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  
filining 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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