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1993

SENATE FILE 206
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 151)

Passed Senate, Date ^(p.87) 3/25/93 Passed House, Date ^(p.1423) 4/20/93
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0
Approved May 5, 1993

A BILL FOR

1 An Act relating to educational finances, activities, and
2 procedures and providing an effective date.

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

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SF 206

DIVISION I

1
2 Section 101. Section 256.12, subsection 2, Code 1993, is
3 amended to read as follows:

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

32 Sec. 102. Section 256B.8, unnumbered paragraph 1, Code
33 1993, is amended to read as follows:

34 It is not incumbent upon the school districts to keep a
35 child requiring special education in regular instruction when

1 the child cannot sufficiently profit from the work of the
2 regular classroom, nor to keep a child requiring special
3 education in the special class or instruction for children
4 requiring special education when it is determined by the
5 ~~director-of-special-education-of-an-area-education-agency~~
6 diagnostic educational team that the child can no longer
7 benefit from the instruction or needs more specialized
8 instruction available in special schools. However, the school
9 district shall count the child requiring special education in
10 the enrollment as provided in sections 256B.9, 257.6, and
11 273.9 and shall ensure that appropriate educational provisions
12 are made for the child requiring special education ~~within-the~~
13 ~~limits-of-moneys-available-under-this-chapter-and-chapters-257~~
14 ~~and-273.~~

15 DIVISION II

16 Sec. 201. Section 256.46, Code 1993, is amended to read as
17 follows:

18 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR
19 ACTIVITIES BY CERTAIN CHILDREN.

20 The state board shall adopt rules that permit a child who
21 does not meet the residence requirements for participation in
22 extracurricular interscholastic contests or competitions
23 sponsored or administered by an organization as defined in
24 section 280.13 to participate in the contests or competitions
25 immediately if the child is duly enrolled in a school, is
26 otherwise eligible to participate, and meets one of the
27 following circumstances or a similar circumstance: the child
28 has been adopted; the child is placed under foster or shelter
29 care; the child is living with one of the child's parents as a
30 result of divorce, separation, death, or other change in the
31 child's parents' marital relationship; the child is ~~or-has~~
32 ~~been~~ a foreign exchange student; the child has been placed in
33 a juvenile correctional facility; the child is a ward of the
34 court or the state; the child is a participant in a substance
35 abuse or mental health program; or the child is enrolled in an

1 accredited nonpublic high school because the child's district
2 of residence has entered into a whole grade sharing agreement
3 for the pupil's grade with another district.

4 Sec. 202. Section 257.6, subsection 1, paragraph f, Code
5 1993, is amended to read as follows:

6 f. Resident pupils receiving competent private instruction
7 under dual enrollment pursuant to chapter 299A shall be
8 counted as one-tenth of one pupil. However, each such pupil
9 taking three or more classes or who is present at least fifty
10 percent of the school day under dual enrollment shall be
11 counted as one pupil.

12 Sec. 203. Section 260C.1, Code 1993, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 12. Developmental education for persons
15 who are academically or personally underprepared to succeed in
16 their program of study.

17 Sec. 204. Section 280.13, Code 1993, is amended to read as
18 follows:

19 280.13 REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC CONTESTS
20 AND COMPETITIONS.

21 A public school shall not participate in or allow students
22 representing a public school to participate in any
23 extracurricular interscholastic athletic contest or
24 competition which is sponsored or administered by an
25 organization as defined in this section, unless the
26 organization is registered with the department of education,
27 files financial statements with the department in the form and
28 at the intervals prescribed by the director of the department
29 of education, and is in compliance with rules which the state
30 board of education adopts for the proper administration,
31 supervision, operation, adoption of eligibility requirements,
32 and scheduling of extracurricular interscholastic athletic
33 contests and competitions and the organizations. For the
34 purposes of this section "organization" means a corporation,
35 association, or organization which has as one of its primary

1 purposes the sponsoring or administration of extracurricular
2 interscholastic athletic contests or competitions, but does
3 not include an agency of this state, a public or private
4 school or school board, or an athletic conference or other
5 association whose interscholastic contests or competitions do
6 not include more than twenty twenty-four schools.

7 Sec. 205. Section 294A.16, unnumbered paragraph 1, Code
8 1993, is amended to read as follows:

9 A plan adopted by the board of directors of a school
10 district or area education agency shall be submitted to the
11 department of education not later than ~~April 15~~ May 31 of a
12 school year for that school year for a school district, and
13 not later than June 15 of a school year for that school year
14 for an area education agency. Amendments to multiple year
15 plans may be submitted annually.

16 Sec. 206. Section 299.3, Code 1993, is amended to read as
17 follows:

18 299.3 REPORTS FROM ACCREDITED NONPUBLIC SCHOOLS.

19 Within ten days from receipt of notice from the secretary
20 of the school district within which an accredited nonpublic
21 school is conducted, the principal of the accredited nonpublic
22 school shall, once during each school year, and at any time
23 when requested in individual cases, furnish to the secretary
24 of the public school district, within which the accredited
25 nonpublic school is located, a certificate and report in
26 duplicate on forms provided by the public school district of
27 the ~~names, and ages, and number of days attendance~~ of each
28 pupil of the accredited nonpublic school who is of compulsory
29 attendance age and the ~~course of study pursued by the grade~~
30 level of each pupil, during the preceding year and from the
31 time of the last preceding report to the time at which a
32 report is required. In addition, the report shall identify
33 all students of compulsory attendance age who were truant as
34 defined by law or school policy and the number of days of
35 truancy for the period covered by the report, and children who

1 dropped out, withdrew from enrollment, or transferred to
2 another Iowa school and the date their attendance ceased at
3 the accredited nonpublic school. The secretary shall retain
4 one of the reports and file the other with the secretary of
5 the area education agency.

6 Sec. 207. COMMUNITY COLLEGE FUNDING FORMULA STUDY. The
7 department of education shall conduct a study of the current
8 community college funding formula during the fiscal year
9 beginning July 1, 1993. This study should examine the funding
10 base year, current funding formula based on state needs, and
11 propose recommendations for changes. The report of findings
12 and recommendations shall be submitted to the general assembly
13 by January 1995.

14 Sec. 208. Section 205 of this Act, being deemed of
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 Division I makes two changes regarding services provided to
18 special education students that bring Iowa law into compliance
19 with federal regulations.

