

In Education Be Pass 2/27 (p. 634)

HOUSE FILE 2275
By COMMITTEE ON EDUCATION

JAN 28 1980

Place On Calendar

(Formerly Study Bill 587)

Passed House, Date 2-7-80 (p. 413) Passed Senate, Date 5-13-80 (p. 477)
Vote: Ayes 97 Nays 0 Vote: Ayes 47 Nays 0
Approved March 25, 1980

A BILL FOR

1 An Act to provide additional allowable growth for financing
2 programs for gifted and talented children for the 1980-
3 1981 school year.

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

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I hereby certify that House File 2275, was published in The Kanawha Reporter,
Kanawha, Iowa on April 3, 1980 and in the West Des Moines Express, West Des
Moines, Iowa on April 3, 1980.

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1 Section 1. Section four hundred forty-two point thirty-
2 one (442.31), Code 1979, as amended by Acts of the Sixty-
3 eighth General Assembly, 1979 Session, chapter thirteen (13),
4 section twenty (20), is amended to read as follows:

5 442.31 GIFTED AND TALENTED CHILDREN. For the school years
6 beginning July 1, 1979 and July 1, 1980 only, a school district
7 may make application to the department of public instruction
8 for programs of instruction for gifted and talented children
9 to be funded for the school year beginning July 1, 1979 by
10 an increase in allowable growth, as defined in section 442.7
11 and funded for the school year beginning July 1, 1980, by
12 both an increase in allowable growth, as defined in section
13 four hundred forty-two point seven (442.7) of the Code and
14 moneys appropriated in Acts of the Sixty-eighth General
15 Assembly, 1979 Session, chapter thirteen (13), section seven
16 (7), subsection twelve (12) of this Act. The department
17 ~~shall not approve programs for which the total budgets are~~
18 ~~in excess of funds appropriated in section seven (7),~~
19 ~~subsection twelve (12) of this Act.~~ --The department shall
20 transmit moneys allocated to each school district for a program
21 approved under section 442.34 to that school district and
22 the moneys shall be considered miscellaneous income and shall
23 not be included in district cost. The department shall
24 promulgate rules under the provisions of chapter 17A relating
25 to administration of sections 442.31 to 442.36. The rules
26 shall require that approved gifted and talented children
27 programs provide each child with an individually guided
28 educational program which considers the individual abilities
29 and needs of each child.

30 Sec. 2. Section four hundred forty-two point thirty-four
31 (442.34), Code 1979, as amended by Acts of the Sixty-eighth
32 General Assembly, 1979 Session, chapter thirteen (13), sec-
33 tion twenty-one (21), is amended to read as follows:

34 442.34 PROGRAMS APPROVED. The department of public
35 instruction may approve gifted and talented children programs

1 for the school year beginning July 1, 1979, for not more than
2 ten school districts in this state, and for the school year
3 beginning July 1, 1980 may renew approval for the programs
4 established for the school year beginning July 1, 1979 and
5 may approve additional programs for gifted and talented
6 children in school districts in this state, including districts
7 of various enrollments and geographic locations. The
8 department shall approve at least one program in each area
9 education agency to the extent that districts in an area
10 education agency make application for approval of a program
11 of instruction which meets the qualifications for approval
12 prescribed in the rules of the department. A single program
13 may be provided by two or more districts acting jointly.
14 For the school year beginning July 1, 1980, the department
15 may allocate an amount to each school district not to exceed
16 one-half the approved budget of the gifted and talented program
17 for that school district. If moneys appropriated under Acts
18 of the Sixty-eighth General Assembly, 1979 Session, chapter
19 thirteen (13), section seven (7), subsection twelve (12) are
20 insufficient to meet the allocation under this section, the
21 department shall prorate the moneys allocated to each district.

22 Sec. 3. Section four hundred forty-two point thirty-five
23 (442.35), Code 1979, as amended by Acts of the Sixty-eighth
24 General Assembly, 1979 Session, chapter thirteen (13), sec-
25 tion twenty-two (22), is amended to read as follows:

26 442.35 COMMITTEE INFORMED. ~~For-the-school-year-beginning~~
27 ~~July-1, 1979,--the~~ The department shall inform the school
28 budget review committee of the names of the school districts
29 approved for gifted and talented children programs and the
30 approved budget of each program listed separately for each
31 district and for the school year beginning July 1, 1980, list-
32 ing the amount of moneys allocated to each district from funds
33 appropriated under Acts of the Sixty-eighth General Assembly,
34 1979 Session, chapter thirteen (13), section seven (7), sub-
35 section twelve (12). The school budget review committee shall

1 approve a modified allowable growth for each such district
2 as an unusual circumstance, under the authority granted to
3 it in section 442.13, to provide funds equal to the budget
4 approved by the department of public instruction for the
5 school year beginning July 1, 1979, and equal to the difference
6 between the budget approved for a school district and the
7 amount of moneys allocated to each district from funds
8 appropriated under Acts of the Sixty-eighth General Assembly,
9 1979 Session, chapter thirteen (13), section seven (7),
10 subsection twelve (12) for the school year beginning July
11 1, 1980.

