

Iowa Students with Disabilities Parentally Placed in Accredited Nonpublic Schools

Guidelines on the consultation process, from Child Find through the delivery of special education services

I. Iowa's Legal Framework

Iowa Law Requirement – Iowa Code § 256.12(2)

Iowa law requires that students with disabilities parentally placed in **accredited nonpublic schools** be provided special education services *“in the same manner and to the same extent that they are provided to public school students”* (emphasis added). This represents a state-level entitlement that **goes above** the minimum requirements for parentally placed accredited nonpublic school students under federal law. Furthermore, § 256.12(2) ensures funding for special education services provided to eligible students enrolled in accredited nonpublic schools, including their inclusion in the resident LEA's weighted special education funding, reflecting Iowa's broader statutory framework for funding and service delivery.

*Federal Requirement – IDEA §§ 300.130–144

(* Federal minimum requirements for parentally placed nonpublic school students; Iowa law provides a higher standard of service.)

The IDEA provisions establish the federal baseline for services and consultation for students voluntarily enrolled by their parents in private schools and continue to apply in Iowa. However, Iowa law provides greater substantive rights and entitlements for eligible students with disabilities enrolled in accredited nonpublic schools. As a result, day-to-day special education service delivery in Iowa is governed primarily by Iowa Code § 256.12(2)(a), with federal IDEA requirements satisfied through compliance with Iowa's statutory framework and corresponding fiscal and reporting processes. Iowa's implementation of IDEA must therefore be understood and applied as an integrated state-driven system, rather than through reliance on federal private-school provisions in isolation. IAC 281-41.137(1) Where Iowa law provides greater protections than federal law, Iowa law controls.

See **Appendix I: References** for full references and statutory citations

II. Purpose of Guidelines

IAC 281-41.137(1) This guidance is intended to:

- Clarify that this guidance is grounded in Iowa Code section 256.12(2), while federal requirements are addressed as a subset; AEAs facilitate collaborative, student-centered, system level discussions to help all parties understand roles, responsibilities, capacities and constraints, supporting effective systems for delivering special education services that are funded and accounted for by the provisions of Part B of the Act, IAC 281.41 and Iowa Code § 256.12
- Clarify Iowa law exceeds federal requirements for special education services for accredited nonpublic students and center focus on free appropriate public education (FAPE) and special education service delivery
- Support ongoing collaboration among the AEA, LEA and accredited nonpublic school to strengthen shared understanding, communication and coordination in delivering special education services

- Emphasize AEAs are responsible for Child Find activities in coordination with LEAs and accredited nonpublic schools and ensure accredited nonpublic stakeholders are informed of the process. IAC 281-41.131; 281-41.134(1)
- Reinforce that accredited nonpublic students with Individualized Education Programs (IEPs) are included in the weighted special education child count and, for all special education purposes, fall within the LEA's responsibilities to provide services to the same extent as public school students. Public schools are therefore responsible for providing FAPE and must apply all applicable requirements, including consideration of services and supports, least restrictive environment (LRE) and procedural safeguards, and may not treat these students as a separate or distinct category. Iowa Code § 256.12(2)(a)(b)
- Clarify that these discussions are grounded in mutual understanding and take each entity's views into due consideration, with the goal of establishing system-level service delivery models and operational processes between the AEA, public and accredited nonpublic school (e.g., how decisions are considered, accountability, monitoring and clarity of roles, where and by whom services are provided, how staff collaborate, transportation, processes to address or resolve issues as they arise and communication protocols). These systems guide practice throughout the year while remaining flexible, allowing IEP teams to adjust the continuum of services and supports based on each student's individual needs, consistent with FAPE and LRE
- Promote clarity and reduce confusion by keeping the focus on **service delivery**
Iowa Code § 256.12(2)(a)

III. The AEA Consultation Process

A. Level of Consultation

281-41.134 Annual consultation occurs at the AEA level and must include:

- AEA representatives
- Attending LEA representatives
- Accredited nonpublic school representatives
- Parent representatives of accredited nonpublic school students with disabilities

****Optional** - Resident LEA representatives could choose to attend

It is important that the agency representatives have decision making authority. AEAs must ensure consultation is timely, meaningful and ongoing and additional meetings may be held locally throughout the year. A recommended schedule of ongoing meetings should be developed, with dates, times and topics to be discussed, including preparation for the October child count 281-41.133(3)(2) and timely information sharing to support adequate planning for annual staffing. IAC 281-41.134(3)(4)(5), 281-41.135

