

CHAPTER 74

SCHOOL FINANCE — WEIGHTING FOR LIMITED-ENGLISH-PROFICIENT STUDENTS

H.F. 605

AN ACT relating to supplementary weighting for limited-English-proficient students and including effective date and applicability provisions.

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

Section 1. [Section 280.4, subsection 1](#), Code 2021, is amended to read as follows:

1. a. The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a world language is deemed appropriate in the teaching of any subject or when the student is limited English proficient. When the student is limited English proficient, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language.

b. As used in [this section](#), “*limited English proficient*” means a student’s language background is in a language other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background.:

(1) “*Fully English proficient*” means a student who is able to read, understand, write, and speak the English language and to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom has attained a level of English-language skill in reading, writing, listening, and speaking to be proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency as required by section 1111 of the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95.

(2) “*Intensive student*” means a limited-English-proficient student who, even with support, is not proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

(3) “*Intermediate student*” means a limited-English-proficient student who, either with or without support, approaches being proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

(4) “*Limited English proficient*” means a student’s language background is in a language other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background. Each limited-English-proficient student shall be identified as either an intensive student or an intermediate student.

Sec. 2. [Section 280.4, subsection 3](#), paragraph a, Code 2021, is amended to read as follows:

a. In order to provide funds for the excess costs of instruction of limited English proficient students specified in paragraph “b” above the costs of instruction of pupils in a regular curriculum, students each limited-English-proficient student identified as limited English proficient an intensive student shall be assigned an additional weighting of twenty-two twenty-six hundredths, each limited-English-proficient student identified as an intermediate student shall be assigned an additional weighting of twenty-one hundredths, and that the applicable weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding five years as provided in paragraph “b”. However, the school budget review committee may grant supplemental aid or a modified supplemental amount to a school district to continue funding a program for students after the expiration of the five-year period.

Sec. 3. APPLICABILITY. This Act applies to school budget years beginning on or after July 1, 2021.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 30, 2021