

House File 471 - Introduced

HOUSE FILE 471

BY PETTENGILL and HEATON

A BILL FOR

- 1 An Act creating an Iowa state board for blind and deaf
- 2 education with authority over the Iowa school for the deaf
- 3 and the Iowa braille and sight saving school.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 259C.1 Definitions.

2 For the purposes of this chapter, unless the context
3 otherwise requires:

4 1. "*Board*" means the Iowa state board for blind and deaf
5 education created by this chapter.

6 2. "*Director*" means the person appointed to serve as the
7 chief administrator for the board and the schools under this
8 chapter.

9 3. "*Schools*" means both the Iowa school for the deaf at
10 Council Bluffs and the Iowa braille and sight saving school at
11 Vinton.

12 Sec. 2. NEW SECTION. 259C.2 Iowa state board for blind and
13 deaf education.

14 1. An Iowa state board for blind and deaf education is
15 created with authority over the Iowa school for the deaf and
16 the Iowa braille and sight saving school.

17 2. The voting members of the board listed in this subsection
18 shall be appointed by the governor, subject to confirmation
19 by the senate. These voting members shall be appointed to
20 staggered terms of three years beginning and ending as provided
21 in section 69.19. A vacancy shall be filled for the unexpired
22 portion of the term. The voting members of the board appointed
23 by the governor shall consist of the following:

24 a. The parent of a child with a severe visual impairment.

25 b. The parent of a child with a severe hearing loss.

26 c. An alumnus of the Iowa school for the deaf.

27 d. An alumnus of the Iowa braille and sight saving school.

28 e. An employee of an area education agency.

29 f. An employee of the department of education.

30 g. An employee of the department of human services.

31 h. A representative of the governor's developmental
32 disabilities council.

33 i. An employee of a school district who works with the
34 district's program for pupils with sensory impairments.

35 3. In addition to the voting members listed in subsection 2,

1 the following shall also serve as voting members of the board:

2 a. The superintendent of the Iowa school for the deaf.

3 b. The superintendent of the Iowa braille and sight saving
4 school.

5 4. In addition to the voting members, the following shall
6 serve as ex officio, nonvoting members of the board:

7 a. A designee of the governor's office.

8 b. Four members of the general assembly, with one
9 representative each appointed by the speaker and the minority
10 leader of the house of representatives, and one senator each
11 appointed by the majority leader and the minority leader of the
12 senate. A legislative member serves for a term as provided in
13 section 69.16B.

14 Sec. 3. NEW SECTION. 259C.3 Duties of the board.

15 The board shall perform the following duties:

16 1. Approve policies and procedures for the schools.

17 2. Adopt rules in accordance with chapter 17A necessary for
18 operation of the schools.

19 3. Approve budgets and exercise control of the schools and
20 the property and other resources connected with the schools.

21 4. Continue the hall of fame for distinguished graduates
22 at the Iowa braille and sight saving school and at the Iowa
23 school for the deaf originally established by the state board
24 of regents pursuant to section 262.9, subsection 21, Code 2011.

25 Sec. 4. NEW SECTION. 259C.4 Director of state board for
26 blind and deaf education.

27 1. The director of the state board for blind and deaf
28 education shall be appointed by the governor, subject to
29 confirmation by the senate.

30 2. The duties of the director shall include the following:

31 a. Hiring and supervising the superintendents of the
32 schools.

33 b. Recommending policies and procedures for the schools
34 and ensuring implementation of those that are approved by the
35 board.

1 c. Recommending rules for adoption by the board.

2 d. Managing the budgets, property, and other resources
3 connected with the schools, as approved by the board.

4 e. Ensuring the schools are operated in accordance with the
5 applicable requirements of the state board of education and the
6 department of education.

7 f. Performing other duties as assigned by the governor and
8 the board.

9 Sec. 5. NEW SECTION. **259C.5 Iowa school for the deaf.**

10 1. The Iowa school for the deaf, heretofore established
11 pursuant to chapter 270, Code 2011, in Council Bluffs shall
12 provide services in accordance with this chapter to eligible
13 pupils.