20 Division II relates to some miscellaneous issues, including
21 counting a dual enrolled pupil taking three or more courses as
22 a whole pupil instead of one-tenth, eliminating a pupil from
23 immediately participating in extracurricular activities just
24 because the pupil had been a foreign exchange student, adding
25 developmental education for persons who are underprepared to
26 succeed in their program of study to the statement of policy
27 for community colleges, regulating only interscholastic
28 athletic contests, eliminating the requirement by accredited
29 nonpublic schools of reporting the days of attendance except
30 with regard to reports on students who were truant or withdrew
31 from school, and extends the deadline for submission of phase
32 III plans, and directing the department of education to
33 conduct a study on the current community college funding
34 formula with findings and recommendations to be submitted by
35 January 1995.

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The bill has an effective date.

SENATE FILE 206

S-3113

- 1 Amend Senate File 206 as follows:
- 2 1. Page 3, by striking lines 4 through 11.

By MIKE CONNOLLY

Adopted 3-17-93 (p. 672)
S-3113 FILED MARCH 9, 1993

SENATE FILE 206

S-3222

- 1 Amend Senate File 206 as follows:
- 2 1. Page 4, by inserting after line 6, the
- 3 following:
- 4 "Sec. ____ . Section 294A.14, unnumbered paragraph
- 5 5, Code 1993, is amended to read as follows:
- 6 For school districts, a performance-based pay plan
- 7 may provide for additional salary for individual
- 8 teachers, for teachers assigned to a specific
- 9 discipline, or for all teachers assigned to an
- 10 attendance center. For area education agencies, a
- 11 performance-based pay plan may provide for additional
- 12 salary for individual teachers, for additional salary
- 13 for all teachers assigned to a specific discipline
- 14 within an area education agency, or for additional
- 15 salary for individual teachers assigned to a
- 16 multidisciplinary team within an area education
- 17 agency. If the plan provides additional salary for
- 18 all teachers assigned to an attendance center,
- 19 specific discipline, or multidisciplinary team, the
- 20 receipt of additional salary by those teachers shall
- 21 be determined on the basis of whether that attendance
- 22 center, specific discipline, or multidisciplinary team
- 23 meets specific objectives adopted for that attendance
- 24 center, specific discipline, or multidisciplinary
- 25 team. For school districts, the objectives may
- 26 include, but are not limited to, decreasing the
- 27 dropout rate, increasing the attendance rate, or
- 28 accelerating the achievement growth of students
- 29 enrolled in that attendance center through the use of
- 30 learning techniques that may include, but are not
- 31 limited to, reading instruction in phonics or whole
- 32 language techniques."
- 33 2. By renumbering as necessary.

By RAY TAYLOR
MIKE CONNOLLY

S-3222 FILED MARCH 24, 1993

SENATE FILE 206
FISCAL NOTE

A fiscal note for Senate File 206 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.

Senate File 206 relates to educational finances, activities, and procedures. In particular, this legislation states that a student that is dual enrolled in a school district and takes three classes or more or is present at least 50% of the school day shall be counted as one pupil. Currently dual enrolled students are counted as one-tenth of a student regardless of classes taken or percent of the day present.

ASSUMPTIONS:

1. That there are 828 students identified as dual enrolled for FY 1994 and FY 1995.
2. That all 828 students would qualify to be counted as a whole student by taking three classes or more or being present at least 50% of the day.
3. That the allowable growth factor is 2.1% for FY 1994 and 0.0% for FY 1995.

FISCAL IMPACT:

Senate File 206 is estimated to increase local school districts' budgets by a maximum of \$2.5 million in FY 1994 and FY 1995. The increase of \$2.5 million would be comprised of \$2.1 million in state aid and \$0.4 million in property taxes. (LSB 1216sv, BDH)

FILED MARCH 16, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

S-3156

1 Amend Senate File 206 as follows:

2 1. Page 3, by inserting after line 11 the
3 following:

4 "Sec. ____ . Section 257.12, unnumbered paragraph 1,
5 Code 1993, is amended to read as follows:

6 In determining weighted enrollment under section
7 257.6, if the board of directors of a school district
8 has approved a contract for sharing under section
9 442.39, subsection 2 or 4, Code 1991, or section
10 257.11 and the school district has initiated an action
11 prior to November 30, 1990, to bring about a
12 reorganization, the reorganized school district shall
13 include, for a period of five six years following the
14 effective date of the reorganization, additional
15 pupils added by the application of the supplementary
16 weighting plan, equal to the pupils added by the
17 application of the supplementary weighting plan in the
18 year preceding the reorganization. For the purposes
19 of this section, the weighted enrollment for the
20 period six years following the effective date of
21 reorganization shall include the supplementary
22 weighting in the base year used for determining the
23 combined district cost for the first year of the reor-
24 ganization. However, the weighting shall be reduced
25 by the supplementary weighting added for a pupil whose
26 residency is not within the reorganized district. For
27 purposes of this section, a reorganized district is
28 one in which the reorganization was approved in an
29 election pursuant to sections 275.18 and 275.20 and
30 takes effect on or after July 1, 1991, and on or
31 before July 1, 1993. Each district which initiated,
32 by a vote of the board of directors or jointly by the
33 affected boards, action to bring about a
34 reorganization or dissolution by November 30, 1990,
35 shall certify the date and the nature of the action
36 taken to the department of education by September 1,
37 1991."

By JOHN P. KIBBIE

S-3156 FILED MARCH 17, 1993
RULED OUT OF ORDER

SENATE FILE 206

S-3097

1 Amend Senate File 206 as follows:

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

4 "Sec. 201A. Section 257.3, subsection 1, Code
5 1993, is amended to read as follows:

6 1. AMOUNT OF TAX. Except as provided in
7 subsection subsections 2 and 2A, a school district
8 shall cause to be levied each year, for the school
9 general fund, a foundation property tax equal to five
10 dollars and forty cents per thousand dollars of
11 assessed valuation on all taxable property in the
12 district. The county auditor shall spread the
13 foundation levy over all taxable property in the
14 district.

15 Sec. 201B. Section 257.3, Code 1993, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 2A. If a reorganized school
18 district, whose foundation property tax is reduced
19 under subsection 2, reorganizes within five school
20 years from the time of its original reorganization to
21 which subsection 2 applies, the resulting reorganized
22 school district shall cause to be levied a foundation
23 property tax on the taxable property in that portion
24 of the new reorganized district which, in the year
25 preceding the latest reorganization, was within the
26 original reorganized school district to which
27 subsection 2 applies equal to one dollar per thousand
28 dollars of assessed value less than the rate the
29 original reorganized district would have levied under
30 subsection 2 for the same school year if there had
31 been no new reorganization. In succeeding school
32 years, the foundation property tax on that portion of
33 the new reorganized school district shall be increased
34 twenty cents per year until it reaches the rate of
35 five dollars and forty cents per thousand dollars of
36 assessed valuation.

