

# House Study Bill 127

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON WENDT)

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

## A BILL FOR

1 An Act establishing a facility schools division within the  
2 department of education and a facility schools board;  
3 providing for the approval, administration, and funding of  
4 facility schools; and providing for educational services for  
5 children in out-of-home placement.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1146HC 83  
8 kh/nh/24

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1 1 Section 1. Section 256.7, subsection 10, Code 2009, is  
1 2 amended to read as follows:  
1 3 10. Adopt rules pursuant to chapter 17A relating to  
1 4 educational programs and budget limitations for educational  
1 5 programs pursuant to sections 282.29, ~~282.30~~, 282.31, and  
1 6 282.33.

### SUBCHAPTER V

#### FACILITY SCHOOLS DIVISION AND BOARD

1 9 Sec. 2. NEW SECTION. 256.101 DEFINITIONS.  
1 10 As used in this subchapter, unless the context otherwise  
1 11 requires:

1 12 1. "Administrator" means the administrator of the division  
1 13 appointed pursuant to section 256.102, subsection 2.

1 14 2. "Approved facility school" means an educational program  
1 15 that is operated by a facility to provide educational services  
1 16 to students placed in the facility and which has been placed  
1 17 on the list of facility schools in accordance with section  
1 18 256.106.

1 19 3. "Child foster care" means the same as defined in  
1 20 section 237.1.

1 21 4. "Division" means the facility schools division within  
1 22 the department of education.

1 23 5. "Facility" means a facility listed in section 256.102,  
1 24 subsection 1.

1 25 6. "School" means a school district, an attendance center  
1 26 administered by a school district, an area education agency if  
1 27 the agency maintains a student's education information and  
1 28 records, a licensed preschool, or a facility.

1 29 7. "Student" means a child or youth who has attained three  
1 30 years of age on or before September 15 and who is under  
1 31 twenty-one years of age.

1 32 Sec. 3. NEW SECTION. 256.102 FACILITY SCHOOLS DIVISION  
1 33 CREATED.

1 34 1. There is established a facility schools division within  
1 35 the department to provide consistency in the quality of the  
2 1 education provided to students placed in facilities that  
2 2 provide residential treatment, as "facility" is defined in  
2 3 section 125.2; child foster care facilities licensed under  
2 4 chapter 237; approved or licensed juvenile shelter care homes  
2 5 as defined in section 232.2, subsection 34; approved juvenile  
2 6 detention homes as defined in section 232.2, subsection 32;  
2 7 and placed in facilities or homes by the district court as  
2 8 provided in section 282.29.

2 9 2. The division administrator shall be appointed by the  
2 10 director in accordance with section 256.9, subsection 4.

2 11 Sec. 4. NEW SECTION. 256.103 DUTIES OF ADMINISTRATOR.

2 12 The administrator shall perform the following duties:

2 13 1. Place on the list of approved facility schools, in  
2 14 accordance with section 256.106, those applicants that meet  
2 15 the criteria specified by rule of the facility schools board.

2 16 2. Make recommendations to the facility schools board  
2 17 regarding the curriculum for approved facility schools.  
2 18 3. Make recommendations to the facility schools board  
2 19 regarding graduation requirements for students in approved  
2 20 facility schools. The recommendations shall be based on the  
2 21 core curriculum established pursuant to section 256.7,  
2 22 subsection 26, and the core content standards adopted pursuant  
2 23 to section 256.7, subsection 28.

2 24 4. Maintain, and make available as provided by law,  
2 25 student education information and records for students who  
2 26 receive educational services from approved facility schools.  
2 27 The administrator shall establish student data reporting  
2 28 protocols and student records transfer procedures for use by  
2 29 approved facility schools that are compatible with the  
2 30 statewide uniform student identification system. The  
2 31 administrator shall ensure that each approved facility school  
2 32 includes in its student data management system the unique  
2 33 student identifier used by school districts and assigned to  
2 34 students enrolled in kindergarten through grade twelve.

2 35 5. Communicate with the department of human services, the  
3 1 county departments of human or social services, and referring  
3 2 agencies regarding the placement and transfer of students in  
3 3 facilities, including but not limited to communication  
3 4 concerning academic testing prior to and following placement  
3 5 and other academic and achievement assessments.

3 6 Sec. 5. NEW SECTION. 256.104 FACILITY SCHOOLS BOARD ==  
3 7 CREATED == MEMBERSHIP.

