agency property or on property within the jurisdiction of the Agency; while on Agency-owned or Agency-operated chartered vehicles; while attending or engaged in Agency activities will be recommended to be suspended by the principal of the student’s school. The Chief Administrator or designee will recommend the disciplinary action. Assault for purposes of this section of this policy is defined as:

an act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; or any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting or offensive, coupled with the apparent ability to execute the act; or, intentionally points any firearm toward another or displays in a threatening manner any dangerous weapon toward another.

The act is not an assault when the person doing any of the above and the other person are voluntary participants in a sport, social or other activity, not in itself criminal, when the act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace.

Removal from the Agency means a student is sent out of the Agency’s facility. It is within the discretion of the person in charge of the Agency activity to remove the student.

The student’s discipline action will be decided by the attending school district and principal.

Legal Reference: No Child Left Behind, Title IV, Sec. 4115, P.L. 107-110 (2004).  
Goss v. Lopez, 419 U.S. 565 (1975).  
Brands v. Sheldon Community School District, 671 F. Supp. 627 (N.D. Iowa 1987).  
Sims v. Colfax Comm. School Dist., 307 F. Supp. 485 (Iowa 1970).  
Bunger v. Iowa High School Athletic Assn., 197 N.W.2d 555 (Iowa 1972).  
Board of Directors of Ind. School Dist. of Waterloo v. Green, 259 Iowa 1260, 147 N.W.2d 854 (1967).  
Iowa Code §§ 279.8; 282.4, .5; 708.1 (2013).

Cross Reference: 501 Student Attendance  
502 Student Rights and Responsibilities  
603.3 Special Education  
903.5 Distribution of Materials

**GOOD CONDUCT RULE**

Participation in Agency activities is a privilege. Agency activities provide the benefits of promoting additional interests and abilities in the students during their school years and for their lifetimes.

Students who participate in extracurricular activities serve as ambassadors of their school district throughout the calendar year. Students who wish to have the privilege of participating in Agency activities must conduct themselves in accordance with board policy and must refrain from activities which are illegal, immoral or unhealthy.

Students who fail to abide by this policy may be subject to disciplinary measures. The Agency administrator supervising the Agency activity will determine if the student may participate in the extracurricular activity.

Legal Reference: *Bunger v. Iowa High School Athletic Assn.*, 197 N.W.2d 555 (Iowa 1972).  
*In re Jason Clark*, 1 D.P.I. App. Dec. 167 (1978).  
Iowa Code §§ 280.13, .13A (2013).  
281 I.A.C. 12.3(6); 36.15(1).

Cross Reference: 502 Student Rights and Responsibilities  
503 Student Discipline

Adopted 1/21/13

Reviewed 3/16/15

Revised \_\_\_\_\_

## CORPORAL PUNISHMENT

Corporal punishment is defined as the intentional physical punishment of a student and is prohibited. It includes the use of unreasonable or unnecessary physical force or physical contact made with the intent to harm or cause pain. No employee is prohibited from:

Using reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:

- To quell a disturbance or prevent an act that threatens physical harm to any person.
- To obtain possession of a weapon or other dangerous object within a pupil's control.
- For the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3.
- For the protection of property as provided for in Iowa Code section 704.4 or 704.5.
- To remove a disruptive pupil from Agency premises or from Agency-sponsored activities.
- To protect a student from the self-infliction of harm.
- To protect the safety of others.

Using incidental, minor, or reasonable physical contact to maintain order and control.

Reasonable physical force should be commensurate with the circumstances of the situation. The following factors should be considered in using reasonable physical force for the reasons stated in this policy:

1. The size and physical, mental, and psychological condition of the student;
2. The nature of the student's behavior or misconduct provoking the use of physical force;
3. The instrumentality used in applying the physical force;
4. The extent and nature of resulting injury to the student, if any;
5. The motivation of the school employee using physical force.

Upon request, the student's parents are given an explanation of the reasons for physical force.

It is the responsibility of the Chief Administrator to develop administrative regulations regarding this policy.

Legal Reference: *Ingraham v. Wright*, 430 U.S. 651 (1977).  
*Goss v. Lopez*, 419 U.S. 565 (1975).  
*Tinkham v. Kole*, 252 Iowa 1303, 110 N.W.2d 258 (1961).  
*Lai v. Erickson*, PTPC Admin. Doc. 83-12 (1983).  
 Iowa Code §§ 279.8; 280.21 (2011).  
 281 I.A.C. 12.3(6); 103.  
 1980 Op. Att'y Gen. 275.

Cross Reference: 402.3 Abuse of Students by School District Employees  
 502 Student Rights and Responsibilities  
 503 Student Discipline

Adopted 1/21/13

Reviewed 3-16-15

Revised \_\_\_\_\_

## **EDUCATION RECORDS ACCESS**

The Board recognizes the importance of maintaining student records and preserving their confidentiality. Education records are kept confidential at collection, storage, disclosure and destruction stages. The Board Secretary is the custodian of student records. Student records are maintained in the administrative office.

Parents, eligible students and other individuals in accordance with the law will have access to the student's records during the regular business hours of the Agency.

For the purpose of this policy, the defined words have the following meanings:

Definitions:

- “Education Record” means those records that contain information directly related to a student and which are maintained by an education agency or institution or by a party acting for the agency or institution.
- “Eligible Student” means a student who has reached eighteen years or attends a postsecondary institution. Parents of an eligible student are provided access to education records only with the written permission of the eligible student unless the eligible student is defined as a dependent by the Internal Revenue Code. In that case, the parents may be provided access without the written permission of the student.

An education record may contain information on more than one student. Parents will have the right to access the information relating to their student or to be informed of the information. Eligible students will also have the right to access the information relating to them selves, or be informed of the information.

Parents and eligible students will have a right to access the education records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made.

Parents, other than parents of an eligible student, may be denied access to a student’s records if the school district has a court order stating such or when the district has been advised under the appropriate laws that the parents may not access the student records. Parents, an eligible student or an authorized representative of the parents will have the right to access the student’s education records prior to an Individualized Education Program (IEP) meeting or hearing.

Copies of education records will be provided if failure to do so would effectively prevent the parents or student from exercising the right to access the student records. Fees for copies of the records are waived if it would prevent the parents or student from accessing the records. A fee may not be charged to search or retrieve information from student records.

Upon the request of parents or an eligible student, the Agency will provide an explanation and interpretation of the education records and a list of the types and locations of education records collected, maintained or used by the Agency.

If the parents or an eligible student believes the information in the education records is inaccurate, misleading or violates the privacy or other rights of the student, the parents or an eligible student may request that the Agency amend the education records. The Agency will decide whether to amend the education records within a reasonable time after receipt of the request. If the Agency determines an amendment is made to the education record, the Agency will make the amendment and inform the parents or the eligible student of the decision in writing.

If the Agency determines that amendment of the education record is not appropriate, it will inform the parents or the eligible student of their right to a hearing before the hearing officer provided by the Agency.

If the parents' and the eligible student's request to amend the education record is further denied following the hearing, the parents or the eligible student are informed that they have a right to place an explanatory letter in the education record commenting on the agency's decision or setting forth the reasoning for disagreeing with the



## **STUDENT RECORDS ACCESS**

Agency. Additions to the education records will become a part of the education record and be maintained like other education records. If the Agency discloses the education records, the explanation by the parents will also be disclosed.

Education records may be disclosed in limited circumstances without parental or eligible student's written permission. This disclosure is made on the condition that the education record will not be disclosed to a third party without the written permission of the parents or the eligible student. This disclosure may be made to the following individuals or under the following circumstances:

- to officials within the Agency and employees whom the Chief Administrator has determined to have a legitimate educational interest, including, but not limited to, Board Members, employees, Agency attorney, auditor, health professionals, and individuals serving on official Agency committees;
- to officials of another Agency in which the student wishes to enroll, provided the other Agency notifies the parents the student records are being sent and the parents have an opportunity to receive a copy of the records and challenge the contents of the records unless the annual notification includes a provision that records will automatically be transferred to the AEAs;
- to the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education or state and local educational authorities;
- in connection with financial aid for which the student has applied or which the student has received if the information is necessary to receive the financial aid;
- to organizations conducting educational studies and the study does not release personally identifiable information;
- to accrediting organizations;
- to parents of a dependent student as defined in the Internal Revenue Code;
- to comply with a court order or judicially issued subpoena;
- consistent with an interagency agreement between the Northwest AEA and juvenile justice agencies
- in connection with a health or safety emergency; or,
- as directory information.
- in additional instances as provided by law.

The Chief Administrator or designee will keep a list of the individuals and their position who are authorized to view a special education student's records without the permission of the parents or the eligible student. Individuals not listed are not allowed access without parental or an eligible student's written permission. This list must be current and available for public inspection and updated as changes occur.

The Chief Administrator or designee will also keep a list of individuals, agencies and organizations who have requested or obtained access to educational records, the date access was given and their legitimate educational interest or purpose for which they were authorized to view the records. The Chief Administrator, however, does not need to keep a list of the parents, authorized educational employees, officers and agencies of the AEA who have accessed the student's education records. This list for education records may be accessed by the parents, the eligible student and the custodian of education records.

Permanent education records, including a student's name, address, phone number, grades, attendance record, class attended, grade level completed and year completed may be maintained without time limitation. Permanent education records will be kept in a fire-safe vault or they may be maintained electronically with a secure back-up file.

When personally identifiable information, other than permanent education records, no longer needs to be maintained by the Agency to provide educational services to a special education student, the parents or eligible student are notified. This notice is normally given after a student graduates or otherwise leaves the Agency. If the parents or eligible student request that the personally identifiable information be destroyed, the Agency will

## **STUDENT RECORDS ACCESS**

destroy the records. Prior to the destruction of the records, the agency must inform the parents or eligible student the records may be needed by the parents or eligible student for social security benefits or other purposes. For purposes of policy, “no longer needed to provide educational services” means that a record is no longer relevant to the provisions of instruction, support, or related services and it is no longer needed for accountability and audit purposes. At a minimum, a record needed for accountability and audit purposes must be retained for five years after completion of the activity for which funds were used.

The Agency will cooperate with the juvenile justice system in sharing information contained in permanent education records regarding students who have become involved with the juvenile justice system. The Agency will enter into an interagency agreement with the juvenile justice agencies involved.

The AEA may share any information with the agencies contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication information contained in the permanent record may be disclosed by the agency to the parties without parental consent or court order. Information contained in a student's permanent record may be disclosed by the AEA to the agencies after adjudication only with parental consent or a court order.

Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.

Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.

Confidential information shared between the agency and the agencies will remain confidential and will not be shared with any other person, unless otherwise provided by law.

Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian. The AEA may discontinue information sharing with an agency if the agency determines that the agency has violated the intent or letter of the agreement.

Agencies will contact the principal of the attendance center where the student is currently or was enrolled. The principal will then forward copies of the records within 10 business days of the request.

The Agency will provide training or instruction to employees about parents' and eligible students' rights under this policy. Employees will also be informed about the procedures for carrying out this policy.

It is the responsibility of the Chief Administrator or designee to annually notify parents and eligible students of their right to:

- Inspect and review the student's records;
- Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the law authorizes disclosure without consent; and
- File a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the law.

The notice is given in a parents' or eligible student's native language. Should the Agency collect personal information from students for the purposes of marketing or selling that information, the Agency will annually notify parents of such activity.

**STUDENT RECORDS ACCESS**

The notice will include a statement that the parents have a right to file a complaint alleging the agency failed to comply with this policy. Complaints are forwarded to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC. 20202-4605.

Legal Reference: No Child Left Behind, Title IX, Sec. 9528, P.L.107-110 (2012).  
USA Patriot Act, Sec. 507, P.L. 107-56. (2001).  
20 U.S.C. § 1232g, 1415 (1994).  
34 C.F.R. Pt. 99, 300.560 - .574 (2002).  
Iowa Code §§ 22; 279.9B, 280.24, 25, 622.10 (2013).  
281 I.A.C. 12.3(6); 41.20  
1980 Op. Att'y Gen. 720, 825.

Cross Reference: 216 Public Examination of Agency Records  
502 Student Records  
505 Student Health and Well-Being  
507 Special Education  
704 Agency Records

**REQUEST OF NONPARENT FOR EXAMINATION OR COPIES OF EDUCATION RECORDS**

The undersigned hereby requests permission to examine the \_\_\_\_\_ Community School District's official education records of:

\_\_\_\_\_ (Legal Name of Student) \_\_\_\_\_ (Date of Birth)

The undersigned requests copies of the following official education records of the above student:

The undersigned certifies that they are (check one):

- (A) An official of another school system in which the student intends to enroll. ( )
- (B) An authorized representative of the Comptroller General of the United States. ( )
- (C) An authorized representative of the Secretary of the U.S. Department of Education or U.S. Attorney General. ( )
- (D) A state or local official to whom such is specifically allowed to be reported or disclosed. ( )
- (E) A person connected with the student's application for, or receipt of, financial aid (Specify details above.) ( )
- (F) [*A representative of a juvenile justice agency with which the school district has an interagency agreement.*] ( )

The undersigned agrees that the information obtained will only be redisclosed consistent with state or federal law without the written permission of the parents of the student, or the student if the student is of majority age.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

APPROVED:

Date: \_\_\_\_\_

Signature:	Address:
Title:	City:
Dated:	State: ZIP:
	Phone Number:

**AUTHORIZATION FOR RELEASE OF EDUCATION RECORDS**

The undersigned hereby authorizes the Northwest Area Education Agency to release copies of the following official education records:

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Concerning: \_\_\_\_\_  
(Full Legal Name of Student) (Date of Birth)

\_\_\_\_\_ from 20\_\_ to 20\_\_  
(Name of Last School Attended) (Year(s) of Attend.)

The reason for this request is: \_\_\_\_\_

My relationship to the child is: \_\_\_\_\_

Copies of the records to be released are to be furnished to:

- the undersigned
- the student
- other (please specify) \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone Number: \_\_\_\_\_

**REQUEST FOR HEARING ON CORRECTION OF EDUCATION RECORDS**

To: \_\_\_\_\_ Address: \_\_\_\_\_  
Board Secretary (Custodian)

I believe certain official education records of my child, \_\_\_\_\_ (full legal name of student),  
\_\_\_\_\_ (school name), are inaccurate, misleading or in violation of privacy rights of my child.

The official education records which I believe are inaccurate, misleading or in violation of the privacy or other rights of my child are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The reason I believe such records are inaccurate, misleading or in violation of the privacy or other rights of my child is:

\_\_\_\_\_  
\_\_\_\_\_

My relationship to the child is: \_\_\_\_\_

I understand that I will be notified in writing of the time and place of the hearing; that I will be notified in writing of the decision; and I have the right to appeal the decision by so notifying the hearing officer in writing within ten days after my receipt of the decision or a right to place a statement in my child's record stating I disagree with the decision and why.

\_\_\_\_\_  
(Signature)  
Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone Number: \_\_\_\_\_

**REQUEST FOR EXAMINATION OF EDUCATION RECORDS**

To: \_\_\_\_\_ Address: \_\_\_\_\_

Board Secretary (Custodian) \_\_\_\_\_

The undersigned desires to examine the following official education records:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Full Legal Name of Student) (Date of Birth) (Grade)

(Name of School) \_\_\_\_\_

My relationship to the student is: \_\_\_\_\_

Check one:  I do  I do not  
desire a copy of such records. I understand that a reasonable charge may be made for the copies.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

APPROVED:

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

ZIP: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**NOTIFICATION OF TRANSFER OF EDUCATION RECORDS**

To: \_\_\_\_\_ Date: \_\_\_\_\_  
Parent/or Guardian

Street Address: \_\_\_\_\_

City/State \_\_\_\_\_ ZIP: \_\_\_\_\_

Please be notified that copies of the Northwest Area Education Agency official education records concerning \_\_\_\_\_, (full legal name of student) have been transferred to:

\_\_\_\_\_  
School District Name Address

upon the written statement that the student intends to enroll in said school system.

If you desire a copy of such records furnished, please check here \_\_\_\_\_ and return this form to the undersigned. A reasonable charge will be made for the copies.

If you believe such records transferred are inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, you have the right to a hearing to challenge the contents of such records.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)



**LETTER TO PARENT REGARDING RECEIPT OF A SUBPOENA**

Date \_\_\_\_\_

Dear \_\_\_\_\_:  
(Parent)

This letter is to notify you that Northwest AEA has received a \_\_\_\_\_ requesting copies of  
(subpoena or court order)

your child's permanent records. The specific records requested are:

\_\_\_\_\_  
(list record(s))

The AEA has until \_\_\_\_\_ to deliver the documents to  
(date on subpoena or court order)

\_\_\_\_\_  
(requesting party on subpoena or court order)

If you have any questions, please do not hesitate to contact me at \_\_\_\_\_ (phone #).