37 Sec. 201C. Section 257.3, subsection 3, Code 1993,
38 is amended to read as follows:

39 3. RAILWAY CORPORATIONS. For purposes of section
40 257.1, the "amount per pupil of foundation property
41 tax" does not include the tax levied under subsection
42 1, or 2, or 2A on the property of a railway
43 corporation, or on its trustee if the corporation has
44 been declared bankrupt or is in bankruptcy
45 proceedings."

46 2. Page 5, line 14, by striking the word
47 "Section" and inserting the following: "Sections
48 201A, 201B, 201C, and".

49 3. Page 5, line 15, by striking the word "takes"
50 and inserting the following: "take".

By LINN FUHRMAN

S-3097 FILED MARCH 9, 1993

out of order 2-17-93 (P. 671)

SENATE FILE 206
BY COMMITTEE ON EDUCATION

Substituted for HF 599
(SUCCESSOR TO SSB 151) *4-8-93*

(AS AMENDED AND PASSED BY THE SENATE MARCH 25, 1993)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, ^(p.1297) Date 4/22/93 Passed House, ^(p.1423) Date 4/20/93
Vote: Ayes 44 Nays 0 Vote: Ayes 98 Nays 0
Approved May 5, 1993

Re-passed House 95-0
4/27/93 (p.1714)

A BILL FOR

1 An Act relating to educational finances, activities, and
2 procedures and providing an effective date.

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

S.F. 206

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DIVISION I

1
2 Section 101. Section 256.12, subsection 2, Code 1993, is
3 amended to read as follows:

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

32 Sec. 102. Section 256B.8, unnumbered paragraph 1, Code
33 1993, is amended to read as follows:

34 It is not incumbent upon the school districts to keep a
35 child requiring special education in regular instruction when

1 the child cannot sufficiently profit from the work of the
2 regular classroom, nor to keep a child requiring special
3 education in the special class or instruction for children
4 requiring special education when it is determined by the
5 ~~director-of-special-education-of-an-area-education-agency~~
6 diagnostic educational team that the child can no longer
7 benefit from the instruction or needs more specialized
8 instruction available in special schools. However, the school
9 district shall count the child requiring special education in
10 the enrollment as provided in sections 256B.9, 257.6, and
11 273.9 and shall ensure that appropriate educational provisions
12 are made for the child requiring special education ~~within-the~~
13 ~~limits-of-moneys-available-under-this-chapter-and-chapters-257~~
14 ~~and-273.~~

15 DIVISION II

16 Sec. 201. Section 256.46, Code 1993, is amended to read as
17 follows:

18 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR
19 ACTIVITIES BY CERTAIN CHILDREN.

20 The state board shall adopt rules that permit a child who
21 does not meet the residence requirements for participation in
22 extracurricular interscholastic contests or competitions
23 sponsored or administered by an organization as defined in
24 section 280.13 to participate in the contests or competitions
25 immediately if the child is duly enrolled in a school, is
26 otherwise eligible to participate, and meets one of the
27 following circumstances or a similar circumstance: the child
28 has been adopted; the child is placed under foster or shelter
29 care; the child is living with one of the child's parents as a
30 result of divorce, separation, death, or other change in the
31 child's parents' marital relationship; the child is ~~or-has~~
32 ~~been~~ a foreign exchange student; the child has been placed in
33 a juvenile correctional facility; the child is a ward of the
34 court or the state; the child is a participant in a substance
35 abuse or mental health program; or the child is enrolled in an

1 accredited nonpublic high school because the child's district
2 of residence has entered into a whole grade sharing agreement
3 for the pupil's grade with another district.

* 4 Sec. 202. Section 260C.1, Code 1993, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 12. Developmental education for persons
7 who are academically or personally underprepared to succeed in
8 their program of study.

9 Sec. 203. Section 280.13, Code 1993, is amended to read as
10 follows:

11 280.13 REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC CONTESTS
12 AND COMPETITIONS.

13 A public school shall not participate in or allow students
14 representing a public school to participate in any
15 extracurricular interscholastic athletic contest or
16 competition which is sponsored or administered by an
17 organization as defined in this section, unless the
18 organization is registered with the department of education,
19 files financial statements with the department in the form and
20 at the intervals prescribed by the director of the department
21 of education, and is in compliance with rules which the state
22 board of education adopts for the proper administration,
23 supervision, operation, adoption of eligibility requirements,
24 and scheduling of extracurricular interscholastic athletic
25 contests and competitions and the organizations. For the
26 purposes of this section "organization" means a corporation,
27 association, or organization which has as one of its primary
28 purposes the sponsoring or administration of extracurricular
29 interscholastic athletic contests or competitions, but does
30 not include an agency of this state, a public or private
31 school or school board, or an athletic conference or other
32 association whose interscholastic contests or competitions do
33 not include more than twenty twenty-four schools.

34 Sec. 204. Section 294A.14, unnumbered paragraph 5, Code
35 1993, is amended to read as follows:

1 For school districts, a performance-based pay plan may
2 provide for additional salary for individual teachers, for
3 teachers assigned to a specific discipline, or for all
4 teachers assigned to an attendance center. For area education
5 agencies, a performance-based pay plan may provide for
6 additional salary for individual teachers, for additional
7 salary for all teachers assigned to a specific discipline
8 within an area education agency, or for additional salary for
9 individual teachers assigned to a multidisciplinary team
10 within an area education agency. If the plan provides
11 additional salary for all teachers assigned to an attendance
12 center, specific discipline, or multidisciplinary team, the
13 receipt of additional salary by those teachers shall be
14 determined on the basis of whether that attendance center,
15 specific discipline, or multidisciplinary team meets specific
16 objectives adopted for that attendance center, specific
17 discipline, or multidisciplinary team. For school districts,
18 the objectives may include, but are not limited to, decreasing
19 the dropout rate, increasing the attendance rate, or
20 accelerating the achievement growth of students enrolled in
21 that attendance center through the use of learning techniques
22 that may include, but are not limited to, reading instruction
23 in phonics or whole language techniques.

24 Sec. 205. Section 294A.16, unnumbered paragraph 1, Code
25 1993, is amended to read as follows:

26 A plan adopted by the board of directors of a school
27 district or area education agency shall be submitted to the
28 department of education not later than ~~April 15~~ May 31 of a
29 school year for that school year for a school district, and
30 not later than June 15 of a school year for that school year
31 for an area education agency. Amendments to multiple year
32 plans may be submitted annually.

33 Sec. 206. Section 299.3, Code 1993, is amended to read as
34 follows:

35 299.3 REPORTS FROM ACCREDITED NONPUBLIC SCHOOLS.