See **Appendices A-H**: Support for guiding and documentation of consultation

B. Purpose and Scope

IAC 281-41.134 The consultation meeting must include coordination on:

- Review of proportionate funding; while this reflects a federally mandated consultation requirement, service decisions remain based on student need and Iowa's FAPE obligations, not federal proportionate share (see **Appendix J**)
- Child Find procedures for identifying accredited nonpublic students with suspected disabilities and ensure accredited nonpublic stakeholders are informed of the process
- Ensuring accredited nonpublic students with disabilities meaningfully participate in special education and related services, including the types of services provided
- Services are provided in the same manner and to the same extent as they are to public school students and are designed to ensure the provision of FAPE Iowa Code 256.12(2)(a)

- How the process will operate throughout the year
- How, where and by whom special education and related services will be provided for accredited nonpublic students with IEPs to ensure FAPE
- How disagreements will be documented through written explanation by the public agencies
IAC 281-41.134(5)

Guidance for conducting effective consultation:

In addressing the required topics above, the consultation process, aligned with Iowa code, should emphasize communication, collaboration and shared understanding through:

- Supporting all accredited nonpublic schools by providing resources to promote understanding of the Child Find process and roles, enabling appropriate referrals and communication with families without assuming Child Find responsibilities
- Collaborating among AEAs, LEAs and accredited nonpublic schools to plan and deliver special education and related services
- Coordinating services and supports to fulfill FAPE for accredited nonpublic students
- Communicating through collaboratively developed systems that support ongoing cooperation beyond the consultation meeting
- Aligning access to special education and related services for accredited nonpublic students with IEPs through the AEA/LEA's obligation to provide FAPE and apply all applicable requirements, including planning and service coordination/delivery, in the same manner as for public school students

C. Documentation

AEAs and LEAs are to maintain all records proving compliance with the IDEA and with Iowa Code section 256.12. Iowa Admin. Code. rr. 281—41.901-.902. All stakeholders, AEAs, LEAs and accredited nonpublic schools, should maintain documentation that ensures transparency and accountability. These are suggested examples to support IAC 281-41.134-.135 documentation and are not exhaustive:

- Consultation meeting notes (**Appendix C**)
- Written affirmations of consultation (**Appendix E**)
- Written explanations for disagreements (**Appendix D**)
- Documentation of consultation (**Appendix F**)
- Notices to file complaints (**Appendix G**)
- Child Find processes, including consent, identification, evaluation and reevaluation of accredited nonpublic students (**Appendix B and H**)

IV. Child Find for Accredited Nonpublic Students

Child Find for students enrolled in accredited nonpublic schools is the responsibility of the AEA and is a shared process. Roles and responsibilities for each participating entity have been suggested below, **but should be reviewed, discussed and further refined to ensure clarity, shared understanding and effective implementation of Child Find activities for each specific system.** IAC 281-41.131(2)(a)(b), 281-41.132(3), 281-41.134(1)

The Child Find process consultation must include:

- A system for accurate count of children
 - Number of: children evaluated, determined to be children with disabilities, children served IAC 281-41.132(3)
- How parentally placed accredited nonpublic school children suspected of having a disability can participate equitably in Child Find
- How parents, teachers and accredited nonpublic school officials will be informed of the process

- The process for parentally placed accredited nonpublic school children suspected of having a disability to be requested or referred and evaluated to determine eligibility for special education IAC 281-41.134

Note that IAC 281-41.622(4) requires signed consent to share student information with a different attending LEA or AEA than the resident LEA for a student attending an accredited nonpublic school. (see **Appendix H**)

AEA Role (Primary):

- Ensure location, identification, evaluation and reevaluation are completed within the same timelines applied to public school students
- Lead all Child Find activities for students enrolled in accredited nonpublic schools
- Develop and implement a plan to ensure all accredited nonpublic stakeholders are informed about Child Find, including methods of communication and follow-up to confirm understanding
- Conduct and manage evaluations and reevaluations in coordination with the LEA and accredited nonpublic school, including eliciting and synthesizing relevant information regarding educational performance and concerns
- Coordinate with LEAs and accredited nonpublic administrators to ensure access, communication and procedural compliance
- Schedule and facilitate eligibility meetings to determine if child qualifies for special education services

LEA Role (Collaborative Partner):

