

House File 708 - Introduced

HOUSE FILE _____
BY TYMESON, DE BOEF, ROBERTS,
HEATON, WATTS, and
WINDSCHITL

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

A BILL FOR

1 An Act providing special education school tuition grants.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1818YH 82
4 ak/je/5

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1 1 Section 1. Section 256.7, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 27. a. Adopt rules relating to
1 4 application for special education school tuition grants
1 5 pursuant to section 282.18A, including the following:
1 6 (1) Application forms, including an on-line application
1 7 form.
1 8 (2) Application processing timelines.
1 9 (3) Required information for submission by a parent or
1 10 guardian.
1 11 b. Adopt rules relating to qualifications necessary for a
1 12 nonpublic school to receive special education school tuition
1 13 grants, including the following:
1 14 (1) Penalties for nonpublic schools that intentionally
1 15 misrepresent information required by this subsection or
1 16 section 282.18A or that fail to refund special education
1 17 school tuition grant overpayments in a timely manner.
1 18 (2) A list of nonpublic schools ineligible to receive
1 19 special education school tuition grants.
1 20 Sec. 2. Section 257.6, subsection 1, Code 2007, is amended
1 21 by adding the following new paragraph:
1 22 NEW PARAGRAPH. g. Resident pupils receiving a special
1 23 education school tuition grant pursuant to section 282.18A.
1 24 Sec. 3. NEW SECTION. 282.18A SPECIAL EDUCATION SCHOOL
1 25 TUITION GRANTS.
1 26 1. As used in this section, "nonpublic school" means those
1 27 nonpublic schools accredited by the department of education as
1 28 provided in section 256.11 and nonpublic institutions that
1 29 comply with state board of education standards for providing
1 30 special education programs.
1 31 2. a. For the school budget year beginning July 1, 2008,
1 32 and succeeding budget years, a child requiring special
1 33 education as determined under section 256B.2, subsection 1,
1 34 shall be eligible to receive a special education school
1 35 tuition grant.
2 1 b. By March 1 of the year preceding the school year for
2 2 which the grant is requested, the parent or guardian of the
2 3 pupil wishing to receive a special education school tuition
2 4 grant shall submit an application to the department of
2 5 education, indicating that the parent or guardian intends to
2 6 enroll the child in a nonpublic school. Amounts received
2 7 pursuant to subsection 3 shall be used to pay the costs of
2 8 enrolling the pupil in a nonpublic school.
2 9 3. a. A special education school tuition grant received
2 10 by a parent or guardian pursuant to this section shall be in
2 11 an amount corresponding to the lesser of the state cost per
2 12 pupil for the previous school year as determined under section
2 13 256B.9, or the tuition charged by the nonpublic school to be
2 14 attended by the pupil. The amount of the special education
2 15 school tuition grant shall not exceed the actual costs
2 16 incurred in providing the required special education
2 17 instruction.
2 18 b. An amount payable as a special education school tuition
2 19 grant shall be paid in two payments on November 15 and March

2 20 15 of each fiscal year by the district of residence, payable
2 21 to the pupil's parent or guardian, and mailed to the nonpublic
2 22 school of the parent or guardian's choice. The parent or
2 23 guardian shall restrictively endorse the payment to the
2 24 nonpublic school for deposit into the school's account.
2 25 c. A parent or guardian may remove the pupil from the
2 26 nonpublic school and place the pupil into another nonpublic
2 27 school or return the pupil to a public school at any time. If
2 28 the pupil returns to public school, the special education
2 29 school tuition grant shall be pro rated based on the periods
2 30 of attendance at each school, and a refund from the nonpublic
2 31 school shall be sought by the department of education. The
2 32 parent or guardian is responsible for immediately notifying
2 33 the department of education when a change in placement occurs.
2 34 d. The special education school tuition grant shall be
2 35 paid to the nonpublic school each year until the pupil returns
3 1 to a public school, graduates from high school, or reaches
3 2 twenty-one years of age.

3 3 4. A pupil receiving a special education school tuition
3 4 grant pursuant to this section shall be counted, for state
3 5 school foundation aid purposes, in the pupil's district of
3 6 residence.

