

(P.408) 3/2/94 Amend/Do Pass W/
H 5121
(P.747) 3-22-93 Senate Education

HOUSE FILE 2155
BY LUNDBY and CORBETT

(P.788)
Passed House, Date 3-21-94 Passed Senate, Date _____
Vote: Ayes 80 Nays 17 Vote: Ayes _____ Nays _____
Approved May 5, 1994

A BILL FOR

1 An Act relating to public school services provided to children
2 attending nonpublic schools.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2155

1 Section 1. Section 256.12, subsection 2, Code Supplement
2 1993, is amended to read as follows:

3 2. This section does not deprive the respective boards of
4 public school districts of any of their legal powers,
5 statutory or otherwise, and in accepting the specially
6 enrolled students, each of the boards shall prescribe the
7 terms of the special enrollment, including but not limited to
8 scheduling of courses and the length of class periods. In
9 addition, the board of the affected public school district
10 shall be given notice by the department of its decision to
11 permit the special enrollment not later than six months prior
12 to the opening of the affected public school district's school
13 year, except that the board of the public school district may
14 waive the notice requirement. School districts and area
15 education agency boards shall make public school services,
16 which shall include special education programs and services
17 and may include health services, services for remedial
18 education programs, guidance services, and school testing
19 services, available to children attending nonpublic schools in
20 the same manner and to the same extent that they are provided
21 to public school students. ~~However, services that are made~~
22 ~~available shall be provided on neutral sites, or in mobile~~
23 ~~units located off the nonpublic school premises as determined~~
24 ~~by the boards of the school districts and area education~~
25 ~~agencies providing the services, and not on nonpublic school~~
26 ~~property, except for health services and diagnostic services~~
27 ~~for speech, hearing, and psychological purposes, which may be~~
28 ~~provided on nonpublic school premises, with the permission of~~
29 ~~the law enforcement custodian.~~

30 EXPLANATION

31 The bill deletes a provision of the Iowa Code that requires
32 that public school services provided to nonpublic school
33 students, such as special education programs and services,
34 shall be provided on neutral sites or in mobile units located
35 off nonpublic school premises. Current Code language permits

1 only health and diagnostic services for speech, hearing, and
2 psychological purposes to be provided to students on nonpublic
3 school premises.

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HOUSE FILE 2155
FISCAL NOTE

A fiscal note for House File 2155 as amended by H-5121 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2155, as amended by H-5121, allows services to be provided to students with physical and communication needs in a nonpublic school setting if the student's legal guardian grants permission.

FISCAL IMPACT:

House File 2155, as amended by H-5121, is estimated to have a fiscal impact of less than \$100,000. (LSB 3472yh, 8DH)

FILED MARCH 10, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

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HOUSE FILE 2155

H-5121

1 Amend House File 2155 as follows:
2 1. Page 1, by striking lines 21 through 29 and
3 inserting the following: "to public school students.
4 However, services that are made available shall be
5 provided on neutral sites, or in mobile units located
6 off the nonpublic school premises as determined by the
7 boards of the school districts and area education
8 agencies providing the services, and not on nonpublic
9 school property, except for health services, and
10 diagnostic services for speech, hearing, and
11 psychological purposes, and assistance with physical
12 and communication needs of students with physical
13 disabilities, and services of an educational
14 interpreter, which may be provided on nonpublic school
15 premises, with the permission of the lawful
16 custodian."

By COMMITTEE ON EDUCATION
GRUBBS of Scott, Chairperson

H-5121 FILED MARCH 2, 1994

adopted 3-21-94 (P.782)

HOUSE FILE 2155

H-5538

1 Amend the amendment, H-5121, to House File 2155 as
2 follows:
3 1. Page 1, line 16, by inserting after the word
4 "custodian." the following: "Public school services
5 provided under this subsection shall not be provided
6 for purposes which promote or primarily assist in
7 providing a sectarian education to children attending
8 nonpublic schools."

By HAMMOND of Story
CONNORS of Polk

H-5538 FILED MARCH 21, 1994
Lost

(P. 813) 3/23/94 Senate - Do Pass
(P. 898) 3/29/94 Senate - Motion to
Rc by Kramer
(P. 1166) 4/12/94 MTR - Prevailed

HOUSE FILE 2155
BY LUNDBY and CORBETT

(As Amended and Passed by the House March 21, 1994)

Passed House, (P. 1509) Date 4-13-94 Passed Senate, (P. 892) Date 3/29/94
Vote: Ayes 95 Nays 0 Vote: Ayes 48 Nays 0
Approved May 5, 1994 Passed 4-12-94
Vote 49-0 (P. 1162)

