

FILED MAR 17 '03

SENATE FILE 406  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1167)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for a special education alternative reading  
2 instruction pilot project and including a contingent  
3 effectiveness clause and an effective date.

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

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SF 406

1 Section 1. SPECIAL EDUCATION PILOT PROGRAM -- READING  
2 LABORATORY.

3 1. Recognizing the state's desire to assist children to  
4 grow, develop, and learn to their fullest extent and empower  
5 young readers in grades kindergarten through three, and to  
6 support student achievement and overall academic performance,  
7 and recognizing that instructional methodologies and  
8 strategies are important considerations in determining the  
9 appropriate education for a child with a learning disability,  
10 a reading laboratory pilot program is established. The  
11 objective of the program shall be to evaluate methodologies  
12 and strategies used to teach reading that could be implemented  
13 to ensure that the state is meeting the unique needs of  
14 individual children; and to assist with student placement  
15 decisions in education programs, including placement in the  
16 special education program.

17 2. The program shall be administered by the department of  
18 education, and shall afford a private education provider the  
19 opportunity to demonstrate effective methodologies and  
20 strategies in teaching reading for students in grades  
21 kindergarten through three identified with special needs. A  
22 private education provider shall be selected by the department  
23 which meets the following criteria from among those submitting  
24 an application for consideration:

25 a. The provider shall be doing business in at least two  
26 locations in a county which contains a school district with an  
27 enrollment of at least twenty-five thousand pupils in grades  
28 kindergarten through twelve.

29 b. The provider shall possess at least fifteen years of  
30 business experience in the application of methodologies and  
31 strategies designed to improve reading skills for students in  
32 grades kindergarten through twelve.

33 c. The provider shall employ at least forty trained staff,  
34 including at least one staff member who is a licensed special  
35 education consultant.

1 d. The provider shall be able to document success in  
2 improving student achievement in reading skills in grades  
3 kindergarten through three.

4 The department shall develop private provider application  
5 forms, and shall publish notice and provide information on the  
6 department's website regarding the existence of the pilot  
7 program, application procedures, and program participation.  
8 The private education provider which meets all of the  
9 eligibility criteria set forth in this subsection shall be  
10 selected by the department, and the selection process shall be  
11 conducted without bidding.

12 3. Students in grades kindergarten through three, residing  
13 in a county which contains a school district with an  
14 enrollment of at least twenty-five thousand students in grades  
15 kindergarten through twelve, and who have been identified by  
16 the school district as qualifying for special education  
17 services with mild or moderate learning disabilities involving  
18 difficulty in reading, shall be eligible to participate in the  
19 program. School districts shall be responsible for  
20 determining a pool of students who meet the eligibility  
21 requirements, in coordination with the local area education  
22 agency; for notifying parents regarding the existence of the  
23 program and providing an application form and any other  
24 necessary information; and for submitting applications to the  
25 department. The department shall select a maximum of fifty  
26 students from those students submitting an application.  
27 Selection of students shall be done randomly in the event that  
28 more than fifty students submit applications, beginning with  
29 students in the third grade, then second, then first, and  
30 finally kindergarten, with students eligible for free and  
31 reduced-price meals under the federal National School Lunch  
32 Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §  
33 1751-1785, given priority. Additional eligibility  
34 requirements may be established by the private education  
35 provider, including intelligence quotient testing scores, in

1 order to provide reliable and beneficial program results.  
2 Students submitting an application shall be provided with an  
3 intelligence test selected by the department and administered  
4 by the local area education agency. The results of the test  
5 shall remain confidential and shall only be used by the area  
6 education agency to determine eligibility and participation in  
7 the pilot program.

8 4. Pilot program instruction shall be provided on the  
9 premises of the private education provider. Student  
10 instruction shall be provided over a nine-week period during  
11 the months of June, July, and August 2003. The private  
12 education provider shall ensure that each student receives  
13 reading instruction appropriate for the child, for a minimum  
14 of seven hours per week, with the instruction received  
15 considered separate and distinct from the student's current  
16 individual education plan. The school district shall provide  
17 transportation for the student to the private education  
18 provider's location, or shall provide parental reimbursement  
19 for transportation in an amount determined by the school  
20 district board of directors.

