

280.4 English learners — weighting.

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 an English learner. When the student is an English learner, 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](#):

(1) “*English learner*” means a student whose 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 English learner shall be identified as either an intensive student or an intermediate student.

(2) “*Fully English proficient*” means a student who 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.

(3) “*Intensive student*” means an English learner 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.

(4) “*Intermediate student*” means an English learner 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.

2. The department of education shall adopt rules relating to the identification of English learners who require special instruction under [this section](#) and to application procedures for funds available under [this section](#).

3. *a.* In order to provide funds for the excess costs of instruction of English learners specified in paragraph “*b*” above the costs of instruction of pupils in a regular curriculum, each English learner identified as an intensive student shall be assigned an additional weighting of twenty-six hundredths, each English learner identified as an intermediate student shall be assigned an additional weighting of twenty-one hundredths, and 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.

b. For students first determined to be English learners for a budget year beginning on or after July 1, 2010, the additional weighting provided under paragraph “*a*” shall be included in the weighted enrollment of the school district of residence for a cumulative period of time not exceeding five years beginning with the budget year for which the student was first determined to be an English learner. The five years of eligibility for the additional weighting need not be consecutive and a student’s eligibility for the additional weighting is transferable to another district of residence.

[C24, 27, 31, 35, 39, §4254; C46, 50, 54, 58, 62, 66, 71, 73, §280.5; C75, 77, 79, 81, §280.4; 82 Acts, ch 1260, §48]

87 Acts, ch 224, §52; 89 Acts, ch 135, §80; 91 Acts, ch 193, §2; 93 Acts, ch 127, §3; 2002 Acts, ch 1114, §1; 2006 Acts, ch 1182, §44, 54; 2013 Acts, ch 121, §41, 42; 2013 Acts, ch 140, §90; 2014 Acts, ch 1135, §24; 2018 Acts, ch 1083, §3; 2021 Acts, ch 74, §1 – 4; 2022 Acts, ch 1011, §10

Referred to in §256E.8, 256F.3, 257.31, 282.18

2021 amendments to subsection 1 and subsection 3, paragraph a, apply to school budget years beginning on or after July 1, 2021; 2021 Acts, ch 74, §3