Sincerely,

\_\_\_\_\_  
Division Director or Chief Administrator

## **JUVENILE JUSTICE AGENCY INFORMATION SHARING AGREEMENT**

Statement of Purpose: The purpose of this Agreement is to allow for the sharing of information among Northwest AEA and agencies prior to a student's adjudication in order to promote and collaborate to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

Identification of Agencies: This agreement is between the Northwest AEA (hereinafter "AEA") and (agencies listed) (hereinafter "Agencies").

Statutory Authority: This agreement implements *Iowa Code* § 280.25 and is consistent with 34 C.F.R. 99.38 (2012).

Parameters of Information Exchange:

1. The AEA may share any information with the Agencies contained in a student's permanent record which is directly related to the juvenile justice system's ability to effectively serve the student.
2. Prior to adjudication information contained in the permanent record may be disclosed by the AEA to the Agencies without parental consent or court order.
3. Information contained in a student's permanent record may be disclosed by the AEA to the Agencies after adjudication only with parental consent or a court order.
4. Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family.
5. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.
6. Information obtained by the school from other juvenile justice agencies may not be used as the basis for disciplinary action of the student.
7. This agreement only governs an AEA's ability to share information and the purposes for which that information can be used. Other agencies are bound by their own respective confidentiality policies.

Records' Transmission: The individual requesting the information should contact Northwest AEA. Northwest AEA will forward the records within 10 business days of the request.

Confidentiality: Confidential information shared between the agencies and the AEA will remain confidential and will not be shared with any other person, unless otherwise provided by law. Information shared under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent. Agencies or individuals violating the terms of this agreement subject their entity represented and themselves personally to legal action pursuant to federal and state law.

**JUVENILE JUSTICE AGENCY INFORMATION SHARING AGREEMENT**

Amendments: This agreement constitutes the entire agreement among the agencies with respect to information sharing. Agencies may be added to this agreement at the discretion of the AEA.

Term: This agreement is effective from (September 1, 20 or other date) .

Termination: The AEA may discontinue information sharing with an agency if the AEA determines that the agency has violated the intent or letter of this agreement.

**APPROVED:**

Signature: \_\_\_\_\_ Address: \_\_\_\_\_  
Title: \_\_\_\_\_ City: \_\_\_\_\_  
Agency: \_\_\_\_\_ State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Dated: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Address: \_\_\_\_\_  
Title: \_\_\_\_\_ City: \_\_\_\_\_  
Agency: \_\_\_\_\_ State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Dated: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Address: \_\_\_\_\_  
Title: \_\_\_\_\_ City: \_\_\_\_\_  
Agency: \_\_\_\_\_ State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Dated: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Address: \_\_\_\_\_  
Title: \_\_\_\_\_ City: \_\_\_\_\_  
Agency: \_\_\_\_\_ State: \_\_\_\_\_ ZIP \_\_\_\_\_  
Dated: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**ANNUAL NOTICE**

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

- (1) The right to inspect and review the student's education records within 45 days of the day the AEA receives a request for access.

Parents or eligible students should submit to the administrator (or appropriate agency official) a written request that identifies the record(s) they wish to inspect. The administrator will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading or in violation of the student's privacy rights under FERPA.

Parents or eligible students may ask the AEA to amend a record that they believe is inaccurate or misleading. They should write the administrator, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the AEA decides not to amend the record as requested by the parent or eligible student, the AEA will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- (3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent is disclosure to agency officials with legitimate educational interests. An agency official is a person employed by the AEA as an administrator, supervisor, instructor, or support employee (including health or medical staff and law enforcement unit personnel); a person serving on the board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, AEA employees, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee or student assistance team, or assisting another agency official in performing his or her tasks.

An AEA official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

The right to inform the AEA that the parent does not want directory information, as defined below, to be released. Directory information can be released without prior parental consent. Any student over the age of eighteen or parent not wanting this information released to the public must make object in writing to the administrator. The objection needs to be renewed annually.

NAME, ADDRESS, TELEPHONE LISTING, DATE AND PLACE OF BIRTH, E-MAIL ADDRESS, GRADE LEVEL, ENROLLMENT STATUS, MAJOR FIELD OF STUDY, PARTICIPATION IN OFFICIALLY RECOGNIZED ACTIVITIES AND SPORTS, WEIGHT AND HEIGHT OF MEMBERS OF ATHLETIC TEAMS, DATES OF ATTENDANCE, DEGREES AND AWARDS RECEIVED, THE MOST RECENT PREVIOUS SCHOOL OR INSTITUTION ATTENDED BY THE STUDENT, PHOTOGRAPH AND LIKENESS AND OTHER SIMILAR INFORMATION.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the agency to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education,  
400 Maryland Ave., SW, Washington, DC, 20202-4605.

**ANNUAL NOTICE**

The Northwest Area Education Agency may share any information with the Parties contained in a student's permanent record, which is directly related to the juvenile justice system's ability to effectively serve the student. Prior to adjudication information contained in the permanent record may be disclosed by the AEA to the Parties without parental consent or court order. Information contained in a student's permanent record may be disclosed by the AEA to the Parties after adjudication only with parental consent or a court order.

Information shared pursuant to the agreement is used solely for determining the programs and services appropriate to the needs of the student or student's family or coordinating the delivery of programs and services to the student or student's family. Information shared under the agreement is not admissible in any court proceedings, which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.

Information obtained from others shall not be used for the basis of disciplinary action of the student. This agreement only governs an AEA's ability to share information and the purposes for which that information can be used.

## USE OF EDUCATION RECORDS REGULATION

Education records are all official records, files, and data directly related to students, including all material incorporated into each student's cumulative record folder and intended for AEA use or to be available to parties outside the school or school system specifically including, but not necessarily limited to: dates of attendance; academic work completed; level of achievement (grades, standardized test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns.

The intent of this regulation is to establish procedures for granting requests from parents for access to their child's records, use of the data, and procedures for its transmittal within forty-five calendar days.

### A. Access to Records

1. Parents, eligible students and other individual authorized in accordance with the law will have access to the student's education records during the regular business hours of the AEA. Parents and eligible students will have a right to access the student's education records upon request without unnecessary delay and in no instance more than forty-five calendar days after the request is made. An eligible student or parent, upon written request to the board secretary, shall receive an explanation and interpretation of the education records.  
A student, eighteen years or older, has the right to determine who, outside the school system, has access to the records. Parents of students who are 18 years or older but still dependents for income tax purposes may access the student's records without prior permission of the student.
2. AEA officials having access to student records are defined as having a legitimate educational interest. An AEA official is a person employed by the Northwest Area Education Agency as an administrator, supervisor, instructor or support employee (including health or medical staff and law enforcement unit personnel); a person serving on the agency board; a person or company with whom the AEA has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee or student assistance team, or assisting another agency official in performing his or her tasks.

### B. Release of Information Outside the Agency

1. To release student records to other school(s) in which the student intends to enroll, the parents, legal guardian, or eligible student must be notified of the transfer and the kinds of information being released unless the AEA annually notifies parents that the records will be sent automatically.
2. Student records may be released to official education and other government agencies only if allowed by state or federal law.
3. To release student records to other persons or agencies, written consent is given by the parent, legal guardian, or a student of majority age. This consent form will state which records are released, to whom they are released, and the reason for the release. A copy of the specific records being released will be made available to the person signing the release form if requested.
4. Before furnishing student records in compliance with judicial orders or pursuant to any lawfully issued subpoena, the AEA will make a reasonable attempt to notify the parents, legal guardian, or eligible student are notified in advance.
5. Student records may be shared with juvenile justice agencies with which the AEA has an interagency agreement. This information is shared without prior parental consent. The agreement is a public document available for inspection.

**USE OF EDUCATION RECORDS REGULATION**

**C. Procedures for Requesting a Record Amendment**

1. If the eligible student, parent or legal guardian believe the information in the education records is inaccurate, misleading or violates the privacy of the student, the parents or an eligible student may request that the AEA amend the education student records.
2. The AEA will decide whether to amend the education student record within a reasonable time after receipt of the request.
3. If the AEA determines an amendment is made to the education student record, the AEA will make the amendment and inform the parents or the eligible student of the decision in writing.
4. If the AEA determines that amendment of the student's education record is not appropriate, it will inform the parents or the eligible student of their right to a hearing before the hearing officer provided by the school district. The hearing officer may be an employee of the AEA so long as the employee does not have a direct interest in the outcome of the hearing.

**D. Hearing Procedures**

1. Upon parental request, the AEA will hold a hearing regarding the content of a student's records which the parent believes to be inaccurate, misleading or in violation of the privacy rights of students.
2. The hearing will be held within a reasonable time after receipt of the parent or eligible student's request. The parent or eligible student will receive reasonable advance notice of date, time and place of the hearing.
3. The hearing officer may be an employee of the AEA so long as the employee does not have a direct interest in the outcome of the hearing.
4. The parents or eligible student will be given a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may be represented by an individual at their choice at their own expense.
5. The hearing officer will render a written decision within a reasonable period after the hearing. The decision will be based upon evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.
6. The parents may appeal the hearing officer's decision to the administrator within 10 days if the administrator does not have a direct interest in the outcome of the hearing.
7. The parents may appeal the administrator's decision, or the hearing officer's decision if the administrator was unable to hear the appeal, to the board within 10 days. It is within the discretion of the board to hear the appeal.

## SERVICES TO NON-PUBLIC SCHOOLS

The Agency will provide services necessary for the identification of children with disabilities attending non-public schools in the same manner and to the same extent that these services are provided to public school students. These services include occasional and incidental support of general education interventions, conducting child find activities, and completing Full and Individual Initial Evaluations when a disability is suspected.

The Agency will provide special education support services and supplementary aids and services specified in an Individual's Individualized Education Program (IEP) to children with disabilities attending non-public schools in the same manner and to the same extent that these services are provided to public school students.

Identification services, support services and supplementary aids and services specified in the IEP, may be provided on the premises of approved non-public school premises, with the permission of the lawful custodian. Identification services, only, may be provided on the premises of non-approved non-public schools.

Any exception to the foregoing policy must be approved in advance by the Director of Special Education.

Approved non-public schools may choose to participate in any consultant activity, in-service programs and workshops, and other activities provided by the Agency.

Students attending approved non-public schools will be eligible for all Agency activities on the same basis as public school students.

Legal Reference: Iowa Code § 273.2 (2005).

Cross Reference: 412 Ownership of Materials and Products  
500 Equal Educational Opportunity  
507 Special Education  
601 Media Services

Adopted 1/16/06

Reviewed 3/16/15

Revised 3/18/13



**SPECIAL EDUCATION**

The Board recognizes some children have different educational needs than other children due to the presence of an educational disability. The Board shall provide for an opportunity for a free appropriate education program and support and related services to children identified in need of special education. The special education services will be provided from birth until the appropriate education is completed or to age 21. The Board shall provide for an appropriate education for a child in need of special education but the Board is not required to provide the best possible option, or to maximize the potential of the child commensurate with the opportunity provided to children without disabilities.

Special education students shall be required to meet the requirements stated in their resident district's board policy "Graduation Requirements" for graduation, or the requirements stated in their individual education plans. Discipline of special education students shall be in accordance with state and federal law, and Iowa Administrative Rules.

It shall be the responsibility of the Chief Administrator and Northwest Area Education Agency Director of Special Education to administer or provide for the general supervision of the special education program. While the Board Secretary shall be custodian of Agency records, the Director of Special Education shall be responsible for maintaining the records of the children in need of special education. These records may be viewed by authorized Agency personnel and in accordance with the requirements of Board Policy on student records.

Legal Reference:        Board of Education v. Rowley, 458 U.S. 176 (1982).  
                              Springdale School District #50 v. Grace, 693 F.2d 41 (8th Cir. 1982).  
                              Southeast Warren Comm. School District v. Dept. of Public  
                              Instruction, 285 N.W.2d 173 (Iowa 1979).  
                              20 U.S.C. §§1400 *et seq.* (1994).  
                              34 C.F.R. Pt. 300 *et seq.* (2002).  
                              Iowa Code §§ 256.11(7); 256B; 273.1, .2, .5, .9(2)-(3); 280.8 (2005).  
                              281 I.A.C. 41

Cross Reference:        502     Student Records  
                              505.1   Administration of Medicine to Students  
                              506     Students Rights and Responsibilities  
                              507     Special Education  
                              508     Curriculum, Graduation Requirements, and Diplomas

Adopted 6/26/06

Reviewed 5/18/15

Revised 4/15/13

## EARLY IDENTIFICATION OF CHILDREN REQUIRING SPECIAL EDUCATION

The Agency Division of Special Education shall establish a child find process that ensures the early identification of students who require special education, as specified in the Iowa Administrative Rules of Special Education. This process shall be made available to all districts served by this Agency.

- a. **Population Served:** All children between the ages of birth and 21 (and to the maximum allowable age in accordance with *Iowa Code* § 281.8) are eligible to be served by this process unless they have previously completed their educational program.
- b. **Models of Service:** The models of service to be used may include, but are not limited to, preschool child find programs, grade-level-specific screenings, teacher training and in-service, and an individual referral process available for any child. Procedures for provision of these services shall be developed by the Division of Special Education.
- c. **Qualified Personnel:** All identification activities shall be conducted and supervised by qualified personnel. Paraprofessionals may assist in the identification process if appropriately trained and supervised by qualified personnel.
- d. **Validation:** Measures to validate and refine the identification process shall be established.
- e. **Referral:** Referral for further evaluation shall be arranged for any child who shows problems significant enough to warrant further diagnostic study.
- f. **Records:** Adequate records of the results of identification activities shall be maintained.

Legal Reference: Board of Education v. Rowley, 458 U.S. 176 (1982).  
Springdale School District #50 v. Grace, 693 F.2d 41 (8th Cir. 1982).  
Southeast Warren Comm. School District v. Dept. of Public Instruction, 285 N.W.2d 173 (Iowa 1979).  
 20 U.S.C. §§1400 *et seq.* (1994).  
 34 C.F.R. Pt. 300 *et seq.* (2002).  
 Iowa Code §§ 256.11(7); 256B; 273.1, .2, .5, .9(2)-(3); 280.8 (2005).  
 281 I.A.C. 41

Cross Reference: 500 Equal Educational Opportunity  
 502 Student Records  
 507 Special Education

Adopted 6/26/06

Reviewed 5/18/15

Revised 4/15/13

**PROCEDURAL SAFEGUARDS FOR CHILDREN WITH DISABILITIES**

The Board of Directors of Northwest Area Education Agency shall assure that parents and their children with disabilities have certain rights that are protected under federal and state statutes and rules and regulations. Among these is the right to:

1. an independent educational evaluation;
2. prior written notice;
3. parental consent;
4. access to educational records;
5. opportunity to initiate due process hearings;
6. the individual's placement during pendency of due process proceedings;
7. procedures for eligible individuals who are subject to placement in an interim alternative educational setting;
8. requirements for unilateral placement by parents of eligible individuals in private schools at public expense;
9. mediation;
10. due process hearings, including requirements for disclosure for evaluation results and recommendations;
11. civil actions;
12. attorneys' fees; and
13. state complaint procedures, including a description of how to file a complaint and the timelines under those procedures.

Legal Reference: 20USC§1412(a)(6)  
34 CFR Pt. 300 (1999) §§300.500-516  
Education [281]—§§41.102-125

Adopted 6/26/06

Reviewed 5/18/15

Revised \_\_\_\_\_

**PROGRAM AND BUILDING ACCESSIBILITY**

The Northwest Area Education Agency Board of Directors recognizes that the civil rights of persons with disabilities are denied when they are refused the opportunity to participate in programs and activities solely on the basis of disability. Therefore, no persons with disabilities shall be denied the benefit of or be excluded from participation in programs and activities, or otherwise be subjected to discrimination due to the inaccessibility of the Agency's facilities.

Legal Reference: (Code of Iowa)

Adopted 6/26/06

Reviewed 5/18/15

Revised \_\_\_\_\_

**EDUCATIONAL PROGRAMS SERVING SHELTER CARE STUDENTS**

The Northwest Area Education Agency Board of Directors is responsible for providing an appropriate educational program to school-age children living in shelter care facilities as required by the Code of Iowa. The Chief Administrator shall assign the administration of the juvenile home educational program to the appropriate division director, who will develop administrative guidelines to be submitted to the Board for its review.

Legal Reference: (Code of Iowa)  
Sections 232.142(3), 273.3(10)  
273.11,279.8,282.1,273.3(2)

Adopted 6/26/06

Reviewed 5/18/15

Revised \_\_\_\_\_

## **CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION**

It is the policy of Northwest Area Education Agency that personally identifiable information maintained by Northwest Area Education Agency and its LEAs for students with disabilities is protected and confidential and complies with FERPA requirements.

Before any major identification, location, or evaluation activity, Northwest Area Education Agency and its LEAs publish the notice or announcement in newspapers or other media or both, with circulation adequate to notify parents throughout the AEA of the activity. The Iowa Department of Education publishes an annual notice to parents in the principal newspaper of Iowa.