3 8 1. A facility schools board is created to adopt curriculum  
3 9 standards and set graduation requirements for approved  
3 10 facility schools and to collaborate with and advise the  
3 11 division.

3 12 2. The facility schools board shall consist of seven  
3 13 members appointed to three-year terms by the state board of  
3 14 education as follows:

3 15 a. Two persons who represent school districts, one of whom  
3 16 shall have expertise in special education.

3 17 b. One person who represents child-placing agencies  
3 18 licensed under chapter 238.

3 19 c. One person who represents county departments of human  
3 20 or social services.

3 21 d. Two persons who represent approved facility schools.

3 22 e. One person who represents students who receive  
3 23 educational services provided by approved facility schools.

3 24 The state board may appoint a person who, as a child, received  
3 25 educational services provided by an approved facility school  
3 26 or a person who is a parent of a student who is receiving or  
3 27 who received educational services provided by an approved  
3 28 facility school.

3 29 3. In appointing members of the facility schools board,  
3 30 the state board shall ensure, to the degree possible, that the  
3 31 members appointed to the facility schools board collectively  
3 32 have expertise in the following areas:

3 33 a. Curriculum and assessment.

3 34 b. Educating students who are placed in approved facility  
3 35 schools.

4 1 c. Mental health.

4 2 d. Special education services.

4 3 e. School finance.

4 4 4. The membership of the board shall comply with sections  
4 5 69.16, 69.16A, and 69.16C, and shall also, to the degree  
4 6 possible, be representative of the various geographic areas of  
4 7 the state.

4 8 5. The state board may reappoint a person to serve  
4 9 successive terms on the facility schools board.

4 10 6. Members shall serve without compensation, but shall  
4 11 receive their actual and necessary travel and related expenses  
4 12 incurred in the discharge of official duties.

4 13 7. The department shall provide administrative assistance  
4 14 to the facility schools board.

4 15 Sec. 6. NEW SECTION. 256.105 FACILITY SCHOOLS BOARD ==  
4 16 POWERS AND DUTIES.

4 17 1. The facility schools board shall perform the following  
4 18 duties:

4 19 a. Adopt curriculum to be used by approved facility  
4 20 schools. At a minimum, the facility schools board shall align  
4 21 the curriculum with the core curriculum established pursuant  
4 22 to section 256.7, subsection 26, and with the core content  
4 23 standards adopted pursuant to section 256.7, subsection 28,  
4 24 and shall require approved facility schools to utilize the  
4 25 core curriculum technical assistance and implementation  
4 26 strategies developed and distributed by the director in

4 27 accordance with section 256.9, subsection 57, paragraph "a".  
4 28 The curriculum shall include a range of coursework from which  
4 29 an approved facility school may select courses that meet the  
4 30 needs of students who are placed at the facility.  
4 31 b. Adopt by rule accountability measures, including but  
4 32 not limited to academic performance measures, to be applied to  
4 33 approved facility schools and the students receiving  
4 34 educational services at the approved facility schools.  
4 35 c. Adopt by rule graduation requirements and establish  
5 1 procedures by which a student who is receiving educational  
5 2 services at an approved facility school may apply to receive a  
5 3 high school diploma awarded by the facility schools board. In  
5 4 determining the graduation requirements, the facility schools  
5 5 board shall consider the recommendations submitted by the  
5 6 administrator in accordance with section 256.103, subsection  
5 7 3.  
5 8 d. Award high school diplomas to students who, while  
5 9 receiving educational services through an approved facility  
5 10 school, meet the graduation requirements and application  
5 11 procedures established pursuant to paragraph "c".  
5 12 2. The facility schools board may make recommendations to  
5 13 the state board, the department, and the department of human  
5 14 services regarding the following issues:  
5 15 a. The process for placing a child in a facility when the  
5 16 placement is initiated by a public entity.  
5 17 b. The process for placing a child in a facility when the  
5 18 placement is initiated by an action or request of a private  
5 19 person.  
5 20 c. The methods for improving school district participation  
5 21 in placement decisions.  
5 22 d. Methods and strategies for improving the quality of  
5 23 educational services provided by approved facility schools and  
5 24 for improving the education outcomes for students receiving  
5 25 educational services from approved facility schools.  
5 26 e. Methods for recruiting and retaining highly qualified  
5 27 teachers and paraprofessionals for employment in approved  
5 28 facility schools.  
5 29 f. The provision of appropriate services for children  
5 30 requiring special education, including but not limited to the  
5 31 process for developing and reviewing individualized education  
5 32 plans.  
5 33 g. Methods for reimbursing approved facility schools for  
5 34 the excess costs incurred in providing educational services to  
5 35 children requiring special education, including direct and  
6 1 indirect costs.  
6 2 h. The liability of the school districts of residence for  
6 3 providing educational services to which a resident child is  
6 4 entitled when the child is placed in a facility, as well as  
6 5 procedures needed to ensure students receive the educational  
6 6 services to which they are entitled.  
6 7 i. The oversight and monitoring of approved facility  
6 8 schools.  
6 9 j. Any other issues determined by the facility schools  
6 10 board to be within its purview and that are intended to  
6 11 improve educational outcomes for students receiving  
6 12 educational services from approved facility schools or to  
6 13 promote the efficient delivery of educational services to  
6 14 students who are placed in facilities.  
6 15 3. The facility schools board may adopt rules pursuant to  
6 16 chapter 17A to carry out the provisions of this section.  
6 17 Sec. 7. NEW SECTION. 256.106 LIST OF APPROVED FACILITY  
6 18 SCHOOLS.  
6 19 1. The facility schools board shall establish and maintain  
6 20 a list of approved facility schools. The rules shall provide  
6 21 for the following:  
6 22 a. The procedures by which a facility school may apply to  
6 23 the division for placement on the list of approved facility  
6 24 schools.  
6 25 b. The information each facility school must provide on an  
6 26 application and the criteria to be used in evaluating the  
6 27 applications.  
6 28 c. The reporting requirements for approved facility  
6 29 schools.  
6 30 2. The division shall review the applications received  
6 31 pursuant to subsection 1 and shall place on the list of  
6 32 approved facility schools those applicants that meet the  
6 33 criteria specified by rule of the facility schools board. The  
6 34 division shall notify each applicant regarding placement on  
6 35 the list of approved facility schools. If the division denies  
7 1 an applicant placement on the list, the division shall explain  
7 2 the basis for the denial. An applicant that is denied

