

APR 4 1973
Place On Calendar

HOUSE FILE 594
By COMMITTEE ON EDUCATION

ayes 81 - may 14
Concurred
By House - 5-7-73 (1197)
Passed House, Date 4-25-73 (1014) Passed Senate, Date 4-30-73 (1045)
Vote: Ayes 76 Nays 11 Vote: Ayes 39 Nays 7
Approved 5-16-73

A BILL FOR

- 1 An Act to provide reimbursement to local school districts,
- 2 for auxiliary services and materials to nonpublic school
- 3 students.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

⁵
S-474

- 1 Amend House File 594, page 4, line 53 by striking
- 2 the word "bill" and inserting in lieu thereof the word
- 3 "collect", and line 54 by striking the word "to" and
- 4 inserting in lieu thereof the word "from".

S-474 Filed and adopted By DODERER
April 30, 1973

S-476

- 1 Amend amendment S-462 to House File 594 by striking lines
- 2 3 and inserting in lieu thereof the following: 1, 2 and
- 3 Amend House File 594 as amended and passed by the
- 4 House, page 5 by adding after line 24 the following:

S-476 Filed and adopted By COLEMAN
April 30, 1973

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1 Section 1. Section two hundred fifty-seven point twenty-
2 six (257.26), unnumbered paragraph two (2), Code 1973, is
3 amended to read as follows:

4 The provisions of this section shall not deprive the re-
5 spective boards of public school districts of any of their
6 legal powers, statutory or otherwise, and in accepting such
7 specially enrolled students, each of said boards shall pre-
8 scribe the terms of such special enrollment, including but
9 not limited to scheduling of such courses and the length of
10 class periods. In addition, the board of the affected pub-
11 lic school district shall be given notice by the state board
12 of its decision to permit such special enrollment not later
13 than six months prior to the opening of the affected public
14 school district's school year, except that the board of the
15 public school district may, in its discretion, waive such
16 notice requirement. ~~School-districts-and-county-school-sys-~~
17 ~~tems-may-when-available-make-special-education-services-and~~
18 ~~materials-enumerated-in-this-chapter-available-to-pupils-at-~~
19 ~~tending-nonpublic-schools-in-the-same-manner-and-to-the-same~~
20 ~~extent-that-they-are-provided-to-public-school-students-in~~
21 ~~the-school-district-or-county.~~

22 Sec. 2. Section two hundred fifty-seven point twenty-six
23 (257.26), Code 1973, is amended by adding the following new
24 unnumbered paragraphs:

25 NEW UNNUMBERED PARAGRAPHS. Boards of local school dis-
26 tricts shall provide auxiliary services and materials to
27 nonpublic school students enrolled in nonpublic schools in
28 the district through the same administrative procedure by
29 which they are provided to the public school students in that
30 district and to the extent that funds appropriated by the
31 general assembly to the department of public instruction for
32 reimbursement for claims of school districts filed pursuant
33 to this section are sufficient to pay for the services and
34 materials. The department of public instruction shall al-
35 locate funds to the board of each local school district on

1 the basis of plans approved by the department for delivery
2 of auxiliary services and materials and claims for reimburse-
3 ment filed by the school district.

4 Nonpublic school students enrolled in public school shared-
5 time programs shall for the purposes of school district re-
6 imbursement under this section be counted only in the pro-
7 portion that the time for which they are enrolled or receive
8 instruction in the nonpublic school bears to the total time
9 for which they receive instruction.

10 Applications for receipt of auxiliary services and ma-
11 terials for nonpublic school students shall be made by the
12 principal or chief administrator of the nonpublic school to
13 the board of the local school district. The board of the
14 local school district to which application is made may contract
15 with and may make payment to the board of any other local
16 school district, county school system, joint county system,
17 merged area, or equivalent intermediate unit, providing the
18 services or materials to public school students, in order
19 to make available any of the services and materials to
20 nonpublic school students.

21 Division I auxiliary services and materials shall include
22 health services; programs of special education as defined
23 in section two hundred eighty point twenty-two (280.22) and
24 chapter two hundred eighty-one (281) of the Code and rules
25 and regulations of the department of public instruction; and
26 services and materials for remedial education programs, li-
27 brary and resource centers, and audio-visual services and
28 equipment.