1 Within ten days from receipt of notice from the secretary
2 of the school district within which an accredited nonpublic
3 school is conducted, the principal of the accredited nonpublic
4 school shall, once during each school year, and at any time
5 when requested in individual cases, furnish to the secretary
6 of the public school district, within which the accredited
7 nonpublic school is located, a certificate and report in
8 duplicate on forms provided by the public school district of
9 the names, and ages,--and-number-of-days-attendance of each
10 pupil of the accredited nonpublic school who is of compulsory
11 attendance age and the course-of-study-pursued-by-the grade
12 level of each pupil, during the preceding year and from the
13 time of the last preceding report to the time at which a
14 report is required. In addition, the report shall identify
15 all students of compulsory attendance age who were truant as
16 defined by law or school policy and the number of days of
17 truancy for the period covered by the report, and children who
18 dropped out, withdrew from enrollment, or transferred to
19 another Iowa school and the date their attendance ceased at
20 the accredited nonpublic school. The secretary shall retain
21 one of the reports and file the other with the secretary of
22 the area education agency.

23 Sec. 207. COMMUNITY COLLEGE FUNDING FORMULA STUDY. The
24 department of education shall conduct a study of the current
25 community college funding formula during the fiscal year
26 beginning July 1, 1993. This study should examine the funding
27 base year, current funding formula based on state needs, and
28 propose recommendations for changes. The report of findings
29 and recommendations shall be submitted to the general assembly
30 by January 1995.

31 Sec. 208. Section 205 of this Act, being deemed of
32 immediate importance, takes effect upon enactment.

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SENATE FILE 206

H-3583

Amend Senate File 206, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by striking lines 4 through 8 and inserting the following:
- "Sec. ____ . Section 257.6, subsection 1, paragraph f, Code 1993, is amended to read as follows:
- f. Resident pupils receiving competent private instruction under dual enrollment pursuant to chapter 299A shall be counted as one-tenth of one pupil or in the proportion that the number of classes in which they are enrolled or receive instruction bears to the total number of classes that full-time pupils, carrying a normal course schedule, are enrolled or receive instruction, whichever is the greater.
- Sec. ____ . Section 279.19B, unnumbered paragraph 1, Code 1993, is amended by striking the unnumbered paragraph.
- Sec. ____ . Section 279.19B, unnumbered paragraph 2, Code 1993, is amended to read as follows:
- The board of directors of a school district may employ for head coach of ~~other~~ any interscholastic athletic activities or for assistant coach of any interscholastic athletic activity, an individual who possesses a coaching authorization issued by the board of educational examiners or possesses a teaching license with a coaching endorsement issued pursuant to chapter 272. An individual who has been issued a coaching authorization or who possesses a teaching license with a coaching endorsement but is not issued a teaching contract under section 279.13 and who is employed by the board of directors of a school district serves at the pleasure of the board of directors and is not subject to sections 279.13 through 279.19, and 279.27. Subsection 1 of section 279.19A applies to coaching authorizations."
2. By striking page 3, line 34 through page 4, line 32.
3. Page 5, line 12, by inserting after the word "pupil," the following: "and the names of the teachers".
4. Page 5, by striking lines 31 and 32.
5. Title page, by striking line 2 and inserting the following: "procedures."

By GRUBBS of Scott

H-3583 FILED MARCH 30, 1993

Adopted 4/20/93 (p 1422)

SENATE FILE 206

H-3996

1 Amend Senate File 206, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 3, by inserting after line 3 the follow-
4 ing:

5 "Sec. 201A. Section 257.31, subsection 14,
6 unnumbered paragraph 2, Code 1993, is amended by
7 striking the unnumbered paragraph."

8 2. Page 5, by inserting after line 30 the follow-
9 ing:

10 "Sec. _____. Section 201A of this Act, being deemed
11 of immediate importance, takes effect upon enactment
12 and applies retroactively to July 1, 1992, for
13 purposes of determining the balance of funds of a
14 school district for the school budget year ending June
15 30, 1992."

16 3. Title page, by striking line 2 and inserting
17 the following: "procedures and providing effective
18 and applicability date provisions."

By NELSON of Pottawattamie
DAGGETT of Union

H-3996 FILED APRIL 15, 1993

Adopted 4/20/93 (P1422)

SENATE FILE 206

H-4058

1 Amend amendment H-3583, to Senate File 206, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 15 through 43.

By GRUBBS of Scott

H-4058 FILED APRIL 20, 1993

adopted 4/20/93 (P1422)

HOUSE AMENDMENT TO
SENATE FILE 206

S-3545

- 1 Amend Senate File 206, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 3 the follow-
4 ing:
5 "Sec. 201A. Section 257.31, subsection 14,
6 unnumbered paragraph 2, Code 1993, is amended by
7 striking the unnumbered paragraph."
8 2. Page 3, by striking lines 4 through 8 and
9 inserting the following:
10 "Sec. ____ . Section 257.6, subsection 1, paragraph
11 f, Code 1993, is amended to read as follows:
12 f. Resident pupils receiving competent private
13 instruction under dual enrollment pursuant to chapter
14 299A shall be counted as one-tenth of one pupil or in
15 the proportion that the number of classes in which
16 they are enrolled or receive instruction bears to the
17 total number of classes that full-time pupils,
18 carrying a normal course schedule, are enrolled or
19 receive instruction, whichever is the greater."
20 3. Page 5, by inserting after line 30 the follow-
21 ing:
22 "Sec. ____ . Section 201A of this Act, being deemed
23 of immediate importance, takes effect upon enactment
24 and applies retroactively to July 1, 1992, for
25 purposes of determining the balance of funds of a
school district for the school budget year ending June
26 , 30, 1992."
27 4. Title page, by striking line 2 and inserting
28 the following: "procedures and providing effective
29 and applicability date provisions."
30 5. By renumbering, relettering, or redesignating
31 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3545 FILED APRIL 20, 1993

Senate Concurred 4/22/93 P. (1292)

SENATE FILE 206

S-3579

- 1 Amend the House amendment, S-3545, to Senate File
2 206, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 1, by striking lines 8 through 19.

By MIKE CONNOLLY

S-3579 FILED APRIL 21, 1993

Adopted 4/22/93 (P. 1297)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 206
H-4163

1 Amend the House amendment, S-3545, to Senate File
2 206, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 8 through 19.

RECEIVED FROM THE SENATE

H-4163 FILED APRIL 22, 1993

House concurred 4/27/93 (p. 17/3)

CONNOLLY, CH.
MURPHY
KRAMER

SSB 151
EDUCATION

SENATE/HOUSE FILE 206
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to educational finances, activities, and
2 procedures and providing effective and applicability date
3 provisions.

