

APR 23 1975

HOUSE FILE 801

Place On Calendar

Gen. Education 5/15, Pass 5/21

BY COMMITTEE ON EDUCATION

Passed House, Date 5-14-75 (1758) Passed Senate, Date 6-14-75 (2117)

Vote: Ayes 92 Nays 0 Vote: Ayes 41 Nays 5

Approved 7-17-75

*Repassed House as amended by Senate
6-17-75 (2586)
85-10*

A BILL FOR

- 1 An Act relating to the requirement for special education pro-
- 2 grams and services in the school standards.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S-4247

- 1 Amend the Orr amendment S-4212 to House File 801
- 2 as passed by the House, page 1, by striking lines 34
- 3 through 40 and inserting in lieu thereof the following:
- 4 "However, services that are made available shall be
- 5 provided on premises other than nonpublic school
- 6 property, except health services which may be provided
- 7 on nonpublic school premises."

S-4247 FILED AND ADOPTED BY ROBERT CARR
JUNE 14, 1975 (2117) WILLARD R. HANSEN

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1 Section 1. Section two hundred fifty-seven point twenty-
2 five (257.25), subsection five (5), Code 1975, is amended
3 to read as follows:

4 5. Provision for special education services and programs
5 shall be made for children requiring special education, ~~who~~
6 ~~are or would otherwise be enrolled in kindergarten through~~
7 ~~grade eight of such schools.~~

8 Sec. 2. Section two hundred seventy-three point three
9 (273.3), subsection five (5), Code 1975, is amended to read
10 as follows:

11 5. Be authorized, subject to rules ~~and regulations~~ of
12 the department of public instruction, to provide directly
13 or by contractual arrangement with public or private agencies
14 for special education programs and services, media services,
15 and other programs and services requested by the local boards
16 of education as provided in this chapter, including but not
17 limited to contracts for the area education agency to provide
18 programs or services to the local school districts and
19 contracts for local school districts, other educational
20 agencies, and public and private agencies to provide programs
21 and services to the local school districts in the area
22 education agency in lieu of the area education agency providing
23 such services.

24 Contracts may be made with public or private agencies
25 located outside the state if the programs and services comply
26 with the rules of the department. The cost of such programs
27 and services for each child shall not exceed the amount of
28 money available through the area education agency of the
29 child's residence for each child under chapters two hundred
30 eighty-one (281) and four hundred forty-two (442) of the Code.

31 Sec. 3. Section two hundred eighty point eight (280.8),
32 Code 1975, is amended by striking the section and inserting
33 in lieu thereof the following:

34 280.8 SPECIAL EDUCATION. The board of directors of each
35 public school district shall make adequate educational

1 provisions for each resident child requiring special education
2 appropriate to the nature and severity of the child's
3 handicapping condition pursuant to rules promulgated by the
4 department under the provisions of chapters two hundred
5 seventy-three (273) and two hundred eighty-one (281) of the
6 Code.

7 Sec. 4. Section two hundred eighty-one point eight (281.8),
8 unnumbered paragraph one (1), Code 1975, is amended to read
9 as follows:

10 It shall not be incumbent upon the school districts or
11 ~~county-boards-of-education~~ to keep a child requiring special
12 education in regular instruction when the child cannot
13 sufficiently profit from the work of the regular classroom,
14 nor to keep such child requiring special education in the
15 special class or instruction for children requiring special
16 education when it is determined by the director of special
17 education of an area education agency that the child can no
18 longer benefit ~~therefrom~~ from the instruction, or needs more
19 specialized instruction ~~which-is~~ available in special ~~state~~
20 schools. However, the school district shall count the child
21 requiring special education in the enrollment as provided
22 in sections two hundred seventy-three point nine (273.9) and
23 two hundred eighty-one point nine (281.9) and four hundred
24 forty-two point four (442.4) of the Code and shall insure
25 that appropriate educational provisions are made for the child
26 requiring special education within the limits of funds
27 available under the provisions of chapters two hundred seventy-
28 three (273), two hundred eighty-one (281), and four hundred
29 forty-two (442) of the Code.