7 3 approval may reapply for placement on the list following  
7 4 correction of the cause for denial.

7 5 3. An approved facility school shall comply with the  
7 6 following requirements in order to remain on the list of  
7 7 approved facility schools:

7 8 a. Adopt, implement, and demonstrate compliance with the  
7 9 curriculum, core content standards, graduation requirements,  
7 10 and accountability measures specified by the facility schools  
7 11 board pursuant to section 256.105, subsection 1.

7 12 b. Comply with the reporting and records tracking  
7 13 requirements specified by the division pursuant to section  
7 14 256.103, subsection 4.

7 15 c. Comply with any other requirements specified by rule by  
7 16 the facility schools board.

7 17 4. The division shall, as provided by rule of the facility  
7 18 schools board, periodically review each approved facility  
7 19 school's compliance with the requirements specified in  
7 20 subsection 3. If the division determines that an approved  
7 21 facility school is not in compliance, the division shall give  
7 22 the approved facility school notice of the lack of compliance.  
7 23 If the approved facility school does not achieve compliance  
7 24 within thirty days after receiving the notice, the division  
7 25 shall remove the facility school from the list of approved  
7 26 facility schools. A facility school that is removed from the  
7 27 list may reapply for placement on the list in accordance with  
7 28 the provisions adopted by the facility schools board pursuant  
7 29 to subsection 2.

7 30 Sec. 8. NEW SECTION. 256.107 CHILD WELFARE EDUCATION  
7 31 LIAISON.

7 32 1. The board of directors of each school district shall  
7 33 either designate an employee of the school district, or  
7 34 contract with an individual or an area education agency, as  
7 35 provided in subsection 3, to act as a child welfare education  
8 1 liaison.

8 2 2. The child welfare education liaison shall be  
8 3 responsible for working with state-licensed child-placing  
8 4 agencies, county departments of human or social services, and  
8 5 the state department of human services to facilitate the  
8 6 prompt and appropriate placement, transfer, and enrollment of  
8 7 students in out-of-home placement within the school district.  
8 8 The specific duties of the child welfare education liaison  
8 9 shall include but are not limited to the following:

8 10 a. Working with social workers from county departments of  
8 11 human or social services, juvenile probation officers, and  
8 12 foster care parents to ensure the prompt school enrollment of  
8 13 a student in out-of-home placement and the prompt transfer of  
8 14 the student's education information and records when students  
8 15 are required to change school enrollment due to changes in  
8 16 placement.

