

## CHAPTER 131

## EDUCATION OF HANDICAPPED CHILDREN

H. F. 125

AN ACT to provide for the special education of handicapped children, to create a division of special education within the state department of public instruction, to enable school directors and boards of education to establish and maintain classes and schools for handicapped children, to provide for payments from state funds of the excess cost of maintaining and operating such classes and schools over the cost of maintaining and operating schools for normal children, and to establish controls for the distribution of such funds.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. There is created within the state department of public  
2 instruction a division of special education for the promotion,  
3 direction and supervision of special education for handicapped children  
4 in the schools under the supervision and control of the department;  
5 and to employ a director and other necessary personnel adequately  
6 qualified by training and experience to direct and supervise  
7 the types of instruction provided for in this act.

1 SEC. 2. The term "handicapped children" shall be interpreted for  
2 the purpose of this act as either of the following:

3 1. Children under twenty-one years of age who are crippled or  
4 have defective sight or are hard of hearing or have an impediment in  
5 speech or heart disease or tuberculosis, or who by reason of physical  
6 defects cannot attend the regular public school classes with normal  
7 children.

8 2. Children under twenty-one years who are certified by a practicing  
9 physician to be emotionally maladjusted or intellectually incapable  
10 of profiting from ordinary instructional methods.

11 Provided, that the term "handicapped children" shall not include  
12 the blind, the deaf, and other physically and mentally handicapped  
13 children for whom special schools or institutions are provided.

1 SEC. 3. The division of special education, subject to the approval  
2 of the state board, shall have the following duties and powers:

3 1. To aid school districts in the organization of special schools,  
4 classes and instructional facilities for handicapped children, and to  
5 supervise the system of special education for handicapped children  
6 in the several school districts of the state.

7 2. To establish standards for teachers to be employed under the  
8 provisions of this act, to give examinations for teachers to qualify  
9 to teach handicapped children, and to issue certificates to teachers  
10 who qualify for such teaching.

11 3. To adopt plans for equitable reimbursement, in whole or in  
12 part, of school districts for costs of carrying out programs of special  
13 instruction, as provided for herein.

14 4. To adopt plans for the establishment and maintenance of day  
15 classes, schools, home instruction, and other methods of special education  
16 for handicapped children.

17 5. To purchase and otherwise acquire special equipment, appliances,  
18 and other aids for use in special education, and to loan or lease same  
19 to school districts under such rules and regulations as the department  
20 may prescribe.

21 6. To prescribe courses of study, and curricula for special schools,  
 22 special classes and special instruction of handicapped children, in-  
 23 cluding physical and psychological examinations, and to prescribe  
 24 minimum requirements for handicapped children to be admitted to  
 25 any such special schools, classes or instruction.

26 7. To provide for certification by competent medical and psycho-  
 27 logical authorities of the eligibility of handicapped children for ad-  
 28 mission to, or discharge from, special schools, classes or instruction.

29 8. To initiate the establishment of classes for handicapped chil-  
 30 dren in hospitals and convalescent homes, in cooperation with the  
 31 management thereof and local school districts.

32 9. To cooperate with school districts in arranging for any handi-  
 33 capped child to attend school in a district other than the one in which  
 34 he resides when there is no available special school, class or instruc-  
 35 tion in the districts\* in which he resides.

36 10. To cooperate with existing agencies such as the state depart-  
 37 ment of social welfare, the state department of public health, the state  
 38 school for the deaf, the state school for the blind, the state tuber-  
 39 culosis sanitarium,\* the children's hospitals, or other agencies con-  
 40 cerned with the welfare and health of handicapped children in the  
 41 co-ordination of their educational activities for such children.

42 11. To investigate and study the needs, methods and costs of spe-  
 43 cial education for handicapped children.

44 12. To make rules and regulations to carry out the foregoing  
 45 powers and duties.

1 SEC. 4. The board of directors of any school district, with the  
 2 approval of the state department of public instruction, may provide  
 3 transportation and may establish and organize one or more suitable  
 4 special classes, or provide for instruction in regular classes or in  
 5 the home, and may provide special facilities and equipment for special  
 6 classes and special schools or home instruction as a part of the school  
 7 system for such handicapped children as required for their effective  
 8 education, a type of instruction different from that ordinarily given  
 9 in the regular classes of such district. In the event that there are  
 10 not enough children of any special type in any school district to war-  
 11 rant the establishment of a special class, such children may be in-  
 12 structed in any nearby school district in which such special classes  
 13 have been established, by mutual agreement of the board of directors  
 14 of the school district affected, and by payment of regular tuition.  
 15 The local board of directors of a school district with approval by the  
 16 state department of public instruction may prescribe the use of such  
 17 other aids to special education as physical therapy, corrective gym-  
 18 nastics, rest periods, warm lunches, social counseling, and vocational  
 19 counseling and training.