12 Sec. 4. This Act, being deemed of immediate importance,
13 takes effect from and after its publication in The Kanawha
14 Reporter, a newspaper published in Kanawha, Iowa, and in the
15 West Des Moines Express, a newspaper published in West Des
16 Moines, Iowa.

17 EXPLANATION

18 This bill provides that the approved programs for gifted
19 and talented children for the 1980-1981 school year will be
20 funded by both an increase in allowable growth and funds
21 appropriated by the General Assembly. The bill takes effect
22 upon publication.

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H-5099

- 1 Amend House File 2275 as follows:
- 2 1. Page 1, line 5, by striking the word "years"
3 and inserting in lieu thereof the words "years year".
- 4 2. Page 1, line 6, by striking the words and
5 figures "and July 1, 1980" and inserting in lieu
6 thereof the words and figures "and July 1, 1980".
- 7 3. Page 1, line 10, by striking the figure "442.7"
8 and inserting in lieu thereof the figure "442.7".
9 For the school year beginning July 1, 1980 school
10 districts may submit proposed programs for gifted
11 and talented children to the department of public
12 instruction".
- 13 4. Page 1, line 11, by striking the word "and"
14 and inserting in lieu thereof the words "and which
15 will be".
- 16 5. Page 1, line 26, by striking the word "approved"
17 and inserting in lieu thereof the word "approved".
- 18 6. Page 2, by striking line 2 and inserting in
19 lieu thereof the words "ten school districts in this
20 state, and for the school year".
- 21 7. Page 2, by striking lines 3 through 12 and
22 inserting in lieu thereof the following: "beginning
23 July 1, 1980 may renew approval for the programs
24 established for the school year beginning July 1,
25 1979 and may approve additional programs for gifted
26 and talented children in school districts in this
27 state including districts of various enrollments
28 and geographic locations. The department shall approve
29 at least one program in each area education agency
30 to the extent that districts in an area education
31 agency make application for approval of a program
32 of instruction which meets the qualifications for
33 approval prescribed in the rules of the department.
34 A single program".
- 35 8. Page 2, line 15, by striking the words "may
36 allocate an amount" and inserting in lieu thereof
37 the words "shall allocate".
- 38 9. Page 2, line 15, by inserting after the word
39 "district" the words "which submits a proposed program
40 an amount".
- 41 10. Page 2, line 16, by striking the word
42 "approved" and inserting in lieu thereof the word
43 "proposed".
- 44 11. Page 2, by striking line 26 and inserting
45 in lieu thereof the following:
46 "442.35 COMMITTEE INFORMED. For the school year
47 beginning".
- 48 12. Page 2, line 27, by striking the words and
49 figures "July 1, 1979, the The" and inserting in lieu
50 thereof the words and figures "July 1, 1979, the".

H-5099

Page Two

1 13. Page 2, line 31, by inserting after the figure
2 "1980," the words "the department shall inform the
3 school budget review committee of the names of school
4 districts that submitted a proposed program and the
5 proposed budget of each program listed separately
6 for each district and".

7 14. Page 3, line 6, by striking the words "budget
8 approved" and inserting in lieu thereof the words
9 "proposed budget".

H-5099 FILED *2/7 (3.412)* BY MILLER of Buchanan
JANUARY 30, 1980

HOUSE FILE 2275

H-5147

1 Amend House File 2275 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section four hundred forty-two point
5 seven (442.7), subsection five (5), paragraph a, Code
6 1979, as amended by Acts of the Sixty-eighth General
7 Assembly, 1979 Session, chapter one hundred six (106),
8 section ten (10), and as the section is amended by
9 Acts of the Sixty-eighth General Assembly, 1979
10 Session, chapter one hundred six (106), sections six
11 (6) through nine (9), is amended by striking the
12 paragraph and inserting in lieu thereof the following:

13 a. If the state cost per pupil for the budget
14 year exceeds the district cost per pupil for the
15 budget year, the basic allowable growth per pupil
16 for the budget year is modified to equal one hundred
17 ten percent of the product of the state cost per pupil
18 for the base year times the state percent of growth
19 for the budget year. However, the basic allowable
20 growth per pupil for the budget year under this
21 paragraph shall not exceed the difference between
22 the state cost per pupil for the budget year and the
23 district cost per pupil for the budget year. For
24 purposes of this paragraph the state cost per pupil
25 and the district cost per pupil shall not include
26 special education support service costs, and the
27 district cost per pupil for the budget year shall
28 not include that portion of the district cost per
29 pupil created by additions to the allowable growth
30 per pupil provided under this paragraph, paragraph
31 b of this subsection and section four hundred forty-
32 two point thirty-one (442.31) of the Code, but shall
33 include reductions to the allowable growth except
34 those provided under section four hundred forty-two
35 point thirteen (442.13), subsection four (4) of the
36 Code."