Northwest Area Education Agency and local school districts shall give notice that is adequate to fully inform parents about the requirements of confidentiality including:

1. A description of the extent that the notice is given in the native languages of the various population groups in the Northwest Area Education Agency;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods Northwest Area Education Agency intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information;
4. A description of all of the rights of parents and children regarding this information; and
5. A statement that parents have a right to file a complaint alleging the school district or AEA failed to comply with this policy. Complaints shall be forwarded to Family Policy Complaint Office, U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-4605

The following procedures have been established to protect the confidentiality of child identification data that is collected by Northwest Area Education Agency and its LEAs. The Iowa Department of Education and Area Education Agencies' Information Management System (IMS) is a cooperative effort designed to meet the data management needs of the DE and AEA's. The IMS maintains data that is accurate, current and reflective of the quality and quantity of special education services provided. In addition to meeting data reporting requirements, the IMS also is designed to provide information needed to enhance service delivery and program improvement. The Director of Special Education of Northwest Area Education Agency is responsible for the confidential maintenance and management of all data relating to children with disabilities that are collected by Northwest Area Education Agency.

1. The Director of Special Education has the authority to designate a person or persons to serve as custodian of all data collected and to designate those persons who will legitimately have access to such data. Permission for the release of any information held in this data bank must be obtained from the Director of Special Education. Any data released by the designated person will not contain individually identifiable information, and would usually consist only of summary reports presenting usable totals.
2. All child identification data transmitted to the SEA from Northwest Area Education Agency is in coded form. The Northwest Area Education Agency Director of Special Education or designated person codes the data. The Northwest Area Education Agency Director of Special Education, by law, is assigned responsibility for assuring the appropriate educational placement of children with disabilities. The format of the coding system and its utilization are known only by the responsible officers at Northwest Area Education Agency who prepare and submit the coded data to the SEA.
3. To ensure the confidentiality of the identity of each student, an alphanumeric code has been developed that obscures any personally identifiable data or information. It allows individual students to be distinguished only by ID code number at the state level. Names of individual children can only be obtained from the local educational agency and not from data submitted to the SEA. This alphanumeric system allows the collection of adequate data on an individual basis without jeopardizing the confidentiality of a student's record. It does, however, permit Northwest Area Education Agency to submit sufficient data to ensure efficient program administration and monitoring.

## CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

4. Other data pertaining to a student that are collected include the resident LEA, the LEA sponsoring the instructional program in which the student is enrolled, and the type of disability.
5. The disposition and destruction of data source documents is under the direct supervision of the assigned data custodian. All such documents are destroyed through a shredding process.

**Right to Inspect Records.** Each participating agency shall permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by Northwest Area Education Agency under this part. Northwest Area Education Agency shall comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing relating to the identification, evaluation, placement or provision of FAPE and, in no case, more than 45 calendar days after the request has been made.

The right to inspect and review education records includes –

1. The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
2. The right to request that the Agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records;
3. The right to have a representative of the parent inspect and review the records.

Northwest Area Education Agency presumes that the parent has authority to inspect and review records relating to his or her child unless the Agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

**Record of Inspection.** Northwest Area Education Agency shall keep a record of parties obtaining access to education records collected, maintained, or used under Part B of IDEA (except access by parents and authorized employees of the participating agency). The record shall include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

**Record location.** Northwest Area Education Agency shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the Agency.

Northwest Area Education Agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. Northwest Area Education Agency will not charge a fee to search for or to retrieve information under this part.

**Amending records.** A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request Northwest Area Education Agency to amend the information. The Agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If Northwest Area Education Agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing.

Northwest Area Education Agency shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. If, as a result of the hearing, the Agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, Northwest Area Education Agency decides that the

## CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the Agency. Any explanation placed in the records of the child under this section must: (1) Be maintained by the Agency as part of the records of the child as long as the record or contested portion is maintained by the Agency; and (2) If the records of the child or the contested portion is disclosed by the Agency to any party, the explanation must also be disclosed to the party.

**Disclosure.** Except for disclosures authorized under Part 99 of FERPA regulations, written parental consent must be obtained before personally identifiable information is:

1. disclosed to anyone other than officials of participating agencies collecting or using the information; or,
2. used for any purpose other than meeting a requirement of federal regulations.

Student records may be disclosed in limited circumstances without parental or eligible student's written permission. This disclosure is made on the condition that the student record will not be disclosed to a third party without the written permission of the parents or the eligible student. This disclosure may be made to the following individuals or under the following circumstances:

- to officials within the AEA whom the Director of Special Education has determined to have a legitimate educational interest, including, but not limited to, Board members, employees, AEA attorney, auditor, health professionals, and individuals service on official school committees;
- to officials of another school district or AEA in which the student wishes to enroll, provided the other school district or AEA notifies the parents the student records are being sent and the parents have an opportunity to receive a copy of the records and challenge the contents of the records unless the annual notification includes a provision that records will automatically be transferred to new school districts;
- to the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education or state and local educational authorities;
- in connection with financial aid for which the student has applied or which the student has received if the information is necessary to receive the financial aid;
- to organizations conducting educational studies and the study does not release personally identifiable information;
- to accrediting organizations;
- to parents of a dependent student as defined in the Internal Revenue Code;
- to comply with a court order or judicially issued subpoena;
- consistent with an interagency agreement between the AEA and juvenile justice agencies;
- to an alleged victim of any crime of violence of the results of any disciplinary proceedings conducted by an institution of post secondary education against the alleged perpetrator of that crime with respect to that crime;
- in connection with a health or safety emergency; or,
- a directory information;
- to the parent of a student who is not 18 years of age or attending college

Northwest Area Education Agency will not release information from education records to participating agencies without parental consent unless authorized to do so.



## CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

State of Iowa policies and procedures may be used if a parent refuses consent or does not respond to a request for consent. If a parent refuses to give permission, Northwest Area Education Agency shall attempt to seek resolution through an individual conference(s). If the parent still refuse to give consent, the Agency shall either accept the decision or appeal to the SEA. This appeal will include a mediation effort involving Department of Education personnel and, if required, a formal hearing.

**Responsibility for protecting confidentiality.** Northwest Area Education Agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. To assure protection:

1. One official at Northwest Area Education Agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
2. All persons collecting or using personally identifiable information must receive training or instruction regarding Northwest Area Education Agency's policies and procedures.
3. Northwest Area Education Agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the Agency who may have access to personally identifiable information.

**Data destruction.** Northwest Area Education Agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

If the parent or eligible student requests that the record be destroyed, the AEA will destroy the records. Prior to the destruction of the records, the AEA must inform the parent or eligible student of the reasons for which they may want the records maintained. In the absence of a parent or an eligible student's request to destroy the records, the AEA may maintain the records indefinitely. For federal audit, some records must be retained for three years after an individual is determined to no longer eligible for special education.

**Transfer of rights at age of majority.** The rights of parents regarding education records are transferred to the student at age 18. If the rights afforded to parents under Part B of the Act are transferred to a student who reaches the age of majority, the rights regarding educational records must also be transferred to the student. Northwest Area Education Agency shall provide notice regarding the transfer to the student and the parents.

**Monitoring procedures for confidentiality.** The Iowa Department of Education through the process of monitoring certification assures that each participating district/agency, including Northwest Area Education Agency, receiving and/or eligible for funds from federal sources has all such policies and procedures, as described herein, in effect. In the event Northwest Area Education Agency fails to comply with the provisions of this part, the Department of Education may initiate actions to withhold the payment of federal funds available under IDEA and/or the payment of state funds available to support the special education services. Northwest Area Education Agency shall fully cooperate with any review, audit or investigation of its policies, procedures and actions related to the confidentiality of personally identifiable information and will implement any corrective action required by the Iowa Department of Education.

Northwest Area Education Agency does not require that the records of a child with a disability include a statement of any current or previous disciplinary actions that have been taken against the child.

Legal Reference: 20USC §§1232;  
1412(a)(8); 1417(c) 34 CFR Pt. 300 (1999) §300.127 Education [281]—§§41.29- 41.35

Adopted 6/26/06

Reviewed 5/18/15

Revised 4/15/13

**TRANSITION FROM PART C TO PART B**

It is the policy of Northwest Area Education Agency that children receiving services through Iowa’s Early ACCESS/IDEA Part C, Program for Infants and Toddlers with Disabilities, experience a smooth and effective transition to Part B services. In order to provide a seamless system for children eligible for special education from birth to age 21, Northwest Area Education Agency shall create a rich network of services for children from birth to five years of age. The agencies responsible for providing special education services shall consist of the Iowa Department of Education, Northwest Area Education Agency, and its local education agencies (LEAs) in collaboration with the Iowa Department of Human Services, Public Health, and Child Health Specialty Clinics.

The children birth to age three who are eligible for special education services shall have an Individualized Family Service Plan (IFSP) and receive special education services through Northwest Area Education Agency or a Northwest Area Education Agency LEA under Part C regulations. In accordance with Iowa policy, Northwest Area Education Agency shall convene a transition planning conference among the family, the IFSP service coordinator, LEA, Northwest Area Education Agency, and other appropriate providers at least 90 calendar days (at the discretion of all the parties, up to 6 months) before the child’s third birthday. The purpose for the transition conference is to establish a written transition plan in order to ensure a smooth and effective transition from Part C to Part B services and/or other services the child may receive at three years of age.

Each agency serving Northwest Area Education Agency infants and toddlers with disabilities shall establish policies and procedures to meet the requirements of IDEA and Iowa Administrative Rules for Part C transition services. By the third birthday of children eligible for special education, an individualized education program (IEP) shall be developed and implemented under Part B regulations, including determination of the need for extended school year services during the summer in order to receive FAPE. Eligibility criteria for receiving special education services shall be consistent from birth to age 21.

Northwest Area Education Agency shall regularly provide technical assistance to multiple agencies, families, and early childhood personnel to facilitate smooth transition throughout early childhood.

Legal Reference: 20USC §§1412(a)(9); 1435; 1436; 1437(a)(8)(A) 34 CFR Pt. 300 (1999)  
§§300.121(c); 132; 342; 344 Education [281]—§41.75

Adopted 6/26/06

Reviewed 5/18/15

Revised \_\_\_\_\_

## USE OF FUNDS

The Northwest Area Education Agency, as a co-recipient of Part B funds, assures that funds received under Part B of Individuals with Disabilities Education Act (IDEA) are used to supplement the level of federal, state and local funds expended for special education and related services provided to children with disabilities under Part B of IDEA and in no case to supplant these federal, state and local funds.

Non-supplanting criteria are included in the development of Northwest Area Education Agency plans or application for IDEA funding. Northwest Area Education Agency cooperates with the Iowa Department of Education in compliance monitoring and fiscal audits of the use of federal funds by Northwest Area Education Agency and its LEAs.

The Northwest Area Education Agency Board shall assure that the IDEA Part B funds are not commingled with state funds through use of a separate accounting system that includes an audit trail of expenditures for Part B funds. The funds may be used for excess costs of special education and related services and supplementary aids and services provided in a regular class or other education related setting to a child with disabilities in accordance with the IEP of the child, even if one or more non-disabled children receive incidental benefit from these services.

Legal Reference: 20USC §§ 1412(a)(19); 1411(d)  
34 CFR Pt. 300 (1999) §§ 300.154; 300.235; 300.152; 300.155; 621 Education [281]—  
§§ 41.3(9); 41.128-41.135

Adopted 6/26/06

Reviewed 5/18/15

Revised 4/15/13

## SURROGATE PARENT

Definitions as used in this policy include the following:

**Eligible surrogate parents** are persons at least 18 years of age, known to be reliable and have had or will receive training in the educational needs of individuals with disabilities. A person selected as a surrogate has no interest that conflicts with the interest of the individual represented and has knowledge and skills that ensure adequate representation of the individual. A person assigned as a surrogate may not be an employee of an agency that is involved in the education or care of the individual. Parents of other individuals with disabilities or other interested and knowledgeable persons may be appointed to serve as surrogate parents. An agency may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the individual and who meets the standards.

A foster parent is deemed a person acting as the parent of an individual and in such situations surrogate parent appointment is not necessary, unless circumstances indicate otherwise. A foster parent qualifies as a parent if the natural parents' authority to make educational decisions on the eligible individual's behalf has been extinguished under state law; the foster parent is willing to participate in making educational decisions in the eligible individual's behalf; and the foster parent has no interest that would conflict with the interests of the eligible individual. Group home directors and caseworkers may not be assigned as surrogate parents.

**Surrogate parent** means a person who acts in place of a parent in protecting the rights of an individual in the educational decision-making process.

A surrogate parent for special education shall be appointed whenever the AEA documents that no parent (as identified above) can be identified; the AEA cannot discover the whereabouts of a parent after reasonable efforts; or the individual is a ward of the state and is known to be or is suspected of being an individual with disabilities.

In appointing a surrogate parent, it shall be ensured that there is not conflict of interest regarding the surrogate parent's responsibility to protect the special education rights of the individual; the surrogate parent is, or is willing to become, knowledgeable about the individual's disability and educational needs; and the surrogate parent is informed of the rights and responsibilities of serving as a surrogate parent.

The AEA special education director shall select a surrogate parent for special education purposes. The director shall contact the Department of Human Services regional administrator to ascertain whether the proposed surrogate parent has any conflict of interest. The director shall appoint the surrogate parent by letter. The letter shall contain the individual's name, age, educational placement and other information about the individual determined to be useful to the surrogate parent, and shall specify the period of time for which the person will serve. A copy of the letter shall be sent to the Iowa Department of Education.

Confidential educational records may be reviewed by the surrogate parent who is acting as a parent as defined above. The surrogate parent may represent the individual in all matters relating to the identification, evaluation and educational placement of the individual and provision of free and appropriate public education to the individual.

The AEA shall conduct training as necessary using a training procedure approved by the Iowa Department of Education, which includes rights and responsibilities of a surrogate parent, sample forms used by the LEAs and AEAs, specific needs of individuals with disabilities and resources for legal and instructional technical assistance.

Legal Reference: 20USC§1412(a)(3)  
34 CFR Pt. 300 (1999) §300.515 Education [281]—§41.110

Adopted 6/26/06

Reviewed 5/18/15

Revised \_\_\_\_\_

**ROLE OF SPECIAL EDUCATION DIVISION**

All children with disabilities between birth and 21 years of age, as defined by the Code of Iowa and Individuals with Disabilities Education Act (IDEA), shall be provided a free and appropriate public education in accordance with the Administrative Rules of Special Education of the Iowa Department of Education. Each child receiving special education shall have an Individualized Education Program developed and carried out in accordance with state and federal statutes, rules and regulations.

It shall be the responsibility of the Northwest Area Education Agency Director of Special Education to administer or provide general supervision of special education programs and services. AEA Board policies and procedures pertinent to the provision of special education shall be filed at Northwest AEA. Individual student records may be reviewed by authorized personnel and in accordance with the requirements of the confidentiality of personally identifiable information Board policy.

Legal Reference: (Code of Iowa)  
20 USC Chap. 33 (1992), 34 CFR Pt. 300 Subpart C  
(1991) §§256.11 (7); 273.1; 273.2;  
273.5; 273.9(2), 273.9, Chap. 256B, Iowa Code (1991)

Adopted 6/26/06

Reviewed 7/20/15

Revised 4/15/13

**FULL EDUCATIONAL OPPORTUNITY GOAL**

The Board of Directors of Northwest Area Education Agency hereby affirms the goal of providing a full educational opportunity to all children with disabilities, ages birth through 21, within Northwest Area Education Agency.

To facilitate implementation of the goal, Northwest Area Education Agency shall assist the Iowa Department of Education in gathering information from local school districts and other agencies providing services for children with disabilities. This information includes:

- a) number, age, disability, resident district, and location of children with disabilities receiving special education services;
- b) number of personnel employed by public agencies to provide special education services;
- c) number of children with disabilities exiting the educational system; and
- d) federal, state, and local funds expended for special education and related services.

Legal Reference: 20USC §§ 1401(3); 1412(a)(2);  
34 CFR Pt. 300 (1999) §§ 300.7; 123-124 Education [281]—§ 41.3(4)

Adopted 6/26/06

Reviewed 7/20/15

Revised 4/15/13

**CHILD FIND**

It is the policy of Northwest Area Education Agency that all children with disabilities aged from birth to 21 years residing in Northwest Area Education Agency, including children with disabilities attending private schools, who are in need of special education and support and related services are identified, located, and evaluated. A comprehensive child identification system exists in Northwest Area Education Agency that makes it possible to ascertain the number of children with disabilities who are in need of and receiving special education and related services and to report this information to the Department of Education.

It is the policy of Northwest Area Education Agency to identify students as eligible for special education without designating a specific disability category unless the educational diagnosis of a specific disability may enhance the development and ongoing provision of an appropriate educational program. The conditions under which the educational diagnosis of a specific disability may enhance the development and ongoing provision of an appropriate educational program are defined in state-wide AEA Special Education Procedures.