29 Division II auxiliary services and materials shall in-
30 clude guidance services, scientific instruments, testing
31 services, and data processing services.

32 The application submitted to the board of directors of
33 the public school district shall designate the services re-
34 quested and shall also include the official enrollment count
35 of the nonpublic school taken on the second Friday in January

1 stated in terms of full-time equivalent Iowa resident stu-
2 dents. The application shall be filed with the secretary
3 of the public school district no later than January fifteenth
4 for services and materials for the school fiscal year com-
5 mencing the following July first.

6 The board of each public school district receiving a re-
7 quest from a nonpublic school for delivery of auxiliary ser-
8 vices and materials shall file a plan for delivery of these
9 services and materials with the department of public instruc-
10 tion not later than March first on forms prescribed by the
11 department.

12 Such plan shall include a copy of the request from the
13 nonpublic school administrative officer and the enrollment
14 count of the nonpublic school as well as the anticipated cost
15 of providing the proposed auxiliary services.

16 All plans submitted for delivery of auxiliary services
17 and materials designated in this section as division I ser-
18 vices and materials shall be reviewed by the department of
19 public instruction, and such plans may be approved, modified
20 or denied by the department of public instruction under the
21 terms of this section and pursuant to rules of the depart-
22 ment.

23 Initial approval of plans for the delivery of division
24 I auxiliary services and materials shall not exceed thirty
25 dollars for each full-time equivalent Iowa resident student
26 enrolled in the nonpublic school to which delivery of aux-
27 iliary services and materials is approved. If the cost for
28 delivery of division I auxiliary services and materials ap-
29 proved by the department exceeds the amount appropriated in
30 any year, the payments of funds appropriated shall be pro-
31 rated by the department.

32 If, after determination by the department of public in-
33 struction of the cost of all initially approved plans for
34 the delivery of division I auxiliary services and materials,
35 additional funds remain from funds appropriated, plans for

1 the delivery of additional division I auxiliary services and
2 materials and delivery of division II auxiliary services and
3 materials may be approved by the department of public instruc-
4 tion. After approval of plans, the department shall prorate
5 remaining funds on the basis of the cost of approved plans.

6 During 1973 only, the dates listed in this section for
7 the filing of the request for auxiliary services and materials
8 by the nonpublic school, and the official enrollment count
9 of the nonpublic school, and the date of the filing of the
10 plan for delivery of auxiliary services and materials by the
11 public school shall not apply, and such dates shall be de-
12 termined by the department of public instruction. The de-
13 partment shall set the dates to occur as soon as practical
14 after July 1, 1973.

15 No services, materials, or programs provided in this sec-
16 tion shall be provided for students in nonpublic schools un-
17 less they are available for students in the public schools
18 of the district.

19 Auxiliary services and materials, as defined in this
20 section, in excess of those for which funds are appropriated
21 to the department of public instruction may be provided to
22 nonpublic school students by the board of a local school
23 district, county school system, joint county system, or
24 equivalent intermediate unit.

25 Any nonpublic school student who is a resident of Iowa
26 may receive division I and division II auxiliary services
27 from the school district in which the nonpublic school in
28 which he is enrolled is located. Any parent or guardian of
29 a nonpublic school student may refuse to receive specific
30 auxiliary services. The services and materials may be of-
31 fered at sites other than at the public school, including
32 nonpublic school facilities located within the public school
33 districts.

34 Claims for reimbursement shall be made by the local school
35 district during the school year to the department of public

1 instruction on a form prescribed by the department, and the
2 claim shall state the services and materials provided and
3 the actual costs incurred. Claims shall be accompanied by
4 an affidavit of an officer of the local school district af-
5 firming the accuracy of the claim. On October first, February
6 first, and June first of each year, the department of public
7 instruction shall certify to the state comptroller the amounts
8 of approved claims to be paid and the state comptroller shall
9 draw warrants payable to local school districts which have
10 established claims. No claims in excess of the plans pre-
11 viously approved by the department of public instruction shall
12 be certified to the state comptroller.

