Fields of Opportunities

STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
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DEPARTMENT OF EDUCATION
JUDY A. JEFFREY, DIRECTOR

TO: AEA Directors of Special Education
LEA Superintendents
CFCS Consultants
CC: Lana Michelson, Pam Pfitzenmaier
Carol Greta, Chris Scase, Curt Systma
FROM: Judy A. Jeffrey
DATE: April 23, 2007
RE: Filing Child in Need of Assistance Petitions To Obtain Mental Health or Other Services For Children With Disabilities

The Department of Education has received information that AEAs and LEAs are filing Child in Need of Assistance (CINA) petitions, or recommending or proposing that such petitions be filed, to secure mental health or other services that are solely or primarily needed to enable a child with disabilities to benefit from her or his education. The Department hereby reminds AEAs and LEAs that it is improper to make such a filing, proposal, or recommendation, and any such filing, proposal, or recommendation is deemed to be inconsistent with the procedural and substantive provisions of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 *et seq.*

Certain actions by AEAs and LEAs are not covered by this document. For example, this document does not impair or limit the good faith reporting of child abuse or truancy. Additionally, this document does not apply to CINA petition filings, proposals, or recommendations that are not intended to secure services that are solely or primarily needed to enable a child with disabilities to benefit from her or his education.

In summary, an AEA or LEA may not resort to the jurisdiction of the juvenile court solely to obtain mental health or other services it would be required to provide to an eligible individual. If an AEA or LEA has difficulty in locating or financing needed services, it should contact the Department for assistance, including but not limited to technical assistance, information about any applicable interagency agreement, or information about other options, such as resort to the LEA high cost fund.

For questions about this document, please contact Thomas A. Mayes, Legal Consultant to the Department's Bureau of Children, Family and Community Services at 515-242-5614 or Thomas.Mayes@Iowa.gov.

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