- Participate in evaluations and team processes when requested by the AEA or when district involvement is required to ensure compliance
- Provide district staff upon request of the AEA when identification, evaluation and reevaluation require district expertise (e.g., special education teachers, related service providers)
- Support the evaluation process as requested by the AEA, including access to district tools, specialists and service providers, if needed
- Participate in the eligibility meeting to determine if child qualifies for special education services

Accredited Nonpublic School Role:

- Engage in the Child Find process by communicating concerns regarding a student's educational performance and collaborating with the AEA to support evaluation and identification activities.
- Share available data and information regarding the child's educational performance, observed concerns, instructional supports attempted, and progress relative to same-age peers, to support discussion of a possible suspected disability
- Participate in communication and scheduling of evaluation activities
- Implement and document instructional strategies or interventions identified by the evaluation team, as appropriate in tandem with the evaluation and within the scope of the nonpublic school setting, and participate in progress monitoring to inform eligibility determination
- Collaborate with the evaluation team regarding needs of the child and the learning environment
- Participate in the eligibility meeting to determine if child qualifies for special education services

These roles should be communicated clearly to families and school staff so accredited nonpublic schools understand who is responsible for each part of ongoing Child Find activities.

See **Appendix B: Child Find** for a template to support the AEA/LEA process and communication plan

V. Providing Special Education Services to Students in Accredited Nonpublic Schools

A. Iowa's State-Mandated Services

Under Iowa Code § 256.12(2)(a), eligible students enrolled in accredited nonpublic schools shall receive special education and related services “in the same manner and to the same extent that they are provided to public school students.” Furthermore, § 256.12(2) ensures funding for special education services provided to eligible students enrolled in accredited nonpublic schools, including their inclusion in the resident LEA’s weighted special education funding, reflecting Iowa’s broader statutory framework for funding and service delivery.

Consultation processes under Iowa law must be understood in light of Iowa’s obligation to provide FAPE to eligible students enrolled in accredited nonpublic schools. Accordingly, consultation discussions encompass system-level planning for the delivery of special education and related services necessary to provide FAPE and support the implementation of students’ IEPs. This includes coordination among the LEA, AEA, and accredited nonpublic schools to ensure services are delivered in accordance with Iowa law and administrative rules. IAC 281-41.137(1)

Special education and related services include, but are not limited to:

- Specially designed instruction
- Related services
- A full continuum of supports
- Transportation when required

Provision of special education and related services are outlined in IAC 281-41.134 and 281-41.135 and should be discussed with the obligation to provide FAPE as the central focus.

- How, where and by whom special education services will be provided
- Types of services to be delivered, including direct services and alternate service delivery mechanisms
- How and when these decisions will be made (see **Appendix C**)
- If the AEA/LEA disagrees with the views of the accredited nonpublic school officials regarding the provision or types of services, a written explanation will be provided, including the rationale and timing of delivery of that explanation (see **Appendix D**)
- Written affirmations from nonpublic representatives (see **Appendix E**)
- Documentation of consultation outreach and the consultation process if a nonpublic representative does not provide a written affirmation within a reasonable period (see **Appendix F**)
- The nonpublic school representative has the right to submit a complaint about the consultation process (see **Appendix G**)

B. LEA Role

LEAs are responsible for providing special education to accredited nonpublic students with IEPs in the same manner as public school students for purposes of service delivery, consistent with accredited nonpublic students with IEPs inclusion in the weighted special education child count.

This includes, but is not limited to:

- Planning for and ensuring access to special education and related services for accredited nonpublic students with IEPs, consistent with the LEA’s continuum of service delivery
- Providing staff, scheduling services and coordinating with the AEA and accredited nonpublic school
- Ensuring the IEP team makes decisions based on student need, not funding source or location

C. Public Agency as Fiscal Agent and Responsible Party

281-41.137(1) The public agencies are the fiscal agents and ultimately responsible for:

- Child Find activities
- Provision of special education and related services for the accredited nonpublic student
- Collaborating with the accredited nonpublic school to ensure the student has access to general education curriculum across settings as appropriate 281-41.323(4), 281-41.39(3)(c)(2)
- Monitoring IEP implementation and student progress
- Engaging in active collaboration and communication with accredited nonpublic school staff
- Ensuring services meet FAPE and state standards

Because the public agencies are responsible for the student's special education program, they should be actively involved in planning, scheduling, communication, service delivery, monitoring of services and student progress and collaborating with accredited nonpublic teachers and administrators.

