

Senate Study Bill 1236 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to school attendance requirements and school
2 attendance support programs and funding, and including
3 applicability provisions.

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

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DIVISION I

ATTENDANCE SUPPORT PROGRAMS AND ATTENDANCE REQUIREMENTS

Section 1. Section 257.10, subsection 5, Code 2015, is amended to read as follows:

5. *Combined district cost per pupil.* The combined district cost per pupil for a school district is the sum of the regular program district cost per pupil and the special education support services district cost per pupil. Combined district cost per pupil does not include a modified supplemental amount added for school districts that have a negative balance of funds raised for special education instruction programs, a modified supplemental amount granted by the school budget review committee for a single school year, or a modified supplemental amount added for programs ~~for dropout prevention~~ established pursuant to sections 257.38 through 257.41.

Sec. 2. Section 257.11, subsection 4, paragraph a, Code 2015, is amended to read as follows:

a. In order to provide additional funding to school districts for programs serving at-risk pupils, alternative program and alternative school pupils in secondary schools, and pupils identified as potential dropouts or returning dropouts as defined in section 257.39, a supplementary weighting plan for ~~at-risk~~ such pupils is adopted. A supplementary weighting of forty-eight ten-thousandths per pupil shall be assigned to the percentage of pupils in a school district enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who are eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §1751-1785, multiplied by the budget enrollment in the school district; and a supplementary weighting of one hundred fifty-six one-hundred-thousandths per pupil shall be assigned to pupils included in the budget enrollment of the school district. Amounts received as supplementary weighting ~~for at-risk pupils~~ under this

1 subsection shall be utilized by a school district to develop
2 or maintain at-risk pupils' programs, ~~which may include~~
3 alternative programs and alternative school programs, and
4 returning dropout and dropout prevention programs approved
5 pursuant to section 257.40.

6 Sec. 3. Section 257.11, subsection 4, Code 2015, is amended
7 by adding the following new paragraphs:

8 NEW PARAGRAPH. *d.* Up to five percent of the total amount
9 that a school district receives as supplementary weighting
10 pursuant to this subsection or as a modified supplemental
11 amount received under section 257.41, may be used in the budget
12 year for purposes of providing district-wide or building-wide
13 at-risk and dropout prevention programming targeted to pupils
14 who are not deemed at risk.

15 NEW PARAGRAPH. *e.* Notwithstanding paragraph "d" and section
16 282.24, if a pupil has been determined by the school district
17 to be likely to inflict self-harm or likely to harm another
18 pupil and all of the following apply, the school district may
19 use amounts received pursuant to paragraph "a" to pay the
20 instructional costs necessary to address the pupil's behavior
21 during instructional time when those services are not otherwise
22 provided to pupils who do not require special education and the
23 costs exceed the costs of instruction of pupils in a regular
24 curriculum:

25 (1) The pupil does not require special education.

26 (2) The pupil is not in a court-ordered placement under
27 chapter 232 under the care and custody of the department of
28 human services or juvenile court services.

29 (3) The pupil is not in the state training school or the
30 Iowa juvenile home pursuant to a court order entered under
31 chapter 232 under the care and custody of the department of
32 human services.

33 (4) The pupil is not placed in a facility licensed under
34 chapter 135B, 135C, or 135H.

35 Sec. 4. Section 257.38, Code 2015, is amended to read as

1 follows:

2 **257.38 Programs Funding for at-risk, alternative school, and**
3 **returning dropouts and dropout prevention programs — plan.**

4 1. Boards of school districts, individually or jointly with
5 boards of other school districts, requesting to use a modified
6 supplemental amount for costs in excess of the amount received
7 under section 257.11, subsection 4, for programs for at-risk
8 students, secondary students who attend alternative programs
9 and alternative schools, and returning dropouts and dropout
10 prevention, shall submit comprehensive program plans for the
11 programs and budget costs, including annual requests for a
12 modified supplemental amount for funding the programs, to the
13 department of education as a component of the comprehensive
14 school improvement plan submitted to the department pursuant to
15 section 256.7, subsection 21. The program plans shall include:

16 *a.* Program goals, objectives, and activities to meet
17 the needs of ~~children who may drop out of school~~ students
18 identified as at risk, secondary students who attend
19 alternative programs and alternative schools, or potential
20 dropouts or returning dropouts.

21 *b.* Student identification criteria and procedures.

22 *c.* Staff in-service education design.

23 *d.* Staff utilization plans.

24 *e.* Evaluation criteria and procedures and performance
25 measures.