13 Any reimbursements received by a local district shall not
14 affect district cost limitations of chapter four hundred
15 forty-two (442) of the Code. The reimbursed auxiliary ser-
16 vices and materials shall be separate from the state founda-
17 tion plan, and the reimbursements in this Act shall be con-
18 sidered miscellaneous income, as defined in section four
19 hundred forty-two point five (442.5) of the Code for the pur-
20 poses of determining state foundation aid.

21 EXPLANATION

22 This bill authorizes local school districts to provide
23 auxiliary services and materials to nonpublic school stu-
24 dents. The nonpublic schools located in a public school
25 district file a request for auxiliary services and materials
26 to the board of the public school district. The services
27 and materials must presently be provided to public school
28 students. The public school board files a plan with the de-
29 partment of public instruction for delivery of the requested
30 services. The department may approve, modify, or deny the
31 plan. Certain services and materials are designated as di-
32 vision I and payment from state funds must be made for them
33 first. Payments cannot exceed \$30 per child. Any remaining
34 funds must be prorated for additional division I materials
35 and services and division II materials and services.

S-466

1 Amend House File 594, as amended and passed by the
 2 House, as follows:
 3 1. Page 3, by striking all after the period in line
 4 3 and all of lines 4 through 18, and inserting in lieu the
 5 following: "Funds allocated by the department for approved
 6 plans and claims for reimbursement to each local school
 7 district shall not be paid for services to students who
 8 attend nonpublic schools that practice discrimination on
 9 the basis of race, color, or place of national origin."
 10 2. Page 4, by striking all after the period in line
 11 2 and all of lines 3 through 22.

S-466 Filed *Adopted as amended by* By HANSEN HEYING
 April 27, 1973 *471 4/30* KENNEDY BLOUIN
 ANDERSEN VAN GILST
 TAYLOR JUNKINS
 SCOTT SCHABEN
 LAMBORN GALLAGHER
 GRIFFIN BERGMAN
 SHAFF PLYMAT
 BRILES NYSTROM
 HULTMAN ROBINSON
 DeKOSTER RODGERS
 CURTIS KELLY
 POTTER NOLIN
 TIEDEN COLEMAN
 WINKELMAN GLUBA
 RILEY MURRAY
 KINLEY MCCARTNEY
 MILLER SCHWENGELS
 PRIEBE

S-470

1 Amend the Hansen, et al., amendment S-466 to House File 594
 2 as amended and passed by the House, line 9, by inserting
 3 after the first word "of" the following: "sex, religion,".

S-470 Filed and lost By HILL
 April 30, 1973

S-471

1 Amend the Hansen, et al., Amendment S-466, filed April 27,
 2 1973, to House File 594 as amended and passed by the House, by
 3 striking lines 7, 8, and 9 and inserting in lieu thereof the
 4 following: "district shall not be paid for delivery of
 5 services and materials to students who attend nonpublic
 6 schools that have policies which discriminate among students
 7 on the basis of race, color, creed, sex, or place of national
 8 origin, except that it shall not be considered discrimination
 9 for a nonpublic school to limit enrollment to students of one
 10 sex or one creed."

S-471 Filed and adopted By DODERER
 April 30, 1973

HOUSE FILE 594

H-351

1 Amend House File 594 as follows:

2 1. Page 3, line 3, by inserting after the period
3 the following: "Funds allocated by the
4 department for approved plans and claims for reimburse-
5 ment to each local school district shall be paid in
6 full, not exceeding thirty dollars, first for each
7 nonpublic school student who is enrolled in a non-
8 public school in which the percent of minority race
9 students of the total enrollment in the nonpublic
10 school is at least equal to the percent of minority
11 race students of the total enrollment in the public
12 schools of the district in which the nonpublic school
13 is located, or in which the percent of students from
14 low income families of the total enrollment in the
15 nonpublic school is at least equal to the percent of
16 students from low income families of the total enroll-
17 ment in the public schools of the district in which
18 the nonpublic school is located."