A BILL FOR

1 An Act relating to public school services provided to children
2 attending nonpublic schools.

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

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House Amendments _____

1 Section 1. Section 256.12, subsection 2, Code Supplement
2 1993, is amended to read as follows:

3 2. This section does not deprive the respective boards of
4 public school districts of any of their legal powers,
5 statutory or otherwise, and in accepting the specially
6 enrolled students, each of the boards shall prescribe the
7 terms of the special enrollment, including but not limited to
8 scheduling of courses and the length of class periods. In
9 addition, the board of the affected public school district
10 shall be given notice by the department of its decision to
11 permit the special enrollment not later than six months prior
12 to the opening of the affected public school district's school
13 year, except that the board of the public school district may
14 waive the notice requirement. School districts and area
15 education agency boards shall make public school services,
16 which shall include special education programs and services
17 and may include health services, services for remedial
18 education programs, guidance services, and school testing
19 services, available to children attending nonpublic schools in
20 the same manner and to the same extent that they are provided
21 to public school students. However, services that are made
22 available shall be provided on neutral sites, or in mobile
23 units located off the nonpublic school premises as determined
24 by the boards of the school districts and area education
25 agencies providing the services, and not on nonpublic school
26 property, except for health services, and diagnostic services
27 for speech, hearing, and psychological purposes, and
28 assistance with physical and communication needs of students
29 with physical disabilities, and services of an educational
30 interpreter, which may be provided on nonpublic school
31 premises, with the permission of the lawful custodian.

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SENATE AMENDMENT TO HOUSE FILE 2155

H-6139

1 Amend House File 2155, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31 the
4 following:

5 "Students enrolled in nonpublic schools who receive
6 services pursuant to this subsection shall be weighted
7 at the level provided for in section 256B.9,
8 subsection 1.

9 A local school district providing services pursuant
10 to this subsection shall submit an accounting to the
11 department of education by August 1 following the
12 school year for the actual costs of the special
13 education programs and services provided. The
14 department shall review and approve or modify the
15 accounting by September 1 and shall notify the
16 department of revenue and finance of the approved
17 accounting amount. The department of revenue and
18 finance shall adjust the September payment to the
19 local school district for the next fiscal year by the
20 difference between the amount generated by the
21 weighting for the provision of services to nonpublic
22 school students, as provided in this subsection, and
23 the amount of the actual costs as reflected in the
24 local school district's accounting. Any amount paid
25 by the department of revenue and finance shall be
26 deducted monthly from the state foundation aid paid
27 under section 257.16 during that fiscal year to all
28 school districts in the state. The portion of the
29 total amount of the approved accounting amount that
30 shall be deducted from the state aid of a school
31 district shall be the same as the ratio that the
32 budget enrollment for the budget year of the school
33 district bears to the total budget enrollment in the
34 state for that budget year.

35 Sec. . Section 256B.9, subsections 3 and 4,
36 Code 1993, are amended to read as follows:

37 3. The weight that a child is assigned under this
38 section shall be dependent upon the required
39 educational modifications necessary to meet the
40 special education needs of the child. Enrollment for
41 the purpose of this section, and all payments to be
42 made pursuant thereto, includes all children for whom
43 a special education program or course is to be
44 provided pursuant to section 256.12, subsection 2,
45 sections 273.1 to 273.9, and this chapter, whether or
46 not the children are actually enrolled upon the
47 records of a school district.

48 4. On December 1, 1987, and no later than December
49 1 every two years thereafter, for the school year
50 commencing the following July 1, the director of the

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1 department of education shall report to the school
2 budget review committee the average costs of providing
3 instruction for children requiring special education
4 in the categories of the weighting plan established
5 under this section, and for providing services to
6 nonpublic school students pursuant to section 256.12,
7 subsection 2, and the director of the department of
8 education shall make recommendations to the school
9 budget review committee for needed alterations to make
10 the weighting plan suitable for subsequent school
11 years. The school budget review committee shall
12 establish the weighting plan for each school year
13 ~~after-the-school-year-commencing-July-17-1987,~~ and
14 shall report the plan to the director of the
15 department of education. ~~Commencing-December-17-1990,~~
16 ~~the~~ The school budget review committee may establish
17 weights to the nearest hundredth. The school budget
18 review committee shall not alter the weighting
19 assigned to pupils in a regular curriculum, but it may
20 increase or decrease the weighting assigned to each
21 category of children requiring special education by
22 not more than two-tenths of the weighting assigned to
23 pupils in a regular curriculum. The state board of
24 education shall adopt rules under chapter 17A, to
25 implement the weighting plan for each year and to
26 assist in identification and proper indexing of each
27 child in the state who requires special education."
28 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-6139 FILED APRIL 12, 1994

House Concurred
4-13-94
(P. 1509)

HOUSE FILE 2155

S-5581

1 Amend House File 2155, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31 the
4 following:

5 "Students enrolled in nonpublic schools who receive
6 services pursuant to this subsection shall be weighted
7 at the level provided for in section 256B.9,
8 subsection 1.

