

**CHAPTER 1159****DISCLOSURE OF PSYCHOLOGICAL TEST MATERIAL***S.F. 2287*

**AN ACT** establishing requirements for disclosure of psychological test material.

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

Section 1. **NEW SECTION. 228.9 DISCLOSURE OF PSYCHOLOGICAL TEST MATERIAL.**

Except as otherwise provided in this section, a person in possession of psychological test material shall not disclose the material to any other person, including the individual who is a subject of the test. In addition, the test material shall not be disclosed in any administrative, judicial, or legislative proceeding. However, upon the request of an individual who is the subject of a test, all records associated with a psychological test of that individual shall be disclosed to a psychologist licensed pursuant to chapter 154B designated by the individual. An individual's request for the records shall be in writing and shall comply with the requirements of section 228.3, relating to voluntary disclosures of mental health information, except that the individual shall not have the right to inspect the test materials.

Approved May 5, 1994

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**CHAPTER 1160****MEDICAL ASSISTANCE SERVICES TO PERSONS WITH BRAIN INJURIES***S.F. 2297*

**AN ACT** relating to a home and community-based waiver for persons with brain injury.

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

Section 1. **HOME AND COMMUNITY-BASED WAIVER — PERSONS WITH BRAIN INJURY.**

1. The department of human services shall submit a waiver request to the United States department of health and human services, on or before July 1, 1995, for approval for the redirection of resources for medical assistance services provided to persons with brain injuries, from institutional services to home and community-based services, which would allow persons with brain injuries to remain in or return to the person's home, community, or work force while retaining necessary personal support services.

2. Submission of the waiver is contingent upon the determination of the department that replacement of institutional services with home and community-based services would not have adverse fiscal result at the federal and state levels.

3. Upon approval by the United States department of health and human services, the department shall implement the waiver on the first day of the month following approval.

Approved May 5, 1994

**CHAPTER 1161****PUBLIC SCHOOL SERVICES TO CHILDREN IN NONPUBLIC SCHOOLS***H.F. 2155*

**AN ACT** relating to public school services provided to children attending nonpublic schools.

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

Section 1. Section 256.12, subsection 2, Code Supplement 1993, is amended to read as follows:

2. This section does not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting the specially enrolled students, each of the boards shall prescribe the terms of the special enrollment, including but not limited to scheduling of courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the department of its decision to permit the special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may waive the notice requirement. School districts and area education agency boards shall make public school services, which shall include special education programs and services and may include health services, services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. However, services that are made available shall be provided on neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and area education agencies providing the services, and not on nonpublic school property, except for health services, and diagnostic services for speech, hearing, and psychological purposes, and assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter, which may be provided on nonpublic school premises, with the permission of the lawful custodian.

Students enrolled in nonpublic schools who receive services pursuant to this subsection shall be weighted at the level provided for in section 256B.9, subsection 1.

A local school district providing services pursuant to this subsection shall submit an accounting to the department of education by August 1 following the school year for the actual costs of the special education programs and services provided. The department shall review and approve or modify the accounting by September 1 and shall notify the department of revenue and finance of the approved accounting amount. The department of revenue and finance shall adjust the September payment to the local school district for the next fiscal year by the difference between the amount generated by the weighting for the provision of services to nonpublic school students, as provided in this subsection, and the amount of the actual costs as reflected in the local school district's accounting. Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 257.16 during that fiscal year to all school districts in the state. The portion of the total amount of the approved accounting amount that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year.

Sec. 2. Section 256B.9, subsections 3 and 4, Code 1993, are amended to read as follows:

3. The weight that a child is assigned under this section shall be dependent upon the required educational modifications necessary to meet the special education needs of the child. Enrollment for the purpose of this section, and all payments to be made pursuant thereto, includes all children for whom a special education program or course is to be provided pursuant to section 256.12, subsection 2, sections 273.1 to 273.9, and this chapter, whether or not the children are actually enrolled upon the records of a school district.

4. On December 1, 1987, and no later than December 1 every two years thereafter, for the school year commencing the following July 1, the director of the department of education shall report to the school budget review committee the average costs of providing instruction for