

See 21, volume 2/21/85 To Pass 2/5 (p. 257)

SENATE FILE 215
formerly SSB 32
BY COMMITTEE ON EDUCATION
Approved 2/2 (p. 332)

FILED FEB 7 1985

Passed Senate, Date 2-18-85 (p. 412) Passed House, Date 3-15-85 (p. 243)
Vote: Ayes 47 Nays 2 Vote: Ayes 92 Nays 2
Approved March 27, 1985 (p. 1085)

A BILL FOR

1 An Act requiring a free and appropriate public education
2 for children requiring special education.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 215

1 Section 1. Section 281.2, unnumbered paragraph 1, Code
2 1985, is amended to read as follows:

3 It is the policy of this state to ~~provide-and-to~~ require
4 school districts ~~to-make-provision,-as-an-integral-part-of~~
5 ~~public-education,-for-special-education-opportunities~~
6 ~~sufficient-to-meet-the-needs-and-maximize-the-capabilities-of~~
7 and state operated educational programs to provide or make
8 provision, as an integral part of public education, for a free
9 and appropriate public education sufficient to meet the needs
10 of all children requiring special education. This chapter is
11 not to be construed as encouraging separate facilities or
12 segregated programs designed to meet the needs of children
13 requiring special education when such the children can benefit
14 from all or part of the education program as offered by the
15 local school district. To the maximum extent possible,
16 children requiring special education shall attend regular
17 classes and shall be educated with children who do not require
18 special education. Whenever possible, hindrances to learning
19 and to the normal functioning of children requiring special
20 education within the regular school environment shall be
21 overcome by the provision of special aids and services rather
22 than by separate programs for those in need of special
23 education. Special classes, separate schooling or other
24 removal of children requiring special education from the
25 regular educational environment, shall occur only when, and to
26 the extent that the nature or severity of the educational
27 handicap is such that education in regular classes, even with
28 the use of supplementary aids and services, cannot be
29 accomplished satisfactorily. For those children who cannot
30 adapt to the regular educational or home living conditions,
31 and who are attending facilities under chapters 263, 269 and
32 270, upon the request of the board of directors of an area
33 education agency, the department of human services shall
34 provide residential or detention facilities and the area
35 education agency shall provide special education programs and

1 services. The area education agencies shall co-operate with
2 the board of regents to provide the services required by this
3 Act.

4 EXPLANATION

5 This bill requires all public education agencies to provide
6 appropriate public education for children requiring special
7 education. It strikes language indicating the requirement to
8 provide special education opportunities which maximize the
9 capabilities of children requiring special education.

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SENATE FILE 215
FISCAL NOTE

REQUESTED BY REPRESENTATIVE JOHNSON

In compliance with a written request received March 1, 1985, a fiscal note for SENATE FILE 215 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 215 requires all public education agencies to provide appropriate public education for children requiring special education. The bill strikes language indicating the requirement to provide special education opportunities which maximize the capabilities of children requiring special education

FISCAL EFFECT: The bill does not have an impact upon the General Fund. Senate File 215 does not change special education program delivery, finance, or operations; the language in the bill is intended to make chapter 281 of the Code of Iowa compatible with federal regulations concerning special education.

SOURCE: Department of Public Instruction

(LSB 2290S, RJH)

FILED MARCH 5, 1985

BY DENNIS PROUTY, FISCAL DIRECTOR

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35

EDUCATION: Corning, Chair; Wells and Horn.

SSB 32

Education

SENATE/HOUSE FILE 215

BY (PREFILED DEPARTMENT OF PUBLIC INSTRUCTION BILL)

NAY SF 215

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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2 1985, is amended to read as follows:

3 It is the policy of this state to provide-and-to require
4 school-districts-to-make-provision,-as-an-integral-part-of
5 public-education,-for-special-education-opportunities
6 sufficient-to-meet-the-needs-and-maximize-the-capabilities-of
7 that all school districts and state operated educational
8 programs provide, or make provision for, a free and
9 appropriate public education for all children requiring
10 special education. This chapter is not to be construed as
11 encouraging separate facilities or segregated programs
12 designed to meet the needs of children requiring special
13 education when such the children can benefit from all or part
14 of the education program as offered by the local school
15 district. To the maximum extent possible, children requiring
16 special education shall attend regular classes and shall be
17 educated with children who do not require special education.
18 Whenever possible, hindrances to learning and to the normal
19 functioning of children requiring special education within the
20 regular school environment shall be overcome by the provision
21 of special aids and services rather than by separate programs
22 for those in need of special education. Special classes,
23 separate schooling or other removal of children requiring
24 special education from the regular educational environment,
25 shall occur only when, and to the extent that the nature or
26 severity of the educational handicap is such that education in
27 regular classes, even with the use of supplementary aids and
28 services, cannot be accomplished satisfactorily. For those
29 children who cannot adapt to the regular educational or home
30 living conditions, and who are attending facilities under
31 chapters 263, 269 and 270, upon the request of the board of
32 directors of an area education agency, the department of human
33 services shall provide residential or detention facilities and
34 the area education agency shall provide special education
35 programs and services. The area education agencies shall co-

1 operate with the board of regents to provide the services
2 required by this Act.

3 EXPLANATION

4 This bill requires all public education agencies to provide
5 appropriate public education for children requiring special
6 education. It strikes language indicating the requirement to
7 provide special education opportunities which meet the needs
8 and maximize the capabilities of children requiring special
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SENATE FILE 215

AN ACT

REQUIRING A FREE AND APPROPRIATE PUBLIC EDUCATION FOR CHILDREN
REQUIRING SPECIAL EDUCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 281.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

It is the policy of this state to ~~provide and to require school districts to make provision as an integral part of public education, for special education opportunities sufficient to meet the needs and maximize the capabilities of~~ and state operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This chapter is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when such the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education. Special classes, separate schooling or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational handicap is such that education in regular classes, even with

the use of supplementary aids and services, cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 263, 269 and 270, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall co-operate with the board of regents to provide the services required by this Act.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 215, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *March 27*, 1985

TERRY E. BRANSTAD
Governor