9 A local school district providing services pursuant
10 to this subsection shall submit an accounting to the
11 department of education by August 1 following the
12 school year for the actual costs of the special
13 education programs and services provided. The
14 department shall review and approve or modify the
15 accounting by September 1 and shall notify the
16 department of revenue and finance of the approved
17 accounting amount. The department of revenue and
18 finance shall adjust the September payment to the
19 local school district for the next fiscal year by the
20 difference between the amount generated by the
21 weighting for the provision of services to nonpublic
22 school students, as provided in this subsection, and
23 the amount of the actual costs as reflected in the
24 local school district's accounting. Any amount paid
25 by the department of revenue and finance shall be
26 deducted monthly from the state foundation aid paid
27 under section 257.16 during that fiscal year to all
28 school districts in the state. The portion of the
29 total amount of the approved accounting amount that
30 shall be deducted from the state aid of a school
31 district shall be the same as the ratio that the
32 budget enrollment for the budget year of the school
33 district bears to the total budget enrollment in the
34 state for that budget year.

35 Sec. ____ . Section 256B.9, subsections 3 and 4,
36 Code 1993, are amended to read as follows:

37 3. The weight that a child is assigned under this
38 section shall be dependent upon the required
39 educational modifications necessary to meet the
40 special education needs of the child. Enrollment for
41 the purpose of this section, and all payments to be
42 made pursuant thereto, includes all children for whom
43 a special education program or course is to be
44 provided pursuant to section 256.12, subsection 2,
45 sections 273.1 to 273.9, and this chapter, whether or
46 not the children are actually enrolled upon the
47 records of a school district.

48 4. On December 1, 1987, and no later than December
49 1 every two years thereafter, for the school year
50 commencing the following July 1, the director of the

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Page 2

1 department of education shall report to the school
2 budget review committee the average costs of providing
3 instruction for children requiring special education
4 in the categories of the weighting plan established
5 under this section, and for providing services to
6 nonpublic school students pursuant to section 256.12,
7 subsection 2, and the director of the department of
8 education shall make recommendations to the school
9 budget review committee for needed alterations to make
10 the weighting plan suitable for subsequent school
11 years. The school budget review committee shall
12 establish the weighting plan for each school year
13 ~~after the school year commencing July 17, 1987~~ and
14 shall report the plan to the director of the
15 department of education. ~~Commencing December 17, 1990~~
16 ~~the~~ The school budget review committee may establish
17 weights to the nearest hundredth. The school budget
18 review committee shall not alter the weighting
19 assigned to pupils in a regular curriculum, but it may
20 increase or decrease the weighting assigned to each
21 category of children requiring special education by
22 not more than two-tenths of the weighting assigned to
23 pupils in a regular curriculum. The state board of
24 education shall adopt rules under chapter 17A, to
25 implement the weighting plan for each year and to
26 assist in identification and proper indexing of each
27 child in the state who requires special education."
28 2. By renumbering as necessary.

By MARY E. KRAMER

S-5581 FILED APRIL 12, 1994

ADOPTED

HOUSE FILE 2155

S-5543

1 Amend House File 2155, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31 the
4 following:

5 "Sec. ____ . Section 256B.9, subsection 1, Code
6 1993, is amended by adding the following new
7 paragraph:

8 NEW PARAGRAPH. f. Students enrolled in nonpublic
9 schools who receive services pursuant to section
10 256.12, subsection 2, shall be weighted at a level
11 sufficient to cover the costs incurred by the local
12 school district in the provision of those services.

13 Sec. ____ . Section 256B.9, subsection 4, Code 1993,
14 is amended to read as follows:

15 4. On December 1, 1987, and no later than December
16 1 every two years thereafter, for the school year
17 commencing the following July 1, the director of the
18 department of education shall report to the school
19 budget review committee the average costs of providing
20 instruction for children requiring special education
21 in the categories of the weighting plan established
22 under this section, and for providing services to
23 nonpublic school students pursuant to section 256.12,
24 subsection 2, and the director of the department of
25 education shall make recommendations to the school
26 budget review committee for needed alterations to make
27 the weighting plan suitable for subsequent school
28 years. The school budget review committee shall
29 establish the weighting plan for each school year
30 after the school year commencing July 1, 1987, and
31 shall report the plan to the director of the
32 department of education. Commencing December 1, 1990,
33 the school budget review committee may establish
34 weights to the nearest hundredth. The school budget
35 review committee shall not alter the weighting
36 assigned to pupils in a regular curriculum, but it may
37 increase or decrease the weighting assigned to each
38 category of children requiring special education by
39 not more than two-tenths of the weighting assigned to
40 pupils in a regular curriculum. The state board of
41 education shall adopt rules under chapter 17A, to
42 implement the weighting plan for each year and to
43 assist in identification and proper indexing of each
44 child in the state who requires special education.