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

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DIVISION I

2 Section 101. Section 256.12, subsection 2, Code 1993, is
3 amended to read as follows:

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

32 Sec. 102. Section 256B.8, unnumbered paragraph 1, Code
33 1993, is amended to read as follows:

34 It is not incumbent upon the school districts to keep a
35 child requiring special education in regular instruction when

1 the child cannot sufficiently profit from the work of the
2 regular classroom, nor to keep a child requiring special
3 education in the special class or instruction for children
4 requiring special education when it is determined by the
5 ~~director-of-special-education-of-an-area-education-agency~~
6 diagnostic educational team that the child can no longer
7 benefit from the instruction or needs more specialized
8 instruction available in special schools. However, the school
9 district shall count the child requiring special education in
10 the enrollment as provided in sections 256B.9, 257.6, and
11 273.9 and shall ensure that appropriate educational provisions
12 are made for the child requiring special education ~~within-the~~
13 ~~limits-of-moneys-available-under-this-chapter-and-chapters-257~~
14 ~~and-273.~~

15 Sec. 103. Section 257.6, subsection 3, Code 1993, is
16 amended by striking the subsection.

17 Sec. 104. Section 257.6, subsection 5, unnumbered
18 paragraph 1, Code 1993, is amended to read as follows:

19 Weighted enrollment is the budget enrollment plus the
20 district's additional ~~enrollment-because-of-special-education~~
21 ~~calculated-on-December-1-of-the-base-year~~ weighting for
22 special education instructional purposes as computed in
23 subsection 6 plus additional pupils added due to the
24 application of the supplementary weighting.

25 Sec. 105. Section 257.6, subsection 5, unnumbered
26 paragraph 2, Code 1993, is amended to read as follows:

27 Weighted enrollment for special education support services
28 costs is equal to the ~~weighted-enrollment-minus-the-additional~~
29 ~~pupils-added-due-to-the-application-of-the-supplementary~~
30 ~~weighting~~ basic enrollment for the budget year.

31 Sec. 106. Section 257.6, Code 1993, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 6. ADDITIONAL WEIGHTING FOR SPECIAL
34 EDUCATION INSTRUCTIONAL PURPOSES.

35 a. Commencing with the budget year beginning July 1, 1993,

1 and each budget year thereafter, the department of management
2 shall determine the additional weighting for special education
3 instructional purposes for each school district in the manner
4 provided in this section.

5 For children requiring special education who are defined in
6 section 256B.9, subsection 1, paragraph "d", that weight is
7 the product of the weighting for that category and the number
8 of children in that category counted on December 1 of the base
9 year, minus the number of children in that category. For
10 children requiring special education who are defined in
11 section 256B.9, subsection 1, paragraphs "b" and "c", that
12 weight is calculated under paragraphs "b" and "c", based upon
13 each district's percent of weightedness.

14 b. The maximum percent of weightedness for a school
15 district for the budget years beginning July 1, 1993, and July
16 1, 1994, is ten and two hundred five thousandths percent and
17 the intermediate percent of weightedness is eight and three
18 hundred thirty-two thousandths percent. Prior to January 1,
19 1995, and each two years thereafter, the school budget review
20 committee shall review the maximum percent of weightedness and
21 the intermediate percent of weightedness as they relate to the
22 costs of special education for children requiring special
23 education who are defined in section 256B.9, subsection 1,
24 paragraphs "b" and "c", and based upon those costs may adjust
25 the maximum percent of weightedness and the intermediate
26 percent of weightedness for the two succeeding fiscal years.

27 c. For the budget year beginning July 1, 1993, the
28 department of management shall calculate for each school
29 district a base year percent of weightedness by dividing each
30 district's additional enrollment because of special education
31 for those children calculated on December 1, 1992, under
32 section 256B.9, subsection 1, paragraphs "b" and "c", Code
33 1993, by the district's basic enrollment for the budget year
34 beginning July 1, 1993. For the budget year beginning July 1,
35 1994, and succeeding budget years, if the base year percent of

1 weightedness is greater than the maximum percent of
2 weightedness, the district's percent of weightedness for the
3 budget year is the maximum percent of weightedness and the
4 weighting for those children for the budget year is the
5 maximum percent of weightedness multiplied by the district's
6 basic enrollment for the budget year. However, if the maximum
7 percent of weightedness multiplied by regular program district
8 cost for the budget year is less than the district's
9 additional enrollment because of special education for those
10 children calculated on December 1, 1992, under section 256B.9,
11 subsection 1, paragraphs "b" and "c", Code 1993, multiplied by
12 the regular program district cost for the budget year
13 beginning July 1, 1993, the percent of weightedness shall be
14 increased to a percent that provides an amount equal to the
15 district's funding for special education instructional
16 purposes for those children for the base year, and the
17 weighting for those children shall be recalculated based upon
18 the revised percent of weightedness. If the base year percent
19 of weightedness for a district is between the maximum percent
20 of weightedness and the intermediate percent of weightedness,
21 the percent of weightedness for the budget year is the base
22 percent of weightedness and the district's weighting for those
23 children for the budget year is the base percent of
24 weightedness multiplied by the district's basic enrollment for
25 the budget year. If the base year percent of weightedness is
26 below the intermediate percent of weightedness, the district's
27 percent of weightedness for the budget year is the sum of the
28 district's base year percent of weightedness and any
29 adjustment granted by the school budget review committee, not
30 exceeding the intermediate percent of weightedness, and the
31 district's weighting for those children for the budget year is
32 the revised percent of weightedness multiplied by the
33 district's basic enrollment for the budget year.

34 d. In calculating the percent of weightedness for the
35 budget year beginning July 1, 1993, the weights for children

1 identified under section 256B.9, subsection 1, paragraphs "b"
2 and "c" shall be seventy-four hundredths and one and forty-
3 eight hundredths, respectively.

4 Sec. 107. Section 257.9, subsections 3 and 4, Code 1993,
5 are amended to read as follows:

6 3. Special education support services state cost per pupil
7 for ~~1991-1992~~ 1992-1993. For the budget year beginning July
8 1, ~~1991~~ 1992, for the special education support services state
9 cost per pupil, the department of management shall divide the
10 total of the approved budgets of the area education agencies
11 for special education support services for that year approved
12 by the state board of education under section 273.3,
13 subsection 12, by the total of the weighted basic enrollment
14 ~~for-special-education-support-services~~ in the state for the
15 budget year. The special education support services state
16 cost per pupil for the budget year is the amount calculated by
17 the department of management under this subsection.

18 4. Special education support services state cost per pupil
19 for ~~1992-1993~~ 1993-1994 and succeeding years. For the budget
20 year beginning July 1, ~~1992~~ 1993, and succeeding budget years,
21 the special education support services state cost per pupil
22 for the budget year is the special education support services
23 state cost per pupil for the base year plus the special
24 education support services allowable growth for the budget
25 year.

