

## School Districts Choosing to Receive Special Education Services from a Contiguous AEA

### Iowa Code:

Iowa Code section 273.2, subsection 4A, as enacted under 2024 Iowa Acts, chapter 1002 (House File 2612), permits an area education agency (AEA) to provide special education, education and media services to public and accredited nonpublic schools located within a contiguous AEA:

4A.

- a) The area education agency may furnish services under subsection 3 or 4 to public or nonpublic schools located within its boundaries, or within the boundaries of a contiguous area education agency, which are on the list of accredited schools pursuant to section 256.11.
- b) Notwithstanding paragraph “a”, the area education agency may furnish services under subsection 3 or 4 to a public school located within the boundaries of an area education agency that is not contiguous if the school district shares a superintendent with another school district, pursuant to section 257.11, subsection 5, that receives services from the area education agency pursuant to paragraph “a”.

### School Districts’ Ability to Choose a Contiguous AEA:

Any school district that elects to receive Early ACCESS, special education, education and/or media services from a contiguous AEA must meet the above statutory criteria:

- a) The school district determines the contiguous AEA from which it will receive services. (Note that the school district boundary does not need to border the contiguous AEA for it to receive services from the AEA.)
- or
- b) The school district has an operational sharing agreement for a superintendent with a contiguous school district, and elects to receive services from the AEA serving the contiguous school district with which the school district has an operational sharing agreement.

Should a school district exercise this option, recall that the school district must receive both Early ACCESS services (ages Birth-3) under IDEA, Part C and school-age special education services (ages 3-21) under IDEA, Part B. (Please see [HF 2612 Implementation FAQs](#).)

### School Districts’ Administrative Actions to Choose a Contiguous AEA for Special Education Services:

School districts should take the following administrative actions to exercise their option to receive all special education services from a contiguous AEA:

1. **Preliminary notice to AEAs:** School district administration should contact both the current-serving and proposed-serving AEAs to signal intent to change the serving AEA. The proposed-serving AEA

may accept the school district's request or may determine it has insufficient capacity to meet the school district's request.

- Please note that typically, AEAs begin budget planning in January for Iowa State Board of Education review in March of the year prior to the school year when services will be provided.
- 2. Official notice to AEAs:** Upon receipt of school board approval, if required by district procedures for contracting, school district administration must notify both the current-serving and proposed-serving AEAs of the school district and/or school board decision in writing, including any relevant school board actions.
- School district administration should make and communicate this decision to both AEAs on a timeline that allows for both AEAs to appropriately implement and ensure the adequacy of services.
- 3. Official notice to the Iowa Department of Education (Department):** The school district administration must then notify the Department's bureau chief of School Business Operations of the school district and/or school board decision in writing.
- The Department will inform the Iowa Department of Management to ensure necessary adjustments to operating procedures are made, including funding allocations.
  - Formula data for allocation of the federal funds to AEAs for implementation of IDEA will include all districts receiving IDEA services from the AEA, including those districts geographically located in a contiguous AEA.