8 17 b. Ensuring that the education information and records of  
8 18 the student in out-of-home placement are delivered to the  
8 19 student's new school within five school days after receiving a  
8 20 request for the transfer of the student's education  
8 21 information and records from a county department of human or  
8 22 social services as required in section 256.108, subsection 1.

8 23 3. The board of directors of an area education agency may  
8 24 designate an employee of the area education agency to act as a  
8 25 child welfare education liaison for one or more school  
8 26 districts in accordance with subsection 1.

8 27 Sec. 9. NEW SECTION. 256.108 OUT-OF-HOME PLACEMENT  
8 28 STUDENTS == PROCEDURES == EXCEPTIONS == WAIVER OF FEES.

8 29 1. If a student in out-of-home placement is enrolled in  
8 30 one school and transfers enrollment to another school either  
8 31 in the same school district or in another school district, or  
8 32 to an accredited nonpublic school, the sending school shall  
8 33 transfer the student's education information and records to  
8 34 the receiving school within five school days after receiving a  
8 35 transfer request from the county department of human or social  
9 1 services that has legal custody of the student.  
9 2 Notwithstanding any provision of the law to the contrary, the  
9 3 county department of human or social services that has legal  
9 4 custody of a student in out-of-home placement may, without  
9 5 obtaining a court order, request that the sending school  
9 6 release the student's education information and records to an  
9 7 employee of the county department of human or social services  
9 8 for the sole purpose of transferring the education information  
9 9 and records to the school to which the student is  
9 10 transferring.

9 11 2. A school shall not delay transferring the education  
9 12 information and records of a student in out-of-home placement  
9 13 for any reason, including but not limited to the existence of

9 14 any unpaid fines or fees that the student may have outstanding  
9 15 at the sending school.

9 16 3. If a school district receives a transfer request  
9 17 pursuant to subsection 1 that involves a student who has been  
9 18 identified by the director of special education of the area  
9 19 education agency as a child requiring special education as  
9 20 defined in section 256B.2, subsection 1, and who is receiving  
9 21 special education services pursuant to an individualized  
9 22 education plan, the sending school shall notify the receiving  
9 23 school or school district of the individualized education plan  
9 24 as soon as possible following receipt of the request, but not  
9 25 less than five days after receiving the request.

9 26 4. a. Notwithstanding any other provision of law, except  
9 27 as provided in paragraph "b", if a student who is in  
9 28 out-of-home placement is either newly placed within a school  
9 29 district or required to change schools due to a change in  
9 30 placement, the school district shall enroll the student within  
9 31 five days after receiving the student's education information  
9 32 and records regardless of whether the following conditions  
9 33 exist:

9 34 (1) The school district has received evidence that the  
9 35 student had a dental screening performed in accordance with  
10 1 section 135.17, received a blood lead test in accordance with  
10 2 section 135.105D, or has been immunized in accordance with  
10 3 section 139A.8. However, if a school district enrolls a  
10 4 student in out-of-home placement without the evidence  
10 5 described in this subparagraph, the school district shall  
10 6 notify the student's legal guardian that, unless the school  
10 7 district receives the evidence of dental screening, blood lead  
10 8 test, or immunization as required under section 135.17,  
10 9 135.105D, or 139A.8, or written authorization for a dental  
10 10 screening, blood lead test, or immunization for the student,  
10 11 as required under section 135.17, 135.105D, or 139A.8, within  
10 12 fourteen days after the student enrolls, the school district  
10 13 shall suspend the student until the school district receives  
10 14 the evidence or authorization.

10 15 (2) The student can comply with a requirement pertaining  
10 16 to the use of school uniforms or other clothing restrictions.

10 17 (3) The student can comply with any other preenrollment  
10 18 restrictions or requirements imposed by the school.

10 19 b. The provisions of paragraph "a" shall not be construed  
10 20 to prohibit a school district from denying enrollment to a  
10 21 student who was expelled from a school district during the  
10 22 preceding twelve months pursuant to section 280.21B or section  
10 23 282.4, subsection 2, or for repeated interference with a  
10 24 school's ability to provide educational opportunities to other  
10 25 students.

10 26 5. When a student in out-of-home placement transfers from  
10 27 one school to another school, the sending school shall certify  
10 28 to the receiving school the coursework that the student has  
10 29 fully or partially completed while enrolled at the school.  
10 30 The receiving school shall accept the student's certified  
10 31 coursework and the coursework certified by previous schools in  
10 32 which the student was enrolled, as if it has been completed at  
10 33 the receiving school. The receiving school shall apply all of  
10 34 the student's certified coursework toward completion of the  
10 35 student's requirements for graduating from the grade level in  
11 1 which the student is enrolled at the receiving school or for  
11 2 graduation from the receiving school if, by including the  
11 3 certified coursework, the student meets the receiving school's  
11 4 graduation requirements. The receiving school may award  
11 5 elective credit for any portion of the student's certified  
11 6 coursework that is not aligned with the curriculum of the  
11 7 receiving school.