21 5. The private education provider shall gather performance  
22 data to provide for program accountability, including but not  
23 limited to pretesting and posttesting, to measure improvement  
24 by each student during instruction, and upon the conclusion of  
25 the program. The private education provider shall consult  
26 with the local area education agency for assistance with  
27 pretesting and posttesting, and the area education agency  
28 shall approve the tests utilized. The private education  
29 provider shall provide progress reports to the parents or  
30 guardians of participating students, to the school district in  
31 which the participating students are enrolled, and to the  
32 department. The department, in conjunction with the  
33 legislative fiscal bureau and the private provider, shall  
34 review and analyze the data collected and submitted by the  
35 private education provider. Full assurance relating to

1 confidentiality of identification of individual students'  
2 scores shall be provided. The department shall submit a cost-  
3 benefit analysis report to the members of the general assembly  
4 by January 1, 2004, summarizing the results of the pilot  
5 program. The report shall include an analysis of the student  
6 improvement as measured through test scores, and a short-term  
7 and long-term cost savings analysis for implementing the  
8 private education provider's instruction methodology and  
9 strategies. The analysis of the cost savings shall include  
10 savings due to a reduction in the statewide average length of  
11 participation in the special education program. The report  
12 shall also include recommendations relating to statewide  
13 implementation of the pilot program. The legislative fiscal  
14 bureau shall conduct a survey of other reading studies  
15 conducted in the state and shall include in the report results  
16 relating to public school reading initiatives. The department  
17 shall submit a follow-up report by January 1, 2005, tracking  
18 continued improvement by students who participated in the  
19 program, and including the number of students who are no  
20 longer identified as requiring special education instruction.

21 6. The establishment of the pilot program pursuant to this  
22 section shall be contingent upon the appropriation of an  
23 amount sufficient to fund the costs of the program for the  
24 fiscal year beginning July 1, 2003, and ending June 30, 2004.

25 Sec. 2. Section 256D.9, Code 2003, is amended to read as  
26 follows:

27 256D.9 FUTURE REPEAL.

28 This chapter is repealed effective July 1, ~~2003~~ 2004.

29 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
30 immediate importance, takes effect upon enactment.

31 EXPLANATION

32 This bill provides for the establishment of a special  
33 education alternative instruction pilot program focusing on  
34 improving reading skills in grades kindergarten through three.

35 The bill provides intent language supporting the

1 establishment of the program, citing the state's desire to  
2 assist children to grow, develop, and learn to their fullest  
3 extent, to empower young readers in grades kindergarten  
4 through three, and to support student achievement and overall  
5 academic performance. The bill provides that the objective of  
6 the program shall be to evaluate methodologies and strategies  
7 used to teach reading that could be implemented to ensure that  
8 the state is meeting the unique needs of individual children,  
9 and to assist with student placement decisions in education  
10 programs, including placement in the special education  
11 program.

12 The bill provides that the program shall be administered by  
13 the department of education, and shall involve instruction by  
14 a private education provider intended to demonstrate effective  
15 methodologies and strategies in teaching reading for students  
16 in grades kindergarten through three identified with special  
17 needs. The bill provides that a private provider shall be  
18 selected by the department which meets specified criteria,  
19 including doing business in at least two locations located in  
20 a county which contains a school district with an enrollment  
21 of at least 25,000 pupils in grades kindergarten through 12,  
22 possessing at least 15 years of business experience in the  
23 application of methodologies and strategies designed to  
24 improve reading skills, employment of at least 40 trained  
25 staff, including at least one staff member who is a licensed  
26 special education consultant, and documented success in  
27 improving student achievement in reading skills in grades  
28 kindergarten through three. The bill provides that the  
29 department shall develop private provider application forms  
30 and shall publish notice regarding the program, and that the  
31 selection process shall be conducted without bidding.

32 The bill provides that eligible students shall be in grades  
33 kindergarten through three, residing in a county containing a  
34 school district with an enrollment of at least 25,000 students  
35 in grades kindergarten through 12, and shall have been

1 identified as qualifying for special education services with  
2 mild or moderate learning disabilities involving difficulty in  
3 reading. The bill provides that school districts shall be  
4 responsible for determining a pool of students who meet the  
5 eligibility requirements, in coordination with the local area  
6 education agency; for notifying parents regarding the  
7 existence of the program and providing an application form and  
8 any other necessary information; and for submitting  
9 applications to the department. The bill provides that the  
10 department shall select a maximum of 50 students from those  
11 students submitting an application. The bill provides that in  
12 the event that more than 50 students submit an application,  
13 selection shall be done randomly, beginning with third grade  
14 students, then second, then first, and finally kindergarten,  
15 with students eligible for free and reduced-price meals under  
16 the federal National School Lunch Act and the federal Child  
17 Nutrition Act of 1966, 42 U.S.C. § 1751-1785, given priority.  
18 The bill provides that additional eligibility requirements may  
19 be established by the private provider, and that students  
20 submitting an application shall be provided with an  
21 intelligence test selected by the department and administered  
22 by the local area education agency. The bill provides that  
23 the results of the test shall remain confidential and shall  
24 only be used by the area education agency to determine  
25 eligibility and participation in the pilot program.