14 2. For the purposes of this chapter, an "*eligible pupil*" at
15 the Iowa school for the deaf is a child or young adult resident
16 of this state who is less than age twenty-one, has a hearing
17 loss which is too severe to allow the pupil to acquire an
18 education in public school appropriate to the pupil's needs,
19 and the pupil's parent, guardian, or custodian has chosen the
20 school for the pupil.

21 3. The school may provide services to child or young
22 adult residents less than age twenty-one who have additional
23 sensory impairments, developmental disabilities, or physical
24 disabilities.

25 4. A child or young adult who meets the definition in
26 subsection 2 other than residency may be considered an eligible
27 pupil provided the child or young adult pays the costs of the
28 services received as determined by the board. Such cost shall
29 not be less than the average expense of resident eligible
30 pupils and shall be paid in advance.

31 Sec. 6. NEW SECTION. **259C.6 Iowa braille and sight saving
32 school.**

33 1. The Iowa braille and sight saving school, heretofore
34 established pursuant to chapter 269, Code 2011, in Vinton,
35 shall provide services in accordance with this chapter to

1 eligible pupils.

2 2. For the purposes of this chapter, an "*eligible pupil*" at
3 the Iowa braille and sight saving school is a child or young
4 adult resident of this state who is less than age twenty-one,
5 has a visual disability which is too severe to allow the pupil
6 to acquire an education in public school appropriate to the
7 pupil's needs, and the pupil's parent, guardian, or custodian
8 has chosen the school for the pupil.

9 3. The school may provide services to child or young
10 adult residents less than age twenty-one who have additional
11 sensory impairments, developmental disabilities, or physical
12 disabilities.

13 4. A child or young adult who meets the definition in
14 subsection 2 other than residency may be considered an eligible
15 pupil provided the child or young adult pays the costs of the
16 services received as determined by the board. Such cost shall
17 not be less than the average expense of resident eligible
18 pupils and shall be paid in advance.

19 5. The school may provide summer programs for adults with
20 a severe visual disability who find the school location to be
21 more convenient than programs offered in other locations.

22 Sec. 7. NEW SECTION. 259C.7 **Services provided.**

23 1. The services provided at or available through both
24 schools for eligible pupils shall include but are not limited
25 to all of the following:

26 a. Education programs available on a full-time, part-time,
27 or extended-day basis, depending on education need.

28 b. A residential program which incorporates daily living and
29 social skill components as well as residential accommodations.
30 In order to participate in the residential program, the
31 eligible pupil must reside more than twenty-five miles from
32 the school location. The residential program services,
33 activities, and transportation shall be provided at no charge
34 to the eligible pupil's family except for the pupil's clothing,
35 toiletries, school supplies, and other personal necessary items

1 as identified by the schools.

2 *c.* Outreach services which may include any of the following:

3 (1) Orientation and mobility consultation.

4 (2) Addressing the special needs of eligible pupils from
5 birth through age six.

6 (3) Professional development.

7 (4) Transition services for children and young adults who
8 would be eligible to attend or are attending one of the schools
9 and are age fourteen or older.

10 (5) Low vision evaluations.

11 (6) Production of accessible materials that comply with the
12 national instructional materials accessibility standard.

13 *d.* A summer program for eligible pupils who are age six
14 through twenty. The program shall provide vocational and job
15 experience components.

16 *e.* A full range of extracurricular activities.

17 *f.* Supportive services for the parents and family of
18 eligible pupils.

19 2. *a.* If a funding source or program, directed to children
20 and young adults who are less than age twenty-one and have a
21 severe hearing loss or visual disability and may have other
22 disabilities, applies a requirement for the use of the least
23 restrictive environment, the environment at the Iowa school
24 for the deaf at Council Bluffs and the Iowa braille and sight
25 saving school at Vinton, as appropriate for the hearing loss or
26 visual disability, shall be considered to be in compliance with
27 the requirement.