D. Effective Collaboration

Effective service delivery is achieved through, but is not limited to:

- Development and maintenance of collaboratively designed, shared systems for planning, delivering, and monitoring special education services, understood and consistently applied by all partners
- Coordinated schedules between public school, accredited nonpublic school and AEA staff
- Access, if needed and approved, to accredited nonpublic school instructional spaces for service delivery Iowa Code 256.12(2)(a)
- Regular communication routines among all partners
- Joint problem-solving to address barriers
- Shared commitment to meeting student IEP needs in all environments

See **Appendices C-F** for templates of documentation to support collaboration

VI. Accountability and Reporting

AEAs, LEAs and accredited nonpublic schools are responsible, within their respective roles and as applicable, for accurate documentation and reporting including:

- Child Find
- Student count
- Consultation
- Consent of Identifiable Information
- IEP implementation
- Documentation of services
- Funding

All records should be maintained for state review as required. See **Appendices B-H**: documentation templates IAC 281-41.130-144

VII. Summary of Key Principles

- Iowa Code § 256.12(2)(a) guarantees accredited nonpublic students with disabilities FAPE, not merely federally funded equitable services
- LEAs must serve accredited nonpublic students with IEPs, just as they do public students
- Collaboration among AEAs, LEAs and accredited nonpublic schools is essential for both federal compliance and state-mandated service delivery IAC 281-41.137(1)
- Child Find processes must ensure accredited nonpublic students are located, identified and evaluated in the same manner as public school students
- Documentation requirements under 281—41.130—41.144 ensure transparency and accountability

VIII. Appendices

The appendices provide tools, templates and guiding questions to support implementation of the consultation process, Child Find and the provision of special education services outlined in the main guidance document.

[Appendix A: Guiding Questions](#)

[Appendix B: Child Find Template](#)

[Appendix C: Documentation of Due Consideration](#)

[Appendix D: Written Explanation](#)

[Appendix E: Affirmation of Consultation](#)

[Appendix F: Documentation of Consultation](#)

[Appendix G: Notice to Representatives](#)

[Appendix H: Consent of Identifiable Information](#) (See also [ACHIEVE](#))

[Appendix I: References](#)

[Appendix J: Provision of Special Education Funding](#)

Appendix A: Guiding Questions

Guiding Questions for the Consultation Process (from Child Find through the delivery of special education services)

The guiding questions below are not intended to repeat statutory requirements, but to support dialogue, shared understanding and problem solving as agencies implement the requirements described in the main guidance.

I. Iowa's Legal Framework

Understanding Legal Requirements

- “What is everyone’s current understanding on the focus of how Iowa’s requirements exceed federal requirements in this consultation process? Where might clarification be needed?”
- “How do each of our roles ensure that students receive services in the same manner and to the same extent as public students?”
- “Do we have a shared understanding of how all components of Part B of the IDEA, IAC 281.41, and Iowa Code § 256.12(2), influence service delivery decisions, including operational and fiscal responsibilities, and where misinterpretation could unintentionally affect implementation?”

II. Purpose of Guidance

Checking for Shared Purpose & Reducing Confusion

- “Is everyone clear on how this guidance clarifies the focus of consultation on Iowa law ensuring eligible accredited nonpublic school students receive FAPE and are included in the resident LEA weighted funding and pooled AEA federal funding?”
- “What do each of us need in order to communicate this guidance clearly to staff or stakeholders so implementation is consistent across settings?”
- “Where have misunderstandings occurred previously, and how can we prevent them through stronger collaborative communication?”
- “How might practical constraints influence how we implement this guidance?”

III. The AEA Consultation Process (see appendices B-G for support)

A. Level of Consultation

Roles, Authority & Participation

- “Do all representatives at the table have the authority needed to make decisions today?”
- “How can we ensure all participants feel heard and their input meaningfully informs the consultation?”
- “What potential barriers or constraints does each entity face in providing or coordinating services, and how can we plan for them collaboratively?”
- “What structures or meeting schedules will support timely communication and reduce surprises or frustrations?”
- “What expectations or systems do we have for ongoing communication and accountability outside this meeting?”

B. Purpose and Scope of Consultation

Understanding Scope and Staying Focused

This section establishes the required topics and shared goals of consultation. Considerations related to authority, fiscal responsibility and operational constraints are addressed in Section III. C. These questions are intended to move beyond identifying required topics and into examining how those topics play out in local practice.