30 Sec. 5. Section two hundred eighty-two point three (282.3),
31 subsection one (1), Code 1975, is amended to read as follows:

32 1. The board may exclude from school children under the
33 age of six years when in its judgment such children are not
34 sufficiently mature to be benefited by attendance regular
35 instruction, or any incorrigible child or any child who in

1 its judgment is so abnormal that ~~his-attendance-at-school~~
2 ~~will~~ regular instruction would be of no substantial benefit
3 to him, or any child whose presence in school may be injurious
4 to the health or morals of other pupils or to the welfare
5 of such school. However, the board shall provide special
6 education programs and services under the provisions of
7 chapters two hundred seventy-three (273), two hundred eighty-
8 one (281), and four hundred forty-two (442) of the Code for
9 all children requiring special education.

10 Sec. 6. Section two hundred eighty-two point eighteen
11 (282.18), Code 1975, is amended to read as follows:

12 282.18 CHILDREN FROM CHARITABLE INSTITUTION OR STATE
13 INSTITUTION. Children who are ~~residents-of~~ living in a
14 charitable institution organized under the laws of this state
15 or ~~residents-of~~ are living in any institution under the
16 jurisdiction of a director of a division of the department
17 of social services and who have completed a course of study
18 for the eighth grade and who do not require special education
19 shall be permitted to enter any approved public high school
20 in Iowa that will receive them and the tuition and
21 transportation when required by law shall be paid by the
22 treasurer of state from any money in his hands not otherwise
23 appropriated and upon warrants drawn and signed by the state
24 comptroller on requisition issued by the superintendent of
25 public instruction. The superintendent of public instruction
26 is hereby empowered to require such reports, from such
27 institution and from the high school such pupils attend, as
28 are necessary properly to carry out the provisions of this
29 section.

30 Sec. 7. Section two hundred eighty-two point twenty-three
31 (282.23), Code 1975, is amended to read as follows:

32 282.23 TUITION WHEN IN BOARDING HOME. When any child
33 of school age who does not require special education has
34 become a public charge and is being cared for in a children's
35 boarding home licensed by the state, and the ~~domicile~~ residence

1 of such child at the time it became a public charge was in
2 another school district than the one ~~wherein-such~~ in which
3 the boarding home is located, then ~~such~~ the child shall be
4 entitled to attend public school in the school district in
5 which ~~such~~ the boarding home is located, or if such district
6 does not maintain a school offering instruction in the grade
7 in which ~~such~~ the child is properly classified, then ~~such~~
8 the child may attend upon such instruction in any approved
9 public school in the state that will receive it. The tuition
10 and transportation when required of such a child, at the rates
11 established by law, shall be paid by the treasurer of state
12 from any funds in the state treasury not otherwise
13 appropriated, and upon warrants drawn by the state comptroller
14 upon the requisition of the superintendent of public
15 instruction. If such child was in the district at the time
16 the regular biennial school census was taken, the semiannual
17 apportionments shall be deducted from the tuition due the
18 district under the provisions of this section. The
19 superintendent of public instruction is hereby empowered to
20 require such reports as are necessary properly to carry out
21 the provisions of this section.

22 Sec. 8. Section two hundred eighty-two point twenty-four
23 (282.24), unnumbered paragraph one (1), Code 1975, is amended
24 to read as follows:

25 The superintendent of public instruction shall determine
26 a maximum tuition rate to be charged for students, elementary
27 or high school, residing within another school district or
28 corporation except children requiring special education.
29 This maximum tuition rate shall be determined in the following
30 manner: Classify all schools, elementary and secondary,
31 located in school districts or corporations with populations
32 of one thousand to fourteen thousand nine hundred ninety-nine,
33 inclusive, according to monthly per pupil costs. In such
34 classification the school that falls within the eighty-fifth
35 percentile of the monthly per pupil cost shall form the basis.