28 *b.* If an individual resident of this state who is less
29 than age twenty-one has a severe hearing loss or visual
30 disability, the individual education plan developed to address
31 the individual's needs shall evaluate the extent to which the
32 continuum of services available in the individual's home school
33 district would be provided in the least restrictive environment
34 available to the individual. In order for the individual
35 education plan for the individual to recommend for the services

1 to be provided in the individual's home school district, the
2 home school district must be able to offer the individual all
3 of the following:

4 (1) The individual will be able to participate fully in
5 school activities.

6 (2) The individual will be able to function at grade level
7 in reading and math and receive daily instruction in the
8 appropriate reading media.

9 (3) The individual will be able to travel independently
10 within the school facilities.

11 (4) The books, materials distributed, and other educational
12 materials will be available in the reading media appropriate
13 for the individual's special needs.

14 (5) A physical education program will be available to
15 facilitate the individual's full participation.

16 (6) The individual will have technology available to fully
17 utilize computers and access the internet and will receive
18 instruction in the use of appropriate adaptive computer
19 technology.

20 (7) The individual will be able to interact informally with
21 other children and young adults attending the school.

22 (8) The individual will have opportunities to participate
23 in extracurricular activities.

24 (9) The individual will have opportunities to participate
25 in expanded curriculum during the regular school week.

26 **Sec. 8. NEW SECTION. 259C.8 Charges to counties.**

27 1. The superintendents of the schools shall certify charges
28 attributable to each county for the services provided to
29 eligible pupils under this chapter with legal settlement in the
30 county that are comparable to the charges levied to a county
31 for services provided to such eligible pupils under chapters
32 269 and 270, Code 2011.

33 2. a. Each superintendent shall, on the first days of
34 June and December of each year, certify to the director of the
35 department of administrative services the amounts due from

1 counties pursuant to subsection 1, and the director of the
2 department of administrative services shall credit the amounts
3 due to the general fund of the state, and charge the amount to
4 the proper county.

5 *b.* Each superintendent shall, at the time of sending
6 certification to the director of the department of
7 administrative services, send a duplicate copy to the county
8 auditor of the county of the pupil's residence, who shall, when
9 ordered by the board of supervisors, proceed to collect the
10 same by action if necessary, in the name of the county, and
11 when so collected, shall pay the same into the county treasury.

12 *c.* The county auditor shall, upon receipt of the copy of
13 the certification, pass the amounts due to the credit of the
14 state, and issue a notice to the county treasurer authorizing
15 the county treasurer to transfer the amounts due to the
16 general state revenue, which shall be filed by the treasurer
17 as authority for making the transfer, and the county treasurer
18 shall include the amounts in the next remittance of state taxes
19 to the treasurer of state, designating the fund to which the
20 amounts belong.

21 *d.* If a county fails to pay the amounts due within sixty
22 days from the date of certification from the superintendent,
23 the director of the department of administrative services shall
24 charge the delinquent county a penalty of three-fourths of
25 one percent per month on and after sixty days from the date
26 of certificate until paid. The penalties collected shall be
27 credited to the general fund of the state.

28 Sec. 9. Section 252.16, subsection 6, paragraph c, Code
29 2011, is amended to read as follows:

30 *c.* A blind person who is an inpatient or resident of, is
31 supported by, or is receiving treatment or support services
32 from a state resource center created under chapter 222, a
33 state mental health institute created under chapter 226, the
34 Iowa braille and sight saving school administered by the state
35 ~~board of regents~~ Iowa state board for blind and deaf education,

1 or any community-based provider of treatment or services for
2 mental retardation, developmental disabilities, mental health,
3 or substance abuse, does not acquire legal settlement in the
4 county in which the institution, facility, or provider is
5 located, unless the blind person has resided in the county in
6 which the institution, facility, or provider is located for
7 a period of six months prior to the date of commencement of
8 receipt of assistance under the laws of this state or for a
9 period of six months subsequent to the date of termination of
10 assistance under the laws of this state.