Legal Reference: 20USC§1412(a)  
34 CFR Pt. 300 (1999) §300.125  
Education [281]—§§41.18 (1)“f”; 281.18(2)“e”

Adopted 6/26/06

Reviewed 7/20/15

Revised 4/15/13

## FREE APPROPRIATE PUBLIC EDUCATION

Northwest Area Education Agency shall assure that a free appropriate public education (FAPE) is provided for all resident children with disabilities. This declared policy is consistent with the state's mandate for special education laws enacted July 1, 1974, and as subsequently amended.

A free appropriate public education is defined to include general and special education and support and related services which:

1. are provided at public expense, under public supervision and direction, and without charge to the parent;
2. meet the educational standards of the State Education Agency pertaining to the education of students with disabilities;
3. include preschool, elementary school, secondary school education; and
4. are provided in conformity with the individualized education program (IEP).

Existing state law establishes the policy of requiring that local education agencies (LEAs), area education agencies (AEAs), and state operated educational programs make provisions for a free and appropriate public education sufficient to meet the needs of all children requiring special education. The law defines children requiring special education as persons under twenty-one years of age, including children under five years of age, who face obstacles in obtaining an education because of physical, mental, communication, or learning disabilities, or who are behaviorally disordered, as defined by the rules of the Department of Education.

Current state law mandates the availability of a free appropriate public education for all children with disabilities from birth to 21 years of age and to children requiring special education who have been suspended or expelled from school. Individuals who have been convicted as adults and are being served in adult prisons are entitled to FAPE if prior to their incarceration they were identified as an eligible individual or had an IEP. FAPE does not apply to incarcerated youth ages 18 to 21 who had not been previously identified as an eligible individual and did not have an IEP. There are special factors related to services for incarcerated youth outlined in the Iowa Administrative Rules of Special Education.

Services shall be provided to any individual with exceptional needs even if he or she is progressing through the grades if the instruction or service is needed to benefit from instructional programs. The determination that such a child is eligible for services must be made on an individual basis by a group of individuals from the child's LEA and Northwest Area Education Agency.

Northwest Area Education Agency and its LEAs are not required to provide FAPE to the following children and youth:

- 1) Youth with disabilities who reach the age of 21.
- 2) Students who have graduated from high school with a regular high school diploma. Graduation from high school with a regular high school diploma constitutes a change in placement requiring written prior notice. However, students who have graduated, but have not been awarded a regular diploma continue to be eligible to receive FAPE if they are under 21 years of age.

The delivery of required special education and related services to children with disabilities shall involve the SEA, Northwest Area Education Agency and its LEAs. Other public agencies with responsibilities for the delivery of educational services to children with disabilities from Northwest Area Education Agency and its LEAs may include the Iowa Department of Corrections, Iowa Braille and Sight Saving School, Iowa School for the Deaf, and those facilities operated by the Iowa Department of Human Services. The educational programs provided children with disabilities from Northwest Area Education Agency by all agencies are under the general supervision of, and conform to educational standards established by the Department of Education.



**FREE APPROPRIATE PUBLIC EDUCATION**

Northwest Area Education Agency shall conform with rules and regulations established by the State of Iowa governing the delivery of special education and related services to children with disabilities in the school systems of the state. These rules establish basic requirements for the establishment and maintenance of appropriate instructional and support service programs. They also address FAPE for children suspended or expelled from school. Additionally, standards relating to the licensure of all instructional and support service personnel have been established and approved by the Board of Educational Examiners. The SEA has the primary responsibility for auditing compliance by all agencies with the provisions of the aforementioned rules and standards. Northwest Area Education Agency shall assist the SEA in compliance monitoring as required in the Iowa Administrative Rules of Special Education.

Privately operated schools and privately operated residential schools in Northwest Area Education Agency providing educational services for children with disabilities are subject to program approval by the SEA and must comply with all applicable rules and standards relating to the delivery of educational services.

In accordance with this policy, all children with disabilities between the ages of birth and 21 in Northwest Area Education Agency shall have a free and appropriate public education available to them. Public education for general education students is available for students between the ages of five and 21 years of age.

Serving students to the age of 21 is consistent with Iowa law and Northwest Area Education Agency policy that defines school age as being “persons between five and twenty-one years of age.” State law also requires school boards to provide special education programs and services for all children requiring special education, thus mandating a free and appropriate public education for students with disabilities who are ages birth to 21.

Legal Reference: 20USC§1412(a)(1)(A)  
34 CFR Pt. 300 (1999) §300.13  
Education [281]—§§41.3(3); 41.6; 41.74(2); 41.4

Adopted 6/26/06

Reviewed 7/20/15

Revised 4/15/13

## **ENSURING SERVICES TO ELIGIBLE INDIVIDUALS**

It is the policy of Northwest Area Education Agency to participate in interagency agreements between non-educational public agencies and the State Education Agency (SEA) as described below to ensure that FAPE is provided to Northwest Area Education Agency students and children receiving special education services.

Northwest Area Education Agency will ensure that the interagency agreements include:

1. An identification of, or a method for defining, the financial responsibility of each agency for providing services and to ensure FAPE to children with disabilities. The financial responsibility of each non-educational public agency, including the State Medicaid agency and other public insurers of children with disabilities, must precede the financial responsibility of Northwest Area Education Agency or a Northwest Area Education Agency local education agency (LEA).
2. The conditions, terms, and procedures under which Northwest Area Education Agency or a Northwest Area Education Agency LEA must be reimbursed by other agencies.
3. Procedures for solving interagency disputes (including procedures under which Northwest Area Education Agency or a Northwest Area Education Agency LEA may initiate proceedings) under agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.
4. Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services.

The Iowa Department of Education and the Iowa Department of Human Services annually enter into an interagency agreement that delineates responsibilities for the administration of the Iowa Medical Assistance Program (IAMAP), a program for Medicaid reimbursement. Northwest Area Education Agency and the Department of Human Services also sign an annual agreement to implement IAMAP.

The Department of Corrections, the Department of Education and the AEA's sign an interagency agreement to provide special education services to student inmates requiring special education services incarcerated in Iowa's adult correction facilities.

Where disputes arise between two agencies regarding the financial or programmatic responsibility for special education, the final determination will be made by the State Board of Education. An AEA or LEA may appeal a decision to the State Board of Education. The decision of the State Board is final. The state also has a provision for an ombudsman to settle disputes between state agencies. The directors of the agencies in dispute initiate a referral to this office.

Interagency agreements shall be made in compliance with the provisions of Chapter 28E, Joint Exercise of Governmental Power.

The Individuals with Disabilities Education Act, Part B, and state laws and rules for the implementation of this Act shall not be construed to limit the responsibility of agencies other than educational agencies in a state from providing or paying for some or all of the cost of a free appropriate public education to be provided children with disabilities in the state.

## ENSURING SERVICES TO ELIGIBLE INDIVIDUALS

If a child with disabilities is covered by public insurance, a public agency may use the Medicaid or other public insurance benefits programs in which a child participates to provide or pay for services required and as permitted under the public insurance program. The public agency may not require parents to sign up for or enroll in public insurance programs in order for their child to receive FAPE. The public agency may not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided under these rules; but may pay the cost that the parent otherwise would be required to pay; and may not use a child's benefits under a public insurance program if that use would:

1. Decrease available lifetime coverage or any other insured benefit;
2. Result in the family paying for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school;
3. Increase premiums or lead to the discontinuation of insurance; or
4. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

A public agency may access a parent's private insurance proceeds only if the parent provides informed consent as defined by rule to provide services required for FAPE. Each time the public agency proposes to access the parent's private insurance proceeds it must:

1. Obtain parent consent in accordance with rule; and
2. Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

The Department of Education assists in the coordination of the educational activities and services provided to children requiring special education with agencies such as the Department of Human Services and the Board of Regents.

Legal Reference: (Code of Iowa)  
Title XIX Medicaid; 20USC§§1412 (a)(12);1417 34 CFR Pt. 300(1999) §300.142  
Education [281] §§41.12; 41.15; 41.128; 41.132; 132(10)

Adopted 6/26/06

Reviewed 7/20/15

Revised \_\_\_\_\_

## EVALUATION AND DETERMINATION OF ELIGIBILITY

The child identification system in Iowa is an ongoing program involving Northwest Area Education Agency and its LEAs and the State Education Agency (SEA). Its principle function is to facilitate the identification, evaluation and placement of children and young adults with disabilities in an educational program that is appropriate to their needs. Iowa's system contains the following components: initial identification/referral, diagnosis/evaluation, service delivery, and reevaluation. Initial identification/referral activities are conducted with the Iowa Department of Human Services, the Iowa Department of Public Health, public and private preschool facilities, local hospitals, public and private family and pediatric physicians, and a variety of parent support groups which function within the geographic boundaries of Northwest Area Education Agency. These agencies receive periodic updates which describe referral procedures to assist in the child identification process. These activities continue throughout each year.

Iowa policy defines roles and responsibilities of AEA's and LEAs in providing for the ongoing proper identification, evaluation and placement of children and young adults requiring special education. Northwest Area Education Agency provides policies and procedures used to evaluate and determine eligibility for special education services.

Northwest Area Education Agency assures that a full and individual initial evaluation is provided to each child suspected of having a disability before the initial provision of special education and related services.

Northwest Area Education Agency assures, at a minimum, that the following requirements are met:

1. The assessment procedures, tests and other evaluation materials used in the identification process shall be provided and administered in the individual's native language or other mode of communication, unless it is clearly not feasible to do so. Materials and procedures used to assess an individual with limited English proficiency are selected and administered to ensure that they measure the extent to which the individual has a disability and needs special education, rather than measuring the individual's English language skills. The tests and other evaluation materials are selected and administered so as not to be racially or culturally discriminatory.
2. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the individual, including information provided by the parent, and information related to enabling the individual to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining whether the individual is an eligible individual and in determining the content of the IEP. The tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. Additionally, if an assessment was not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report. The tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. The tests and other evaluation materials are selected and administered so as best to ensure that if a procedure or test is administered to an individual with impaired sensory, manual, or speaking skills, the test results accurately reflect the individual's aptitude or achievement level or whatever other factors the procedure or test purports to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills (unless those skills are the factors that the procedure or test purports to measure).
3. No single procedure is used as the sole criterion for determining whether the individual is an eligible individual and for determining an appropriate educational program for the individual. An initial evaluation of the individual's educational needs shall be completed before any action is taken with respect to the initial provision of special education and related services. Written parental consent as required in the Iowa Rules of Special Education shall be obtained prior to conducting the evaluation. The purpose of the evaluation is

**EVALUATION AND DETERMINATION OF ELIGIBILITY**

to determine the educational interventions that are required to resolve the presenting problem, behaviors of concern, or suspected disability, including whether the educational interventions are special education.

4. Each Northwest Area Education Agency LEA, in conjunction with Northwest Area Education Agency, shall attempt to resolve the presenting problem or behaviors of concern in the general education environment prior to conducting a full and individual evaluation. In circumstances when the development and implementation of general education interventions are not appropriate to the needs of the individual, the IEP team and, as appropriate, other qualified professionals, may determine that a full and individual initial evaluation shall be conducted. Documentation of the rationale for such action shall be included in the individual's educational record. The parent of a child receiving general education interventions may request that the agency conduct a full and individual initial evaluation at any time during the implementation of such interventions.
5. Each LEA shall provide general notice to parents on an annual basis about the provision of general education interventions that occur as a part of the agency's general program, that may occur at any time throughout the school year, and that may include Northwest Area Education Agency staff.
6. General education interventions shall include teacher consultation with special education support and instructional personnel working collaboratively to improve an individual's educational performance. The activities shall be documented and shall include measurable and goal-directed attempts to resolve the presenting problem or behaviors of concern, communication with parents, collection of data related to the presenting problem or behaviors of concern, intervention design and implementation, and systematic progress monitoring to measure the effects of interventions.
7. If the referring problem or behaviors of concern are shown to be resistant to general education interventions or if interventions are demonstrated to be effective but require continued and substantial effort that may include the provision of special education and related services, the agency shall then conduct a full and individual initial evaluation.
8. An evaluation shall include collection of additional information needed to design interventions intended to resolve the presenting problem, behaviors of concern, or suspected disability, including, if appropriate, assessment or evaluation of health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, adaptive behavior and motor abilities. Evaluations are sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified (if any).
9. The tests and other evaluation materials used in the full and individual evaluation are technically sound and assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
10. The assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the individual.

As part of an initial full and individual evaluation and as part of any reevaluation, the IEP team and, as appropriate, other qualified professionals, shall:

- a) Review existing evaluation data on the individual including evaluations and information provided by the parents of the individual, current classroom-based assessments and observations, observations by teachers and related services providers and the results of general education interventions.
- b) On the basis of the review and input from the individual's parents, identify what additional data, if any, are needed to determine:
  - (1) Whether the individual has a disability or, in case of a reevaluation, whether the individual continues to have a disability.

**EVALUATION AND DETERMINATION OF ELIGIBILITY**

- (2) The present levels of performance and educational needs of the individual.
- (3) Whether the individual needs special education and related services or, in the case of a reevaluation, whether the individual continues to need special education and related services.
- (4) Whether any additions or modifications to the special education and related services are needed to enable the individual to meet the measurable annual goals set out in the IEP of the individual and to participate, as appropriate, in the general curriculum or, in the case of preschool children, appropriate activities.

The evaluation team may conduct its review and make decisions without a meeting. Team members shall administer tests and other evaluation materials and use assessment tools and strategies as needed to produce the data identified above.

If the group determines that no additional data are needed to determine whether the individual continues to have a disability, the agency shall notify the individual's parents of the team's determination and the reasons for it, and of the right of the parents to request an assessment to determine whether, for purposes of services described in these rules, the individual continues to have a disability. Northwest Area Education Agency and its LEA are not required to conduct this assessment unless requested to do so by the individual's parents.

Upon completing the full and individual initial evaluation, the IEP team and other qualified professionals as appropriate shall determine whether the individual is an individual with a disability as defined in the Iowa Rules of Special Education and whether the educational interventions that the individual requires constitute the provision of special education and related services as defined in the Iowa Rules of Special Education. A copy of the evaluation report and the documentation of determination of eligibility shall be provided to the parent.

Upon completing the full and individual initial evaluation, the IEP team and other qualified professionals as appropriate shall determine whether the individual is an individual with a disability and whether the educational interventions that the individual requires constitute the provision of special education and related services. An individual shall not be determined to be an eligible individual if the determinant factor for the decision is a lack of instruction in reading including the essential components of reading instruction, as defined in Section 1208(3) of the ESEA, or math, or limited English proficiency.

In making this determination, the evaluation team shall draw upon information from a variety of sources including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child.

Each agency shall assure that the IEP of each eligible individual is reviewed annually and that a reevaluation of each eligible individual is conducted every three years or more frequently if conditions warrant, if an eligible individual's parent or teacher requests an evaluation, or before determining that the individual is no longer eligible. A reevaluation of an eligible individual is not required before the termination of eligibility due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under these rules.

Legal Reference: 20USC §§1401; 1412(a)(7);  
1414 34 CFR Pt. 300 (1999) §§300.126; 320-321; 530-536; 540-543  
Education [281]—§§41.48-54

Adopted 6/26/06

Reviewed 7/20/15

Revised 5/20/13

## INDEPENDENT EDUCATIONAL EVALUATIONS

A parent of a child in need of special education shall have the right to obtain an independent educational evaluation of the child. Northwest Area Education Agency shall provide to a parent, on request, information about where an independent evaluation may be obtained and the agency criteria applicable for independent educational evaluations.

For the purposes of this policy, independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by Northwest Area Education Agency or local school district responsible for the education of the student in question. Public expense means that Northwest Area Education Agency pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Independent evaluations may be initiated by Northwest Area Education Agency or by the parents. If a parent requests an independent educational evaluation at public expense, the agency must, without unnecessary delay, either initiate a due process hearing to show that its evaluation is appropriate, or ensure an independent educational evaluation is provided at public expense unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation but not at public expense.

If the parent requests an independent educational evaluation, the public agency may ask why the parent objects to the public evaluation. However, the explanation by the parent may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

1. Shall be considered by the AEA and district in any decision made with respect to the provision of a free appropriate public education to the student.
2. May be presented as evidence at a hearing regarding that student.

If an administrative law judge requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at the expense of the AEA. In order for Northwest Area Education Agency to pay for an independent educational evaluation requested by the parents, the criteria shall be the same as the criteria that the AEA uses when it initiates an evaluation. The following criteria shall apply:

- Location of the independent educational evaluation must be the same as the one used by Northwest Area Education Agency.
- Qualifications of the examiner conducting the independent educational evaluation must be the same as those used by Northwest Area Education Agency.
- The AEA shall establish a cost criteria of no more than two times the cost of that evaluation provided by AEA/LEA staff. Parents may still be entitled to an AEA-funded evaluation that exceeds this maximum allowable cost, if such evaluation is justified by the student's unique circumstances. The AEA may choose to challenge the cost of an independent educational evaluation by requesting a due process hearing to prove that the evaluation is unreasonably expensive.