1 Using this figure the elementary and high school tuition rates
2 for the succeeding year shall be determined so that the rate
3 for the high school student is one and seventy-five hundredths
4 times the rate for the elementary student. The junior high
5 school rate shall be one and fifty hundredths times the
6 elementary rate.

7 Sec. 9. Section two hundred eighty-two point twenty-five
8 (282.25), Code 1975, is amended to read as follows:

9 282.25 CHILDREN IN STATE INSTITUTIONS. When any child
10 is cared for in any state supported institution in this state
11 which does not maintain a school and the ~~domicile~~ residence
12 of the child is in another school district than that wherein
13 the institution is situated, then such child shall be entitled
14 to attend school in the district where such institution is
15 located, provided, however, the board of the district has
16 the authority to determine if such child can be benefited
17 from such attendance. In such case, except if the child
18 requires special education, the cost of tuition and
19 transportation, at the rates established by law, shall be
20 paid by the treasurer of the state from any funds in the state
21 treasury not otherwise appropriated and upon warrants drawn
22 by the state comptroller upon requisition of the superintendent
23 of public instruction.

24 Sec. 10. Chapter two hundred eighty-two (282), Code 1975,
25 is amended by adding the following new section:

26 NEW SECTION. PAYMENT FOR CERTAIN CHILDREN. When a child
27 requiring special education is living in a state-supported
28 institution, charitable institution, or licensed boarding
29 home as defined in this chapter which does not maintain a
30 school and the residence of the child requiring special
31 education is in a school district other than the school
32 district in which the state-supported institution, charitable
33 institution, or licensed boarding home is located, the child
34 is eligible for special education programs and services
35 provided for children requiring special education who are

1 residents of the school district in which the institution
2 or boarding home is located. The special education
3 instructional costs shall be computed by means of weighted
4 enrollment for that child under the provisions of chapters
5 two hundred seventy-three (273), two hundred eighty-one (281),
6 and four hundred forty-two (442) of the Code as if that child
7 were a resident of the school district in which the institution
8 or boarding home is located but the child shall be included
9 in the enrollment count in the district of residence in the
10 manner provided in sections two hundred eighty-one point nine
11 (281.9) and four hundred forty-two point four (442.4) of the
12 Code. The costs as computed shall be paid by the district
13 of residence. No child requiring special education shall
14 be denied special education programs and services because
15 of a dispute over determination of residence of that child.
16 If the residence of the child cannot be determined, the
17 district in which the institution or boarding home is located
18 shall provide the special education programs and services
19 appropriate for that child and shall compute the costs by
20 means of the weighted enrollment and may apply to the school
21 budget review committee for reimbursement until the dispute
22 over residence of the child is resolved. However, if the
23 special education instructional costs incurred on behalf of
24 the child exceed the amount which would be allowed if the
25 child were provided the programs and services in the district
26 of residence, the treasurer of the school district of residence
27 shall make payment at the maximum amount allowed in that
28 district for a child requiring special education who is
29 similarly handicapped. If the child requiring special
30 education is not counted in the weighted enrollment of any
31 district under section two hundred eighty-one point nine
32 (281.9) of the Code, and payment is not made by any district,
33 the district in which the institution or boarding home is
34 located may make application for reimbursement from the school
35 budget review committee. For the purposes of this section,

1 the term "district of residence of the child" means the
2 residence of the parent or legal guardian, or the location
3 of the district court if the district court is the legal
4 guardian, of the child.

5 Sec. 11. Section four hundred forty-two point thirteen
6 (442.13), subsection six (6), Code 1975, is amended by adding
7 the following new paragraph:

8 NEW PARAGRAPH. Costs of special education programs and
9 services for children requiring special education who are
10 living in a state-supported institution, charitable
11 institution, or licensed boarding home which does not maintain
12 a school and the child has not been counted in the weighted
13 enrollment under section two hundred eighty-one point nine
14 (281.9) of the Code.