20 The board of directors of each school district providing for handi-  
 21 capped children shall employ qualified teachers certified by the au-  
 22 thority provided by law as teachers for children requiring such spe-  
 23 cial education. The maximum number of pupils per teacher shall  
 24 be determined by the board of directors in accordance with the rules  
 25 and regulations of the state department of public instruction.

\*According to enrolled act.

1 SEC. 5. In order that the state board of public instruction may  
2 estimate the financial requirements for the program of state aid for  
3 education of handicapped children, it shall be the duty of the secre-  
4 tary of each school district in connection with the annual school cen-  
5 sus to file a report with the county superintendent each year in July  
6 on blanks prepared for that purpose by the state division of special  
7 education listing the names, sex, age, post office address, and dis-  
8 ability of every physically handicapped or mentally handicapped  
9 person of school age, together with the name and post office address  
10 of his parent or guardian, and such other pertinent information which  
11 the division may require. Copies of these reports shall in turn be  
12 sent by the county superintendent to the division of special education  
13 on or before August 1.

14 The state department of public health shall from time to time as  
15 requested furnish to the state division of special education informa-  
16 tion obtained from birth certificates relative to the name, address,  
17 and disability of any case of congenital deformity or physical defect.  
18 The state crippled children's service shall from time to time as re-  
19 quired furnish to the state division of special education the name,  
20 address, and disability of all children of their register.

1 SEC. 6. When the school district has provided special education  
2 facilities as provided herein for any handicapped child, either by  
3 admission to a special class or by special instruction, it shall be the  
4 duty of the parent or guardian to enroll said child for instruction in  
5 such special classes or instruction as may be established, except in  
6 the event a doctor's certificate is filed with the secretary of the school  
7 district showing that it is inadvisable for the handicapped child to  
8 receive the special education provided; all the provisions and condi-  
9 tions of chapter 228, Code 1939, and amendments thereto shall be  
10 applicable to this section, and any violations shall be punishable as  
11 provided in said chapter 228.

1 SEC. 7. In order to render proper instruction to each handicapped  
2 child, the school districts shall certify handicapped children for spe-  
3 cial instruction in accordance with the requirements set up by the  
4 division of special education and shall provide examinations for chil-  
5 dren preliminary to making certification. The examinations neces-  
6 sary for the certification of handicapped children shall be conducted  
7 by a physician licensed to practice medicine by the state board of  
8 medical examiners, and whenever available, by a competent psycholo-  
9 gist or other person qualified by training to make psychometric exam-  
10 inations. Final decision in case of disagreement or appeal shall be  
11 the responsibility of the director\* of the state superintendent of pub-  
12 lic instruction, who may secure the advice of competent medical and  
13 educational authorities including the state department of health, the  
14 university hospitals, the state department of social welfare, the su-  
15 perintendent of the state school for the deaf, the superintendent of  
16 the state school for the blind, and the superintendent of the state  
17 tuberculosis sanitorium.\*

1 SEC. 8. It shall not be incumbent upon the school districts to keep  
2 a handicapped child in regular instruction when the child cannot

\*According to enrolled act.

3 sufficiently profit from the work of the regular class room, nor to keep  
4 such handicapped child in the special class or instruction for handi-  
5 capped children when it is determined that the child can no longer  
6 benefit therefrom, or needs more specialized instruction which is  
7 available in special state schools.

8 In the case of any person who, by reason of congenital factors, acci-  
9 dent or prolonged illness, has not been able to finish the special edu-  
10 cation by his or her twenty-first birthday, the period of special educa-  
11 tion may be continued by the school district for not exceeding three  
12 years thereafter.

13 No provision of this Act shall be construed to require or compel  
14 any person who is a member of a well recognized church or religious  
15 denomination and whose religious convictions, in accordance with the  
16 tenets or principles of his or her church or religious denomination,  
17 are opposed to medical or surgical treatment for disease to take or  
18 follow a course of physical therapy, or submit to medical treatment,  
19 nor shall any parent or guardian who is a member of such church or  
20 religious denomination and who has such religious convictions be  
21 required to enroll a child in any course or instruction which utilizes  
22 medical or surgical treatment for disease.