45 Sec. ____ . Section 257.31, subsection 12, Code
46 Supplement 1993, is amended to read as follows:

47 12. a. The committee shall review the
48 recommendations of the director of the department of
49 education relating to the special education weighting
50 plan, and shall establish a weighting plan for each

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1 school year pursuant to section 256B.9, and report the
2 plan to the director of the department of education.
3 b. The committee shall review the recommendations
4 of the director of the department of education
5 relating to nonpublic school students receiving public
6 school services pursuant to section 256.12, subsection
7 2, and shall establish a weighting to provide funds
8 sufficient to cover the costs incurred by the local
9 school district in the provision of those services and
10 report the weighting to the director of the department
11 of education."

12 2. By renumbering as necessary.

By MARY E. KRAMER

S-5543 FILED APRIL 8, 1994

WITHDRAWN
4.12.94

HOUSE FILE 2155

AN ACT

RELATING TO PUBLIC SCHOOL SERVICES PROVIDED TO CHILDREN ATTENDING NONPUBLIC SCHOOLS.

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

Section 1. Section 256.12, subsection 2, Code Supplement 1993, is amended to read as follows:

2. This section does not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting the specially enrolled students, each of the boards shall prescribe the terms of the special enrollment, including but not limited to scheduling of courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the department of its decision to permit the 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 waive the notice requirement. School districts and area education agency boards shall make public school services, which shall include special education programs and services and may include health services, services for remedial education programs, guidance services, and school testing services, 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 neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and area education agencies providing the services, and not on nonpublic school property, except for health services, and diagnostic services for speech, hearing, and psychological purposes, and assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter, which may be provided on nonpublic school premises, with the permission of the lawful custodian.

Students enrolled in nonpublic schools who receive services pursuant to this subsection shall be weighted at the level provided for in section 256B.9, subsection 1.

A local school district providing services pursuant to this subsection shall submit an accounting to the department of education by August 1 following the school year for the actual costs of the special education programs and services provided. The department shall review and approve or modify the accounting by September 1 and shall notify the department of revenue and finance of the approved accounting amount. The department of revenue and finance shall adjust the September payment to the local school district for the next fiscal year by the difference between the amount generated by the weighting for the provision of services to nonpublic school students, as provided in this subsection, and the amount of the actual costs as reflected in the local school district's accounting. Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 257.16 during that fiscal year to all school districts in the state. The portion of the total amount of the approved accounting amount that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year.

Sec. 2. Section 256B.9, subsections 3 and 4, Code 1993, are amended to read as follows:

3. The weight that a child is assigned under this section shall be dependent upon the required educational modifications necessary to meet the special education needs of the child. Enrollment for the purpose of this section, and all payments to be made pursuant thereto, includes all children for whom a special education program or course is to be provided pursuant to section 256.12, subsection 2, sections 273.1 to 273.9, and this chapter, whether or not the children are actually enrolled upon the records of a school district.

4. On December 1, 1987, and no later than December 1 every two years thereafter, for the school year commencing the following July 1, the director of the department of education shall report to the school budget review committee the average costs of providing instruction for children requiring special education in the categories of the weighting plan established under this section, and for providing services to nonpublic school students pursuant to section 256.12, subsection 2, and the director of the department of education shall make recommendations to the school budget review committee for needed alterations to make the weighting plan suitable for subsequent school years. The school budget review committee shall establish the weighting plan for each school year ~~after the school year commencing July 1, 1987;~~ and shall report the plan to the director of the department of education. ~~Commencing December 1, 1990;~~ The school budget review committee may establish weights to the nearest hundredth. The school budget review committee shall not alter the weighting assigned to pupils in a regular curriculum, but it may increase or decrease the weighting assigned to each category of children requiring special education by not more than two-tenths of the weighting assigned to pupils in a regular curriculum. The state board of education shall adopt rules under chapter 17A, to implement the weighting plan for each

year and to assist in identification and proper indexing of each child in the state who requires special education.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. ROSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2155, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 5, 1994

TERRY E. BRANSTAD
Governor