15 EXPLANATION

16 This bill clarifies provisions relating to special
17 education to reflect the establishment of the area education
18 agencies and to reflect the current provisions of the school
19 aid formula. Changes are also made because of a revision
20 of the special education chapter during the preceding
21 legislative session. It allows contracts to be made by area
22 education agencies with public and private agencies located
23 outside the state. It requires the district of residence
24 of a child requiring special education who lives in a state-
25 supported institution, charitable institution, or licensed
26 boarding home to pay the special education costs incurred
27 by that child to the district in which the institution or
28 home is located with limits on the maximum costs which can
29 be paid. If the child in an institution or boarding home
30 is not counted in the weighted enrollment and is receiving
31 special education services, the district may apply for
32 reimbursement from the school budget review committee.

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LSB 1828
db/rh/31

HOUSE FILE 801

S-4212

1 Amend House File 801 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 7 the fol-
4 lowing:
5 "Sec. _____. Section two hundred fifty-seven point
6 twenty-six (257.26), subsection two (2), Code 1975,
7 is amended to read as follows:
8 2. The provisions of this section shall not deprive
9 the respective boards of public school districts of
10 any of their legal powers, statutory or otherwise,
11 and in accepting such specially enrolled students,
12 each of said boards shall prescribe the terms of such
13 special enrollment, including but not limited to
14 scheduling of such courses and the length of class
15 periods. In addition, the board of the affected
16 public school district shall be given notice by the
17 state board of its decision to permit such special
18 enrollment not later than six months prior to the
19 opening of the affected public school district's
20 school year, except that the board of the public
21 school district may, in its discretion, waive such
22 notice requirement. School districts and county
23 school systems or joint county systems, or their
24 successor agencies, may, when available, make public
25 school auxiliary services, which may include health
26 services, special education services, services and
27 materials for remedial education programs and library
28 and resource centers, audio-visual services and
29 materials, guidance services, scientific instruments,
30 and school testing services, and other services and
31 materials, available to children attending nonpublic
32 schools in the same manner and to the same extent
33 that they are provided to public school students.
34 However, services that are made available shall be
35 provided on public school property. Diagnostic health
36 services may be provided at the nonpublic school by
37 a public employee who is in the nonpublic schools
38 on a short-time basis. Such services shall be provided
39 in the same manner as made available to pupils in
40 public schools."
41 2. Page 7, by inserting before line 5 the fol-
42 lowing:
43 "Sec. _____. Section three hundred one point one
44 (301.1), Code 1975, is amended by adding the following
45 new paragraph:
46 NEW PARAGRAPH. Textbooks adopted and purchased
47 by a school district may be made available to pupils
48 attending nonpublic schools upon request of the pupil
49 or the pupil's parent under the same terms as made
50 available to pupils attending public schools."

Page 2

1 3. Amend the title, line 1, by striking the words
2 "the requirement for special".
3 4. Amend the title, line 2, by striking the words
4 "in the school standards".
5 5. Renumber sections and correct internal
6 references in conformance with this amendment.

Senate Amendment to House File 801

H-4305

1 Amend House File 801 as passed by the House as
2 follows:

3 1. Page 1, by inserting after line 7 the fol-
4 lowing:

5 "Sec. _____. Section two hundred fifty-seven point
6 twenty-six (257.26), subsection two (2), Code 1975,
7 is amended to read as follows:

