



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

NOV - 3 2006

Lana Michelson, Chief
Bureau of Children, Family, and Community Services
Iowa State Department of Education
Grimes State Office Building
Des Moines, Iowa 50319-0146

Dear Dr. Michelson

This letter is in response to your recent letter, in which you seek our opinion regarding the interaction of Iowa Code section 282.9 (2005) with Part B of the Individuals with Disabilities Education Act (Part B), as amended by the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). I am sorry for the delay in responding.

Your primary concern is situations in which a student is "entitled to special education under IDEA," and is affected by the provisions of section 282.9 of the Iowa Code, which authorizes a school board to make a placement determination for all students who are registered "sex offenders," including denial of enrollment in the school district and provision of educational services in an alternative setting. Generally, to the extent that a student with disabilities who is denied enrollment in the school district's program based on registration as a sex offender due to the student's conduct is provided the services on the student's individualized education program in an alternative setting, it does not appear that the Iowa law would be inconsistent with Part B.

Based on Section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented. If you have any further questions, please contact Kimberly Mitchell, the Iowa State contact for Part B in the Monitoring and State Improvement Planning Division, at (202) 245-7453. We appreciate your interest in this matter.

Sincerely,

Alexa Posny, Ph.D.

Director

Office of Special Education Programs