

House File 445 - Introduced

HOUSE FILE 445
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 18)

(COMPANION TO SF 294)

A BILL FOR

1 An Act relating to payment of costs for educational services
2 for children residing in certain psychiatric hospitals or
3 institutions.

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

1 Section 1. Section 282.27, Code 2015, is amended to read as
2 follows:

3 **282.27 Children living in psychiatric hospitals or**
4 **institutions — payment.**

5 1. The public school district in which ~~is located~~ a
6 psychiatric unit of a hospital licensed under chapter 135B or
7 a psychiatric medical institution for children licensed under
8 chapter 135H, which is not operated by the state, is located
9 shall be responsible for the provision of educational services
10 to children residing in the unit or institution. Children
11 residing in the unit or institution shall be included in the
12 basic enrollment of their districts of residence, as defined in
13 section 282.31, subsection 4.

14 2. The board of directors of each district of residence
15 shall pay to the school district in which such psychiatric unit
16 or institution is located ~~such psychiatric unit or institution,~~
17 for the provision of educational services to the child, a
18 portion of the ~~district of residence's district cost per pupil~~
19 tuition rate prescribed by section 282.24 for students residing
20 within another school district for each of such children who
21 does not require special education, based upon the proportion
22 that the time each child is provided educational services while
23 in such unit or institution is to the total time for which
24 the child is provided educational services during a normal
25 school year. The actual special education instructional costs
26 incurred for a child who resides in the unit or institution
27 shall be paid by the district of residence of the child to the
28 district in which the unit or institution is located.

29 3. Notwithstanding section 282.24, if a child for whom all
30 of the following applies is placed in the psychiatric unit
31 or institution, the district of residence may use amounts
32 received as supplementary weighting pursuant to section 257.11,
33 subsection 4, to pay the instructional costs necessary to
34 address the child's behavior during instructional time when
35 those services are not otherwise provided to students who do

1 not require special education and the costs exceed the costs
2 of instruction of pupils in a regular curriculum and the costs
3 exceed the maximum tuition rate prescribed by section 282.24:

4 a. The child does not require special education.

5 b. The child is not placed by the department of human
6 services or a court in a day program treatment program in such
7 psychiatric unit or institution.

8 c. The board of directors of the district of residence has
9 determined that the child is likely to inflict self-harm or
10 likely to harm another student.

11 4. Notwithstanding section 282.24, if a child for whom
12 all of the following applies is placed in the psychiatric
13 unit or institution, the district of residence may use the
14 funding for programs for returning dropouts and dropout
15 prevention calculated pursuant to section 257.41, to pay the
16 instructional costs necessary to address the child's behavior
17 during instructional time when those services are not otherwise
18 provided to students who do not require special education
19 and the costs exceed the costs of instruction of pupils in
20 a regular curriculum, the costs exceed the maximum tuition
21 rate prescribed by section 282.24, and the child meets the
22 definition of a returning dropout or potential dropout in
23 section 257.39:

24 a. The child does not require special education.

25 b. The child is not placed by the department of human
26 services or a court in a day program treatment program in such
27 psychiatric unit or institution.

28 c. The board of directors of the district of residence has
29 determined that the child is likely to inflict self-harm or
30 likely to harm another student.

31 5. Notwithstanding section 282.31, subsection 1, paragraph
32 "b", subparagraph (1), if a child placed in the psychiatric
33 unit or institution was not enrolled in the educational program
34 of the district of residence of the child on October 1 of the
35 current school year, the district of residence may include that

1 student in a claim submitted to the department of education
2 pursuant to section 282.31, subsection 1, paragraph "b",
3 subparagraph (2).

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 Current law provides that the school district in which
8 a psychiatric unit of a licensed hospital or a licensed
9 psychiatric medical institution for children, not operated by
10 the state, is located shall be responsible for the provision
11 of educational services to children residing in the unit or
12 institution. The district of residence is required pay to the
13 school district in which the psychiatric unit or institution
14 is located a portion of the district of residence's district
15 cost per pupil for each child based upon the proportion of the
16 time each child is provided educational services while in the
17 unit or institution to the total time for which the child is
18 provided educational services during a normal school year.

19 This bill provides that the required payment shall be
20 calculated based on the tuition rate prescribed by Code section
21 282.24 for students residing within another school district,
22 instead of the district of residence's district cost per
23 pupil. Code section 282.24 provides that the maximum tuition
24 fee that may be charged for students residing within another
25 school district is the district cost per pupil of the receiving
26 district. The bill also provides that the actual special
27 education instructional costs incurred for a child who resides
28 in a unit or institution shall be paid by the district of
29 residence of the child to the district in which the unit or
30 institution is located, rather than the required tuition rate
31 amount.

32 The bill provides that, notwithstanding Code section
33 282.24, if a child, who is not placed by the department of
34 human services or a court in a day program treatment program
35 in such psychiatric unit or institution, and who the board of

1 directors of the district of residence has determined is likely
2 to inflict harm on themselves or other students, is placed in
3 the psychiatric unit or institution, the district of residence
4 may use amounts received as supplementary weighting pursuant
5 to Code section 257.11, subsection 4, (at-risk programs and
6 alternative schools) to pay the instructional costs necessary
7 to address the child's behavior during instructional time when
8 those services are not otherwise provided to students who do
9 not require special education and the costs exceed the costs
10 of instruction of pupils in a regular curriculum and the costs
11 exceed the maximum tuition rate prescribed by Code section
12 282.24.

13 The bill provides that if such a child meets the definition
14 of returning dropout or potential dropout in Code section
15 257.39, the district of residence may also use the funding
16 for programs for returning dropouts and dropout prevention to
17 pay the instructional costs necessary to address the child's
18 behavior during instructional time when those services are
19 not otherwise provided to students who do not require special
20 education and the costs exceed the costs of instruction of
21 pupils in a regular curriculum and the costs exceed the maximum
22 tuition rate prescribed by Code section 282.24.

23 The bill provides that, notwithstanding Code section
24 282.31, subsection 1, paragraph "b", subparagraph (1), if a
25 child placed in the psychiatric unit or institution was not
26 enrolled in the educational program of the child's district of
27 residence on October 1 of the current school year, the district
28 of residence may include that student in a claim submitted
29 to the department of education pursuant to Code section
30 282.31, subsection 1, paragraph "b", subparagraph (2), in the
31 same manner as provided for certain children in foster care
32 facilities.