

S-3213

1 Amend Senate File 475 as follows:

2 1. Page 12, after line 31 by inserting:

3 <DIVISION \_\_\_\_

4 PAYMENT OF OUT-OF-STATE INSTRUCTIONAL COSTS

5 Sec. \_\_\_\_ . NEW SECTION. **282.28 Payment of out-of-state**  
6 **instructional costs — approval — appeal.**

7 1. The district of residence of a child who does not require  
8 special education under chapter 256B shall pay for the actual  
9 instructional costs of the child during any period of time that  
10 the child is at a location outside the boundaries of the state  
11 and receiving medically necessary treatment if such treatment  
12 makes continuing the child's education through independent  
13 coursework, homework, or supplemental educational materials  
14 insufficient to provide for the appropriate education of the  
15 child.

16 2. For purposes of this section, "*instructional costs*"  
17 means the cost of tutoring or mentoring conducted in person  
18 or over the internet for courses or subjects of instruction  
19 that the child is currently enrolled in within the district of  
20 residence.

21 3. A request for payment of instructional costs under this  
22 section shall be submitted in writing, on forms prescribed by  
23 the department of education, to the board of directors of the  
24 district of residence by the child's parent or guardian. In  
25 addition to information required to demonstrate the criteria of  
26 subsection 1, the request shall specify the persons from whom  
27 tutoring or mentoring services are being sought, the courses or  
28 subjects of instruction such services will cover, the estimated  
29 duration and time periods for such services, and the estimated  
30 cost, including any applicable hourly rates, of such services.  
31 The board of directors may approve payment for all or a portion  
32 of the instructional costs or may disallow the request. The  
33 decision of the board of directors shall be issued within  
34 thirty days after the board receives all information required  
35 to be included with the request. Unless impracticable, the

1 approved instructional costs shall be paid directly from the  
2 district's general fund to the person providing the tutoring or  
3 mentoring services. In all other cases, the parent or guardian  
4 shall be reimbursed for approved instructional costs incurred.

5 4. If the board of directors disallows the request of a  
6 parent or guardian under this section, the board shall indicate  
7 the reasons for such disallowance and notify the parent or  
8 guardian that the decision of the board may be appealed to the  
9 director of the department of education. An appeal of the  
10 board of directors' decision must be filed with the director of  
11 the department of education within ten days of the decision.  
12 The director, or the director's designee, shall attempt to  
13 mediate the dispute to reach agreement by both the parent or  
14 guardian and the board of directors. Mediation between the  
15 board of directors and the child's parent or guardian shall  
16 be completed within ten days following the date the appeal is  
17 filed with the director of the department of education. If  
18 agreement is not reached under mediation, the director or the  
19 director's designee shall conduct a hearing and within ten days  
20 following the hearing, render a decision upholding, reversing,  
21 or modifying the decision of the board of directors. The  
22 decision of the director may be appealed to the state board of  
23 education under chapter 290.

24 5. A child that meets the criteria for the payment of  
25 instructional costs under subsection 1 shall continue to be  
26 treated as a pupil of the district of residence for state  
27 school foundation aid purposes under section 257.6.

28 6. The state board of education shall adopt rules necessary  
29 to implement this section.

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

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

6 Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This division of this  
7 Act, being deemed of immediate importance, takes effect upon  
8 enactment.>

9 2. By renumbering as necessary.

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JANET PETERSEN