- “What do we need to understand about Child Find to ensure a comprehensive process across agencies?”
- “How do we confirm that accredited nonpublic students meaningfully participate in services to the same extent as public school students?”
- “How will we work together to determine where, how and by whom services will be delivered to the same extent as public school students?”
 - Considerations may include: class size, proximity, staffing, licensure, types of programs, educational settings, supplementary aids and services and additional support resources available
- “How will public schools ensure implementation, monitoring and supervision of IEPs while coordinating with accredited nonpublic staff and shared service models?”
- “How will we address situations where logistical constraints (e.g., transportation, class schedules, staffing) could limit the ideal delivery of services?”
- “How do we work together to ensure communication with families is aligned with IEP team decisions, reflects that all decisions are made by the full IEP team (not individual members) and supports implementation of the IEP as written across settings?”
- “If disagreements arise, how can we ensure all perspectives are fully considered before documenting them?”

Understanding Program Limitations & Responsibilities

Context, Authority & Accountability

This section is intended to surface legal, fiscal and operational realities that inform service delivery decisions and help prevent misunderstandings after consultation.

- “Does everyone understand that no funds can be paid directly to the accredited nonpublic school, and participation requires proper record-keeping and reporting for audits?”
- “Are all participants clear that public agencies retain control and oversight of special education funds consistent with IAC 281-41.138 and 281-41.1441?”
- “Do all participants understand that while services are determined by individual student IEPs, service delivery models should account for the unique contexts of both the accredited nonpublic school and the public school (e.g., proximity, number of schools served, staffing and licensure, program structures and available resources)?”
- “How do we balance student-centered needs with operational constraints (staffing, schedules, transportation, instructional time) in a way that is fair, transparent and sustainable across settings?”
- “How can we establish shared accountability measures to ensure services are implemented appropriately, whether delivered by public or accredited nonpublic staff?”
- “When public agency decisions differ from input or recommendations provided by the accredited nonpublic school, has the rationale for those decisions been clearly explained and documented in a manner that supports shared understanding and ongoing collaboration?”
- “Do all participants understand that consideration of the unique context of each accredited nonpublic school and input from the accredited nonpublic school is taken into due consideration, but final decisions regarding services are made by the public agency?”

Collaboration & Communication

- “What practices and routines have supported strong communication and collaboration among AEAs, LEAs and accredited nonpublic schools? What gaps remain?”
- “How can we ensure student needs drive decisions across all environments?”
- “What expectations do we all have for communication routines and frequency?”

C. Documentation Requirements

Ensuring Transparency and Shared Accountability (see appendices B-G for support)

- “Are our documentation practices aligned and accessible to all parties? Where might we need to tighten or align them?”
- “What system will ensure consistent tracking of disagreements, consultation notes and Child Find documentation?”

IV. Child Find for Accredited Nonpublic Students

Clarity of Roles & Shared Ownership (see appendix B for support)

- “Are roles, responsibilities and the plan for informing accredited nonpublic families about the Child Find process clear to everyone?”¹
- “What communication strategies help accredited nonpublic schools share concerns early and clearly?”
- “What barriers have we experienced that contribute to delays in referrals, evaluations or communication, and how can we problem-solve them together? What professional learning may be needed?”

V. Providing Special Education Services in Accredited Nonpublic Schools

A. Understanding the State-Mandated Services

- “How do we ensure a consistent understanding of ‘in the same manner and to the same extent’ when providing services to accredited nonpublic students, and what shared systems guide planning, delivery, and monitoring of special education services across LEA, AEA, and accredited nonpublic staff to ensure everyone understands their role?”
- “What complexities arise when delivering services within an accredited nonpublic setting, and how can we address them collaboratively?”
- “What systemic structures ensure full IEP implementation and monitoring, regardless of location of services?”
- “Have we discussed and documented the required due consideration topics of IAC 281-41.134 and 281-41.135?”
 - How, where and by whom special education services will be provided
 - Types of services to be delivered, including direct services and alternate service delivery mechanisms
 - How and when these decisions will be made (see Appendix C)
 - If the AEA/LEA disagrees with the views of the accredited nonpublic school officials regarding the provision or types of services, has a written explanation been provided, including the rationale and timing of delivery of that explanation (see Appendix D)
 - Whether consultation was timely and meaningful, and written affirmations have been received from nonpublic representatives if they concur (see Appendix E)
 - If a nonpublic school does not provide a written affirmation within a reasonable period, has outreach and the consultation process been documented (see Appendix F)

B. Roles (AEA, LEA, & Accredited Nonpublic School)

- “How does the LEA service delivery model guide our decisions today? Does everyone understand its implications?”
- “Where do we need clearer coordination between district staff, AEA staff and accredited nonpublic staff?”