11 8 6. A student in out-of-home placement shall receive an  
11 9 excused absence from the school in which the student is  
11 10 enrolled for any time the student is out of school due to a  
11 11 required court appearance or participation in court-ordered  
11 12 activities, including but not limited to family visitation or  
11 13 therapy. The guardian ad litem, court-appointed special  
11 14 advocate, social worker, or other caseworker from the  
11 15 department of human services assigned to represent the student  
11 16 or work on the student's case shall verify to the school in  
11 17 which the student is enrolled each instance in which the  
11 18 student is out of school for a court appearance or for  
11 19 participation in a court-ordered activity.

11 20 7. A school district in which a student in out-of-home  
11 21 placement is enrolled shall waive all fees that would  
11 22 otherwise be assessed against the student, including but not  
11 23 limited to any general fees, fees for participation in  
11 24 extracurricular activities, and fees for before and after

11 25 school programs. The school district shall not limit the  
11 26 opportunity of a student in out-of-home placement to  
11 27 participate in in-school and extracurricular activities and  
11 28 before and after school programs due to the waiver of the  
11 29 participation fees.

11 30 Sec. 10. Section 282.19, Code 2009, is amended to read as  
11 31 follows:

11 32 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

11 33 A child who is living in a licensed child foster care  
11 34 facility as defined in section 237.1, or in a facility that  
11 35 provides residential treatment as "facility" is defined in  
12 1 section 125.2, which is located in a school district other  
12 2 than the school district in which the child resided before  
12 3 receiving foster care may enroll in ~~and attend an accredited~~  
~~12 4 school in the school district in which the child is living.~~  
12 5 The instructional costs for students who do not require  
12 6 special education shall be paid as provided in section 282.31,  
12 7 subsection 1, paragraph "b" or for students who require  
12 8 special education shall be paid as provided in section 282.31,  
12 9 subsections 2 or 3.

12 10 Sec. 11. Section 282.31, subsections 1 through 3 and 5,  
12 11 Code 2009, are amended to read as follows:

12 12 1. a. A child who lives in a facility included on the  
~~12 13 approved facility school list pursuant to section 282.30,~~  
~~12 14 subsection 1, paragraph "a" 256.106,~~ and who is not enrolled  
12 15 in the educational program of the district of residence of the  
12 16 child, shall receive appropriate educational services from the  
~~12 17 approved facility school. The area education agency approved~~  
~~12 18 facility school in which the child has been placed shall~~  
12 19 submit a proposed program and budget to the facility schools  
~~12 20 division of the~~ department of education by January 1 for the  
12 21 next succeeding school year. The ~~department of education~~  
12 22 division shall review and approve or modify the program and  
12 23 proposed budget and shall notify the department of  
12 24 administrative services and the ~~area education agency approved~~  
~~12 25 facility school~~ of its action by February 1. The department  
12 26 of administrative services shall pay the approved budget  
12 27 amount for an ~~area education agency approved facility school~~  
12 28 in monthly installments beginning September 15 and ending June  
12 29 15 of the next succeeding school year. The installments shall  
12 30 be as nearly equal as possible as determined by the department  
12 31 of management, taking into consideration the relative budget  
12 32 and cash position of the state's resources. The department of  
12 33 administrative services shall transfer the approved budget  
12 34 amount for an ~~area education agency approved facility school~~  
12 35 from the moneys appropriated under section 257.16 and make the  
13 1 payment to the ~~area education agency approved facility school.~~  
13 2 The ~~area education agency approved facility school~~ shall  
13 3 submit an accounting for the actual cost of the program to the  
13 4 ~~department of education facility schools division~~ by August 1  
13 5 of the following school year. The ~~department division~~ shall  
13 6 review and approve or modify all expenditures incurred in  
13 7 compliance with the guidelines pursuant to section 256.7,  
13 8 subsection 10, and shall notify the department of  
13 9 administrative services of the approved accounting amount.  
13 10 The approved accounting amount shall be compared with any  
13 11 amounts paid by the department of administrative services to  
13 12 the ~~area education agency approved facility school~~ and any  
13 13 differences added to or subtracted from the October payment  
13 14 made under this paragraph for the next school year. Any  
13 15 amount paid by the department of administrative services shall  
13 16 be deducted monthly from the state foundation aid paid under  
13 17 section 257.16 to all school districts in the state during the  
13 18 subsequent fiscal year. The portion of the total amount of  
13 19 the approved budget that shall be deducted from the state aid  
13 20 of a school district shall be the same as the ratio that the  
13 21 budget enrollment for the budget year of the school district  
13 22 bears to the total budget enrollment in the state for that  
13 23 budget year in which the deduction is made.

