

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

1. The public school district in which a psychiatric unit of a hospital licensed under [chapter 135B](#) or a psychiatric medical institution for children licensed under [chapter 135H](#), which is not operated by the state, is located shall be responsible for the provision of educational services to children residing in the unit or institution. Children residing in the unit or institution shall be included in the basic enrollment of their districts of residence, as defined in [section 282.31, subsection 4](#).

2. The board of directors of each district of residence shall pay to the school district in which such psychiatric unit or institution is located, for the provision of educational services to the child, a portion of the tuition rate prescribed by [section 282.24](#) for students residing within another school district for each of such children who does not require special education, based upon the proportion that the time each child is provided educational services while in such unit or institution is to the total time for which the child is provided educational services during a normal school year. The actual special education instructional costs incurred for a child who resides in the unit or institution shall be paid by the district of residence of the child to the district in which the unit or institution is located.

3. Notwithstanding [section 282.24](#), if a child for whom all of the following applies is placed in the psychiatric unit or institution, the district of residence may use amounts received as supplementary weighting pursuant to [section 257.11, subsection 4](#), to pay the instructional costs necessary to address the child's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum and the costs exceed the maximum tuition rate prescribed by [section 282.24](#):

a. The child does not require special education.

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

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

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

a. The child does not require special education.

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

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

5. Notwithstanding [section 282.31, subsection 1](#), paragraph "b", subparagraph (1), if a child placed in the psychiatric unit or institution was not enrolled in the educational program of the district of residence of the child on October 1 of the current school year, the district of residence may include that student in a claim submitted to the department of education pursuant to [section 282.31, subsection 1](#), paragraph "b", subparagraph (2).

92 Acts, ch 1230, §10; 2015 Acts, ch 22, §1