26 *f.* Program budget.

27 *g.* Qualifications required of personnel delivering the
28 program.

29 ~~*h.* A provision for dropout prevention and integration of~~
30 ~~dropouts into the educational program of the district for~~
31 at-risk students.

32 *i.* A provision for identifying ~~dropouts~~ at-risk students.

33 ~~*j.* A program for returning dropouts.~~

34 ~~*k.*~~ *j.* Other factors the department requires.

35 2. Program plans shall identify the parts of the plan that

1 will be implemented first upon approval of the request. If a
2 district is requesting to use a modified supplemental amount
3 to finance the program, the school district shall not identify
4 more than five percent of its budget enrollment for the budget
5 year as returning dropouts and potential dropouts.

6 Sec. 5. Section 257.39, subsection 1, Code 2015, is amended
7 to read as follows:

8 1. "*Returning dropouts*" are resident pupils who have been
9 enrolled in a public or nonpublic school in any of grades
10 ~~seven~~ kindergarten through twelve who withdrew from school
11 for a reason other than transfer to another school or school
12 district and who subsequently enrolled in a public school in
13 the district.

14 Sec. 6. Section 257.39, subsection 2, unnumbered paragraph
15 1, Code 2015, is amended to read as follows:

16 "*Potential dropouts*" are resident pupils who are enrolled
17 in a public or nonpublic school in any of grades kindergarten
18 through twelve who demonstrate poor school adjustment as
19 indicated by two or more of the following:

20 Sec. 7. Section 257.39, subsection 2, Code 2015, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *f.* Children toward whom harassment or
23 bullying, as defined in section 280.28, is directed.

24 Sec. 8. Section 257.40, Code 2015, is amended to read as
25 follows:

26 **257.40 Approval of programs for at-risk pupils, alternative**
27 **programs and schools, and returning dropouts and dropout**
28 **prevention — ~~annual report.~~**

29 ~~1.~~ The board of directors of a school district requesting
30 to use a modified supplemental amount for costs in excess of
31 the funding received under section 257.11, subsection 4, for
32 programs for at-risk students, secondary students who attend
33 alternative programs and alternative schools, or returning
34 dropouts and dropout prevention shall submit requests for a
35 modified ~~at-risk~~ supplemental amount, including budget costs,

1 to the department not later than December 15 of the year
2 preceding the budget year during which the program will be
3 offered. The department shall review the request and shall
4 prior to January 15 either grant approval for the request
5 or return the request for approval with comments of the
6 department included. An unapproved request for a program may
7 be resubmitted with modifications to the department not later
8 than February 1. Not later than February 15, the department
9 shall notify the department of management and the school budget
10 review committee of the names of the school districts for which
11 programs using a modified supplemental amount for funding have
12 been approved and the approved budget of each program listed
13 separately for each school district having an approved request.

14 ~~2. Beginning January 15, 2007, the department shall submit~~
15 ~~an annual report to the chairpersons and ranking members~~
16 ~~of the senate and house education committees that includes~~
17 ~~the ways school districts in the previous school year used~~
18 ~~modified supplemental amounts approved under subsection~~
19 ~~1; identifies, by grade level, age, and district size, the~~
20 ~~students in the dropout and dropout prevention programs for~~
21 ~~which the department approves a request; describes school~~
22 ~~district progress toward increasing student achievement and~~
23 ~~attendance for the students in the programs; and describes how~~
24 ~~the school districts are using the revenues from the modified~~
25 ~~supplemental amounts to improve student achievement among~~
26 ~~minority subgroups.~~

27 Sec. 9. Section 257.41, subsections 1 and 2, Code 2015, are
28 amended to read as follows:

29 1. *Budget.* The budget of an approved program for at-risk
30 students, secondary students who attend alternative programs
31 or alternative schools, or returning dropouts and dropout
32 prevention for a school district, after subtracting funds
33 received under section 257.11, subsection 4, paragraphs "a"
34 through "c", and from other sources for that purpose, including
35 any previous carryover, shall be funded annually on a basis

1 of one-fourth or more from the district cost of the school
2 district and up to three-fourths through establishment of a
3 modified supplemental amount. Annually, the department of
4 management shall establish a modified supplemental amount for
5 each such school district equal to the difference between the
6 approved budget for the program ~~for returning dropouts and~~
7 ~~dropout prevention~~ for that district and the sum of the amount
8 funded from the district cost of the school district plus funds
9 received under section 257.11, subsection 4, and from other
10 sources for that purpose, including any previous carryover.