13 24 b. (1) A child who lives in a facility ~~or home pursuant to~~  
~~13 25 section 282.19, and as defined in section 256.101,~~ who does  
13 26 not require special education, and who is not enrolled in the  
13 27 educational program of the district of residence of the child,  
13 28 shall be included in the basic enrollment of the school  
13 29 district in which the facility ~~or home~~ is located.

13 30 (2) However, on June 30 of a school year, if the board of  
13 31 directors of a school district determines that the number of  
13 32 children under this paragraph "b" who were counted in the  
13 33 basic enrollment of the school district in that school year in  
13 34 accordance with section 257.6, subsection 1, is fewer than the  
13 35 sum of the number of months all children were enrolled in the

14 1 school district under this paragraph "b" during the school  
14 2 year divided by nine, the secretary of the school district may  
14 3 submit a claim to the facility schools division of the  
14 4 department of education by August 1 following the school year  
14 5 for an amount equal to the district cost per pupil of the  
14 6 district for the previous school year multiplied by the  
14 7 difference between the number of children counted and the  
14 8 number of children calculated by the number of months of  
14 9 enrollment. The amount of the claim shall be paid by the  
14 10 department of administrative services to the school district  
14 11 by October 1. The department of administrative services shall  
14 12 transfer the total amount of the approved claim of a school  
14 13 district from the moneys appropriated under section 257.16 and  
14 14 the amount paid shall be deducted monthly from the state  
14 15 foundation aid paid to all school districts in the state  
14 16 during the remainder of the subsequent fiscal year in the  
14 17 manner provided in paragraph "a".

14 18 2. a. The actual special education instructional costs  
14 19 incurred for a child who lives in a facility ~~pursuant to~~  
~~14 20 section 282.19 or for a child who is placed in a facility or~~  
~~14 21 home pursuant to section 282.29 as defined in section 256.101,~~  
14 22 who requires special education, and who is not enrolled in the  
14 23 educational program of the district of residence of the child  
14 24 but who receives an educational program from the district in  
14 25 which the facility ~~or home~~ is located, shall be paid by the  
14 26 district of residence of the child to the district in which  
14 27 the facility ~~or home~~ is located, and the costs shall include  
14 28 the cost of transportation.

14 29 b. A child shall not be denied special education programs  
14 30 and services because of a dispute over the determination of  
14 31 district of residence of the child. The ~~director~~  
14 32 administrator of the facility schools division of the  
14 33 department of education shall determine the district of  
14 34 residence when a dispute arises regarding the determination of  
14 35 the district of residence for a child who requires special

15 1 education pursuant to this subsection.  
15 2 3. The actual special education instructional costs,  
15 3 including transportation, for a child who requires special  
15 4 education shall be paid by the department of administrative  
15 5 services to the school district in which the approved facility  
15 6 ~~or home school~~ is located, only when a district of residence  
15 7 cannot be determined, and the child was not included in the  
15 8 weighted enrollment of any district pursuant to section  
15 9 256B.9, and the payment pursuant to subsection 2, paragraph  
15 10 "a", was not made by any district. The district shall submit  
15 11 a proposed program and budget to the facility schools division  
~~15 12 of the department of education by January 1 for the next~~  
~~15 13 succeeding school year. The department of education facility~~  
~~15 14 schools division~~ shall review and approve or modify the  
15 15 program and proposed budget and shall notify the district by  
15 16 February 1. The district shall submit a claim by August 1  
15 17 following the school year for the actual cost of the program.  
15 18 The ~~department division~~ shall review and approve or modify the  
15 19 claim and shall notify the department of administrative  
15 20 services of the approved claim amount by September 1. The  
15 21 total amount of the approved claim shall be paid by the  
15 22 department of administrative services to the school district  
15 23 by October 1. The total amount paid by the department of  
15 24 administrative services shall be deducted monthly from the  
15 25 state foundation aid paid under section 257.16 to all school  
15 26 districts in the state during the subsequent fiscal year. The  
15 27 portion of the total amount of the approved claims that shall  
15 28 be deducted from the state aid of a school district shall be  
15 29 the same as the ratio that the budget enrollment for the  
15 30 budget year of the school district bears to the total budget  
15 31 enrollment in the state for the budget year in which the  
15 32 deduction is made. The department of administrative services  
15 33 shall transfer the total amount of the approved claims from  
15 34 moneys appropriated under section 257.16 for payment to the  
15 35 school district.