19 2. Page 4, line 2, by inserting after the period
20 the following: "The official enrollment count shall
21 also include the number of students in each nonpublic
22 school located in the district and the number of public
23 school students in the public school district who are
24 members of a minority race or who are members of a low
25 income family. For the purposes of this section:

26 1. 'Minority race students' refers to persons who
27 are black, American Indian, Portugues, Oriental,
28 Alaskan natives, Hawaiian natives, Spanish-surnamed
29 American, and persons who are from environments in
30 which a dominant language is other than English and
31 who, as a result of language barriers and cultural
32 differences, do not have an equal educational oppor-
33 tunity. 'Spanish-surnamed American' includes persons
34 of Mexican, Puerto Rican, Cuban, or Spanish origin or
35 ancestry.

36 2. 'Low income family' means a family with a
37 gross income of less than one hundred percent of the
38 low income criteria developed by the United States
39 department of labor, manpower administration."

H-351 Filed - *Adopted 4/25*
April 23, 1973

By BYERLY of Polk

HOUSE FILE 594

H-352

1 Amend House File 594 as follows:

2 1. Page 2, line 26, by striking the word "shall"
3 and inserting in lieu thereof the word "may".

H-352 Filed - *Lost 4/25*
April 23, 1973

By WELDEN of Hardin

SENATE AMENDMENT TO HOUSE FILE 594

- 1 Amend House File 594, as amended and passed by the House,
2 as follows:
3 1. Page 3, by striking all after the period in line 3
4 and all of lines 4 through 18, and inserting in lieu
5 thereof the following: "Funds allocated by the department
6 for approved plans and claims for reimbursement to each
7 local school district shall not be paid for delivery of
8 auxiliary services and materials to students who attend
9 nonpublic schools that have policies which discriminate
10 among students on the basis of race, color, creed, sex,
11 or place of national origin, except that it shall not be
12 considered discrimination for a nonpublic school to limit
13 enrollment to students of one sex or one creed."
14 2. Page 4, by striking all after the period in line 2
15 and all of lines 3 through 22.
16 3. Page 4, line 53, by striking the word "bill" and
17 inserting in lieu thereof the word "collect", and line 54
18 by striking the word "to" and inserting in lieu thereof
19 the word "from".
20 4. Page 5, by adding after line 24 the following:
21 "Title to instructional equipment and materials,
22 scientific instruments and audio visual resources, in-
23 cluding projectors, film and other equipment, shall
24 remain with the local school district, county school
25 system, joint county system, or equivalent intermediate
26 unit providing same. An inventory shall be kept of
27 equipment and materials provided. Such inventory and
28 inventoried items shall be available for inspection by
29 the proper authorities."

House Concurrent 5/7 (1973)

Received from the Senate
May 2, 1973

H-366

- 1 Amend House File 594 as follows:
2 1. Page 2, by striking lines 16 through 21, inclu-
3 sive, and inserting in lieu thereof the following:
4 "notice requirement. School districts ~~and~~, county
5 school systems, joint county systems, or the equiva-
6 lent intermediate unit may shall when available make
7 special education services and materials enumerated
8 in this chapter available to pupils attending nonpub-
9 lic schools in the same manner and to the same extent
10 that they are provided to public school students in
11 the school district ~~or~~, county or area."
12 2. Page 2, by striking lines 22 through 35, inclu-
13 sive.
14 3. By striking pages 3, 4, 5, and 6.

H-366 Filed *Law 4/25*
April 24, 1973

By FREEMAN of Buena Vista

H—369

- 1 Amend House File 594 as follows:
- 2 1. Page 3, line 27, by inserting after the comma
- 3 the following: "guidance services,".
- 4 2. Page 3, line 30, by striking the following:
- 5 "guidance services,".

H—369 Filed - *Withdrawn 4/25* By O'HALLORAN of Black Hawk
April 24, 1973

H—279

- 1 Amend House File 594, page 4, line 31, by adding
- 2 the following new sentence: "If prorating is
- 3 implemented, the local district may bill any non-
- 4 reimbursed amount to the school district in which
- 5 the pupil resides."

H—279 Filed - *Adopted 4/25* By LIPSKY of Linn
April 6, 1973

S—464

- 1 Amend House File 594 as follows:
- 2 1. Page 5, by striking lines 31 through 33 inclusive and
- 3 inserting in lieu thereof the following: "ferred only at
- 4 public school sites."