8 2. The provisions of this section shall not deprive
9 the respective boards of public school districts of
10 any of their legal powers, statutory or otherwise,
11 and in accepting such specially enrolled students,
12 each of said boards shall prescribe the terms of such
13 special enrollment, including but not limited to
14 scheduling of such courses and the length of class
15 periods. In addition, the board of the affected
16 public school district shall be given notice by the
17 state board of its decision to permit such special
18 enrollment not later than six months prior to the
19 opening of the affected public school district's
20 school year, except that the board of the public
21 school district may, in its discretion, waive such
22 notice requirement. School districts and county
23 school systems or joint county systems, or their
24 successor agencies, may, when available, make public
25 school auxiliary services, which may include health
26 services, special education services, services and
27 materials for remedial education programs and library
28 and resource centers, audio-visual services and
29 materials, guidance services, scientific instruments,
30 and school testing services, and other services and
31 materials, available to children attending nonpublic
32 schools in the same manner and to the same extent
33 that they are provided to public school students.
34 However, services that are made available shall be
35 provided on premises other than nonpublic school
36 property, except health services which may be provided
37 on nonpublic school premises."

38 2. Page 7, by inserting before line 5 the fol-
39 lowing:

40 "Sec. _____. Section three hundred one point one
41 (301.1), Code 1975, is amended by adding the following
42 new paragraph:

43 NEW PARAGRAPH. Textbooks adopted and purchased
44 by a school district may be made available to pupils
45 attending nonpublic schools upon request of the pupil
46 or the pupil's parent under the same terms as made
47 available to pupils attending public schools."

48 3. Amend the title, line 1, by striking the words
49 "the requirement for special".

50 4. Amend the title, line 2, by striking the words

Page 2

H-4305

1 "in the school standards".

2 5. Renumber sections and correct internal
3 references in conformance with this amendment.

H-4305 FILED, RECEIVED FROM SENATE
JUNE 14, 1975

House concurred 6/17/75 (2582)

HOUSE FILE 801

AN ACT

RELATING TO EDUCATION PROGRAMS AND SERVICES.

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

Section 1. Section two hundred fifty-seven point twenty-five (257.25), subsection five (5), Code 1975, is amended to read as follows:

5. Provision for special education services and programs shall be made for children requiring special education, ~~who are or would otherwise be enrolled in kindergarten through grade eight of such schools.~~

Sec. 2. Section two hundred fifty-seven point twenty-six (257.26), subsection two (2), Code 1975, is amended to read as follows:

2. The provisions of this section shall not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting such specially enrolled students, each of said boards shall prescribe the terms of such special enrollment, including but not limited to scheduling of such courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the state board of its decision to permit such special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may, in its discretion, waive such notice requirement. School districts and county school systems or joint county systems, or their successor agencies, may, when available, make public school ~~auxiliary~~ services, which may include health services, special education services, ~~services and materials~~ for remedial education programs ~~and library and resource centers, audio-visual services and materials~~, guidance services, ~~scientific instruments, and~~ school testing services, ~~and other services and materials,~~

available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. However, services that are made available shall be provided on premises other than nonpublic school property, except health services which may be provided on nonpublic school premises.

Sec. 3. Section two hundred seventy-three point three (273.3), subsection five (5), Code 1975, is amended to read as follows:

5. Be authorized, subject to rules ~~and regulations~~ of the department of public instruction, to provide directly or by contractual arrangement with public or private agencies for special education programs and services, media services, and other programs and services requested by the local boards of education as provided in this chapter, including but not limited to contracts for the area education agency to provide programs or services to the local school districts and contracts for local school districts, other educational agencies, and public and private agencies to provide programs and services to the local school districts in the area education agency in lieu of the area education agency providing such services.

Contracts may be made with public or private agencies located outside the state if the programs and services comply with the rules of the department. The cost of such programs and services for each child shall not exceed the amount of money available through the area education agency of the child's residence for each child under chapters two hundred eighty-one (281) and four hundred forty-two (442) of the Code.

Sec. 4. Section two hundred eighty point eight (280.8), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

280.8 SPECIAL EDUCATION. The board of directors of each public school district shall make adequate educational provisions for each resident child requiring special education appropriate to the nature and severity of the child's handicapping condition pursuant to rules promulgated by the

department under the provisions of chapters two hundred seventy-three (273) and two hundred eighty-one (281) of the Code.