1 SEC. 9. Any school district which has maintained an approved pro-  
2 gram of special education for handicapped children during any school  
3 year shall be entitled to and receive reimbursement from the state  
4 for the excess cost of instruction of the children in said program of  
5 special education above the cost of instruction of pupils in the regu-  
6 lar curriculum of the district which shall be determined in the fol-  
7 lowing manner. The cost of instruction of all pupils exclusiye of  
8 those in special education shall be determined on a per pupil basis  
9 and the total cost of instruction of all pupils in special education shall  
10 be determined on a per pupil basis. The excess of cost per pupil in  
11 special education shall be the difference between the cost per pupil  
12 of all children exclusive of those in special education, and the cost  
13 per pupil in special education; the excess per pupil cost in special  
14 education multiplied by the yearly average unit of pupils in special  
15 education in the district shall be the amount to which the district  
16 shall be entitled and receive by way of reimbursement from the state.  
17 The cost per pupil, both as to pupils in special education and in the  
18 regular curriculum, shall be based on the following elements: Gen-  
19 eral administration costs, instructional costs, health service, attend-  
20 ance officers, plant operation, plant maintenance, including equip-  
21 ment, transportation and insurance.

1 SEC. 10. On or before the twentieth of June of each year, each  
2 school district which has during that year maintained an approved  
3 program of special education, shall report to the division of special  
4 education on forms provided by it such information as the division  
5 may require in order to determine the amount to which the district  
6 shall be entitled by way of reimbursement of costs as provided in this  
7 act. The division may require additional information and upon de-  
8 termining the amount to which the district is entitled shall make its  
9 requisition on the state comptroller for warrant therefor.

1 SEC. 11. There is hereby appropriated from the general fund of  
2 the state of Iowa, from funds not otherwise appropriated, the sum

3 of thirty thousand dollars (\$30,000.00) for each year of the bien-  
 4 nium beginning July 1, 1945, and ending June 30, 1947, which sum is  
 5 in addition to any appropriation in the departmental appropriations  
 6 bill. These sums shall be used for the expenses and maintenance of the  
 7 division of special education and to make the state's reimbursement  
 8 to the school districts as provided in this act. If said sums are in-  
 9 sufficient to reimburse the districts in full, then in that event a pro-  
 10 rata reimbursement shall be made.

1 SEC. 12. There is hereby transferred to the general fund of the  
 2 state of Iowa, for each year of the biennium beginning July 1, 1945  
 3 and ending June 30, 1947, the sum of thirty thousand dollars (\$30,-  
 4 000.00) from the income, corporation and sales tax fund collected  
 5 under the provisions of Chapter three hundred ninety-three and three  
 6 tenths (393.3), Code, 1939.

Approved April 12, 1945.

## CHAPTER 132

### REIMBURSEMENT FOR LOSS OF TAXES

H. F. 22

AN ACT to amend sections four thousand two hundred eighty-three and eleven hun-  
 dredths (4283.11) and four thousand two hundred eighty-three and thirteen hun-  
 dredths (4283.13), code, 1939, relating to the computation and certificate thereof  
 for the reimbursement of school districts for loss of taxes on publicly owned land.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four thousand two hundred eighty-three and  
 2 eleven hundredths (4283.11), Code, 1939, is amended by striking the  
 3 period (.) following the word "located" in line eleven (11) of said  
 4 section, and substituting a comma (,) and adding thereafter the follow-  
 5 ing: "which computation shall be made on or before the first day of  
 6 September in the year in which said deductions are to be made."

1 SEC. 2. Section four thousand two hundred eighty-three and thir-  
 2 teen hundredths (4283.13), Code, 1939, is amended by striking the  
 3 period (.) following the word "corporation" in line eleven (11) of said  
 4 section, and substituting a comma (,) and adding thereafter the follow-  
 5 ing: "which certificate shall be filed with the secretary of the Executive  
 6 Council not later than April first of each succeeding year."

1 SEC. 3. This act being deemed of immediate importance shall be in  
 2 full force and effect from and after its passage and publication in The  
 3 Colfax Tribune, a newspaper published at Colfax, Iowa, and The  
 4 Times-Republican, a newspaper published at Corydon, Iowa.

Approved February 20, 1945.

I hereby certify that the foregoing act was published in The Colfax Tribune, Colfax,  
 Iowa, March 1, 1945, and The Times-Republican, Corydon, Iowa, March 1, 1945.

WAYNE M. ROPES, *Secretary of State.*