

3/4/96 Referred to approp

FILED FEB 22 1996

SENATE FILE 2276
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2184)

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

A BILL FOR

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

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

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S.F. 2276

1 Section 1. Section 257.31, subsection 5, paragraph j, Code
2 1995, is amended to read as follows:

3 j. Unusual need to continue providing a program or other
4 special assistance to ~~non-English-speaking~~ limited English
5 proficient pupils after the expiration of the ~~three-year~~
6 period specified in section 280.4.

7 Sec. 2. Section 280.4, subsection 3, Code 1995, is amended
8 to read as follows:

9 3. In order to provide funds for the excess costs of
10 instruction of limited English proficient students above the
11 costs of instruction of pupils in a regular curriculum,
12 students identified as limited English proficient shall be
13 assigned an additional weighting that shall be included in the
14 weighted enrollment of the school district of residence for a
15 period not exceeding ~~three~~ four years for the school year
16 commencing July 1, 1996, and ending June 30, 1997, and not
17 exceeding five years for the subsequent school years.

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

27 Sec. 3. Section 280.4, Code 1995, is amended by adding the
28 following new subsections:

29 NEW SUBSECTION. 4. The board of directors of a school
30 district shall provide documentation that a limited English
31 proficient student requires special instruction beyond the
32 original period.

33 NEW SUBSECTION. 5. If a district's actual number of
34 limited English proficient students for the budget year is
35 greater than the number of limited English proficient students

1 in its budget enrollment for the budget year, the district is
2 granted an additional funding from the state of an amount
3 equal to the regular program district cost per pupil times the
4 product of the additional weighting for limited English
5 proficient students determined in subsection 3, multiplied by
6 the difference between the actual number of limited English
7 proficient students for the budget year and the number of
8 limited English proficient students in its budget enrollment
9 for the budget year. The additional funding received is
10 miscellaneous income to the district.

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

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

34 Sec. 4. Section 282.18, subsection 8, Code 1995, is
35 amended to read as follows:

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

15 Sec. 5. This Act, being deemed of immediate importance,
16 takes effect upon enactment for budget computation purposes
17 for the school budget year beginning July 1, 1996.

18 EXPLANATION

19 This bill extends the maximum time frame for funding for
20 limited English proficient students from three years to four
21 years for the school year commencing July 1, 1996, and ending
22 June 30, 1997, and to five years for the subsequent school
23 years. It also requires that the board of directors of a
24 school district provide documentation that a limited English
25 proficient student requires additional special instruction
26 beyond the specified time frame.

27 Section 282.18, subsection 8, is amended to correspond to
28 Code changes made in 1993, concerning payment of a district of
29 residence to an open enrollment district receiving additional
30 funding for limited English proficiency students. This may
31 constitute a state mandate as defined in section 25B.3, and
32 would be contingent upon appropriation of funds for the
33 limited English proficiency weighted enrollment provided in
34 section 3.

35 The bill also provides that if the actual number of limited

1 English proficient students in a school district exceeds the
2 number of limited English proficient students in the budget
3 enrollment for the budget year, the district can receive
4 additional funding attributable to the increased number of
5 students. The amount of the additional funding is equal to
6 the regular program district cost times the product of the
7 additional weighting for limited English proficient students
8 multiplied by the difference between the actual and budget
9 numbers of limited English proficient students for the budget
10 year. The additional funding is classified as miscellaneous
11 income.

12 The bill provides for an effective date upon enactment.

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**SENATE FILE 2276
FISCAL NOTE**

A fiscal note for Senate File 2276 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 2276 increases the period a pupil is assigned an additional weight from three to four years in FY 1997 and to five years in subsequent 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. Allowable Growth is 3.3% for FY 1997 and 3.5% for FY 1998.
2. 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.
3. The limited English proficient weighting is 0.19.
4. The growth in limited English proficient weighting will be 17.5%, the same as experienced in the prior year.
5. Fourth-year students will be 75.0% of third-year students and fifth-year students will be 75.0% of fourth-year students.

FISCAL IMPACT:

Senate File 2276 is estimated to appropriate \$1,065,475 in FY 1997 for increased English proficient weighting. In FY 1998 the Bill is estimated to appropriate \$1,174,188 for increased English proficient weighting and increase school foundation State aid by \$485,439 for fourth-year students.

(LSB 4294SV, JAS)

FILED FEBRUARY 26, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

Neuhauser
Delaney
Kramer

SSB-2184
Education

Succeeded By
SE/HF 2276

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON CONNOLLY)

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