S—464 Filed - *Lost 4/30* By ORR
April 26, 1973

S—462

- 1 Amend House File 594, as amended and passed by the
- 2 House, page 5 by striking lines 19 through 24 and insert-
- 3 ing in lieu thereof the following:
- 4 "Title to instructional equipment and materials,
- 5 scientific instruments and audio visual resources, in-
- 6 cluding projectors, film and other equipment, shall
- 7 remain with the local school district, county school
- 8 system, joint county system, or equivalent intermediate
- 9 unit providing same. An inventory shall be kept of
- 10 equipment and materials provided. Such inventory and
- 11 inventoried items shall be available for inspection by
- 12 the proper authorities."

S—462 Filed - *Adopted as amended* By HILL
April 26, 1973 *By 4/26 4/30*

HOUSE FILE 594

H—342

1 Amend House File 594 as follows:

2 Page 5, by inserting after line 18 the following:

3 "No services, materials, or programs provided in
4 this section shall be provided for students in a non-
5 public school for the school year unless the school
6 meets at least one of the following conditions:

7 1. The percent of minority race students of the
8 total enrollment in the nonpublic school is at least
9 equal to the percent of minority race students of the
10 total enrollment in the public schools of the district
11 in which the nonpublic school is located. As used in
12 this subsection 'minority race students' refers to
13 persons who are black, American Indian, Portuguese,
14 Oriental, Alaskan natives, Hawaiian natives, Spanish-
15 surnamed American, and persons who are from environ-
16 ments in which a dominant language is other than En-
17 glish and who, as a result of language barriers and
18 cultural differences, do not have an equal educational
19 opportunity. 'Spanish-surnamed American' includes
20 persons of Mexican, Puerto Rican, Cuban, or Spanish
21 origin or ancestry.

22 2. The percent of students from low-income families
23 of the total enrollment in the nonpublic school is at
24 least equal to the percent of students from low income
25 families of the total enrollment in the public schools
26 of the district in which the nonpublic school is
27 located. As used in this subsection 'low income fam-
28 ily' means a family with a gross income of less than
29 one hundred percent of the low income criteria developed
30 by the United States department of labor, manpower
31 administration."

H—342 Filed *W. J. ...*
April 19, 1973

By BYERLY of Polk

HOUSE FILE 594

H-346

1 Amend House File 594 as follows:
2 Page 6, by inserting after line 12, the following:
3 "Claims for reimbursement shall be paid in full,
4 not exceeding thirty dollars, first for each full-time
5 equivalent Iowa resident student enrolled in a non-
6 public school which meets one of the following condi-
7 tions:
8 1. The percent of minority race students of the
9 total enrollment in the nonpublic school is at least
10 equal to the percent of minority race students of the
11 total enrollment in the public schools of the district
12 in which the nonpublic school is located. As used in
13 this subsection 'minority race students' refers to
14 persons who are black, American Indian, Portuguese,
15 Oriental, Alaskan natives, Hawaiian natives, Spanish-
16 surnamed American, and persons who are from environ-
17 ments in which a dominant language is other than En-
18 glish and who, as a result of language barriers and
19 cultural differences, do not have an equal educational
20 opportunity. 'Spanish-surnamed American' includes
21 persons of Mexican, Puerto Rican, Cuban, or Spanish
22 origin or ancestry.
23 2. The percent of students from low income fami-
24 lies of the total enrollment in the nonpublic school
25 is at least equal to the percent of students from low
26 income families of the total enrollment in the public
27 schools of the district in which the nonpublic school
28 is located. As used in this subsection 'low income
29 family' means a family with a gross income of less
30 than one hundred percent of the low income criteria
31 developed by the United States department of labor,
32 manpower administration."

