

2-7-96 Referred to Education
2-22-96 Amend/Do Pass W/
3/12/96 Referred to Approp. H-5112

FEB 6 1996
STATE GOVERNMENT

HOUSE FILE 2157
BY GRUNDBERG

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

A BILL FOR

1 An Act relating to establishing the English language as the
2 official language of the state, providing limited English
3 proficiency programs in the public schools, making an
4 appropriation for additional funding for an increase in the
5 actual number of limited English proficient students, and
6 providing an effective and applicability date.

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 2157

1 Section 1. NEW SECTION. 1.18 OFFICIAL LANGUAGE OF STATE.

2 The official language of the state shall be the English
3 language and all official proceedings, records, and
4 publications shall be in the English language.

5 Sec. 2. Section 257.31, subsection 5, paragraph j, Code
6 1995, is amended to read as follows:

7 j. Unusual need to continue providing a program or other
8 special assistance to non-English-speaking limited English
9 proficient pupils after the expiration of the three-year
10 period specified in section 280.4.

11 Sec. 3. Section 280.4, subsection 3, Code 1995, is amended
12 to read as follows:

13 3. In order to provide funds for the excess costs of
14 instruction of limited English proficient students above the
15 costs of instruction of pupils in a regular curriculum,
16 students identified as limited English proficient shall be
17 assigned an additional weighting that shall be included in the
18 weighted enrollment of the school district of residence for a
19 period not exceeding three four years for the school year
20 commencing July 1, 1996, and subsequent school years.

21 However, the school budget review committee may grant
22 supplemental aid or modified allowable growth to a school
23 district to continue funding a program for students after the
24 expiration of the three-year original period. The school
25 budget review committee shall calculate the additional amount
26 for the weighting to the nearest one-hundredth of one percent
27 so that to the extent possible the moneys generated by the
28 weighting will be equivalent to the moneys generated by the
29 two-tenths weighting provided prior to July 2, 1991.

30 Sec. 4. Section 280.4, Code 1995, is amended by adding the
31 following new subsections:

32 NEW SUBSECTION. 4. The board of directors of a school
33 district shall provide documentation that a limited English
34 proficient student requires special instruction beyond a four-
35 year period.

1 NEW SUBSECTION. 5. If a district's actual number of
2 limited English proficient students for the budget year is
3 greater than the number of limited English proficient students
4 in its budget enrollment for the budget year, the district is
5 granted an additional funding from the state of an amount
6 equal to the product of the additional weighting for limited
7 English proficient students determined in subsection 3,
8 multiplied by the difference between the actual number of
9 limited English proficient students for the budget year and
10 the number of limited English proficient students in its
11 budget enrollment for the budget year. The additional funding
12 received is miscellaneous income to the district.

13 If a district receives additional funding under this
14 subsection for a budget year, the department of management
15 shall determine the amount of the additional funding which
16 would have been generated by local property tax revenues if
17 the actual number of limited English proficient students for
18 the budget year had been used in determining district cost for
19 that budget year. The department of management shall reduce,
20 but not by more than the amount of the additional funding, the
21 district's total state school aid otherwise available under
22 chapter 257 for the following budget year by the amount so
23 determined, and shall increase the district's additional
24 property tax levy for the following budget year by the amount
25 necessary to compensate for the reduction in state aid, so
26 that the local property tax for the following year will be
27 increased only by the amount which it would have been
28 increased in the budget year if the enrollment calculated in
29 this subsection could have been used to establish the levy.

30 There is appropriated each fiscal year from the general
31 fund of the state to the department of education the amount
32 required to pay the additional funding authorized under this
33 subsection. The state aid paid to school districts under this
34 subsection shall be paid in monthly installments beginning on
35 December 15 of a budget year and ending on June 15.

1 Sec. 5. Section 282.18, subsection 8, Code 1995, is
2 amended to read as follows:

3 8. A pupil participating in open enrollment shall be
4 counted, for state school foundation aid purposes, in the
5 pupil's district of residence. A pupil's residence, for
6 purposes of this section, means a residence under section
7 282.1. The board of directors of the district of residence
8 shall pay to the receiving district the lower district cost
9 per pupil of the two districts, plus any moneys received for
10 the pupil as a result of non-English-speaking limited English
11 proficiency weighting under section 280.4, subsection 4 3, for
12 each school year. The district of residence shall also
13 transmit the phase III moneys allocated to the district for
14 the full-time equivalent attendance of the pupil, who is the
15 subject of the request, to the receiving district specified in
16 the request for transfer.

17 Sec. 6. This Act, being deemed of immediate importance,
18 takes effect upon enactment for the purpose of computations
19 required for payment of state aid to and levying of property
20 taxes by school districts for budget years beginning on or
21 after July 1, 1996. Section 5 shall not take effect unless
22 the appropriation allocated in section 4 is enacted.