Legal Reference: 20USC§1415 34 CFR  
Pt. 300 (1999) §300.502 Education [281]—§§41.18(1)-(2); 41.54; 41.109; 41.134(2);  
41.134(3); 41.134(4)

Adopted 6/26/06

Reviewed 7/20/15

Revised 5/20/13

## LEAST RESTRICTIVE ENVIRONMENT

It is the policy of Northwest Area Education Agency that children requiring special education shall, to the maximum extent appropriate, be educated with children who are not disabled. Iowa policy governing least restrictive environment (LRE) is applicable to all education agencies having responsibilities for the provision of special education and related services for children with disabilities, including Northwest Area Education Agency.

Northwest Area Education Agency assists local education agencies (LEAs) and state operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of supplementary aids and services.

Special classes, separate schooling or other removal of children requiring special education from the regular educational environment shall occur when, and to the extent that the nature or severity of the educational disability is such that education in regular classes, even with the use of supplementary aids and services cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are removed from the regular education environment upon the request of the board of directors of Northwest Area Education Agency, the Department of Human Services shall provide residential or detention facilities and Northwest Area Education Agency shall provide special education programs and services. Northwest Area Education Agency shall cooperate with the Iowa Board of Regents to provide the services required.

Northwest Area Education Agency assures that in providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic services and activities, each child with a disability participates with children who do not have disabilities to the maximum extent appropriate to the needs of that child.

Legal Reference: 20USC§1412(a)(5)  
34 CFR Pt. 300 (1999) §§300.26; 130; 305-308; 311; 550-556 Education [281]—  
§§41.3(5); 41.6; 41.37-41. 41.44; 41.82(2),

Adopted 6/26/06

Reviewed 7/20/15

Revised 5/20/13



## **INDIVIDUALIZED EDUCATION PROGRAM**

It is the policy of Northwest Area Education Agency to require the development of individualized education programs (IEPs) for children requiring special education and related services. Individualized Family Service Plans (IFSP)s are required for children with disabilities ages birth through 2. At the age of 3, students with disabilities will have an IEP, if they are determined to be eligible.

An IEP or IFSP is a written statement for each individual with a disability that is the basis for a public education agency providing special education and related services in Iowa. No public special education or related services may be provided until an IEP or IFSP has been written and agreed upon by the IEP or IFSP team, including the parent.

All IEPs and IFSPs must be implemented as soon as possible following the determination that a student requires special education. A meeting to develop an IEP must be held within 30 days of a determination of need and an IEP shall be in effect for every eligible individual at the beginning of the school year. IEPs must be reviewed not less than annually. The IEP must be accessible to all who have responsibility for its implementation. Each local education agency (LEA) must have a policy to ensure that there is a procedure in place for each provider to have access to the IEP. Northwest Area Education Agency ensures that the IEP team for each child with a disability will include all required members.

The public agency providing special education or related services (Northwest Area Education Agency, an LEA or other agency) shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of the student's transition services. If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered. The public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

Notification regarding IEP meetings shall be provided to parents. That notification must contain the purpose (including transition), time and location of the meeting, and who will be in attendance. If parents cannot attend, procedures for documenting attempts to involve the parent will be documented. If needed, interpreters shall be provided to increase parent participation. Parents will receive a copy of the IEP.

Each public agency responsible for special education and related services in the AEA assures that in the development of the IEP all relevant considerations are made to address the needs of the student with a disability. In developing each child's IEP, the IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, and as appropriate, the results of the child's performance on any general state or district-wide assessment programs. In conducting a meeting to review, and, if appropriate, revise a child's IEP, the IEP team shall consider all factors described below.

- In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.
- In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

**INDIVIDUALIZED EDUCATION PROGRAM**

- In the case of a child who is blind or visually impaired, provide for instruction in Braille reading and writing and the use of Braille unless the IEP team determines, after a functional vision evaluation and an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child. No child will be denied Braille instruction solely because the child has some vision remaining. The instruction in Braille shall be sufficient to enable the child to communicate effectively and efficiently at a level commensurate with his sighted peers of comparable grade level and intellectual functioning.
- Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- Consider whether the child requires assistive technology devices and services.

The IEP must contain a description of the child's educational performance, a statement of measurable annual goals, and a statement of the special education and related services and supplementary aids and services to be provided. The IEP must also include an explanation of the extent to which an individual will participate in regular class and district assessments. Finally, the projected date for the start, frequency, location, duration and monitoring of services must be included in all IEPs.

For students age 14 and above, the IEP must contain a statement of transition service needs or a statement of needed transition services for students ages 16 and above. By at least one year prior to age 18, students must be informed of the rights that will transfer to them. Special rules concerning IEPs for students with disabilities convicted as adults and incarcerated are included in the Iowa Rules of Special Education.

If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the public agency responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objective and, if necessary, revising the student's IEP.

The public agency, when it makes a placement in a private school, assures that a representative of the private school facility attends the IEP meeting. If the representative cannot attend, other methods will be used to ensure participation by the private school or facility, such as individual or conference telephone calls. IEPs for individuals in private schools must be revised and reviewed according to the Iowa rules. The Iowa Rules of Special Education specify that responsibility for compliance remains with the public agency.

Legal Reference: 20USC §§1412(a)(8); 1414;  
1414(a)-(f) 34 CFR Pt. 300 (1999) §§300.141; 311; 340 – 350 Education [281]—§§41.5 –  
6; 59 – 80

Adopted 6/26/06

Reviewed 7/20/15

Revised \_\_\_\_\_

## PERFORMANCE GOALS AND INDICATORS

The 6-year State Performance Plan for Special Education for the state of Iowa, approved by the State Board of Education provides a framework to improve student learning in the state for all students. Goals and indicators are defined by the general accreditation standards. The goal for the educational system in the state of Iowa is:

To improve the level of learning, achievement and performance of all students so they will become successful members of their community and the workforce.

Indicators of success reported at the Northwest Area Education Agency level include:

- Percentage of Northwest Area Education Agency 4<sup>th</sup> grade students with disabilities achieving proficient or higher reading status using the Iowa Tests of Basic Skills
- Percentage of Northwest Area Education Agency 8<sup>th</sup> grade students with disabilities achieving proficient or higher reading status using the Iowa Test of Basic Skills
- Percentage of Northwest Area Education Agency 4<sup>th</sup> grade students with disabilities achieving proficient or higher math status using the Iowa Tests of Basic Skills
- Percentage of Northwest Area Education Agency 8<sup>th</sup> grade students with disabilities achieving proficient or higher math status using the Iowa Test of Basic Skills
- Percentage of Northwest Area Education Agency 11<sup>th</sup> grade students with disabilities achieving proficient or higher reading status using the Iowa Test of Educational Development
- Percentage of Northwest Area Education Agency 11<sup>th</sup> grade students with disabilities achieving proficient or higher math status using the Iowa Test of Educational Development

To improve the performance of all students so they will become successful members of their community and the workforce.

Additional indicators of success reported at the Northwest Area Education Agency level will be:

- Percentage of Northwest Area Education Agency students with disabilities who have dropped out of school will decrease
- Percentage of Northwest Area Education Agency students with disabilities who have graduated from high school with a regular diploma will increase
- Percentage of Northwest Area Education Agency students with disabilities who have experienced long term suspensions and expulsions will decrease

Every year the state of Iowa will report to the Secretary of Education and the public of Iowa, the progress of the state and of the children with disabilities in the state, toward meeting these goals. Based upon the assessment of progress within Northwest Area Education Agency, Northwest Area Education Agency will revise its implementation of the State Performance Plan as needed to improve its performance.

Legal Reference: Education [281]—§41. 12(6)“h”; 20 USC 1412(a)(16);34 CFR 300.1

Adopted 6/26/06

Reviewed 7/20/15

Revised \_\_\_\_\_

**PERSONNEL STANDARDS**

It is the policy of the Northwest Area Education Agency to ensure that the personnel standards set forth by the State of Iowa, the Iowa Department of Education, and the Iowa Board of Educational Examiners are met by all public agencies serving Northwest Area Education Agency children with disabilities so that the personnel necessary to carry out the provisions of the Individuals with Disabilities Education Act are appropriately and adequately trained and prepared. Northwest Area Education Agency has a Comprehensive System of Personnel Development (CSPD) plan, which describes procedures and activities to ensure an adequate supply of personnel including paraprofessionals.

Legal Reference: 20USC §§1413(a)(14);  
1435(a)(8); Part D 1451; 1453; 1461; 1412(a)(15) 34 CFR Pt. 300 (1999) §§300.135-136;  
380-382; 622Education [281]—§§41.15(5); 41.20

Adopted 6/26/06

Reviewed 7/20/15

Revised \_\_\_\_\_

**PROVISION OF SPECIAL EDUCATION AND  
RELATED SERVICES TO STUDENTS IN NONPUBLIC SCHOOLS**

It is the policy of Northwest Area Education Agency that children with disabilities in private schools will be afforded all the rights they would have available to them if educated in a public education program:

1. Private school children with disabilities will be provided special education and related services in conformance with an individualized education program (IEP).
2. Programs and services for private school children with disabilities will be provided at no cost to the parents.
3. Northwest Area Education Agency and each Northwest Area Education Agency LEA shall provide special education and related services designed to meet the needs of private school children with disabilities residing in the jurisdiction of the agency, if those services are not normally provided by the private school.
4. It is the policy of Northwest Area Education Agency that Northwest Area Education Agency's complaint process and due process rights apply to all private school children with disabilities.

Legal Reference: 20USC §§1411(g); 1412(a)(3);  
1412(a)(10); 1415; 1419  
34 CFR Pt. 300 (1999) §§300.2; 300.125; 300.133; 300.220;  
300.340-350; 300.400-403;  
300.450-462 Education  
[281]—§§41.15(4); 41.74

Adopted 6/26/06

Reviewed 7/20/15

Revised \_\_\_\_\_

## PARTICIPATION IN ASSESSMENTS

It is the policy of Northwest AEA that all students with disabilities will be included in state and district assessments, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs.

The Iowa Department of Education has developed procedures for determining whether children with disabilities will participate in typical state and district assessments with or without accommodations, or whether a child with a disability will participate in an alternate assessment. These procedures have been disseminated to the area education agencies and local school districts through guidance documents and training. The procedures are to be used by IEP teams. The procedures to be followed during the IEP meeting are:

1. Determine which of the following statements best describes the student's appropriate assessment approach.
  - a. Can the student participate with no or only slight accommodations? The student should participate in district wide assessment.
  - b. Can the student participate with significant accommodations? The student should participate in district wide assessment with modified academic achievement standards aligned with grade level content standards.
  - c. Can the student participate only with modifications? The student should participate in alternate assessment based on alternate achievement standards and aligned with the local district's challenging academic content standards.

The Iowa Department of Education in conjunction with area education agencies (AEAs) and local education agencies (LEAs) uses universal design principles in developing and implementing these assessments.

The Iowa Department of Education, in conjunction with area education agencies (AEAs), will collect statewide data reflecting the percent of students with disabilities participating in each type of assessment.

The State of Iowa, local education agencies (LEAs) and AEAs will make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children in accordance with the state's general accreditation standards, the following information:

1. The number of children with disabilities participating:
  - i. in regular assessments and those providing accommodations
  - ii. in alternate assessments aligned with alternate academic achievement standards
  - iii. in alternate assessments aligned with the local district's challenging academic content and achievement standards.
2. The performance results of the children with disabilities if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children:
  - i. on regular assessments; and
  - ii. on alternate assessments (not later than July 1, 2000).

As required in Iowa Administrative Code, Chapter 12, all public and accredited nonpublic schools shall report annually to the Department of Education. The reports to the public will include:

1. Aggregated data that include the performance of children with disabilities together with all other children; and
2. Disaggregated data on the performance of children with disabilities.

LEAs are not permitted to report to the public disaggregated data if the group is less than 10 children.

It is also the policy of the State of Iowa to annually examine participation and result (proficiency) information for students with disabilities. These data are disaggregated by race/ethnicity to ensure that students of all races/ethnicities participate in statewide and district-wide assessments and that all students regardless of race/ethnicity have improving results.

The data reported to the public by the state will be in Iowa's Annual Condition of Education report and State Report Card. These reports are published in the fall of each school year. AEAs and LEAs will report to the public as outlined in Iowa's general accreditation standards.

Legal References:

Federal Requirements: 20 USC 1412(a)(16) Participation in Assessments

Iowa Requirements: Iowa Code section 256.7 Duties of State Board  
Iowa Administrative Code - Chapter 12 General Accreditation Standards  
Iowa Administrative Rules of Special Education  
281-12.8. Accountability for student achievement  
281-12.8(3) Annual reporting requirements  
281-41.18 Responsibilities of AEAs

Adopted 3/17/08

Reviewed 7/20/15

Revised \_\_\_\_\_

**ACCESS TO INSTRUCTIONAL MATERIALS**

It is the policy of Northwest AEA that all students with disabilities in the age range from birth to 21 years of age residing in this AEA, including children and youth attending private schools, who are in need of special education and related services are provided accessible texts and instructional materials at the same time as their non-disabled peers.

The State of Iowa has adopted the National Instructional Materials Accessibility Standard (NIMAS) and agrees to coordinate with the National Instructional Materials Access Center (NIMAC), located at the American Printing House for the Blind, for the purposes of providing instructional materials and texts in specialized formats (Braille, Audio, Large Print, Text to Speech or Digital Text) which can be used by ~~to~~ students who are blind and visually impaired or other students with print disabilities in a timely manner (no later than December 3, 2006, two years after the passage of IDEA 2004). Students who are blind, have a vision impairment, have a physical disability, or who have a reading disability based on an organic dysfunction are entitled to services from the NIMAC. The State has designated the Iowa Department for the Blind as the authorized user for accessing the NIMAC. If a student, with a disability who requires accessible texts and instructional materials, is not eligible for services from the NIMAC, that student still must receive accessible texts and core related instructional materials at the same time as the student's non-disabled peers.

The production and delivery of accessible texts and instructional materials is a cooperative endeavor involving the state, area education agencies (AEAs), and local education agencies (LEAs). As part of the enactment of this new policy the State of Iowa requires that LEAs, as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, shall enter into a written contract with the publisher of the print instructional materials to-

- (a). Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or
- (b). Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

Legal References:

Federal Requirements:	20 USC 1412(a)(23)	Access to instructional materials
	20 USC 1413(a)(6)	LEA acquisition of accessible instructional materials

Adopted 3/17/08

Reviewed 7/20/15

Revised 5/20/13



**PROHIBITION ON MANDATORY MEDICATION**

It is the policy of the State of Iowa Department of Education to prohibit State and Local education agency personnel from requiring all children with a disability to obtain a prescription for a substance covered by the Federal Controlled Substances Act as a condition of:

- (a) Attending school,
- (b) Receiving an evaluation, or
- (c) Receiving services under IDEA.

School personnel and teachers are permitted to consult and share with parents and guardians their classroom-based observations regarding student:

- (a) Academic and functional performance, or
- (b) Behavior in the classroom or school, or
- (c) Need for evaluation for special education or related services.

Legal References:

Federal Requirements: 20 USC 1412(a)(25)(A)-(B) Prohibition on mandatory medication

Adopted 3/17/08

Reviewed 7/20/15

Revised \_\_\_\_\_

**EARLY INTERVENTION SERVICES AVAILABLE TO ALL ELIGIBLE CHILDREN**

It is the policy of Northwest AEA that a comprehensive, coordinated, multidisciplinary, interagency regional Early ACCESS system provides appropriate early intervention services to all eligible infants and toddlers and their families within AEA boundaries, including Indian infants and toddlers and their families. This regional system will be referred to as Region 12 within Iowa’s statewide Early ACCESS system.

Components of the regional Early ACCESS system include:

- I. General Supervision:
  - a. Data collection and use for decision-making
  - b. Continuous Improvement and Monitoring
  - c. Policies and procedures in accordance with Iowa Administrative Rules for Early ACCESS
  - d. Comprehensive System of Personnel Development
  - e. Regional application and report
  - f. Due Process/Mediation
  - g. Coordination of resources (including financial arrangements)
  - h. Interagency agreements/contracts
- II. Early Identification (Public awareness, child find, evaluation and eligibility determination)
- III. Family-centered early intervention services in natural environments, service coordination, and individual family service plans
- IV. Transition

Early intervention services are developmental services that (a) are provided under public supervision, (b) are selected in collaboration with parents, (c) are provided at no cost, except when permitted by the state’s system of payments, (d) are designed to meet the developmental needs of infants and toddlers and the needs of the family to appropriately assist in the infant’s or toddler’s development, as identified by an IFSP team, in one or more of five listed areas, (e) meet the standards of Iowa for early intervention services, (f) include services listed below, (g) are provided by qualified personnel, (h) to the maximum extent appropriate are provided in natural environments, and (i) are provided in conformity with an IFSP.

The five listed areas in item “d” are physical development, cognitive development, communication development, social or emotional development, or adaptive development.