H-346 Filed - *withdrawing 4/25*
April 19, 1973

By BYERLY of Polk

HOUSE FILE 594

H—367

- 1 Amend House File 594 as follows:
2 1. Page 2, line 26, by striking the words "auxil-
3 iary services and materials" and inserting in lieu
4 thereof the words "special education programs and
5 services".
6 2. Page 2, lines 33 and 34, by striking the words
7 "services and materials" and inserting in lieu thereof
8 the words "programs and services".
9 3. Page 3, line 2, by striking the words "auxil-
10 iary services and materials" and inserting in lieu
11 thereof the words "special education programs and
12 services".
13 4. Page 3, line 10 and 11, by striking the words
14 "auxiliary services and materials" and inserting in
15 lieu thereof the words "special education programs
16 and services".
17 5. Page 3, line 18, by striking the words "services
18 and materials" and inserting in lieu thereof the
19 words "programs and services".
20 6. Page 3, line 19, by striking the words "services
21 and materials" and inserting in lieu thereof the words
22 "programs and services".
23 7. Page 3, by striking lines 21 through 31, inclu-
24 sive and inserting in lieu thereof the following:
25 "Special education programs and services shall
26 comply with section two hundred eighty point twenty-
27 two (280.22) and chapter two hundred eighty-one (281)
28 of the Code and shall include but not be limited to
29 health testing services; programs and services for
30 the physically, mentally, or educationally handicapped
31 and the emotionally disturbed; special and remedial
32 programs and services; vocational rehabilitation train-
33 ing centers and workshops; and supplemental corrective
34 services."
35 8. Page 3, line 33, by inserting before the word
36 "services" the words "programs and".
37 9. Page 4, line 4, by striking the words "services
38 and materials" and inserting in lieu thereof the
39 words "special education programs and services".
40 10. Page 4, lines 7 and 8, by striking the words
41 "auxiliary services and materials" and inserting in
42 lieu thereof the words "special education programs
43 and services".
44 11. Page 4, line 9, by striking the words "services
45 and materials" and inserting in lieu thereof the
46 words "programs and services".
47 12. Page 4, line 15, by striking the words "auxil-
48 iary services" and inserting in lieu thereof the
49 words "special education programs and services".
50 13. Page 4, line 16, by striking the words "auxil-
51 iary services".

52 14. Page 4, by striking lines 17 and 18 and insert-
53 ing in lieu thereof the words "special education
54 programs and services shall be reviewed by the
55 department of".

56 15. Page 4, lines 23 and 24, by striking the
57 words "division I auxiliary services and materials"
58 and inserting in lieu thereof the words "special
59 education programs and services".

60 16. Page 4, lines 26 and 27, by striking the
61 words "auxiliary services and materials" and inserting
62 in lieu thereof the words "special education programs
63 and services".

64 17. Page 4, line 28, by striking the words "divi-
65 sion I auxiliary services and materials" and inserting
66 in lieu thereof the words "special education programs
67 and services".

68 18. Page 4, line 34, by striking the words "divi-
69 sion I auxiliary services and materials" and inserting
70 in lieu thereof the words "special education programs
71 and services".

72 19. Page 5, by striking lines 1 and 2.

73 20. Page 5, line 3, by striking the word "materials"
74 and inserting in lieu thereof the words "the delivery
75 of additional special education programs and services".

76 21. Page 5, line 4, by inserting after the word
77 "of" the word "supplemental".

78 22. Page 5, line 7, by striking the words "auxil-
79 iary services and materials" and inserting in lieu
80 thereof the words "special education programs and
81 services".

82 23. Page 5, line 10, by striking the words "auxil-
83 iary services and materials" and inserting in lieu
84 thereof the words "special education programs and
85 services".

86 24. Page 5, line 19, by striking the words "Auxil-
87 iary services and materials" and inserting in lieu
88 thereof the words "Special education programs and
89 services".

90 25. Page 5, by striking line 26 and inserting in
91 lieu thereof the words "may receive special education
92 programs and services".

93 26. Page 5, by striking lines 30 through 33,
94 inclusive, and inserting in lieu thereof the words
95 "special education programs and services."

96 27. Page 6, line 2, by striking the words "services
97 and materials" and inserting in lieu thereof the words
98 "programs and services".

99 28. Page 6, lines 15 and 16, by striking the words
100 "auxiliary services and materials" and inserting in
101 lieu thereof the words "special education programs and
102 services".

103 29. Amend the title, page 1, line 2, by striking
104 the words "auxiliary services and materials" and
105 inserting in lieu thereof the words "special education
106 programs and services".