¹ IAC 281-41.138 and .144- Property, equipment and supplies; public agency administers funds, holds title, may place in accredited nonpublic school, supervise placement and use, may remove, cannot repair, remodel or construct, are secular, neutral and nonideological

- “How do we ensure decisions are driven by student need rather than logistics or funding concerns?”
- “What systems support ongoing communication, monitoring and shared oversight of IEP implementation?”
- “What special education roles and responsibilities are currently being performed by nonpublic school staff, including licensed and non-licensed personnel, and how are these activities coordinated, monitored, and supported by the LEA and AEA to ensure Free Appropriate Public Education?”

VI. Accountability and Reporting

Consistency, Accuracy & Shared Responsibility

- “What systems or tools can help us maintain transparency and shared accountability?”
- “Are there areas where reporting or documentation responsibilities feel unclear?”

VII. Summary of Key Principles

Ensuring Alignment Before We Conclude

- “Are we all aligned on Iowa’s guarantee of FAPE for accredited nonpublic students?”
- “Do we agree on the responsibilities of LEAs, AEAs and accredited nonpublic schools in fulfilling that guarantee?”
- “What disagreements remain and need to be documented with LEA/AEA reasoning?”
- “What commitments do we need to make today to support collaboration going forward?”
- “What unresolved questions remain that we need to revisit?”
- “What professional learning opportunities may be needed?”

Appendix B: Child Find Template

AEA/LEA Child Find Process & Communications Plan (for Accredited Nonpublic Schools and Families)

[Certified Enrollment Nonpublic Schools](#)

[Make a copy of a Google Form version of the Child Find Template](#)

1. Purpose

Document the local Child Find process, roles/responsibilities and communication plan in compliance with Iowa Administrative Code 281—41.131(1) and 281—41.134.

Contact Information

AEA Contact

Name: _____ Phone: _____

Title/Role: _____ Email: _____

LEA Contact

Name: _____ Phone: _____

Title/Role: _____ Email: _____

Accredited Nonpublic School Contact:

Name: _____ Phone: _____

Title/Role: _____ Email: _____

Directory Link for Reference (AEA / LEA / Accredited Nonpublic Schools)

2. Overview of Local Child Find Process (Description of how children enrolled in accredited nonpublic schools are located, identified, evaluated and reevaluated)

3. Roles and Responsibilities (in accordance with 281—41.131(1) and 281—41.134(1)(a))

AEA Responsibilities

LEA Responsibilities

Accredited Nonpublic School Responsibilities:

4. Notification / Communication to Families, Teachers & Accredited Nonpublic Officials (How stakeholders are informed of Child Find and referral/evaluation process — per 281—41.134(1)(b))

Suggested Communication Methods (check all that apply, add others as needed):

- ☐ Email or mailed letters to accredited nonpublic schools
- ☐ Email or mailed letters to known families
- ☐ Inclusion in school or district newsletters
- ☐ Flyers or posters in school buildings
- ☐ District/AEA website posting
- ☐ District/AEA social media posts
- ☐ Public notice in local newspaper
- ☐ Announcements at consultation meetings
- ☐ Professional development sessions for accredited nonpublic teachers
- ☐ Community information sessions / roundtables
- ☐ Translated/interpreted materials
- ☐ Other: _____

Any Further Description of Local Communication Plan:

5. Child Find Process Year-Round Operation Plan (Referrals, evaluations, follow-up, coordination, updates — per 281—41.134(3))

6. Additional Notes / Attachments (e.g. flowcharts, contact lists, sample letters, timelines, etc.)

Appendix C: Documentation of Due Consideration in Consultation

Special Education Services for Parentally Placed Accredited Nonpublic School Children with Disabilities or Suspected Disabilities

Consultation participants may use the Guiding Questions for the Consultation Process in Appendix A to support meetings. Considerations discussed by accredited nonpublic school representatives and families should be documented to ensure timely, meaningful consultation. All required topics should be completed in sufficient detail to support shared understanding of service provision.

Teams must determine how accredited nonpublic students will meaningfully participate in services to the same extent as public school students, including how, where and by whom services will be delivered. Teams should establish clear communication routines among AEAs, LEAs and accredited nonpublic schools, identify any gaps and set a year-long schedule of meetings to ensure ongoing collaboration. Documentation practices should be aligned, accessible, sufficient to track consultation notes, Child Find activities and disagreements. All perspectives should be considered before finalizing documented agreements or disagreements.

