Funding and Services Issues

There are federal laws that say Iowa students with disabilities have a right to education and services in schools:

- The Americans with Disabilities Act (ADA)
- The Rehabilitation Act
- The Individuals with Disabilities Education Act (IDEA)

The IDEA requires public schools to provide students with a free and appropriate public education. This is called FAPE. It includes supports to help the student fully access their education. These supports may include:

- Speech Therapy,
- Counseling,
- Adapted Transportation,
- Additional Special Staffing,
- And Other Related Services.

These are provided through an Individualized Education Program (IEP). The IEP is supervised by the public school, even if the student attends a non-public school using an educational savings account.

In most cases, Federal laws only apply to public schools. Non-public schools are not required to provide FAPE. Iowa’s Area Education Agencies (AEA) are required to make special education services available to students with disabilities at non-public schools. Iowa’s AEAs have the responsibility for identifying children with special needs and provide special education instruction and support for all schools. Advocates are concerned that AEAs are not funded adequately to provide this.

Non-public schools can also deny the AEA from providing special education services in their buildings. This means a student attending a non-public school who needs special education may need transportation back to the public school or to an AEA office to receive services. In rural communities, the travel time will be a loss of education time.

Discrimination Concerns

The ADA and Rehabilitation Act protect students with disabilities from discrimination. Students with disabilities who attend non-public school are at a higher risk of being discriminated against in non-public school settings.

If a non-public school violates federal or state special education laws, there is no accountability for the non-public school. If there is a violation by a non-public school, the public school is at risk for a lawsuit.

Non-public schools may also deny entry of students with disabilities for any reason. According to SF2197 Taskforce, there is a higher proportion of students with disabilities attending public schools (12.39% compared to 2.19% in non-public schools). This places a greater burden on public schools to provide special services with less funds. This is especially true for small rural schools.

Students without disabilities benefit from attending school with students with disabilities. Research shows that students without disabilities may benefit from teaching modifications that instructors apply when leading inclusive classrooms. There are also social-emotional benefits of being taught with their peers who have disabilities. (Education Law and Policy 2016).

The Iowa DD Council is advocating for ALL students with disabilities. We ask lawmakers to:

- Fully fund special education in Iowa schools
- Adequately fund Area Education Agencies
- Implement recommendations provided in the Special Education Support for Students Enrolled in Nonpublic Schools Legislative Task Force2197 Report.

Contact the Iowa DD Council

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