The early intervention services referred to in item “f” and made available to eligible children include:

- Assistive technology devices
- Assistive technology services
- Audiology services
- Family training, counseling and home visits
- Health services
- Medical services only for diagnostic or evaluation purposes
- Nursing services
- Nutrition services
- Occupational therapy
- Physical therapy
- Psychological services
- Service coordination services
- Sign language and cued language services
- Social work services
- Special instruction
- Speech-language pathology services
- Transportation and related costs
- Vision services

Legal References:

Iowa Requirements: *Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*  
281 --120.804(1)(a-c) Early ACCESS system--regional and community levels

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## REGIONAL ELIGIBILITY CRITERIA AND PROCEDURES

Eligibility procedures of Region 12 are in accordance with the Iowa Administrative Rules for Early ACCESS.

Children eligible for early intervention service within Iowa's Early ACCESS system include any infant and toddler from birth to the age of three years who has been determined by a multidisciplinary team to meet one of the following criteria:

- Is experiencing a developmental delay, which is a 25 percent delay as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:
  - a. Cognitive development;
  - b. Physical development, including vision and hearing;
  - c. Communication development;
  - d. Social or emotional development;
  - e. Adaptive development; or
- Has a diagnosed physical or mental condition that:
  - a. Has a high probability of resulting in developmental delay; and
  - b. Includes conditions such as chromosomal abnormalities; genetic or congenital disorders; sensory impairments; inborn errors of metabolism; disorders reflecting disturbance of the development of the nervous system; congenital infections; severe attachment disorders; and disorders secondary to exposure to toxic substances, including fetal alcohol syndrome.

Use of informed clinical opinion is emphasized when determining eligibility and means the integration of the results of evaluations, direct observations in various settings, and varied activities with the experience, knowledge, and skills of qualified personnel. Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. For evaluation purposes, the multidisciplinary requirement may be satisfied by one individual qualified in more than one discipline or profession.

It is the policy of Northwest AEA to not include children considered to be at risk of having substantial developmental delays in its definition of eligible children for Part C under this application.

### Legal References:

Federal Requirements:	20 U.S.C. 1435(a)(5)(A) 20 U.S.C. 1435(a)(1) 20 U.S.C. 1435(a)(3) 34 CFR 303.21 34 CFR 303.113 34 CFR 303.300 et seq. 34 CFR 303.111 34 CFR 303.203(c)	Comprehensive Child Find System Definition of developmental delay Evaluation Infants and toddlers with disabilities State eligibility criteria and procedures  State definition of developmental delay
Iowa Requirements:	<i>Iowa Administrative Rules for Early ACCESS, effective May 23, 2012</i> 281—120.21 281—120.24(2) 281—120.38(8) 281—120.38(13)	Definition, “Infant or Toddler with a Disability Definition “Multidisciplinary IFSP Team” Definition, “Eligible Children” Definition, “Informed Clinical Opinion”

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

**IDENTIFICATION OF ELIGIBLE CHILDREN – PUBLIC AWARENESS**

It is the policy of Northwest AEA to ensure that all infants and toddlers in Region 12 who are eligible for services are identified, located, and evaluated, and that an effective method to determine which children are receiving needed early intervention services that are developed and implemented in accordance with the Iowa Administrative Rules for Early ACCESS. Early identification includes: public awareness activities, comprehensive child find procedures, and evaluation, assessment and non-discriminatory practices.

The public is made aware of the Early ACCESS system and the need to identify, locate and evaluate all eligible children from birth to the age of three years so that early intervention supports and services can be provided to meet each child’s needs and those of the child’s family. Public awareness materials include state developed public information materials, child development information, and information about interagency screening and referral activities. Information about the toll-free information referral line is also disseminated.

The public awareness activities include ways to inform the public about:

1. The Early ACCESS system,
2. The child find system, including the purpose and scope of the system; how to make referrals; how to gain access to a comprehensive, multidisciplinary evaluation and early intervention services; and
3. The Central Directory of available early intervention services.

Legal References:

Federal Requirements:           20 U.S.C. 1435(a)(6)   Public awareness program

Iowa Requirements:           *Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*  
281—120.804(1)(a-b)   Early ACCESS grantees  
281—120.804(2)       Community partners  
281—120.116           Public awareness program  
281—120.301           Public awareness program—information for parents

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## IDENTIFICATION OF ELIGIBLE CHILDREN – COMPREHENSIVE CHILD FIND SYSTEM

It is the policy of Northwest AEA to ensure that all infants and toddlers in Region 12 who are eligible for services are identified, located, and evaluated, and that an effective method to determine which children are receiving needed early intervention services that are developed and implemented in accordance with the Iowa Administrative Rules for Early ACCESS. Early identification includes: public awareness activities, comprehensive child find procedures, and evaluation, assessment and non-discriminatory practices.

A comprehensive coordinated child identification system exists in Region 12 that makes it possible to ascertain the number of infants and toddlers with disabilities who are receiving Part C services and those who are not. The child find system is consistent with Part B of the Individuals with Disabilities Act.

Northwest AEA in collaboration with local representatives of Signatory Agencies, community partners, and families ensures that the child find system is coordinated with all major efforts to locate and identify children conducted by agencies responsible for administering the various education, health and social service programs relevant, tribes and tribal organizations that receive funding under Part C, including the following:

- Child Find authorized under Part B of the Act;
- Maternal and Child Health program under Title V of the Social Security Act;
- Early & Periodic, Screening, Diagnosis & Treatment Program under Title XIX of the Social Security Act;
- Developmental Disabilities Assistance and Bill of Rights Act;
- Head Start including Early Head State;
- Supplemental Security Income Program under Title XVI of the Social Security Act;
- Child protection and child welfare programs including agencies responsible for administering the Child Abuse Prevention and Treatment Act (CAPTA);
- Child care programs;
- Programs that provide services under the Family Violence Prevention and Services Act;
- Early Hearing Detection and Intervention (EHDI) systems; and
- Hawk-I, Children's Health Insurance Program authorized under Title XXI of the Social Security Act.

Northwest AEA in collaboration with local representatives of Signatory Agencies, community partners, and families ensures:

1. There will not be unnecessary duplication of effort by the various agencies involved in Iowa's child find system, and
2. The use of the resources available through each public agency in the region to implement the child find system in an effective manner.

Comprehensive public awareness information regarding identification of policies and procedures including screening, referral, multidisciplinary evaluation, family assessment, and eligibility determination in, and the provision of services have been developed by the Lead Agency, the Iowa Department of Education. The information is disseminated to primary referral sources within Region 12 through in-service and written materials.

Referrals are made no more than seven working days after a child has been identified. A toll-free 800 number provides a single point of entry for referrals. Public awareness information, disseminated by primary referral sources including hospitals and physicians, is tracked by the Northwest and the Iowa Department of Education. These primary referral sources include:

- Hospitals, including prenatal and postnatal care facilities;
- Physicians;
- Parents;
- Child care programs;
- Area education agencies, local education agencies, and schools;

- Public and private health providers;
- Other social service agencies;
- Other health care providers;
- Public agencies and staff in the child welfare system, including child protective service and foster care;
- Homeless family shelter; and
- Domestic violence shelters and agencies.

It is the policy of the Northwest AEA that referrals, either verbal or in writing, are made no more than seven working days after a child has been identified by a primary referral source. Once a referral for further screening or evaluation is received, the public agency assigns a service coordinator as soon as possible. Within 45 days of receiving a referral, public agencies must complete evaluation and assessment activities and hold an Individualized Family Service Plan (IFSP) meeting for eligible children.

Regional procedures provide for an effective method of making referrals by primary referral sources and for determining the extent to which primary referral sources, especially hospitals and physicians, disseminate the information prepared by the Lead Agency on the availability of early intervention services to parents of eligible infants and toddlers.

Regional procedures require for referral of a child under the age of three who is subject of a substantiated case of child abuse or neglect or who is identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

#### Legal References:

Federal Requirements:	20 U.S.C. 1435(a)(5)	Comprehensive child find system
	20 U.S.C. 1437(a)(6)	Referral for early intervention services
Iowa Requirements:	<i>Iowa Administrative Rules for Early ACCESS, effective May 23, 2012</i>	
	281—120.302	Comprehensive child find system
	281—120.303	Referral procedures

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## **IDENTIFICATION OF ELIGIBLE CHILDREN – EVALUATION AND ASSESSMENT**

It is the policy of Northwest AEA to ensure that all infants and toddlers in Region 12 who are eligible for services are identified, located, and evaluated, and that an effective method to determine which children are receiving needed early intervention services that are developed and implemented in accordance with the Iowa Administrative Rules for Early ACCESS. Early identification includes: public awareness activities, comprehensive child find procedures, and evaluation, assessment and non-discriminatory practices.

It is the policy of the Northwest AEA that a timely, comprehensive, multidisciplinary evaluation of each child, birth to age three, referred for evaluation, and a family-directed assessment of the needs of each child and each child's family is provided, in accordance with the Iowa Administrative Rules for Early ACCESS, to appropriately assist in the development of the child.

The following definitions apply to evaluation and assessment activities:

1. Evaluation means the procedures used by appropriate qualified personnel to determine a child's initial and continuing eligibility for Early ACCESS, consistent with the definition of infants and toddlers with disabilities, including determining the status of the child in each of the developmental areas.
2. Assessment means the ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility to identify the child's unique strengths and needs and the services to meet those needs, and the resources, priorities and concerns of the family as the supports and services necessary to enhance the family's capacity to meet the developmental needs of the eligible child.

The 2012 Early ACCESS rules allow for a determination that a child is eligible based on a review of medical records alone.

The evaluation and assessment must be conducted by personnel trained to utilize appropriate methods and procedures and be based on informed clinical opinion. The evaluation and assessment includes the following:

- A review of the pertinent records related to the child's current health status and medical history;
- An evaluation of the child's level of functioning in developmental areas, including cognitive development, physical development, including vision and hearing, communication development, social or emotional development, and adaptive development; and
- An assessment of the unique needs of the child in the above-listed developmental areas, including the identification of services appropriate to meet those needs.

Family-directed assessment must be conducted by personnel trained to utilize appropriate methods and procedures in order to identify the resources, priorities, and concerns of the family, and the identification of the supports and services necessary to enhance the family's capacity to meet the needs of the child. Assessments of the family must:

- Be voluntary on the part of each family member participating in the assessment;
- Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
- Include the family's description of its resources, priorities, and concerns related to enhancing the child's development.

It is the policy of Northwest AEA that the initial evaluation and initial assessment of each child, including the family assessment, must be completed with 45 days after the referral is received. If exceptional circumstances make it impossible to complete the evaluation and assessment activities within the 45 days, these circumstances are documented and, to the extent possible, an interim IFSP is developed and implemented.

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

**IDENTIFICATION OF ELIGIBLE CHILDREN – NONDISCRIMINATORY PROCEDURES**

It is the policy of Northwest AEA to ensure that all infants and toddlers in Region 12 who are eligible for services are identified, located, and evaluated, and that an effective method to determine which children are receiving needed early intervention services that are developed and implemented in accordance with the Iowa Administrative Rules for Early ACCESS. Early identification includes: public awareness activities, comprehensive child find procedures, and evaluation, assessment and non-discriminatory practices.

It is the policy of the Northwest AEA that all agencies responsible for evaluation and assessment activities shall use nondiscriminatory procedures. Public agencies responsible for the evaluation and assessment of children and families shall ensure at the minimum that:

1. Tests and other evaluation materials and procedures are administered in the native language of a parent or child or other mode of communication, unless it is clearly not feasible to do so;
2. Any assessment and evaluation procedures and materials that are used are selected and administered so as not to be racially or culturally discriminatory;
3. No single procedure is used as the sole criterion for determining a child’s eligibility for Early ACCESS; and
4. Evaluation and assessments are conducted by qualified personnel.

Legal References:

IDEA 2004 Federal Requirements: 20 U.S.C. 1435(a)(3) Evaluation

Iowa Requirements: *Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*  
281—120.24 Multidisciplinary  
281—120.25 Native language  
281—120.321 Evaluation of the child and assessment of the child and family

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_



## **INDIVIDUALIZED FAMILY SERVICE PLANS (IFSPs)**

### **Individualized Family Service Plans – General**

It is the policy of the Northwest AEA to require the development and implementation of Individualized Family Service Plans (IFSPs) for each eligible child and their family requiring early intervention services. An IFSP means a written plan for providing early intervention services to an eligible child and the child's family. The plan is developed in accordance with Iowa Administrative Rules for Early ACCESS, is based on the evaluation and assessment of those rules and meets rule requirements regarding the contents of the IFSP.

It is also the policy of the Northwest AEA that early intervention services are provided in natural environments, to the maximum extent appropriate for the needs of the eligible child. "Natural environment" means settings that are natural or typical for a same-aged infant or toddler without a disability. Natural environments include home or community settings in which children without disabilities participate. The provision of early intervention services for each eligible child may occur in settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP team, only when early intervention services cannot be achieved satisfactorily in a natural environment. The provisions on natural environments do not apply to services listed in an IFSP that are intended to meet the needs of a parent or other family member and not the needs of the child, such as participation in a parent support program.

Northwest AEA ensures procedures exist in accordance with Iowa Administrative Rules for Early ACCESS for the (1) development, review and evaluation for the IFSP, (2) who participates in the meetings and periodic reviews, (3) evaluation and assessment, and (4) contents of the IFSP.

If there is a dispute between agencies as to who has the responsibility for developing or implementing an IFSP, the Lead Agency shall resolve this dispute or assign responsibility.

### **Procedures for IFSP Development, Review, and Evaluation**

For a child referred to the Early ACCESS system and determined eligible, a meeting to develop the initial IFSP must be conducted within the 45-day time period.

A review of the IFSP for a child and a child's family must be conducted every six months, or more frequently if conditions warrant, or if the family requests such a review. The purpose of this periodic review of the IFSP is to determine the degree to which progress toward achieving the outcomes is being made and whether modification or revision of the outcomes or services is necessary. Periodic reviews are carried out by a meeting or by another means that is acceptable to parent and other participants.

A meeting must be conducted on at least an annual basis to evaluate and revise, as appropriate, the IFSP for the child and child's family. The results of any current evaluations and other information available from the assessments of the child and family are used to determine the early intervention services that are needed and will be provided.

IFSP meetings are conducted in settings and at times that are convenient to families and in the native language of the family or other modes of communication used by the family, unless it is clearly not feasible to do so.

Meeting arrangements are made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that the participants will be able to attend.

The contents of the IFSP are fully explained to a parents and informed written consent must be obtained prior to the provision of early intervention services described in the IFSP. If a parent does not provide consent with respect to a particular early intervention service or withdraws consent after first providing it, that service may not be provided.

The early intervention services to which parental consent is obtained must be provided within 30 days from the date consent is received. If exceptional circumstances make it impossible to complete the initial service within 30 days, these circumstances are documented and the service is provided as soon as possible.

#### Participants in IFSP Meetings and Periodic Reviews

It is the policy of the Northwest AEA that all IFSPs must be developed by a multidisciplinary team, which must include the parents. For this purpose, multidisciplinary means including involvement of the parent and two or more individuals from separate disciplines or professions, at least one of whom must be the service coordinator.

Consistent with that definition, the following participants must be included at initial and annual IFSP team meetings:

1. The parent or parents of the child;
2. Other family members as requested by a parent, if feasible to do so;
3. An advocate or person outside of the family, if the parent requests that the person participate;
4. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated by Early ACCESS to be responsible for the implementation of the IFSP;
5. A person or persons directly involved in conducting the evaluations and assessment; and
6. As appropriate, persons who may be providing services to the child and family including primary health care provider.

If a person or persons directly involved in conducting the evaluations and assessment is unable to attend the initial or annual IFSP meeting, arrangements must be made for the person's involvement through other means, including one of the following:

1. Participating in a conference call;
2. Having a knowledgeable authorized representative attend the meeting; or
3. Making pertinent records available at the meeting.

It is the policy of the Northwest AEA that the following participants must be included in periodic reviews:

1. The parent or parents of the child;
2. Other family members as requested by a parent, if feasible to do so;
3. An advocate or person outside of the family, if the parent requests that the person participate;
4. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated by Early ACCESS to be responsible for the implementation of the IFSP;

If conditions warrant, provisions must be made for the participation of the following:

5. A person or persons directly involved in conducting the evaluations and assessment; and
6. As appropriate, persons who may be providing services to the child and family including primary health care provider.

#### Content of an IFSP

It is the policy of the Northwest AEA that contents of the IFSP include:

1. *Information of the child's status.* The IFSP shall include a statement of the infant or toddler with a disability's present levels of physical development including vision, hearing and health status; cognitive development; communication development; social or emotional development; and adaptive development based on the information from the child's evaluation and assessments.
2. *Family information.* With the concurrence of the family, the IFSP must include a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family.