26 Sec. 108. Section 257.10, subsections 3 and 4, Code 1993,
27 are amended to read as follows:

28 3. Special education support services district cost per
29 pupil for ~~1991-1992~~ 1992-1993. For the budget year beginning
30 July 1, ~~1991~~ 1992, for the special education support services
31 district cost per pupil, the department of management shall
32 divide the approved budget of each area education agency for
33 special education support services for that year approved by
34 the state board of education, under section 273.3, subsection
35 12, by the total of the weighted basic enrollment ~~for-special~~

1 education-support-services in the area for that budget year.

2 The special education support services district cost per
3 pupil for each school district in an area for the budget year
4 is the amount calculated by the department of management under
5 this subsection.

6 4. Special education support services district cost per
7 pupil for ~~1992-1993~~ 1993-1994 and succeeding years. For the
8 budget year beginning July 1, ~~1992~~ 1993, and succeeding budget
9 years, the special education support services district cost
10 per pupil for the budget year is the special education support
11 services district cost per pupil for the base year plus the
12 special education support services allowable growth for the
13 budget year.

14 ~~Notwithstanding the special education support services~~
15 ~~district cost per pupil for the budget year beginning July 1,~~
16 ~~1991, calculated under subsection 3, for area education~~
17 ~~agencies that have fewer than three and five tenths public~~
18 ~~school pupils per square mile, the special education support~~
19 ~~services district cost per pupil for the budget year beginning~~
20 ~~July 1, 1991, is one hundred forty seven dollars.~~

21 Sec. 109. Section 257.10, subsection 7, Code 1993, is
22 amended to read as follows:

23 7. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT COST.
24 Special education support services district cost for a school
25 district for a budget year is equal to the special education
26 support services district cost per pupil for the budget year
27 multiplied by the ~~special education support services weighted~~
28 basic enrollment for the district for the budget year. ~~If the~~
29 ~~special education support services district cost for a school~~
30 ~~district for a budget year is less than the special education~~
31 ~~support services district cost for that district for the base~~
32 ~~year, the department of management shall adjust the special~~
33 ~~education support services district cost for that district for~~
34 ~~the budget year to equal the special education support~~
35 ~~services district cost for the base year.~~

1 Sec. 110. Section 257.31, subsection 12, Code 1993, is
2 amended to read as follows:

3 12. The committee shall review the recommendations of the
4 director of the department of education relating to the
5 special education weighting plan, and shall establish a
6 weighting-plan weight for each school year pursuant-to-section
7 287-9 for children requiring special education under section
8 256B.9, subsection 1, paragraph "d", and report the plan
9 weight to the director of the department of education. The
10 committee shall also review the maximum and intermediate
11 percents of weightedness and may adjust the percents of
12 weightedness under section 257.6, subsection 6.

13 Sec. 111. Section 257.31, Code 1993, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 12A. The committee may adjust the percent
16 of weightedness of a school district, by not more than one-
17 half of one percent in any year, for which the percent of
18 weightedness is below the intermediate percent of weightedness
19 based upon that district's special education needs.

20 Sec. 112. Section 257.31, subsection 14, paragraph a, Code
21 1993, is amended to read as follows:

22 a. If the amount certified for a school district to the
23 director of the department of management under this subsection
24 for the base year is positive, the director of the department
25 of management shall subtract the amount of the positive
26 balance exceeding ten percent of the additional funds
27 generated for special education, not to include any previous
28 carryover, from the amount of state aid remaining to be paid
29 to the district during the budget year. If the positive
30 amount exceeding the ten percent amount exceeds the amount of
31 state aid that remains to be paid to the district, not
32 including any previous carryover, the school district shall
33 pay the excess on a quarterly basis prior to June 30 of the
34 budget year to the director of the department of management
35 from other funds received by the district. The director of

1 the department of management shall determine the amount of the
2 positive balance that exceeds the ten percent amount that came
3 from local property tax revenues and shall increase the
4 district's total state school aids available under this
5 chapter for the next following budget year by the amount so
6 determined and shall reduce the district's tax levy computed
7 under section 257.4 for the next following budget year by the
8 amount necessary to compensate for the increased state aid.

9 Sec. 113. Section 257.31, Code 1993, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 17. The committee shall provide
12 reimbursement to the school district of residence for
13 excessive costs of instruction of children requiring special
14 education who are identified under section 256B.9, subsection
15 1, paragraph "d" if the following two conditions are met:

16 a. The special education costs exceed the sum of three
17 times the regular program district cost per pupil plus the
18 amount of funds generated for special education.

19 b. The district has a year-end negative special education
20 fund balance.

21 A district that qualifies shall be reimbursed in an amount
22 that equals the lesser of the excess costs identified in
23 paragraph "a" or the amount identified in paragraph "b". This
24 reimbursement shall be applied for by the district and will be
25 added to the following budget year's special education funds.

26 The total amount of reimbursement allowed under this
27 subsection shall be paid for from the total amount of the
28 current year's remaining state foundation aid to be paid. The
29 total reimbursement amount shall be prorated among all school
30 districts based upon the percent of each school district's
31 remaining state foundation aid to be paid to the total
32 remaining state foundation aid to be paid.

33 Sec. 114. Sections 103 through 113 of this Act take effect
34 upon enactment and apply retroactively to July 1, 1992, for
35 the purpose of computations required for payment of state aid

1 to and levying of property taxes by school districts for the
2 budget years beginning on or after July 1, 1993.

3 DIVISION II

4 Sec. 201. Section 256.46, Code 1993, is amended to read as
5 follows:

6 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR
7 ACTIVITIES BY CERTAIN CHILDREN.

8 The state board shall adopt rules that permit a child who
9 does not meet the residence requirements for participation in
10 extracurricular interscholastic contests or competitions
11 sponsored or administered by an organization as defined in
12 section 280.13 to participate in the contests or competitions
13 immediately if the child is duly enrolled in a school, is
14 otherwise eligible to participate, and meets one of the
15 following circumstances or a similar circumstance: the child
16 has been adopted; the child is placed under foster or shelter
17 care; the child is living with one of the child's parents as a
18 result of divorce, separation, death, or other change in the
19 child's parents' marital relationship; the child is ~~or has~~
20 ~~been~~ a foreign exchange student; the child has been placed in
21 a juvenile correctional facility; the child is a ward of the
22 court or the state; the child is a participant in a substance
23 abuse or mental health program; or the child is enrolled in an
24 accredited nonpublic high school because the child's district
25 of residence has entered into a whole grade sharing agreement
26 for the pupil's grade with another district.