Public agencies retain final decision-making authority following this consultation process.

Provision of Services	Special Education	Related and Support Services
Types (determined by IEPs) (The general types of services, including service delivery mechanisms.)		
How (How children with disabilities enrolled in accredited nonpublic schools can meaningfully participate in special education and related services.)		
Where (Include transportation details if relevant.)		
By Whom		

Appendix D: Written Explanation by AEA/LEA Regarding Services 281-41.134(5)

This form is used when the AEA or LEA disagrees with the views of accredited nonpublic school officials regarding the provision or types of services, whether provided directly or through a contract. It should be completed following consultation and reference prior discussion notes to ensure disagreements are fully documented. The AEA or LEA must provide accredited nonpublic school officials with a written explanation detailing the reasons for the decision not to provide services as requested. This process ensures transparency, accountability and clear communication regarding the provision of services.

Provision of Services	Special Education	Related and Support Services
Types (The types of services, including service delivery mechanisms.)		
How (How children with disabilities enrolled in accredited nonpublic schools can meaningfully participate in special education and related services.)		
Where (Include transportation details if relevant.)		
By Whom		

Appendix E: Affirmation of Consultation IAC 281-41.135

[Make a copy of a Google Form version of the Affirmation Consultation Template](#)

AEA: _____ School Year: _____

LEA: _____ Accredited Nonpublic School: _____

This form documents that the AEA and LEA engaged in timely and meaningful consultation with representatives of accredited nonpublic schools in accordance with 20 U.S.C. § 1412(a)(10)(A)(II) and IAC 281-41.135 during the design and development of special education and related services for parentally placed accredited nonpublic children with disabilities.

I affirm that during consultation, the following occurred:

I had the opportunity to express my views and ask questions regarding:

- Child Find procedures, including referral and evaluation processes
- How parents, teachers and accredited nonpublic school officials will be informed about Child Find and the evaluation process
- How accredited nonpublic children will meaningfully participate in services to the same extent as public school students
- How, where and by whom services will be provided, including types and delivery mechanisms
- How decisions regarding services will be made
- How disagreements between AEA/LEA and accredited nonpublic school officials will be addressed in writing

I understand how data will be collected and reported, and that all parties are responsible for accuracy

I received the Notice to Representative of Participating Accredited Nonpublic School and acknowledged my right to file an IDEA State Complaint with the Iowa Department of Education if consultation was not meaningful or my views were not given due consideration

By signing below, I confirm that the AEA and LEA conducted consultation in a timely and meaningful manner consistent with federal and state requirements.

Role	Name	Signature	Date
Accredited Nonpublic School Representative			
AEA Representative			
LEA Representative			

Appendix F: Documentation of Consultation

I / We, the undersigned representatives of the AEA and LEA listed below attach documentation to show the consultation process pursuant to the Individuals with Disabilities Education Act 2004 on (date) _____ that we conducted with representatives of (name of the accredited nonpublic school) _____.

And further state that the representatives of the accredited nonpublic school failed to provide written affirmation of such consultation within a reasonable period of time.

Role	Printed Name	Signature
AEA Representative		
LEA Representative		

Note to User: AEAs must retain this document for the Department of Education’s inspection and review.

Appendix G: Notice to Representatives of Participating Accredited Nonpublic School

To: The authorized representative of a participating accredited nonpublic school

You have engaged in consultation regarding special education and related services with the LEA and AEA in whose boundaries your accredited nonpublic school is located.

This Notice is to inform you that you have the right to submit a complaint.

Submit it to: Iowa Department of Education
Grimes State Office Building
400 E 14th St
Des Moines, IA 50319-0146

Or email to: ideadisputeresolution@iowa.gov

You may file a complaint if you believe that the LEA or the AEA did not do either or both of the following:

- Engage in timely and meaningful consultation; or
- Give due consideration to your views as the authorized representative of your accredited nonpublic school.

Please state specifically why you believe the LEA or the AEA is non-compliant with either or both of the above points.