16 1 5. Programs may be provided during the summer and funded  
16 2 under this section if the approved facility school or the  
16 3 school district ~~or area education agency~~ determines a valid  
16 4 educational reason to do so.

16 5 Sec. 12. Section 282.32, Code 2009, is amended to read as  
16 6 follows:

16 7 282.32 APPEAL.

16 8 An ~~area education agency~~ approved facility school or local  
16 9 school district may appeal a decision made pursuant to section  
16 10 282.31 to the state board of education. The decision of the  
16 11 state board is final.

16 12 Sec. 13. INITIAL FACILITY SCHOOLS BOARD MEMBER TERMS.

16 13 Notwithstanding section 256.104, as created in this Act,  
16 14 the initial members of the facility schools board shall be  
16 15 appointed to the following terms:

16 16 1. Three members shall be appointed for a term of three  
16 17 years.

16 18 2. Two members shall be appointed for a term of two years.

16 19 3. Two members shall be appointed for a term of one year.

16 20 Sec. 14. Section 282.30, Code 2009, is repealed.

16 21 EXPLANATION

16 22 This bill establishes a facility schools division within  
16 23 the department of education to provide consistency in the  
16 24 quality of the education provided to students in out-of-home  
16 25 placement, such as child foster care facilities, juvenile  
16 26 shelter care homes, and juvenile detention homes. In  
16 27 addition, the bill establishes a facility schools board,  
16 28 provides for the duties of the division administrator,  
16 29 requires each school district to either designate, or contract  
16 30 for, an individual to act as a child welfare education  
16 31 liaison, the prompt enrollment of a student in out-of-home  
16 32 placement by a school district, and for the transfer of the  
16 33 student's education information and records from the sending  
16 34 school to the receiving school.

16 35 STUDENT DEFINED. The bill defines student to mean a child  
17 1 or youth who is between three and 21 years of age.

17 2 DIVISION ADMINISTRATOR'S DUTIES. The division  
17 3 administrator is appointed by the director of the department  
17 4 of education and is charged with reviewing and approving  
17 5 applicants for the approved facility schools list; making  
17 6 recommendations to the facility schools board regarding the  
17 7 curriculum and graduation requirements for students in  
17 8 approved facility schools; maintaining, and making available  
17 9 as provided by law, student education information and records  
17 10 for students receiving educational services from approved  
17 11 facility schools; and communicating with the department of  
17 12 human services, the county departments of human and social  
17 13 services, and referring agencies regarding the placement and  
17 14 transfer of students in facilities.

17 15 FACILITY SCHOOLS BOARD == CREATED. The seven-member  
17 16 facility schools board is created to adopt curriculum  
17 17 standards and set graduation requirements for facility schools  
17 18 and to collaborate with and advise the division. Members must  
17 19 be appointed to represent school districts, child-placing  
17 20 agencies, county departments of human and social services,  
17 21 approved facility schools, and students who receive  
17 22 educational services from approved facility schools.

17 23 In appointing members, the state board shall ensure, to the  
17 24 degree possible, that members collectively have expertise in  
17 25 curriculum and assessment, educating students who are placed  
17 26 in approved facility schools, mental health, special education  
17 27 services, and school finance. The department is directed to  
17 28 provide administrative assistance to the facility schools  
17 29 board.

17 30 FACILITY SCHOOLS BOARD == POWERS AND DUTIES. The facility  
17 31 schools board is charged with adopting the curriculum to be  
17 32 used by approved facility schools, and including in the  
17 33 curriculum a range of coursework from which an approved  
17 34 facility school may select courses that meet student needs.  
17 35 The curriculum must be aligned with the core curriculum and  
18 1 the core content standards established by the state board of  
18 2 education. The facility schools board must also adopt  
18 3 accountability measures to be applied to the schools and the  
18 4 students served, and graduation requirements. The board must  
18 5 establish procedures by which a student at an approved  
18 6 facility school may apply to receive a high school diploma  
18 7 awarded by the facility schools board.