27 Sec. 202. Section 257.6, subsection 1, paragraph f, Code
28 1993, is amended to read as follows:

29 f. Resident pupils receiving competent private instruction
30 under dual enrollment pursuant to chapter 299A shall be
31 counted as one-tenth of one pupil. However, each such pupil
32 taking three or more classes or who is present at least fifty
33 percent of the school day under dual enrollment shall be
34 counted as one pupil.

35 Sec. 203. Section 260C.1, Code 1993, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 12. Developmental education for persons
3 who are academically or personally underprepared to succeed in
4 their program of study.

5 Sec. 204. Section 279.19B, unnumbered paragraph 1, Code
6 1993, is amended to read as follows:

7 The board of directors of a school district shall offer an
8 extracurricular contract for varsity head coach of the
9 interscholastic athletic activities of football, soccer,
10 basketball, track not including cross-country, baseball,
11 softball, volleyball, gymnastics, hockey, and wrestling only
12 to an individual possessing a teaching license with a coaching
13 endorsement issued pursuant to chapter 272.

14 Sec. 205. Section 280.13, Code 1993, is amended to read as
15 follows:

16 280.13 REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC CONTESTS
17 AND COMPETITIONS.

18 A public school shall not participate in or allow students
19 representing a public school to participate in any
20 extracurricular interscholastic athletic contest or
21 competition which is sponsored or administered by an
22 organization as defined in this section, unless the
23 organization is registered with the department of education,
24 files financial statements with the department in the form and
25 at the intervals prescribed by the director of the department
26 of education, and is in compliance with rules which the state
27 board of education adopts for the proper administration,
28 supervision, operation, adoption of eligibility requirements,
29 and scheduling of extracurricular interscholastic athletic
30 contests and competitions and the organizations. For the
31 purposes of this section "organization" means a corporation,
32 association, or organization which has as one of its primary
33 purposes the sponsoring or administration of extracurricular
34 interscholastic athletic contests or competitions, but does
35 not include an agency of this state, a public or private

1 school or school board, or an athletic conference or other
2 association whose interscholastic contests or competitions do
3 not include more than twenty twenty-four schools.

4 Sec. 206. Section 299.3, Code 1993, is amended to read as
5 follows:

6 299.3 REPORTS FROM ACCREDITED NONPUBLIC SCHOOLS.

7 Within ten days from receipt of notice from the secretary
8 of the school district within which an accredited nonpublic
9 school is conducted, the principal of the accredited nonpublic
10 school shall, once during each school year, and at any time
11 when requested in individual cases, furnish to the secretary
12 of the public school district, within which the accredited
13 nonpublic school is located, a certificate and report in
14 duplicate on forms provided by the public school district of
15 the names, and ages, and number of days attendance of each
16 pupil of the accredited nonpublic school who is are of
17 compulsory attendance age and the course of study pursued by
18 the grade level of each pupil, and the names of the teachers
19 during the preceding year and from the time of the last
20 preceding report to the time at which a report is required.
21 In addition, the report shall identify all students of
22 compulsory attendance age who were truant as defined by law or
23 school policy and the number of days of truancy for the period
24 covered by the report, and children who dropped out, withdrew
25 from enrollment, or transferred to another Iowa school and the
26 date their attendance ceased at the accredited nonpublic
27 school. The secretary shall retain one of the reports and
28 file the other with the secretary of the area education
29 agency.

30 Sec. 207. COMMUNITY COLLEGE FUNDING FORMULA STUDY. The
31 department of education shall conduct a study of the current
32 community college funding formula during the fiscal year
33 beginning July 1, 1993. This study should examine the funding
34 base year, current funding formula based on state needs, and
35 propose recommendations for changes. The report of findings

1 and recommendations shall be submitted to the general assembly
2 by January 1995.

3 EXPLANATION

4 Division I implements changes to the state school finance
5 formula relating to special education funding. It also makes
6 two changes regarding services provided to special education
7 students that bring Iowa law into compliance with federal
8 regulations.

9 It makes the following change beginning with the budget
10 year beginning July 1, 1993: implements the revised special
11 education formula based upon special education weights in
12 existence during the fiscal year beginning July 1, 1992, and
13 allows carryover balances for special education by school
14 districts of up to 10 percent, and provides for reimbursement
15 to school districts that have a negative special education
16 balance and whose special education costs for the most extreme
17 category of special education pupils are the sum of three
18 times the regular program district cost per pupil plus the
19 special education funds generated.

20 Division II relates to some miscellaneous issues, including
21 counting a dual enrolled pupil taking three or more courses as
22 a whole pupil instead of one-tenth, eliminating a pupil from
23 immediately participating in extracurricular activities just
24 because the pupil had been a foreign exchange student,
25 requiring soccer coaches to hold full coaching endorsements,
26 adding developmental education for persons who are
27 underprepared to succeed in their program of study to the
28 statement of policy for community colleges, regulating only
29 interscholastic athletic contests, eliminating the requirement
30 by accredited nonpublic schools of reporting the days of
31 attendance except with regard to reports on students who were
32 truant or withdrew from school, and directing the department
33 of education to conduct a study on the current community
34 college funding formula with findings and recommendations to
35 be submitted by January 1995.

1 The bill has effective and applicability date provisions.

2 BACKGROUND STATEMENT

3 SUBMITTED BY THE AGENCY

4 Division I. The general assembly mandated that the
5 department study special education finance and make
6 recommendations. The suggested changes in this section were
7 developed by a special education task force which was convened
8 by the department to conduct a comprehensive study of special
9 education finance.

10 Sections 101 and 102 of this division include changes
11 necessary to bring Iowa law into compliance with federal
12 regulations. We received conditional approval of our state
13 special education plan based on the assumption that these law
14 changes be made by July 1993. Our plan must be approved in
15 order to receive \$30.5 million in federal funding for special
16 education.

17 Section 201. Some Iowa parents and coaches are actively
18 engaged in the recruiting of foreign students to Iowa schools
19 solely for their athletic prowess. Removing the condition
20 that a student was or "has been" a foreign exchange student
21 will mean that only those foreign students who are affiliated
22 with a recognized exchange program, who can speak English with
23 at least minimum proficiency, and who are here primarily to
24 enhance their academic education will be eligible for
25 athletics.

26 Section 202. Some parents have "dual enrolled" their
27 children for all subjects except reading, and the school is
28 technically limited to counting the student as .1.

29 Section 203. The community colleges are "open door"
30 colleges that provide opportunities for many adults who have
31 not attained the requisite basic skills necessary for
32 employment or admission to an appropriate educational program.
33 Underprepared adult students are admitted to the community
34 college and are then counseled into developmental course work
35 that is intended to remedy deficiencies and help the student

1 succeed in the programs of their choice. National studies and
2 research have established a continuing and expanding need for
3 developmental education. This section adds developmental
4 education to the statement of policy for community colleges.

