

House File 454 - Introduced

HOUSE FILE _____
BY PAULSEN

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

A BILL FOR

1 An Act relating to funding for special education services for
2 children living in foster care or shelter care facilities or a
3 juvenile detention home.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2516YH 83
6 kh/sc/8

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1 1 Section 1. Section 282.30, subsection 2, Code 2009, is
1 2 amended to read as follows:

1 3 2. The area education agency where the child is living,
1 4 the school district of residence, the school district where
1 5 the child is living, the other appropriate area education
1 6 agency or agencies, and other appropriate agencies involved
1 7 with the care or placement of the child shall cooperate ~~with~~
1 8 ~~the school district where the child is living~~ in sharing
1 9 educational information, textbooks, curriculum, assignments,
1 10 and materials in order to plan and to provide for the
1 11 appropriate education of the child living in such facility
1 12 specified in subsection 1.

1 13 Sec. 2. Section 282.31, subsection 2, paragraph a, Code
1 14 2009, is amended to read as follows:

1 15 a. The actual special education instructional costs
1 16 incurred for a child who lives in a facility pursuant to
1 17 section 282.19 or for a child who is placed in a facility or
1 18 home pursuant to section 282.29, who requires special
1 19 education and who is not enrolled in the educational program
1 20 of the district of residence of the child but who receives an
1 21 educational program from the ~~district in which the facility or~~
1 22 ~~home is located facility or home in which the child is living~~,
1 23 shall be paid by the district of residence of the child to the
1 24 ~~district in which the facility or home is located~~ department
1 25 of human services, and the costs shall include the cost of
1 26 transportation.

1 27 Sec. 3. Section 282.31, subsections 3 and 5, Code 2009,
1 28 are amended to read as follows:

1 29 3. The actual special education instructional costs,
1 30 including transportation, for a child who requires special
1 31 education shall be paid by the department of administrative
1 32 services to the ~~school district in which the facility or home~~
1 33 ~~is located~~ department of human services, only when a district
1 34 of residence cannot be determined, and the child was not
1 35 included in the weighted enrollment of any district pursuant
2 1 to section 256B.9, and the payment pursuant to subsection 2,
2 2 paragraph "a", was not made by any district. The ~~district~~
2 3 department of human services, in consultation with the area
2 4 education agency, shall submit a proposed program and budget
2 5 to the department of education by January 1 for the next
2 6 succeeding school year. The department of education shall
2 7 review and approve or modify the program and proposed budget
2 8 and shall notify the ~~district~~ department of human services by
2 9 February 1. The ~~district~~ department of human services shall
2 10 submit a claim by August 1 following the school year for the
2 11 actual cost of the program. The department of education shall
2 12 review and approve or modify the claim and shall notify the
2 13 department of administrative services of the approved claim
2 14 amount by September 1. The total amount of the approved claim
2 15 shall be paid by the department of administrative services to
2 16 the ~~school district~~ department of human services by October 1.
2 17 The total amount paid by the department of administrative
2 18 services shall be deducted monthly from the state foundation
2 19 aid paid under section 257.16 to all school districts in the

2 20 state during the subsequent fiscal year. The portion of the
2 21 total amount of the approved claims that shall be deducted
2 22 from the state aid of a school district shall be the same as
2 23 the ratio that the budget enrollment for the budget year of
2 24 the school district bears to the total budget enrollment in
2 25 the state for the budget year in which the deduction is made.
2 26 The department of administrative services shall transfer the
2 27 total amount of the approved claims from moneys appropriated
2 28 under section 257.16 for payment to the ~~school district~~
2 29 department of human services.

2 30 5. Programs may be provided during the summer and funded
2 31 under this section if the school district or department of
2 32 human services, as appropriate, or area education agency
2 33 determines a valid educational reason to do so.

2 34 EXPLANATION

2 35 This bill directs the school district of residence of a
3 1 child who is living in a foster care or shelter care facility
3 2 or a juvenile detention home to pay the department of human
3 3 services, rather than the school district in which the
3 4 facility or home where the child is living is located as is
3 5 currently required, the actual special education instructional
3 6 costs incurred for the child.

3 7 The department of human services, rather than the district
3 8 in which the facility or home is located, must, after
3 9 consultation with the area education agency, submit a proposed
3 10 program and budget to the department of education by January 1
3 11 for the next succeeding school year. The department of
3 12 education must review and approve or modify the program and
3 13 proposed budget and notify the department of human services by
3 14 February 1. The bill makes the department of human services
3 15 responsible for submitting a claim, which the department of
3 16 education also must review and approve or modify. Once
3 17 notified by the department of education of the amount of the
3 18 claim approved, the department of administrative services
3 19 makes payment to the department of human services.

3 20 The bill directs the area education agency where the child
3 21 is living, the school district of residence, the school
3 22 district where the child is living, the other appropriate area
3 23 education agency or agencies, and other appropriate agencies
3 24 involved with the care or placement of the child to cooperate
3 25 with the institution in which the child is living in sharing
3 26 educational information, textbooks, curriculum, assignments,
3 27 and materials in order to plan and to provide for the
3 28 appropriate education of the child living in such facility.
3 29 Currently, all of these entities except the institution are
3 30 required to cooperate with the school district in which the
3 31 facility or home is located.

3 32 The bill permits education programs to be provided during
3 33 the summer and funded if the school district or department of
3 34 human services, as appropriate, or area education agency
3 35 determines a valid educational reason to do so.

4 1 LSB 2516YH 83

4 2 kh/sc/8