Appendix H: Consent to Exchange Personally Identifiable Information

An **ACHIEVE** Authorization to Release and Exchange Information completed specifically for this request may serve as electronic consent

Student Enrolled/Enrolling In Accredited Nonpublic School Outside District of Child's Residence IAC 281-41.622(4)

I am a parent of (name of child) _____, a student who is or may be identified as a child with a disability. My child resides in (AEA where child resides)

_____ and in (LEA where child resides _____).

I have enrolled or seek to enroll my child in (name of the accredited nonpublic school)

_____, an accredited nonpublic school located in (AEA where child resides) _____ and in (LEA where child resides) _____.

I understand it may be necessary for the AEA and LEA where my child resides and the AEA and LEA where the accredited nonpublic school is located to share personally identifiable information about my child to provide my child with special education and related services (including, but not limited to evaluations for special education eligibility). I understand my consent is required before such sharing of information takes place. I understand I may withhold my consent; however, I understand my refusal to give consent may limit the ability to provide special education and related services to my child. I voluntarily give my consent to exchanges of personally identifiable information about my child between the AEA and LEA where my child resides and the AEA and LEA where the accredited nonpublic school is located. I understand my consent may be revoked at any time. I understand that I cannot revoke my consent retroactively.

Parent Signature: _____ Date: _____

Note: Do not use this sample form if the child resides in the same AEA and LEA where the accredited nonpublic school is located. No consent is necessary in that situation. IAC 281-41.622

Appendix I: References

Statutes

20 U.S.C. § 1412(a)(10) (2009).

Available at: [20 US 1412: State Eligibility](#)

Iowa Code § 256.12 (2009).

Available at: <https://www.legis.iowa.gov/docs/code/256.12.pdf>

Rules and Regulations

34 C.F.R. §§ 300.129-.147, 300.300(d), 300.622(b)(3) (2008).

Available at: [34CFR Part 300](#)

Iowa Admin. Code rr. 281—41.129-.147, 41.300(4)"d", 41.402-.403, 41.409, 41.413, 41.622(4), 41.901-.902 (2007).

Available at: [Iowa Legislature - Rule Listings](#)

Cases

John T. v. Marion Indep. Sch. Dist., 173 F.3d 684 (1999).

Available at: [John T. v. Marion Indep. Sch. Dist.](#)

Supplementary Materials and Guidance Documents

Analysis of Comments and Changes, 71 Fed. Reg. 46,547 (Aug. 14, 2006).

Available at: [OSERS Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities](#)

U.S. Department of Education IDEA site: [Q&A on serving children with disabilities placed by their parents in private schools](#)

Letter to Chapman, 49 IDELR 163 (OSEP 2007).

Available at: [Letter to Chapman](#)

United States Department of Education, The Individuals with Disabilities Education Act (IDEA): Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools (2008)

Available at: <http://www.ed.gov/admins/lead/speced/privateschools/idea.pdf>

Appendix J: Federal Funding Requirements (Procedural Reference)

Provision of Special Education Funding- in the same manner and to the same extent that they are provided to public school students (Iowa Code 256.12(2)(a))

Proportionate Funds Consultation Worksheet

This appendix satisfies federal IDEA consultation requirements regarding proportionate funds; however, Iowa Code 256.12(2) requires services to be delivered to accredited nonpublic students in the same manner and to the same extent as they are provided to public school students and governs the provision of FAPE to eligible accredited nonpublic students. Information in this appendix does not alter service determinations, IEP decisions or FAPE obligations.

The consultation process clarifies how data are gathered and reported for child count and funding. AEAs, LEAs and accredited nonpublic schools are responsible for ensuring data accuracy and reporting. Department finance consultants provide guidance on billing, reporting and child count. Child count is reported through ACHIEVE, while finance, expenditures and consultation documentation are submitted through the Special Education Supplement in the Certified Annual Report.

Proportionate Share Calculation for Parentally-Placed Accredited Nonpublic School Children with Disabilities for (name of AEA) _____

Number of eligible children with disabilities in public schools in the AEA _____

Number of parentally-placed eligible children with disabilities in accredited nonpublic schools located in the AEA jurisdiction _____

Total number of eligible children _____

FEDERAL FLOW-THROUGH FUNDS ALLOCATED to AEA- IDEA Part B 611

Total allocation to AEA _____

Calculating Proportionate Share:

Total allocation to AEA _____

Divided by total number of eligible children _____

Average allocation per eligible child = _____

Multiplied by the number of parentally-placed children with disabilities x _____

Amount to be expended for parentally-placed children with disabilities = _____

Child Find costs are NOT taken out of this proportioned allocation.

IDEA Part B 619 funds for 3-5 preschool allocation are separate, but the same process for 3-5 year olds.