Sec. 5. Section two hundred eighty-one point eight (281.8), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

It shall not be incumbent upon the school districts ~~or county-boards-of-education~~ to keep a child requiring special education in regular instruction when the child cannot sufficiently profit from the work of the regular classroom, nor to keep such child requiring special education in the special class or instruction for children requiring special education when it is determined by the director of special education of an area education agency that the child can no longer benefit ~~therefrom from the instruction~~, or needs more specialized instruction ~~which-is~~ available in special state schools. However, the school district shall count the child requiring special education in the enrollment as provided in sections two hundred seventy-three point nine (273.9) and two hundred eighty-one point nine (281.9) and four hundred forty-two point four (442.4) of the Code and shall insure that appropriate educational provisions are made for the child requiring special education within the limits of funds available under the provisions of chapters two hundred seventy-three (273), two hundred eighty-one (281), and four hundred forty-two (442) of the Code.

Sec. 6. Section two hundred eighty-two point three (282.3), subsection one (1), Code 1975, is amended to read as follows:

1. The board may exclude from school children under the age of six years when in its judgment such children are not sufficiently mature to be benefited by attendance regular instruction, or any incorrigible child or any child who in its judgment is so abnormal that ~~his-attendance-at-school~~ will regular instruction would be of no substantial benefit to him, or any child whose presence in school may be injurious to the health or morals of other pupils or to the welfare of such school. However, the board shall provide special

education programs and services under the provisions of chapters two hundred seventy-three (273), two hundred eighty-one (281), and four hundred forty-two (442) of the Code for all children requiring special education.

Sec. 7. Section two hundred eighty-two point eighteen (282.18), Code 1975, is amended to read as follows:

282.18 CHILDREN FROM CHARITABLE INSTITUTION OR STATE INSTITUTION. Children who are ~~residents-of~~ living in a charitable institution organized under the laws of this state ~~or residents-of~~ are living in any institution under the jurisdiction of a director of a division of the department of social services and who have completed a course of study for the eighth grade and who do not require special education shall be permitted to enter any approved public high school in Iowa that will receive them and the tuition and transportation when required by law shall be paid by the treasurer of state from any money in his hands not otherwise appropriated and upon warrants drawn and signed by the state comptroller on requisition issued by the superintendent of public instruction. The superintendent of public instruction is hereby empowered to require such reports, from such institution and from the high school such pupils attend, as are necessary properly to carry out the provisions of this section.

Sec. 8. Section two hundred eighty-two point twenty-three (282.23), Code 1975, is amended to read as follows:

282.23 TUITION WHEN IN BOARDING HOME. When any child of school age who does not require special education has become a public charge and is being cared for in a children's boarding home licensed by the state, and the ~~domicile~~ residence of such child at the time it became a public charge was in another school district than the one ~~wherein-such~~ in which the boarding home is located, then ~~such~~ the child shall be entitled to attend public school in the school district in which ~~such the~~ the boarding home is located, or if such district does not maintain a school offering instruction in the grade in which ~~such the~~ the child is properly classified, then ~~such~~

the child may attend upon such instruction in any approved public school in the state that will receive it. The tuition and transportation when required of such a child, at the rates established by law, shall be paid by the treasurer of state from any funds in the state treasury not otherwise appropriated, and upon warrants drawn by the state comptroller upon the requisition of the superintendent of public instruction. If such child was in the district at the time the regular biennial school census was taken, the semiannual apportionments shall be deducted from the tuition due the district under the provisions of this section. The superintendent of public instruction is hereby empowered to require such reports as are necessary properly to carry out the provisions of this section.