23 EXPLANATION

24 This bill provides for the establishment of the English
25 language as the official language of the state. All official
26 proceedings, records, and publications shall be in the English
27 language.

28 The bill extends the maximum time frame for funding for
29 limited English proficient students from three years to four
30 years for the school year beginning July 1, 1996. It also
31 requires that the board of directors of a school district
32 provide documentation that a limited English proficient
33 student requires additional special instruction beyond a four-
34 year period. Section 282.18, subsection 8, is amended to
35 correspond to Code changes made in 1993, concerning payment by

1 a district of residence to an open enrollment receiving
2 district additional funding for limited English proficiency
3 students. This may constitute a state mandate as defined in
4 section 25B.3, and would be contingent upon appropriation of
5 funds for the limited English proficiency weighted enrollment
6 provided in section 4.

7 The bill also provides that if the actual number of limited
8 English proficient students in a school district exceeds the
9 number of limited English proficient students in the budget
10 enrollment for the budget year, the district can receive
11 additional funding attributable to the increased number of
12 students. The amount of the additional funding is equal to
13 the additional weighting for limited English proficient
14 students multiplied by the difference between the actual and
15 budget numbers of limited English proficient students for the
16 budget year. The additional funding is classified as
17 miscellaneous income.

18 The additional funding received in a given budget year will
19 impact the following year's state aid and property tax levels.
20 The amount which would have been generated by property taxes
21 if the actual (increased) number of limited English proficient
22 students was used in determining the district cost will be
23 calculated by the department of management. This amount will
24 reduce the level of state aid available to the district for
25 the following year, but not by more than the amount of the
26 additional funding. The district's additional property tax
27 levy for the following budget year will then be increased by
28 the amount necessary to compensate for the reduction in state
29 aid.

30 The bill appropriates the amount necessary to pay the
31 additional funding each fiscal year to the department of
32 education.

33

34

35

HOUSE FILE 2157
FISCAL NOTE

A fiscal note for House File 2157 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 2157 makes English the official language of the State. The Bill increases the period a pupil is assigned an additional weight from three to four years. The Bill also appropriates funding for increased English proficient students. Under current law, the increase in English proficient students would not be funded until the next fiscal year.

ASSUMPTIONS

1. An accurate estimate of the impact of making English the official language is not possible.
2. Allowable Growth is 3.3% for FY 1997 and 3.5% for FY 1998.
3. The State cost per pupil is used as the District cost per pupil. The FY 1997 State cost per pupil is \$3,746 and the FY 1998 State cost per pupil is \$3,877.
4. The limited English proficient weighting is 0.19.
5. The growth in limited English proficient weighting will be 17.5%, the same as experienced in the prior year.
6. Fourth-year students will be 75.0% of third-year students.

FISCAL IMPACT

House File 2157 is estimated to appropriate \$1,065,475 in FY 1997 for increased English proficient weighting. In FY 1998 the Bill is estimated to appropriate \$810,293 for increased English proficient weighting and increase school foundation State aid by \$485,439 for fourth-year students.

(LSB 4103hh, JAS)

FILED FEBRUARY 27, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2157

H-5112

1 Amend House File 2157 as follows:

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

4 "The provisions establishing English as the
5 official language of the state shall not apply:

6 1. To state employees in the oral or verbal, as
7 opposed to written, performance of government
8 business.

9 2. To instruction in foreign language classes.

10 3. To instruction designed to aid students with
11 limited English proficiency.

12 4. When deemed to interfere with the needs of the
13 judicial system.

14 5. When public health, safety, and emergency
15 services require the use of other languages.

16 6. To the promotion of international commerce and
17 tourism."

18 2. Page 2, line 6, by inserting after the word
19 "to" the following: "the regular program district
20 cost per pupil times".

By COMMITTEE ON EDUCATION

GRUBBS of Scott, Chairperson

H-5112 FILED FEBRUARY 22, 1996

HOUSE FILE 2157

H-5125

1 Amend House File 2157 as follows:

2 1. Page 1, by striking lines 1 through 4.

3 2. Title page, by striking lines 1 and 2 and
4 inserting the following: "An Act providing limited
5 English".

6 3. By renumbering as necessary.

By OLLIE of Clinton

H-5125 FILED FEBRUARY 27, 1996

HOUSE FILE 2157

H-5138

1 Amend House File 2157 as follows:

2 1. Page 1, line 33, by inserting after the word
3 "subsection. the following: "Any moneys in this
4 appropriation shall not be used for collective
5 bargaining purposes."

By MEYER of Sac

H-5138 FILED MARCH 4, 1996

HOUSE FILE 2157

H-5183

1 Amend House File 2157 as follows:

2 1. Page 1, by striking lines 3 and 4, and
3 inserting the following: "language."

By KREIMAN of Davis

H-5183 FILED MARCH 5, 1996