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Memorandum

Responsibilities for Health Services, Disability Rights and Special Education

Introduction and Purpose

This memorandum provides guidance to accredited nonpublic schools regarding their responsibilities under Iowa law and applicable federal laws related to health services, disability rights, and special education. Specifically, it summarizes requirements under Iowa Code, Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), the Iowa Civil Rights Act (ICRA), and the Individuals with Disabilities Education Act (IDEA).

The purpose of this memorandum is to promote a shared understanding of the responsibilities of accredited nonpublic schools and to identify Department resources available to support compliance. This guidance should be used in conjunction with applicable state and federal statutes, administrative rules, and regulations.

Key Responsibilities

- **Maintain required health services policies and licensed health service support.**
- **Comply with applicable disability nondiscrimination laws (Section 504, ADA, and the Iowa Civil Rights Act).**
- **Collaborate with the LEA and AEA to support implementation of IEPs for eligible students.**
- **Understand the distinct legal responsibilities of the accredited nonpublic school, LEA, and AEA.**

Health Services

As part of Iowa's accreditation requirements, accredited nonpublic schools must adopt local policies governing school health services in accordance with Iowa Code section [256.7\(24\)](#) and [Iowa Administrative Code chapter 14](#). These policies must meet applicable state requirements and support a safe and healthy learning environment for all enrolled students.

- Required health services include, but are not limited to:
- Medication administration;
- Special health services;
- Individual Health Plans (IHPs);
- Voluntary emergency medication supplies;
- Suicide prevention; and
- Requirements related to adverse childhood experiences (ACEs) and strategies to mitigate toxic stress.

Ensuring all students experience a world-class education.

Accredited nonpublic schools are responsible for implementing these requirements when a student:

- Enrolls with an identified ongoing health service need; or
- Develops an ongoing health service need after enrollment.

Unlike public school districts, accredited nonpublic schools retain discretion regarding student admission consistent with applicable federal and state law and the school's available resources. Regardless of current student enrollment or identified health service needs, every accredited nonpublic school must maintain a health services policy that identifies a licensed health care provider responsible for supporting the school's health services program.

Health services must be provided by appropriately licensed health personnel authorized to practice in Iowa, including licensed registered nurses, physicians, physician assistants, or other licensed health professionals authorized to provide or delegate health services under Iowa law. Schools should maintain documentation describing the arrangement for these services. Accredited nonpublic schools may contract with or utilize volunteer licensed health professionals from their local communities to fulfill these responsibilities.

When health services or medication administration are delegated to unlicensed school personnel, the licensed health professional is responsible for ensuring compliance with Iowa's delegation requirements. This includes:

- Providing or arranging the required Department-approved medication administration training;
- Ensuring delegated personnel complete the medication administration course every five years;
- Conducting and documenting an annual hands-on skills demonstration; • Determining the appropriate level of supervision, monitoring, and evaluation based on professional standards and licensing requirements; and
- Maintaining documentation of delegation and required competencies.

Additional guidance, including the [School Nurse Toolkit](#), the [Medical Consent and Delegation Form](#), and required medication administration training, is available through the Iowa Department of Education.

For questions regarding school health services, please contact Melissa Walker, Administrative Consultant for School Health, at melissa.walker@iowa.gov.

Section 504

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance. Section 504 protects qualified students from disability discrimination regardless of whether they require special education or related services.

All public schools, including charter schools, and accredited nonpublic schools that receive federal financial assistance—either directly or indirectly—must comply with the requirements of Section 504.

For accredited nonpublic schools, Section 504 generally requires that schools:

- Not exclude or deny admission to an otherwise qualified student with a disability if the student can be appropriately served consistent with the reasonable accommodation requirements of Section 504.

- Not charge additional fees to students with disabilities unless those costs are justified by a substantial increase in the cost of providing services;
- Conduct appropriate evaluations and make placement decisions consistent with Section 504 requirements;
- Provide required procedural safeguards; and
- Ensure students with disabilities have equal access to educational programs, services, activities, and other nonacademic opportunities.

For purposes of Section 504, federal financial assistance includes grants, loans, contracts (other than procurement contracts or contracts of insurance or guaranty), services of federal personnel, and certain transfers or leases of federal property. A recipient is any public or private entity that receives federal financial assistance directly or through another recipient.

Additional information regarding Section 504 requirements for nonpublic schools is available in [34 C.F.R. § 104.39](#).

For questions regarding Section 504 requirements, please contact the Department's Section 504 points of contact: SueAnn Johnson – sueann.johnson@iowa.gov or Eric Heitz – eric.heitz@iowa.gov.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA) is a federal civil rights law that prohibits discrimination on the basis of disability. Unlike Section 504 of the Rehabilitation Act, the ADA is not limited to educational programs receiving federal financial assistance. Instead, it applies more broadly to public entities, public accommodations, employment, transportation, telecommunications, and other public services.