Sec. 9. Section two hundred eighty-two point twenty-four (282.24), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The superintendent of public instruction shall determine a maximum tuition rate to be charged for students, elementary or high school, residing within another school district or corporation except children requiring special education. This maximum tuition rate shall be determined in the following manner: Classify all schools, elementary and secondary, located in school districts or corporations with populations of one thousand to fourteen thousand nine hundred ninety-nine, inclusive, according to monthly per pupil costs. In such classification the school that falls within the eighty-fifth percentile of the monthly per pupil cost shall form the basis. Using this figure the elementary and high school tuition rates for the succeeding year shall be determined so that the rate for the high school student is one and seventy-five hundredths times the rate for the elementary student. The junior high school rate shall be one and fifty hundredths times the elementary rate.

Sec. 10. Section two hundred eighty-two point twenty-five (282.25), Code 1975, is amended to read as follows:

282.25 CHILDREN IN STATE INSTITUTIONS. When any child

is cared for in any state supported institution in this state which does not maintain a school and the ~~domicile~~ residence of the child is in another school district than that wherein the institution is situated, then such child shall be entitled to attend school in the district where such institution is located, provided, however, the board of the district has the authority to determine if such child can be benefited from such attendance. In such case, except if the child requires special education, the cost of tuition and transportation, at the rates established by law, shall be paid by the treasurer of the state from any funds in the state treasury not otherwise appropriated and upon warrants drawn by the state comptroller upon requisition of the superintendent of public instruction.

Sec. 11. Chapter two hundred eighty-two (282), Code 1975, is amended by adding the following new section:

NEW SECTION. PAYMENT FOR CERTAIN CHILDREN. When a child requiring special education is living in a state-supported institution, charitable institution, or licensed boarding home as defined in this chapter which does not maintain a school and the residence of the child requiring special education is in a school district other than the school district in which the state-supported institution, charitable institution, or licensed boarding home is located, the child is eligible for special education programs and services provided for children requiring special education who are residents of the school district in which the institution or boarding home is located. The special education instructional costs shall be computed by means of weighted enrollment for that child under the provisions of chapters two hundred seventy-three (273), two hundred eighty-one (281), and four hundred forty-two (442) of the Code as if that child were a resident of the school district in which the institution or boarding home is located but the child shall be included in the enrollment count in the district of residence in the manner provided in sections two hundred eighty-one point nine (281.9) and four hundred forty-two point four (442.4) of the

Code. The costs as computed shall be paid by the district of residence. No child requiring special education shall be denied special education programs and services because of a dispute over determination of residence of that child. If the residence of the child cannot be determined, the district in which the institution or boarding home is located shall provide the special education programs and services appropriate for that child and shall compute the costs by means of the weighted enrollment and may apply to the school budget review committee for reimbursement until the dispute over residence of the child is resolved. However, if the special education instructional costs incurred on behalf of the child exceed the amount which would be allowed if the child were provided the programs and services in the district of residence, the treasurer of the school district of residence shall make payment at the maximum amount allowed in that district for a child requiring special education who is similarly handicapped. If the child requiring special education is not counted in the weighted enrollment of any district under section two hundred eighty-one point nine (281.9) of the Code, and payment is not made by any district, the district in which the institution or boarding home is located may make application for reimbursement from the school budget review committee. For the purposes of this section, the term "district of residence of the child" means the residence of the parent or legal guardian, or the location of the district court if the district court is the legal guardian, of the child.

Sec. 12. Section three hundred one point one (301.1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Textbooks adopted and purchased by a school district may be made available to pupils attending nonpublic schools upon request of the pupil or the pupil's parent under the same terms as made available to pupils attending public schools.

Sec. 13. Section four hundred forty-two point thirteen (442.13), subsection six (6), Code 1975, is amended by adding

the following new paragraph:

NEW PARAGRAPH. Costs of special education programs and services for children requiring special education who are living in a state-supported institution, charitable institution, or licensed boarding home which does not maintain a school and the child has not been counted in the weighted enrollment under section two hundred eighty-one point nine (281.9) of the Code.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 801, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 7/17, 1975

ROBERT D. RAY
Governor