18 8 The facility schools board is authorized to make  
18 9 recommendations to the state board, the department, and the  
18 10 department of human services regarding a number of issues  
18 11 relating to placing a child in a facility, educational  
18 12 services provided to students placed in facilities, and  
18 13 methods for reimbursing approved facility schools for excess  
18 14 costs incurred.

18 15 LIST OF APPROVED FACILITY SCHOOLS. The facility schools  
18 16 board is directed to establish and maintain a list of approved  
18 17 facility schools. Using criteria developed by the board, the  
18 18 division must review the applications received and place on  
18 19 the list those applicants that meet the criteria. To remain  
18 20 on the list, an approved facility school must, at minimum,  
18 21 adopt, implement, and demonstrate compliance with the  
18 22 curriculum, core content standards, graduation requirements,

18 23 and accountability measures specified by the facility schools  
18 24 board, and comply with the division's reporting and records  
18 25 tracking requirements.  
18 26 The division is directed to periodically review each  
18 27 approved facility school's compliance. A school that is not  
18 28 in compliance has 30 days from receiving the notice to achieve  
18 29 compliance or be removed from the list.

18 30 CHILD WELFARE EDUCATION LIAISON. Each school district must  
18 31 either designate an employee, or contract with an individual  
18 32 or an area education agency, to act as a child welfare  
18 33 education liaison. The liaison is responsible for working  
18 34 with state-licensed child-placing agencies, county departments  
18 35 of human or social services, and the state department of human  
19 1 services to facilitate the prompt and appropriate placement,  
19 2 transfer, and enrollment of students in out-of-home placement  
19 3 within the school district.

19 4 OUT-OF-HOME PLACEMENT STUDENTS == PROCEDURES == EXCEPTIONS.  
19 5 The bill provides that if a student in out-of-home placement  
19 6 is enrolled in one school and transfers enrollment to another  
19 7 school either in the same school district or in another school  
19 8 district, or to an accredited nonpublic school, the sending  
19 9 school must transfer the student's data to the receiving  
19 10 school within five school days after receiving a transfer  
19 11 request from the county department of human or social services  
19 12 that has legal custody of the student. The sending school  
19 13 cannot delay transferring the data for any reason.

19 14 If the request is on behalf of a student receiving special  
19 15 education services, the sending school must notify the  
19 16 receiving school of the individualized education plan as soon  
19 17 as possible, but not less than five days after receiving the  
19 18 request.

19 19 A school district is required to enroll a student who is in  
19 20 out-of-home placement within five days after receiving the  
19 21 student's education information and records regardless of  
19 22 whether the school district has received evidence that the  
19 23 student had a dental screening, a blood lead test, or has been  
19 24 immunized as required by law. However, the school district  
19 25 must notify the student's legal guardian that, unless the  
19 26 school district receives the appropriate evidence or written  
19 27 authorization for the student within 14 days after the student  
19 28 enrolls, the school district will suspend the student until it  
19 29 receives the evidence or authorization.

19 30 A school district may deny enrollment to a student who was  
19 31 expelled from a school district during the preceding 12 months  
19 32 for weapons possession, committing an assault, or for repeated  
19 33 interference with a school's ability to provide educational  
19 34 opportunities to other students.

19 35 The sending school must certify to the receiving school the  
20 1 coursework that the student has fully or partially completed  
20 2 while enrolled at the school, and the receiving school must  
20 3 accept the student's certified coursework as if it has been  
20 4 completed at the receiving school.

20 5 A student in out-of-home placement shall receive an excused  
20 6 absence from school for any time the student is out of school  
20 7 due to a required court appearance or participation in  
20 8 court-ordered activities, including but not limited to family  
20 9 visitation or therapy.

20 10 A school district in which a student in out-of-home  
20 11 placement is enrolled shall waive all fees that would  
20 12 otherwise be assessed against the student.

20 13 FUNDING. The bill amends Code section 282.31 and repeals  
20 14 Code section 282.30 to eliminate language that required the  
20 15 area education agencies to provide the appropriate educational  
20 16 program for children living in shelter care or juvenile  
20 17 detention homes, and which provided funding for the area  
20 18 education agencies for the services provided; and to replace  
20 19 those provisions with language that provides funding for  
20 20 approved facility schools which submit their proposed programs  
20 21 and budgets to the facility schools division. Code sections  
20 22 282.19 and 282.32 are amended to make conforming changes.

20 23 LSB 1146HC 83  
20 24 kh/nh/24