11 2. *Appropriate uses of funding.* Appropriate uses of the
12 ~~returning dropout and dropout prevention program funding for an~~
13 approved program include but are not limited to the following:

14 a. Salary and benefits for instructional staff,
15 instructional support staff, and school-based youth services
16 staff who are working with students who are participating in
17 at-risk or dropout prevention programs, alternative programs,
18 and alternative schools, in a traditional or alternative
19 setting, if the staff person's time is dedicated to working
20 with returning dropouts or such students who are deemed, at any
21 time during the school year, to be at risk of dropping out,
22 in order to provide services beyond those which are provided
23 by the school district to students who are not identified
24 as at risk of dropping out participating in such programs
25 or alternative schools. However, if the staff person works
26 part-time with students who are participating in ~~returning~~
27 ~~dropout and dropout prevention programs, alternative programs,~~
28 ~~and alternative schools~~ a program or alternative school and
29 the staff person has another unrelated staff assignment,
30 only the portion of the staff person's time that is related
31 to the ~~returning dropout and dropout prevention program,~~
32 ~~alternative program,~~ or alternative school may be charged to
33 the program or school. For purposes of this paragraph, if
34 an alternative setting is necessary to provide for a program
35 which is offered at a location off school grounds and which

1 is intended to serve student needs by improving relationships
2 and connections to school, decreasing truancy and tardiness,
3 providing opportunities for course credit recovery, or helping
4 students identified as at risk ~~of dropping out~~ to accelerate
5 through multiple grade levels of achievement within a shortened
6 time frame, the tuition costs for a student identified as at
7 risk ~~of dropping out~~ shall be considered an appropriate use of
8 the ~~returning dropout and dropout prevention~~ program funding
9 under this section.

10 *b.* Professional development for all teachers and staff
11 working with at-risk students ~~and programs involving dropout~~
12 ~~prevention strategies~~ under a program or an alternative school
13 setting.

14 *c.* Research-based resources, materials, software, supplies,
15 and purchased services that meet all of the following criteria:

16 (1) Meets the needs of kindergarten through grade twelve
17 students identified as at risk ~~of dropping out and of returning~~
18 ~~dropouts.~~

19 (2) Are beyond those provided by the regular school program.

20 (3) Are necessary to provide the services listed in the
21 school district's ~~dropout prevention~~ plan submitted pursuant
22 to section 257.38.

23 (4) Will remain with the kindergarten through grade twelve
24 at-risk program, alternative program or alternative school, or
25 returning dropout and dropout prevention program.

26 ~~*d.* Up to five percent of the total budgeted amount received~~
27 ~~pursuant to subsection 1 may be used for purposes of providing~~
28 ~~district-wide or building-wide returning dropout and dropout~~
29 ~~prevention programming targeted to students who are not deemed~~
30 ~~at risk of dropping out.~~

31 Sec. 10. Section 257.41, subsection 2, Code 2015, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *e.* Harassment and bullying prevention
34 programs, training, and initiatives.

35 Sec. 11. Section 257.41, Code 2015, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 4. *Other uses.* Notwithstanding subsection
3 2 and section 282.24, if a student has been determined by the
4 school district to be likely to inflict self-harm or likely to
5 harm another student and all of the following apply, the school
6 district may use the modified supplemental amount established
7 under subsection 1 to pay the instructional costs necessary to
8 address the student's behavior during instructional time when
9 those services are not otherwise provided to students who do
10 not require special education and the costs exceed the costs of
11 instruction of students in a regular curriculum:

12 (1) The student does not require special education.

13 (2) The student is not in a court-ordered placement under
14 chapter 232 under the care and custody of the department of
15 human services or juvenile court services.

16 (3) The student is not in the state training school or the
17 Iowa juvenile home pursuant to a court order entered under
18 chapter 232 under the care and custody of the department of
19 human services.

20 (4) The pupil is not placed in a facility licensed under
21 chapter 135B, 135C, or 135H.

22 Sec. 12. Section 299.1A, subsection 1, Code 2015, is amended
23 to read as follows:

24 1. Except as provided in subsections 2 and 3, a child
25 who has reached the age of six and is under ~~sixteen~~ eighteen
26 years of age by September 15 is of compulsory attendance age.
27 However, if a child enrolled in a school district or accredited
28 nonpublic school reaches the age of ~~sixteen~~ eighteen on or
29 after September 15, the child remains of compulsory age until
30 the end of the regular school calendar.