3. *Outcomes.* The IFSP must contain a statement of the measurable outcomes expected to be achieved for the child (including preliteracy and language skills, as developmentally appropriate for the child) and the family and the criteria, procedures, and timelines used to determine progress toward achieving the outcomes and whether modifications or revisions of outcomes or services are necessary.
4. *Early intervention services.* The IFSP must include a statement of the specific early intervention services, based on peer-reviewed research (to the extent practicable), that are necessary to meet the unique needs of the child and the family to achieve the outcomes including:
  - The length, duration, frequency, intensity and method of delivering the early intervention services. “Frequency” and “intensity” means the number of days or sessions that a service will be provided and whether the service is provided on an individual or group basis. “Method” means how a service is provided. “Length” means the length of time the service is provided during each session of that service (such as an hour or other specified time period). “Duration” means projecting when a given service will no longer be provided (such as when the child is expected to achieve the outcomes if the child’s IFSP).
  - A statement that each early intervention service is provided in the natural environment for the child and a justification statement if the services are provided in a setting other than a natural environment. Justification must be made by the IFSP team which includes the parent and other team members and must be based on child’s outcomes.
  - The actual place or location where a service will be provided.
  - The payment arrangements, if any.
5. *Other services.* To the extent appropriate, the IFSP also must:
  - Identify medical and other services that the child or family needs or is receiving through other sources, but that are neither required nor funded under Iowa Administrative Rules for Early ACCESS; and
  - If those services are not currently being provided, include a description of the steps the service coordinator or family may take to assist the child and family in securing those other services.
6. *Dates and duration of services.* The IFSP must include the projected date for the initiation of each early intervention service and must be as soon as possible after the parent consents to the service. The IFSP must include the anticipated duration of each service.
7. *Service Coordinator.* The IFSP must include the name of the service coordinator from the profession most relevant to the child’s or family’s needs (or the name of the person who is otherwise qualified to carry out service coordinator responsibilities), who will be responsible for implementing the early intervention services identified in a child’s IFSP, including transition services, and coordination with other agencies and persons. The term “profession” includes service coordination.
8. *Transition from Early ACCESS services.* The IFSP must include the steps and services to be taken to support the transition of the child to preschool services under IDEA Part B to the extent that those services are appropriate or to other appropriate services. Steps and services taken must include:
  - Discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child’s transition;
  - Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
  - With parental consent, confirmation that child find information about the child has been transmitted to the AEA or other relevant agency and transmission of additional information needed by the AEA to ensure continuity of services from Early ACCESS to the Part B program, including a copy of the most recent evaluation and assessments of the child and the family and the most recent IFSP; and
  - Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

Provision of Services before Evaluation and Assessment are Completed

Early intervention services for an eligible child and the child's family may commence before the completion of the evaluation and assessments in order to facilitate the provision of services in the event that a child may have obvious immediate needs and if the following conditions are met:

1. Parental consent is obtained;
2. An interim IFSP is developed that includes:
  - The name of the service coordinator who will be responsible for implementing of the interim IFSP and coordinating with other agencies and persons;
  - The early intervention services that have been determined to be needed immediately by the child and the child's family; and
3. Evaluations and assessments are completed within the 45-day timeline.

Legal References:

Federal Requirements:	34 CFR 303.24	MULTIDISCIPLINARY
	34 CFR 303.26	Natural environment
	34 CFR 303.126	Early intervention services in natural environments
	34 CFR 303.342	Procedures for IFSP development, review, and evaluation
	34 CFR 303.343	IFSP team meeting and periodic review
	34 CFR 303.344	Content of an IFSP
	34 CFR 303.345	Interim IFSPs—provision of services before evaluations and assessments are completed

Iowa Requirements:	<u><i>Iowa Administrative Rules for Early ACCESS, effective May 23, 2012</i></u>	
	281-120.24	Multidisciplinary
	281-120.26	Natural environment
	281-120.126	Early intervention services in natural environments
	281-120.342	Procedures for IFSP development, review, and evaluation
	281-120.343	IFSP team meeting and periodic review
	281-120.344	Content of the IFSP
	281-120.345	Interim IFSPs—provision of services before evaluations and assessments are completed

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## PERSONNEL STANDARDS

It is the policy of Northwest AEA that personnel standards are established and maintained to ensure that personnel, including paraprofessionals and assistants, necessary to carry out the requirements of Iowa Administrative Rules for Early ACCESS are appropriately and adequately prepared and trained in accordance with the Comprehensive System of Personnel Development.

It is the policy of the Northwest AEA to establish and maintain qualification standards that are consistent with any state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services.

It is the policy of the Northwest AEA to utilize the personnel standards of Signatory Agencies for the provision of early intervention services. This is consistent with the collaborative interagency nature of the Early ACCESS system. Licensure boards govern licensure in Iowa. There are state statutes and rules that govern the issuance of licenses to qualified individuals. Information determining the status of licensed personnel is on file in two locations:

- Iowa Board of Educational Examiners
- Iowa Department of Public Health's Bureau of Professional Licensure.

The Board of Educational Examiners allows for instructional personnel to obtain a conditional license for up to three years after which the applicant must be eligible for the endorsement and be recommended by the college/university to add to the provisional, education or professional teacher license. All of these persons have a least a four-year college degree and a license to teach, although they may not hold the appropriate endorsement in the area to which they are presently assigned.

It is the policy of the Northwest AEA that paraprofessionals and assistants who provide early intervention services to eligible children are appropriately trained and supervised, in accordance with the highest standards within the state. As stated above, the personnel standards of Signatory Agencies for paraprofessionals and assistants are utilized for the provision of early intervention services. Paraprofessionals and assistants are included in the personnel standard policies and procedures.

Information about the status of personnel standards in Iowa is on file with the Lead Agency and available to the public.

### Legal References:

Federal Requirements:	34 CFR 303.118 34 CFR 303.119	Comprehensive System of Personnel Development (CSPD) Personnel standards
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Iowa Requirements:	<i>Iowa Administrative Rules for Early ACCESS, effective May 23, 2012</i> 281—120.118 281—120.119	Comprehensive System of Personnel Development (CSPD) Personnel standards
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Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

**COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT**

Northwest AEA has developed and is implementing a comprehensive system of personnel development (CSPD) in collaboration with the Lead Agency that includes training of paraprofessionals and the training of primary referral sources with respect to the basic components of Early ACCESS that is consistent with the requirements of Iowa Administrative Rules for Early ACCESS to ensure sufficient number of qualified and skilled providers of Early ACCESS supports and services.

The Northwest AEA ensures that training is consistent with the Iowa’s comprehensive system of personnel development and must include:

1. Trained personnel to implement innovative strategies and activities for the recruitment and retention of early intervention service providers;
2. Promoting the preparation of early intervention service providers who are fully and appropriately qualified to provide early intervention services; and
3. Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from early intervention in Early ACCESS to a Part B preschool program, Head Start, Early Head Start, an elementary school program under Part B, or any other appropriate program.

A comprehensive system of personnel development may include:

1. Training personnel to work in rural and inner-city areas;
2. Training personnel in the emotional and social development of young children;
3. Training personnel to support families in participating fully in the development and implementation of the child’s IFSP; and
4. Training personnel who provide services under this chapter using standards that are consistent with early learning personnel development standards funded under the state advisory council on early childhood education and care established under the Head Start Act, if applicable.

Legal References:

Federal Requirements:	34 CFR 303.118	Comprehensive System of Personnel Development (CSPD)
Iowa Requirements:	<i>Iowa Administrative Rules for Early ACCESS, effective May 23, 2012</i> 281—120.118	Comprehensive System of Personnel Development (CSPD)

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

**CONTRACTING OR OTHERWISE ARRANGING FOR SERVICES**

It is the policy of the Northwest AEA that all Agency contracts or other arrangements with public or private service providers to provide early intervention services meet federal requirements and are in accordance with Iowa Administrative Rules for Early ACCESS and include:

1. A requirement that all early intervention services from public or private providers meet state standards and be consistent with Part C and Iowa Administrative Rules for Early ACCESS; and
2. Be consistent with the Education Department General Administrative Regulations in 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

All Agency contracts must also be in accordance with Iowa laws.

Legal References:

IDEA 2004 Federal Requirements:	20 U.S.C. 1435(a)(11)	Contracting
34 CFR 303.121		Policy for contracting or otherwise arranging for services

Iowa Requirements:

Iowa Code:	28E.12	Contract with other agencies
	<i>Iowa Administrative Rules for Early ACCESS</i> , effective May 23, 2012:	
	281–120.121	Policy for contracting or otherwise arranging for services
	281–120.13	Early intervention services

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## TRANSITION TO PRESCHOOL PROGRAMS

It is the policy of the Northwest AEA that toddlers receiving early intervention services shall have a smooth transition when exiting from Early ACCESS to preschool or other services, in accordance with Iowa Administrative Rules for Early ACCESS.

Transitions occur at various points in time for children in the Early ACCESS system. Transitions may include moving into, within, and from Early ACCESS services. IFSP teams are required to discuss transition issues facing the child and family and make plans that assist the child and family in making smooth transitions regarding appropriate future services.

In order to facilitate the child's smooth transition to preschool or other appropriate services, to ensure continuity of services for the child, and consistent with FERPA regulations, parental consent need not be obtained when transferring Early ACCESS records to another education institution, such as another administrative unit within the same AEA, another AEA, or a local school district or accredited nonpublic school. If transfer of records is required to another type of agency, parental consent will be sought unless another FERPA exception to consent applies.

In the case of a child who may not be eligible for preschool services under the Iowa Administrative Rules for Special Education, with the approval of a parent of the child, the service coordinator, the parents and appropriate service providers who may have been or potentially may be serving the child and family shall make reasonable efforts to convene a conference among the Regional Grantee and providers of other appropriate services for the purpose of discussing the appropriate services that the child may need.

In the case of a child who may be eligible for preschool services under Iowa Administrative Rules for Special Education, with the approval of a parent of the child, a conference is convened among the Regional Grantee, the service coordinator, the family, the local education agency, and providers of other appropriate services not fewer than 90 days—and, at the discretion of all parties, not more than nine months—before the toddler's third birthday to discuss services the toddler may receive under IDEA Part B special education.

Procedures to ensure a smooth transition to preschool or other appropriate services for children receiving early intervention services is required of Northwest AEA as Region 12 Grantee. These procedures describe how:

- Families of children will be included in the transition planning for their children;
- Local education agencies will be notified that an eligible child resides in their district, and that the child will shortly reach the age of eligibility for preschool services under Part B of IDEA, including how parents shall be involved in such notification;
- A review will occur of the child's program options for the period from the child's third birthday through the remainder of the school year, and how the preschool or other services will be provided following the child's third birthday; and
- A transition plan will be established for each eligible child.

### Legal References:

Federal Requirements: 20 U.S.C. 637(a)(9) Transition to preschool programs

Iowa Requirements: *Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*  
281—120.209 Transition to preschool and other programs  
281—120.344(8) Transition from Part C services

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_



**EQUITABLE DISTRIBUTION OF RESOURCES**

Services to All Geographic Areas

Services to all eligible children and families in Region 12 are assured through the existence of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services. The Northwest AEA has been designated as the Early ACCESS Region 12 Grantee. These grantees exist, at a minimum, in geographic areas that ensure statewide coverage. The Northwest AEA ensures the appropriate provision of early intervention services region-wide including providing services to Indian infants and toddlers and their families residing on a reservation geographically located in the state and infants and toddlers with disabilities who are homeless children and their families.

Legal References:

- |                       |   |   |
|-----------------------|---|---|
| Federal Requirements: | 20 U.S.C. 637(a)(7)   | Services in all geographic area.            |
| Iowa Requirements:    | <i>Iowa Administrative Rules for Early ACCESS, effective May 23, 2012</i> |   |
|                       | 281—120.112   | Availability of early intervention services |
|                       | 281—120.804(1)  | Early ACCESS grantees                       |

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## **PROCEDURAL SAFEGUARDS INCLUDING MEDIATION AND DUE PROCESS PROCEDURES FOR PARENTS AND CHILDREN**

It is the policy of the Northwest AEA that procedural safeguards required under IDEA and the Iowa Administrative Rules for Early ACCESS are met. Early ACCESS, Iowa's IDEA Part C, follows Iowa's IDEA Part B procedural safeguards regarding due process. Eligible children and their parents are afforded the procedural safeguards identified in this text. Public agencies have procedural safeguards material included within their IFSP procedure for each family.

### Definitions of Consent, Native Language, and Personally Identifiable Information

Northwest AEA assures that each public agency establishes, maintains, and implements procedural safeguards. Each agency uses the following terms in defining procedural safeguards:

1. Consent means that: (i) the parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication; (ii) the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (iii) the parent understands that the granting of consent is voluntary on part of the parent and may be revoked at any time.
2. Native language when used with reference to a person with limited English proficiency or LEP means the language or mode of communication normally used by the parent of the child. In all direct contact with the child, communication will be in the language normally used by the child and not that of a parent if there is a difference between the two. If a parent is deaf or blind, or has no written language, the mode of communication will be what is normally used by the person (such as sign language or Braille).
3. Personally identifiable information means that information includes, but is not limited to: (i) the name of the child, (ii) the child's parent, or other family member; (iii) the address of the child or child's family; (iv) a personal identifier, such as the child's or parent's social security number or child/student identification number; (v) other indirect identifiers, such as the child's date of birth, place of birth, and mother's maiden name; or (vi) a list of personal characteristics or other information that, alone or in combination, would make it possible to identify a child with reasonable certainty.

### Opportunity to Examine Records

The parents of an eligible child must be afforded the opportunity to inspect and review records relating to screening, evaluation and assessments, eligibility determinations, development and implementation of the IFSPs, provision of early intervention services, individual complaints involving the child, or any part of the child's early intervention record.

### Prior Written Notice and Procedural Safeguard Notice

Northwest as Region 12 Grantee must have procedures for providing parents with prior written notice. Prior written notice by the public agency must be given to the parents within a reasonable time before the public agency proposes, or refuses, to initiate or change the identification, evaluation or placement of the child or the provision of early intervention services to the child or the child's family. Public agency means the Regional Grantee and any other political subdivision of the state that is responsible for providing early intervention services to eligible children and families.

Prior written notice by a public agency must include:

- A description of the action proposed or refused by the agency;
- The reason for taking the action;
- An explanation of all procedural safeguards that are available under IDEA, Part C for the child and family; and
- A description of the state complaint procedures, including how to file a complaint and the timelines involved.

The notice by a public agency must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; the parent understands the content of the notice; and there is written evidence that the notice requirements have been met. If the parent is deaf or blind, or has no written language, the mode of communication must be what is normally used by the parent such as sign language, Braille, or oral communication.

#### Parent Consent

Parental consent must be obtained before:

- Administering screening procedures;
- Conducting all evaluations and assessments of the child or family;
- Early intervention services are provided to a child or family;
- Public benefits or insurance or private insurance is used; and
- Disclosure of personally identifiable information.

If consent is not given, the public agency will make reasonable efforts to ensure that a parent is fully aware of the nature of the evaluation, assessment, or the services that are available and understands that the child will not be able to receive the evaluation, assessment, or services unless consent is given.

#### Parent Right to Decline Service

The parents of an eligible child may determine whether they, their child, or other family members will accept or decline any early intervention service and may decline such a service after first accepting it, without jeopardizing other early intervention services.

#### Surrogate Parents

The rights of a child are protected if no parent can be identified; if the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or if the child is a ward of the State under the laws of Iowa. The duty of the public agency includes the assignment of an individual to act as a surrogate for the parents. Northwest AEA assures that there are procedures for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.

It is the responsibility of the public agency to select a surrogate parent in a way permitted under State law. The public agency must ensure that a person selected as a surrogate:

- Is not an employee of the department or any other public agency or early intervention service provider that provides early intervention services, education, care, or other services to the child or any family member of the child;
- Has no personal or professional interest that conflicts with the interest of the child the person represents; and
- Has knowledge and skills that ensure adequate representation of the child.

A person who is otherwise qualified to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

The surrogate parent has the same rights as a parent for all early intervention purposes. The surrogate parent may represent the child in all matters relating to:

1. The evaluation and assessment of the child;
2. Development and implementation of the child's IFSP, including annual evaluations and periodic reviews;
3. The ongoing provision of early intervention services to the child; and
4. Any other rights established under IDEA, Part C.

### Mediation and Due Process Procedures for Parents and Children

Northwest AEA ensures that procedures established by the Lead Agency are implemented in Region 12 to allow parties to resolve disputes through mediation or through the filing of a due process complaint are followed.

Unless the public agency and the parents of a child otherwise agree, the child involved in the mediation or due process complaint must continue to receive the appropriate early intervention services currently being provided, as provided for in Iowa Administrative Rules for Early ACCESS. If the complaint involved an application for initial early intervention services, the child must receive those services that are not in dispute.