3 7 5. a. Because the pupil requires special education
3 8 pursuant to chapter 256B in order to qualify for a special
3 9 education school tuition grant, the tuition grant may be
3 10 utilized only if the pupil is enrolled in a nonpublic school
3 11 which maintains a special education instructional program that
3 12 is appropriate to meet the child's educational needs.

3 13 b. The department of education shall provide the parent or
3 14 guardian with a copy of the pupil's current individual
3 15 education plan. The nonpublic school shall follow the pupil's
3 16 individual education plan or develop a new individual
3 17 education plan that exceeds the goals of the current
3 18 individual education plan. The nonpublic school is required
3 19 to provide regular reports to the parent or guardian about the
3 20 pupil's progress to ensure the pupil is receiving appropriate
3 21 and beneficial educational care.

3 22 EXPLANATION

3 23 This bill provides for a special education school tuition
3 24 grant for children requiring special education as determined
3 25 under Code section 256B.2, subsection 1.

3 26 The bill defines a nonpublic school as a nonpublic school
3 27 that is accredited by the department of education as provided
3 28 in Code section 256.11 or a nonpublic institution that
3 29 complies with the state board of education standards for
3 30 providing special education programs.

3 31 The bill provides that for the school budget year beginning
3 32 July 1, 2008, and succeeding budget years, a child requiring
3 33 special education classes can receive a special education
3 34 school tuition grant to attend a nonpublic school. The bill
3 35 provides that the parent or guardian of the pupil wishing to
4 1 receive a special education school tuition grant shall submit
4 2 an application to the department of education by March 1 of
4 3 the year prior to the year for which the grant is requested,
4 4 on forms and according to procedures to be established by the
4 5 state board of education by rule. The bill provides that the
4 6 tuition grant shall be utilized by the parent or guardian to
4 7 pay the costs of enrolling the pupil in the eligible nonpublic
4 8 school of their choice.

4 9 The bill provides that the amount of the special education
4 10 school tuition grant shall be either the lesser of the state
4 11 cost per pupil for the previous school year or the tuition
4 12 charged by the nonpublic school to be attended by the pupil.
4 13 The bill provides that the amount of the special education
4 14 school tuition grant received shall be equivalent to the
4 15 actual costs incurred in providing the required special
4 16 education instruction.

4 17 The bill provides that amounts payable as a special
4 18 education school tuition grant shall be paid in two payments
4 19 on November 15 and March 15 of each fiscal year by the
4 20 district of residence, made payable to the pupil's parent or
4 21 guardian, and mailed to the nonpublic school of the parent or
4 22 guardian's choice. The parent or guardian shall then
4 23 restrictively endorse the payment to the nonpublic school for
4 24 deposit into the school's account.

4 25 A pupil's parent or guardian may remove the pupil from the
4 26 nonpublic school and place the pupil into another nonpublic
4 27 school or return the pupil to a public school at any time.
4 28 The parent or guardian is responsible for immediately
4 29 notifying the department of education when a change in
4 30 placement occurs. The special education school tuition grant

4 31 shall remain in effect until the pupil returns to a public
4 32 school, graduates from high school, or reaches twenty-one
4 33 years of age.

4 34 The bill provides that a pupil receiving a special
4 35 education school tuition grant shall be counted, for state
5 1 school foundation aid purposes, in the pupil's district of
5 2 residence.

5 3 The bill provides that a special education school tuition
5 4 grant may be utilized if the pupil is enrolled in a nonpublic
5 5 school which maintains a special education instructional
5 6 program that is appropriate to meet the child's educational
5 7 needs. The bill requires that the department of education
5 8 provide the parent or guardian with the pupil's current
5 9 individual education plan (IEP). The nonpublic school is
5 10 required to use the IEP to aid the pupil or to develop a new
5 11 IEP that sets higher educational goals. The nonpublic school
5 12 is required to submit regular reports to the parent or
5 13 guardian about the pupil's progress to ensure that the pupil
5 14 is receiving appropriate and beneficial educational care.

5 15 LSB 1818YH 82

5 16 ak:sc/je/5