31 Sec. 13. STATE MANDATE FUNDING SPECIFIED. In accordance
32 with section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this Act shall
34 be paid by a school district from state school foundation aid
35 received by the school district under section 257.16. This

1 specification of the payment of the state cost shall be deemed
2 to meet all of the state funding-related requirements of
3 section 25B.2, subsection 3, and no additional state funding
4 shall be necessary for the full implementation of this Act
5 by and enforcement of this Act against all affected school
6 districts.

7 Sec. 14. APPLICABILITY. The following provisions of this
8 Act apply to school budget years beginning on or after July 1,
9 2016:

10 1. The section of this Act enacting section 257.39,
11 subsection 2, paragraph "f".

12 2. The section of this Act enacting section 257.41,
13 subsection 2, paragraph "e".

14 EXPLANATION

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

17 This bill makes changes relating to school attendance
18 requirements and support programs.

19 The bill modifies a provision that establishes supplementary
20 weighting for programs serving at-risk pupils and alternative
21 school pupils in secondary schools to add alternative programs
22 for secondary school pupils and programs for returning dropouts
23 and dropout prevention.

24 The bill expands the definitions of returning dropouts
25 and potential dropouts for purposes of returning dropout and
26 dropout prevention programs and services; program plans,
27 budgets, and appropriate uses of funding for such programs and
28 services; and for requests for and use of modified supplemental
29 amounts for such programs and services.

30 The bill also expands the definition of "potential dropouts"
31 to include children toward whom harassment or bullying is
32 directed and adds harassment and bullying prevention programs,
33 training, and initiatives to the list of appropriate uses of
34 the returning dropout and dropout prevention program funding.
35 These provision of the bill apply to school budget years

1 beginning on or after July 1, 2016.

2 The bill authorizes a school district to use, in the budget
3 year, up to 5 percent of the total supplementary weighting
4 amounts received pursuant to Code section 257.11, subsection 4,
5 or up to 5 percent of a modified supplemental amount received
6 pursuant to Code section 257.41 for at-risk pupils, alternative
7 program and alternative school pupils, or pupils in returning
8 dropout and dropout prevention programs, for purposes of
9 providing district-wide or building-wide at-risk and dropout
10 prevention programming targeted to students who are not deemed
11 at risk.

12 The bill strikes a provision that allows a school district
13 to use up to 5 percent of its total budgeted amount received
14 for an approved program for returning dropouts and dropout
15 prevention to be used for purposes of providing district-wide
16 or building-wide returning dropout and dropout prevention
17 programming targeted to students who are not deemed at risk of
18 dropping out.

19 The bill provides that when a student who does not require
20 special education and who is not in a court-ordered placement
21 under the care and custody of the department of human services
22 or juvenile court services and who is not in the state training
23 school or the Iowa juvenile home and who is not placed in
24 a hospital, health care facility, or psychiatric medical
25 institution for children and who has been determined by the
26 school district to be likely to inflict self-harm or likely
27 to harm another student, the school district may use the
28 supplementary weighting amounts and the modified supplemental
29 amounts received for at-risk, alternative program and school,
30 or returning dropout and dropout prevention programs to pay the
31 instructional costs necessary to address the student's behavior
32 during instructional time when those services are not otherwise
33 provided to students who do not require special education
34 and the costs exceed the costs of instruction of pupils in a
35 regular curriculum.

1 The modified supplemental amount which a school district
2 may request must be for costs in excess of the supplementary
3 weighting amounts received by the school district for at-risk
4 students, alternative program and school students, and
5 potential or returning dropouts.

6 The bill makes conforming changes relating to the submission
7 of comprehensive program plans to the department of education
8 by school districts requesting to use a modified supplemental
9 amount for costs in excess of the supplementary weighting
10 received for at-risk, alternative school, and returning
11 dropouts and dropout prevention; and relating to budgets for
12 programs funded with modified supplemental amounts and to
13 allowable uses of program funding.

14 The bill strikes a provision requiring the department to
15 submit an annual report to the general assembly describing the
16 ways school districts used modified supplemental amounts for
17 returning dropout and dropout prevention programs in the prior
18 school year.

19 The bill may include a state mandate as defined in Code
20 section 25B.3. The bill requires that the state cost of
21 any state mandate included in the bill be paid by a school
22 district from state school foundation aid received by the
23 school district under Code section 257.16. The specification
24 is deemed to constitute state compliance with any state mandate
25 funding-related requirements of Code section 25B.2. The
26 inclusion of this specification is intended to reinstate the
27 requirement of political subdivisions to comply with any state
28 mandates included in the bill.