#### Legal References:

##### Federal Requirements:

34 CFR 303.7	Consent
34 CFR 303.25	Native language
34 CFR 303.29	Personally identifiable information
34 CFR 303.401	Confidentiality and opportunity to examine records
34 CFR 303.420	Parent consent and ability to decline services
34 CFR 303.421	Prior written notice and procedural safeguards notice
34 CFR 303.422	Surrogate parents
34 CFR 303.430	State dispute resolution options
34 CFR 303.431	Mediation
34 CFR 303.432	Adoption of state complaint procedures
34 CFR 303.433	Minimum state complaint procedures
34 CFR 303.434	Filing a complaint
34 CFR 303.435	Appointment of an administrative law judge
34 CFR 303.436	Parental rights in due process hearing proceedings
34 CFR 303.437	Convenience of hearings and timelines
34 CFR 303.438	Civil action

##### Iowa Requirements:

*Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*

281—120.7	Consent
281—120.25	Native language
281—120.29	Personally identifiable information
281—120.401	Confidentiality and opportunity to examine records
281—120.420	Parent consent and ability to decline services
281—120.421	Prior written notice and procedural safeguards notice
281—120.422	Surrogate parents
281—120.430	State dispute resolution options
281—120.431	Mediation
281—120.432	Adoption of state complaint procedures
281—120.433	Minimum state complaint procedures
281—120.434	Filing a complaint
281—120.435	Appointment of an administrative law judge
281—120.436	Parental rights in due process hearing proceedings
281—120.437	Convenience of hearings and timelines
281—120.438	Civil action

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*Iowa Administrative Rules of Special Education 281—41*

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Reviewed 9/21/15

Revised \_\_\_\_\_

## CONFIDENTIALITY

### Confidentiality of Information

It is the policy of the Northwest AEA to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected, maintained, or used by Northwest AEA and early intervention providers for eligible children and families in accordance with the Federal Educational Rights and Privacy Act (FERPA).

### Notice to Parents

Agencies participating in Early ACCESS are required to inform parents of their right to written notice of and written consent to the exchange of this information among agencies consistent with federal and state law. The notice includes:

1. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
2. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information;
3. A description of all of the rights of parents and children regarding this information, including the rights under FERPA; and
4. A description of the extent to which the notice is given in the native languages of the various population groups of the state.

### Access Rights

Participating agencies must permit parents to inspect and review any early intervention records relating to their children that are collected, maintained, or used by the agency under IDEA, Part C. Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained. The agency shall comply with a request without unnecessary delay and before any meeting regarding an IFSP, or any hearing relating to the identification, evaluation, or provision of early intervention services, and in no case, more than 10 days after the request has been made.

The right to inspect and review early intervention records includes:

1. The right to a response from the participating agency to reasonable requests for explanations and interpretations of the early intervention records;
2. The right to request that the agency provide copies of the early intervention records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

The right to have a representative of the parent inspect and review the early intervention records.

A participating agency may presume that the parent has authority to inspect and review records relating to the parent's child unless the agency has been provided documentation that the parent does not have the authority under applicable state law governing such matters as custody, foster care, guardianship, separation, and divorce.

### Record of Access

Each participating agency shall keep a record of parties obtaining access to early intervention records collected, maintained, or used under Part C of IDEA (except access by parents and authorized employees of the participating agency). The record must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the early intervention record.

### Records on More Than One Child

If any early intervention record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

## CONFIDENTIALITY

### List of Types and Location of Information

Each participating agency must provide parents, on request, a list of the types and locations of early intervention records collected, maintained, or used by the agency.

### Fees

Each participating agency may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information.

A participating agency must provide *at no cost to parents* a copy of each evaluation, assessment of the child, family assessment, and IFSP as soon as possible after each IFSP meeting.

### Amendment of Records at Parent's Request

A parent who believes that information in the early intervention records collected, maintained, or used is inaccurate, misleading or violates the privacy or other rights of the child or parent may request the participating agency that maintains the information amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency refuses to amend the information in accordance with the request, the agency must inform the parent of the refusal and advise the parent of the right to a hearing.

### Opportunity for a Hearing

The participating agency shall, on request, provide parents with the opportunity for a hearing to challenge information in their child's early intervention records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child or parents.

### Result of Hearing

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or in violation of the privacy or other rights of the child or parent, the participating agency must amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or in violation of the privacy or other rights of the child or parent, the agency must inform the parent of the right to place in the early intervention records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency. Any explanation placed in the early intervention records of the child under this rule must be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency. If the early intervention records of the child or the contested portion are disclosed by the agency to any party, the explanation must also be disclosed to the party. The hearing proceedings must be conducted according to 34 CFR 99 FERPA regulations.

### Consent Prior to Disclosure or Use

Except for disclosures authorized under Part 99 of FERPA regulations and disclosure to participating agencies (including the Lead Agency and early intervention service providers) that are part of the state's Part C system, prior parental consent must be obtained before personally identifiable information is:

1. Disclosed to anyone other than authorized representatives, officials, or employees of participating agencies collecting, maintaining, or using the information under Iowa Administrative Rules for Early ACCESS; or
2. Used for any purpose other than meeting a requirement of federal regulations.

If a parent refuses to give consent, the participating agency shall attempt to seek resolution through a meeting to explain to parents how their failure to consent affects the ability of their child to receive services. A public agency may not file a due process complaint in response to a parent's refusal to grant consent.

**CONFIDENTIALITY****Safeguards**

Each participating agency must protect the confidentiality of personally identifiable information at collection, maintenance, use, storage, disclosure, and destruction stages. To assure protection:

1. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information;
2. All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures;
3. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

**Destruction of Information**

The public agency must inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide early intervention services to the child. "No longer needed to provide services" means that a record is no longer relevant to the provision of Early ACCESS services and is no longer needed for accountability and audit purposes. At a minimum, a record needed for accountability and audit purposes must be retained for five years after completion of the activity for which funds were used. After that time period, and at the request of the parents, the information must be destroyed; however, a permanent record of a child's name, date of birth, parent contact information (including address and phone number), names of service coordinator(s) and early intervention service provider(s), and exit data (including year and age upon exit and any programs entered into upon exiting) may be maintained without time limitation.

Early ACCESS records must be retained for a minimum of three years after an eligible child is determined to be no longer eligible under Part C or Part B.

**Legal References:****Federal Requirements:**

34 CFR Part 99	FERPA
34 CFR 303.402	Opportunity to examine records
34 CFR 300.404	Notice to parents
34 CFR 300.405	Access rights
34 CFR 300.406	Record of access
34 CFR 300.407	Records on more than one child
34 CFR 300.408	List of types and locations of information
34 CFR 300.409	Fees for records
34 CFR 300.410	Amendment of records at parent's request
34 CFR 300.411	Opportunity for a hearing
34 CFR 300.412	Result of a hearing
34 CFR 300.413	Hearing procedures
34 CFR 300.414	Consent prior to disclosure or use
34 CFR 300.415	Safeguards
34 CFR 300.416	Destruction of information
34 CFR 300.417	Enforcement

**Iowa Requirements:**

*Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*

281—120.402	Confidentiality
281—120.404	Notice to parents
281—120.405	Access rights

**CONFIDENTIALITY**

281—120.406	Record of access
281—120.407	Records on more than one child
281—120.408	List of types and locations of information
281—120.409	Fees for records
281—120.410	Amendment of records at a parent's request
281—120.411	Opportunity for a hearing
281—120.412	Result of hearing
281—120.413	Hearing procedures
281—120.414	Consent prior to disclosure or use
281—120.415	Safeguards
281—120.416	Destruction of information
281—120.417	Enforcement

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_



**PROCEDURES FOR RESOLVING COMPLAINTS**

It is the policy of the Northwest AEA that the Northwest AEA as Region 12 Grantee shall comply with Iowa Administrative Rules of Early ACCESS on resolving state complaints.

Legal References:

Federal Requirements:           CFR 303.432   Adoption of state complaint procedures  
  CFR 303.433   Minimum state complaint procedures  
  CFR 303.434   Filing a complaint

Iowa Requirements:               *Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*  
  281—120.432   Adoption of state complaint procedures  
  281—120.433   Minimum state complaint procedures  
  281—120.434   Filing a complaint

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## POLICIES AND PROCEDURES RELATED TO FINANCIAL MATTERS

### Policies Related to Payment for Services

It is the Northwest AEA policy that early intervention services as defined in the Iowa Administrative Rules for Early ACCESS, recommended by the IFSP team, and written on the child's/family's Individualized Family Service Plan, are provided for eligible children at no charge to the child and parent. Parents will not be subjected to fees or a system of payments for these early intervention services. These early intervention services are consistent with 34 CFR 303.13 and include but are not limited to the following:

- Assistive technology device
- Assistive technology service
- Audiology services
- Family training, counseling and home visits
- Health services
- Medical services only for diagnostic or evaluation purposes
- Nursing services
- Nutrition services
- Occupational therapy
- Physical therapy
- Psychological services
- Service coordination services
- Signed language and cued language services
- Social work services
- Special instruction
- Speech-language pathology services
- Transportation and related costs
- Vision services

The Iowa Departments of Education, Human Services, and Public Health and the University of Iowa's Child Health Specialty Clinics have an agreement to provide available early intervention services at no cost to families.

It is the policy of Northwest AEA that services are provided in a timely manner and not delayed or denied to children entitled to receive those services because of disputes between agencies regarding financial or other responsibilities.

### Policies Related to Use of Public Benefits or Insurance or Private Insurance to Pay for Early ACCESS Services

It is the Northwest AEA policy that, with regard to using public benefits or insurance of a child or parent to pay for Part C services, the agency:

1. May not require a parent to sign up for or enroll in public benefits or insurance programs as a condition of receiving Part C services and must obtain consent prior to using the public benefits or insurance of a child or parent if that child or parent is not already enrolled in such a program;
2. Must obtain consent to use a child's or parent's public benefits or insurance to pay for Part C services if that use would:
  - Decrease available lifetime coverage or any other insured benefit for that child or parent under that program;
  - Result in the child's parents paying for services that would otherwise be covered by the public benefits or insurance program;
  - Result in any increase in premiums or discontinuation of public benefits or insurance for that child or that child's parents; or
  - Risk loss of eligibility for the child or that child's parents for home- and community-based waivers based on aggregate health-related expenditures.
3. If the parent does not provide consent, the agency must still make available those Part C services on the IFSP to which the parent has provided consent.

It is the Northwest AEA policy that proceeds from public insurance or benefits or from private insurance are not treated as program income for the purposes of 34 CFR 80.25. If an agency receives reimbursements from federal funds (e.g., Medicaid reimbursements attributable directly to federal funds), for services under Part C of IDEA, those funds are considered neither state or local funds in order to assure the non-supplanting of funds as required in 34 CFR 303.225.

### Fees

It is the Northwest AEA policy that the following functions are carried out at public expense by the state and for which no fees may be charged to parents:

- Early ACCESS child find activities;
- Evaluation and assessment and IFSP planning purposes;
- Service coordination services;
- Administrative and coordinative activities related to:
  1. The development, review and evaluation of IFSPs; and
  2. The implementation of procedural safeguards;
- Implementation of components of the statewide system as outlined in subpart D of IDEA, Part C – Program and Services (definition of developmental delay, central directory, timetables, public awareness, child find, evaluation and assessment) and subpart F-State Administration; and
- Due process.

State law requires the provision of a free appropriate public education to children requiring special education from birth. Children requiring special education are served under the Early ACCESS system which provides early intervention services at no charge to parents.

### Identification and Coordination of Resources

As Region 12 Grantee, the Northwest AEA is responsible for the identification and coordination of all available resources for early intervention services within Region 12. This includes resources from federal, state, local and private sources and updating information on funding sources if a legislative or policy change occurs.

Federal funding sources include:

- Title V of the Social Security Act (relating to Maternal and Child Health);
- Title XIX of the Social Security Act (relating to general Medicaid Program, EPSDT and the Infant/Toddler program);
- The Head Start Act;
- Parts B and C of Individuals with Disabilities Act;
- The Developmental Disabilities Assistance and Bill of Rights Act (PL 94-103); and
- Other federal programs, including but not limited to the state Children's Health Insurance Program, Temporary Assistance to Needy Families (TANF), and Early Head Start.

Other state and local funding sources that contribute to the Part C system in Iowa:

- School Ready Funds;
- Private insurance with written parent consent unless Title XIX or Title V eligible;
- Private agency support; and
- Local foundations.

### Delivery of Services in a Timely Manner

Procedures to ensure that services are provided to children eligible for Early ACCESS in a timely manner, pending the resolution of financial or other disputes among public agencies or service providers is the responsibility of the Iowa Department of Education as Lead Agency and a requirement of Northwest AEA as Region 12 Grantee. Signatory Agencies have an agreement to use a continuum of alternative dispute resolution procedures to resolve Part C child/system issues and concerns. This continuum of procedures meets Part C regulations and is modeled after IDEA/Part B regulations.

**Payor of Last Resort**

It is the Northwest AEA policy that Part C funds may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source, including any medical program administered by the Department of Defense, but for the enactment of Part C. Early ACCESS funds, state and federal, may be used only for early intervention services that an eligible child needs but is not currently entitled to receive or have payment made from any other federal, state, local, or private source.

It is the Northwest AEA policy that Part C funds can be used to pay a provider for services, pending reimbursement from the agency or entity that has ultimate responsibility in order to prevent a delay in the timely provision of services to an eligible child or the child's family. Payments may be made for required early intervention services, eligible health services, functions of the child find system, evaluation and assessment. This payment option does not apply to medical services or "well baby" health care.

**Reimbursement Procedure**

All bills for early intervention services will flow through each Signatory Agency or Regional Grantee providing the services. Should Part C funds be necessary to support a service in order to prevent a delay in service provision, the participating agencies (Signatory Agencies and Regional Grantees providing service) may use Part C funds to pay the provider of services, pending timely reimbursement from the agency or entity that has ultimate responsibility for the payment. Agencies will use their internal accounting and auditing procedures to comply with this regulation.

**Legal References****Federal Requirements:**

34 CFR 303.13	Early intervention services
34 CFR 303.510	Payor of last resort
34 CFR 303.511	Methods to ensure the provision of, and financial responsibility for, Part C services
34 CFR 303.520	Policies related to use of public benefits or insurance or private insurance to pay for Part C services
34 CFR 303.521	System of payments and fees

**Iowa Requirements:***Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*

281—120.13	Early intervention services
281—120.510	Payor of last resort
281—120.511	Methods to ensure the provision of, and financial responsibility for, Early ACCESS services
281—120.520	Policies related to use of public benefits or insurance or private insurance to pay for Early ACCESS services
281—120.521	System of payments and fees

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_

## INTERAGENCY AGREEMENTS; RESOLUTION OF INDIVIDUAL DISPUTES

An Early ACCESS Memorandum of Agreement (MOA) has been developed between Iowa's Lead Agency, the Iowa Department of Education, and the Signatory Agencies which include: Iowa Department of Public Health, Iowa Department of Human Services, and University of Iowa's Child Health Specialty Clinics. A copy of the signed MOA is available from the Iowa Department of Education. The agreement meets the requirements under IDEA, Part C.

### Interagency Agreements

It is the policy of the Northwest AEA that formal interagency agreements with other agencies to assist in the implementation of the Part C system meet the minimum specifications under IDEA, Part C, including:

1. The financial responsibility of each agency paying for early intervention services that is consistent with state law and Part C requirements;
2. The procedures for achieving a timely resolution of intra- and interagency disputes about payments for a given service(s) or other aspects of the state's early intervention program. The procedures include a mechanism for making a final determination that is binding upon agencies involved;
3. The process that permits each state agency participating in Iowa's early intervention program to resolve any internal disputes so long as the agency does so in a timely manner. Should an agency be unable to resolve its own internal dispute in a timely manner through their own agency's dispute resolution procedures, the Lead Agency will follow procedures in achieving resolution of interagency disputes; and
4. Any additional components necessary to ensure effective cooperation and coordination among all agencies involved in Iowa's early intervention program.

All interagency agreements must be in accordance with state code.

### Resolution of Disputes

All disputes shall be resolved pursuant to the terms of Iowa Administrative Rules on Early ACCESS and the MOA referred to above.

### Delivery of Services in a Timely Manner

Early intervention services are provided to children eligible for Early ACCESS in a timely manner, pending the resolution of disputes among public agencies or service providers.

Procedures for the timely provision of services, ensuring that no service to which a child is entitled is delayed or denied because of disputes between agencies regarding financial or other responsibilities, are required of Northwest AEA as Region 12 Grantee.

### Legal References:

#### Federal Requirements:

- |                   |  |
|-------------------|--|
| 34 CFR 303.120    | Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities |
| 34 CFR 303.511(c) | Procedures for resolving disputes  |
| 34 CFR 303.511(d) | Delivery of services in a timely manner  |

#### Iowa Requirements:

*Iowa Administrative Rules for Early ACCESS, effective May 23, 2012*

- |                |  |
|----------------|--|
| 281–120.120    | Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities |
| 281–120.511(3) | Procedures for resolving disputes  |
| 281–120.511(4) | Delivery of services in a timely manner  |
| 281–120.801    | Early ACCESS system—state level  |

281-120.803  
281-120.804

System level disputes  
Early ACCESS system—regional and community levels

Adopted 7/15/13

Reviewed 9/21/15

Revised \_\_\_\_\_