In the educational setting, the ADA applies differently depending on the type of school:

- Title II applies to public schools, including public school districts, charter schools, and public colleges and universities. Title II prohibits public entities from discriminating on the basis of disability.
- Title III applies to many nonpublic schools and other places of public accommodation. Title III prohibits disability discrimination by covered private entities, including many nonpublic schools and colleges.

Religious organizations, including schools that are owned or controlled by a religious organization, are generally exempt from the requirements of Title III of the ADA. Nonpublic schools should consult legal counsel if they have questions regarding the applicability of the ADA to their institution.

Like Section 504, the ADA protects qualified individuals with disabilities from discrimination, regardless of whether they receive special education or disability-related services. Although the ADA and Section 504 are separate laws, they provide many similar protections, and courts generally interpret them consistently.

For additional information regarding the ADA, accredited nonpublic schools are encouraged to consult the U.S. Department of Justice and, when appropriate, seek legal counsel regarding their specific obligations under federal law.

Iowa Civil Rights Act (ICRA)

All educational institutions in Iowa- public, nonpublic, and religious- are covered by the Iowa Civil Rights Act (ICRA). Under the ICRA, it is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation,

national origin, religion, mental disability, or physical disability in any program or activity. Discriminatory practices shall include, but not be limited to, the following:

- Exclusion of a person or persons from participating in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs
- Denial of comparable opportunity in intramural and interscholastic athletic programs
- Discrimination among persons in employment and the condition of employment
- On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification

Under the ICRA, religious institutions may impose qualifications based on religion or sexual orientation when such qualifications are related to a bona fide religious purpose or any institution admitting students of only one sex. [Iowa Code section 216.9](#)

Special Education

The Federal Individuals with Disabilities Education Act, 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.

[Iowa Code 256.12](#) School districts (LEA) and area education agency boards (AEA) shall make public school services, which shall include special education programs, available to children attending (accredited) nonpublic schools in the same manner and to the same extent that they are provided to public school students.

Other special education services may be provided on (accredited) nonpublic school premises at the discretion of the school district or area education agency provider of the service and with the permission of the lawful custodian of the property.

If a student with an Individual Education Program (IEP) has health identified as a factor in the IEP and is attending an accredited nonpublic school, the related IEP documented health services are the responsibility of the public school district. Other student health-related services are the responsibility of the accredited nonpublic school as described in the health services section above.

By accepting enrollment of students eligible for special education services, the accredited nonpublic school acknowledges its role as an informed, prepared, and committed partner in supporting the LEA/AEA in meeting their applicable statutory and regulatory requirements.

Public agencies remain responsible for student eligibility determinations, development and oversight of the IEP, provision of Free Appropriate Public Education (FAPE), compliance with applicable state and federal special education requirements, and serving as the fiscal agents for special education services. As the fiscal agents, accredited nonpublic school students receiving special education services from the LEA must be entered into the LEA student information

system to generate that weighted funding. This means parents will be asked to fill out the corresponding registration documents annually for this to occur.

Accredited nonpublic schools serve as important collaborative partners in supporting the implementation of IEP services through appropriate operational coordination, cooperation, and timely communication, provision of information and reporting necessary for public agencies to maintain compliance. Effective collaboration requires each party to operate within its respective roles and responsibilities in support of consistent service delivery and compliance with applicable legal requirements, including recognition and support of circumstances in which the accredited nonpublic school is unable to appropriately support implementation of a student's IEP or the provision of FAPE within the accredited nonpublic school setting.

Effective collaboration also requires accredited nonpublic schools to engage as informed participants in the consultation processes and ongoing planning with LEAs and AEAs to establish clear, documented systems, procedures, and expectations for service delivery,

communication, documentation, and implementation support. Early and ongoing coordination helps ensure services are consistently understood, supported, and delivered in compliance with applicable legal requirements.

When challenges arise within these systems, the LEA remains responsible for ensuring FAPE. In these situations, adjustments to service delivery models or arrangements may be necessary to maintain compliance with those responsibilities.

Accredited nonpublic schools are encouraged to review the guidance and supporting materials available on the [Iowa Department of Education Accredited Nonpublic Schools and Special Education webpage](#) to support informed participation in consultation, service planning, as well as shared understanding of roles, responsibilities, and special education requirements applicable under Iowa law. Accredited nonpublic schools are also encouraged to bookmark the webpage, as it contains important guidance, resources, and learning opportunities and will continue to be updated on a regular basis.

The Department appreciates the partnership of accredited nonpublic schools in supporting students and families throughout Iowa. Working collaboratively with LEAs and AEAs helps ensure students receive the services and supports to which they are entitled while maintaining compliance with applicable state and federal requirements. Schools are encouraged to contact the Department with questions or for technical assistance.

For questions and assistance relating to students with disabilities parentally placed in accredited nonpublic schools, please contact Janelle Danner, Nonpublic School Liaison, at janelle.danner@iowa.gov.