26 The bill provides that instruction shall be provided on the  
27 premises of the private provider over a nine-week period  
28 during the months of June, July, and August 2003, for a  
29 minimum of seven hours per week, with the instruction received  
30 considered separate and distinct from the student's current  
31 individual education plan. The bill provides that the school  
32 district shall provide transportation for the student to the  
33 private provider's location, or parental reimbursement for  
34 transportation expenses.

35 The bill provides that the private provider shall gather

1 performance data to provide for program accountability, with  
2 the assistance of the local area education agency, and shall  
3 provide progress reports to the parents or guardians of  
4 participating students, to the school district in which the  
5 participating students are enrolled, and to the department.  
6 The bill provides that the department, in conjunction with ~~the~~  
7 legislative fiscal bureau and the private provider, shall  
8 review and analyze the data, with full assurance relating to  
9 confidentiality of identification of individual students'  
10 scores, and that the department shall submit a cost-benefit  
11 analysis report to the members of the general assembly by  
12 January 1, 2004, summarizing the results of the pilot program.  
13 The bill provides that the report shall include an analysis of  
14 the student improvement as measured through test scores, a  
15 short-term and long-term cost savings analysis for  
16 implementing the provider's instruction methodology and  
17 strategies, recommendations relating to statewide  
18 implementation of the program, and results relating to public  
19 school reading initiatives surveyed by the legislative fiscal  
20 bureau. The bill provides for a follow-up progress report  
21 regarding students who had participated in the program by  
22 January 1, 2005.

23 The bill provides that establishment of the program shall  
24 be contingent upon an appropriation to fund the costs of the  
25 program for the fiscal year beginning July 1, 2003, and ending  
26 June 30, 2004.

27 The bill additionally provides that Code chapter 256D,  
28 relating to the Iowa early intervention block grant program,  
29 which contains a repeal date of July 1, 2003, shall instead be  
30 repealed on July 1, 2004.

31 The bill takes effect upon enactment.

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**Description**

The Bill creates a special education alternative instruction pilot program for children in kindergarten through grade three in the Des Moines School District. The project is to evaluate methodologies and strategies to teach reading for possible expansion statewide. The Department of Education is to administer the project, and the instruction is to be provided by a private education provider. Fifty randomly selected students meeting program criteria and selected by the local Area Education Agency are to participate in the nine-week pilot project during the 2003 summer. Performance data is to be collected and analyzed.

**Assumptions**

1. Evaluations to determine eligibility will be performed for 150 students. Each evaluation will take six hours and cost \$35.00 per hour.
2. The Area Education Agency will consult with the local school and the private provider at a cost of \$60.00 per hour. Each of the 50 participants will require an average of four hours of consultation.
3. Summer transportation costs will be \$20.00 per student per day.
4. Administration, coordination, and follow-up by the Department of Education will require 0.5 FTE position in FY 2004 and FY 2005.
5. Private provider instruction costs are \$39.00 per hour per student for seven hours per week throughout the nine-week project.
6. Testing and data collection are estimated to be half the cost of instruction.

**Fiscal Impact**

The estimated costs to carry out the pilot project under SF 406 are as follows:

	<u>FY 2004</u>
Participant Testing and Selection	\$ 32,000
AEA Consultation	12,000
Transportation	45,000
Private Instruction	123,000
Testing, Data Collection and Reporting	61,000
Total Project Expenditures	<u>\$ 273,000</u>

The Department of Education staffing costs for 0.5 FTE position are estimated to be \$29,000 per year for FY 2004 and FY 2005.

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**Source**

Department of Education

/s/ Dennis C Prouty

April 2, 2003

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Brunkhorst  
McKinley  
Kreiman

Education

SSB 1167

Succeeded By

SENATE FILE        HF 406

BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON BOETTGER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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12 The department shall submit a follow-up report by January 1,  
13 2005, tracking continued improvement by students who  
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