5 Section 204. The Iowa high school athletic association has
6 recently voted to recognize soccer as a sanctioned activity.
7 Their suggestion is to make sure school soccer coaches are
8 properly trained as are other coaches of major sports. This
9 will help ensure that soccer coaches are teachers with
10 students' best interests in mind.

11 Section 205. Currently, there are statewide competitions
12 that have been ongoing for several years that are not
13 registered with the department (i.e. Iowa drill team, Iowa
14 cheerleaders, Iowa rodeo, Iowa mock trial, academic
15 decathlon). The department is proposing to add "athletic" to
16 this Code provision so that the above-mentioned state contests
17 can continue and schools can legally send individuals or teams
18 representing their schools without the need for all of those
19 sponsoring organizations to be registered and to submit
20 extensive documentation to the department.

21 Section 206. The only needed information is which students
22 were truant under the law and which students withdrew from the
23 accredited private school during the school year (in case
24 parents only enrolled the student at the beginning of the
25 school year to avoid being identified as unenrolled). The
26 current requirement is time-consuming and the "number of days
27 of attendance" serves little purpose with respect to the
28 majority of students.

29 Section 207. The current funding formula was established
30 as a result of a statewide task force formed in 1986 and the
31 agreement for a contact hour-based formula. The formula was
32 designed to create equity and provide for growth. The formula
33 was established in legislation in spring 1987 and an
34 appropriation was provided for fiscal year 1988. Since it was
35 established, the formula has been fully funded only one year.

S.F. _____ H.F. _____

1 The formula is not meeting current needs as exemplified by
2 institutional program cuts, reduction of services, and
3 increasing tuition.

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SENATE FILE 206

AN ACT

RELATING TO EDUCATIONAL FINANCES, ACTIVITIES, AND PROCEDURES
AND PROVIDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

DIVISION I

Section 101. Section 256.12, subsection 2, Code 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 may shall make public school services, which may shall include ~~health-services;~~ special education programs and services; ~~diagnostic-services-for-speech,~~ hearing, ~~and-psychological-purposes;~~ 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, which may be provided on nonpublic school premises, with the permission of the lawful custodian.

Sec. 102. Section 256B.8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

It is not incumbent upon the school districts 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 a 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~~ diagnostic educational team that the child can no longer benefit from the instruction or needs more specialized instruction available in special schools. However, the school district shall count the child requiring special education in the enrollment as provided in sections 256B.9, 257.6, and 273.9 and shall ensure that appropriate educational provisions are made for the child requiring special education ~~within the limits-of-moneys-available-under-this-chapter-and-chapters-257 and-273.~~

DIVISION II

Sec. 201. Section 256.46, Code 1993, is amended to read as follows:

256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY CERTAIN CHILDREN.

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter

care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship; the child is or has been a foreign exchange student; the child has been placed in a juvenile correctional facility; the child is a ward of the court or the state; the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district.

Sec. 202. Section 257.31, subsection 14, unnumbered paragraph 2, Code 1993, is amended by striking the unnumbered paragraph.

Sec. 203. Section 260C.1, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Developmental education for persons who are academically or personally underprepared to succeed in their program of study.

Sec. 204. Section 280.13, Code 1993, is amended to read as follows:

280.13 REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS.

A public school shall not participate in or allow students representing a public school to participate in any extracurricular interscholastic athletic contest or competition which is sponsored or administered by an organization as defined in this section, unless the organization is registered with the department of education, files financial statements with the department in the form and at the intervals prescribed by the director of the department of education, and is in compliance with rules which the state board of education adopts for the proper administration, supervision, operation, adoption of eligibility requirements, and scheduling of extracurricular interscholastic athletic contests and competitions and the organizations. For the purposes of this section "organization" means a corporation,

association, or organization which has as one of its primary purposes the sponsoring or administration of extracurricular interscholastic athletic contests or competitions, but does not include an agency of this state, a public or private school or school board, or an athletic conference or other association whose interscholastic contests or competitions do not include more than twenty-four schools.

Sec. 205. Section 294A.14, unnumbered paragraph 5, Code 1993, is amended to read as follows:

For school districts, a performance-based pay plan may provide for additional salary for individual teachers, for teachers assigned to a specific discipline, or for all teachers assigned to an attendance center. For area education agencies, a performance-based pay plan may provide for additional salary for individual teachers, for additional salary for all teachers assigned to a specific discipline within an area education agency, or for additional salary for individual teachers assigned to a multidisciplinary team within an area education agency. If the plan provides additional salary for all teachers assigned to an attendance center, specific discipline, or multidisciplinary team, the receipt of additional salary by those teachers shall be determined on the basis of whether that attendance center, specific discipline, or multidisciplinary team meets specific objectives adopted for that attendance center, specific discipline, or multidisciplinary team. For school districts, the objectives may include, but are not limited to, decreasing the dropout rate, increasing the attendance rate, or accelerating the achievement growth of students enrolled in that attendance center through the use of learning techniques that may include, but are not limited to, reading instruction in phonics or whole language techniques.

Sec. 206. Section 294A.16, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A plan adopted by the board of directors of a school district or area education agency shall be submitted to the

department of education not later than ~~April 15~~ May 31 of a school year for that school year for a school district, and not later than June 15 of a school year for that school year for an area education agency. Amendments to multiple year plans may be submitted annually.

Sec. 207. Section 299.3, Code 1993, is amended to read as follows:

299.3 REPORTS FROM ACCREDITED NONPUBLIC SCHOOLS.

Within ten days from receipt of notice from the secretary of the school district within which an accredited nonpublic school is conducted, the principal of the accredited nonpublic school shall, once during each school year, and at any time when requested in individual cases, furnish to the secretary of the public school district, within which the accredited nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names, and ages, and number of days attendance of each pupil of the accredited nonpublic school who is of compulsory attendance age and the course of study pursued by the grade level of each pupil, during the preceding year and from the time of the last preceding report to the time at which a report is required. In addition, the report shall identify all students of compulsory attendance age who were truant as defined by law or school policy and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school. The secretary shall retain one of the reports and file the other with the secretary of the area education agency.

Sec. 208. COMMUNITY COLLEGE FUNDING FORMULA STUDY. The department of education shall conduct a study of the current community college funding formula during the fiscal year beginning July 1, 1993. This study should examine the funding base year, current funding formula based on state needs, and propose recommendations for changes. The report of findings

and recommendations shall be submitted to the general assembly by January 1995.

Sec. 209. Section 202 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992, for purposes of determining the balance of funds of a school district for the school budget year ending June 30, 1992.

Sec. 210. Section 206 of this Act, being deemed of immediate importance, takes effect upon enactment.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 206, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 5, 1993

TERRY E. BRANSTAD
Governor