37 2. Page 3, line 16, by inserting after the word
38 "Iowa." the words "However section one (1) of this
39 Act takes effect July 1, 1980."

40 3. Title page, line 3, by inserting after the
41 word "year" the words "and additional allowable growth
42 for certain eligible school districts".

43 4. By renumbering sections and internal references
44 as necessary in conformance with this amendment.

FISCAL NOTE
House File 2275
By Representative Stromer
Requested January 22, 1980

In compliance with a written request there is hereby submitted a Fiscal Note for H.F. 2275 pursuant to Joint Rule 16.

This bill provides that the approved programs for gifted and talented children for the 1980-81 school year will be funded by both an increase in allowable growth and funds appropriated by the General Assembly.

Nine (9) gifted and talented programs were approved to begin in the 1979-80 school year at a total cost of \$180,318 financed totally from allowable growth granted by the school budget review committee. These nine (9) schools come from seven (7) of the fifteen (15) area education agencies in the state.

Subsequent legislation inadvertently prohibited these nine programs from continued funding for 1980-81 as well as any new programs to be started with a \$100,000 appropriation since no more than one-half the cost of a given program could be financed from appropriation funds.

There is no way to estimate how many additional gifted and talented programs will be approved nor the cost of programs. This bill directs the Department of Public Instruction to approve at least one program in each area education agency if departmental qualifications are met. It could be assumed that the remaining eight (8) AEA's would have at least one program in 1980-81 that do not have programs in 1979-80.

FILED FEBRUARY 6, 1980

GERRY D. RANKIN
Legislative Fiscal Bureau

HOUSE FILE 2275

AN ACT

TO PROVIDE ADDITIONAL ALLOWABLE GROWTH FOR FINANCING PROGRAMS FOR GIFTED AND TALENTED CHILDREN FOR THE 1980-1981 SCHOOL YEAR.

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

Section 1. Section four hundred forty-two point thirty-one (442.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty (20), is amended to read as follows:

442.31 GIFTED AND TALENTED CHILDREN. For the school years beginning July 1, 1979 and July 1, 1980 only, a school district may make application to the department of public instruction for programs of instruction for gifted and talented children to be funded for the school year beginning July 1, 1979 by an increase in allowable growth, as defined in section 442.7 and funded for the school year beginning July 1, 1980, by

~~both an increase in allowable growth, as defined in section four hundred forty-two point seven (442.7) of the Code and moneys appropriated in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12), of this Act. The department shall not approve programs for which the total budgets are in excess of funds appropriated in section seven (7), subsection twelve (12), of this Act. The department shall transmit moneys allocated to each school district for a program approved under section 442.34 to that school district and the moneys shall be considered miscellaneous income and shall not be included in district cost. The department shall promulgate rules under the provisions of chapter 17A relating to administration of sections 442.31 to 442.36. The rules shall require that approved gifted and talented children programs provide each child with an individually guided educational program which considers the individual abilities and needs of each child.~~

Sec. 2. Section four hundred forty-two point thirty-four (442.34), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-one (21), is amended to read as follows:

442.34 PROGRAMS APPROVED. The department of public instruction may approve gifted and talented children programs for the school year beginning July 1, 1979, for not more than ten school districts in this state, and for the school year beginning July 1, 1980 may renew approval for the programs established for the school year beginning July 1, 1979 and may approve additional programs for gifted and talented children in school districts in this state, including districts of various enrollments and geographic locations. The department shall approve at least one program in each area education agency to the extent that districts in an area education agency make application for approval of a program of instruction which meets the qualifications for approval

prescribed in the rules of the department. A single program may be provided by two or more districts acting jointly. For the school year beginning July 1, 1980, the department may allocate an amount to each school district not to exceed one-half the approved budget of the gifted and talented program for that school district. If moneys appropriated under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12) are insufficient to meet the allocation under this section, the department shall prorate the moneys allocated to each district.

Sec. 3. Section four hundred forty-two point thirty-five (442.35), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-two (22), is amended to read as follows:

442.35 COMMITTEE INFORMED. ~~For the school year beginning July 1, 1979, the~~ The department shall inform the school budget review committee of the names of the school districts approved for gifted and talented children programs and the approved budget of each program listed separately for each district and for the school year beginning July 1, 1980, listing the amount of moneys allocated to each district from funds appropriated under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12). The school budget review committee shall approve a modified allowable growth for each such district as an unusual circumstance, under the authority granted to it in section 442.13, to provide funds equal to the budget approved by the department of public instruction for the school year beginning July 1, 1979, and equal to the difference between the budget approved for a school district and the amount of moneys allocated to each district from funds appropriated under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12) for the school year beginning July 1, 1980.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Kanawha Reporter, a newspaper published in Kanawha, Iowa, and in the West Des Moines Express, a newspaper published in West Des Moines, Iowa.

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2275, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1980

ROBERT D. RAY
Governor