11 Sec. 10. Section 256B.2, subsection 2, Code 2011, is amended
12 to read as follows:

13 2. It is the policy of this state to require school
14 districts and state-operated educational programs to provide
15 or make provision, as an integral part of public education,
16 for a free and appropriate public education sufficient to
17 meet the needs of all children requiring special education.
18 This chapter is not to be construed as encouraging separate
19 facilities or segregated programs designed to meet the needs
20 of children requiring special education when the children
21 can benefit from all or part of the education program as
22 offered by the local school district. To the maximum extent
23 possible, children requiring special education shall attend
24 regular classes and shall be educated with children who do not
25 require special education. Whenever possible, hindrances to
26 learning and to the normal functioning of children requiring
27 special education within the regular school environment shall
28 be overcome by the provision of special aids and services
29 rather than by separate programs for those in need of special
30 education. Special classes, separate schooling, or other
31 removal of children requiring special education from the
32 regular educational environment, shall occur only when, and
33 to the extent that the nature or severity of the educational
34 disability is such, that education in regular classes, even
35 with the use of supplementary aids and services, cannot be

1 accomplished satisfactorily. For those children who cannot
2 adapt to the regular educational or home living conditions,
3 and who are attending facilities under chapters 259C and 263,
4 ~~269, and 270~~, upon the request of the board of directors of
5 an area education agency, the department of human services
6 shall provide residential or detention facilities and the area
7 education agency shall provide special education programs and
8 services. The area education agencies shall cooperate with
9 the board of regents to provide the services required by this
10 chapter.

11 Sec. 11. Section 261E.6, subsection 4, paragraph a, Code
12 2011, is amended to read as follows:

13 a. A school district, the Iowa school for the deaf, the
14 Iowa braille and sight saving school, or accredited nonpublic
15 school shall grant high school credit to an eligible student
16 enrolled in a course under this chapter if the eligible student
17 successfully completes the course as determined by the eligible
18 postsecondary institution. The board of directors of the
19 school district, the ~~board of regents~~ Iowa state board for
20 blind and deaf education for the Iowa school for the deaf and
21 the Iowa braille and sight saving school, or authorities in
22 charge of an accredited nonpublic school shall determine the
23 number of high school credits that shall be granted to an
24 eligible student who successfully completes a course. Eligible
25 students may take up to seven semester hours of credit during
26 the summer months when school is not in session and receive
27 credit for that attendance, if the student pays the cost of
28 attendance for those summer credit hours.

29 Sec. 12. Section 261E.6, subsection 6, Code 2011, is amended
30 to read as follows:

31 6. *Definition.* For purposes of this section and section
32 261E.7, unless the context otherwise requires, "*eligible*
33 *student*" means a student classified by the board of directors
34 of a school district, by the ~~state board of regents~~ Iowa state
35 board for blind and deaf education for pupils of the Iowa

1 school for the deaf and the Iowa braille and sight saving
2 school, or by the authorities in charge of an accredited
3 nonpublic school as a ninth or tenth grade student who is
4 identified according to the school district's gifted and
5 talented criteria and procedures, pursuant to section 257.43,
6 as a gifted and talented child, or an eleventh or twelfth grade
7 student, during the period the student is participating in the
8 postsecondary enrollment options program.

9 Sec. 13. Section 261E.7, subsection 1, unnumbered paragraph
10 1, Code 2011, is amended to read as follows:

11 Not later than June 30 of each year, a school district
12 shall pay a tuition reimbursement amount to a postsecondary
13 institution that has enrolled its resident eligible
14 students under this chapter, unless the eligible student is
15 participating in open enrollment under section 282.18, in which
16 case, the tuition reimbursement amount shall be paid by the
17 receiving district. However, if a child's residency changes
18 during a school year, the tuition shall be paid by the district
19 in which the child was enrolled as of the date specified in
20 section 257.6, subsection 1, or the district in which the child
21 was counted under section 257.6, subsection 1, paragraph "a",
22 subparagraph (6). For students enrolled at the Iowa school
23 for the deaf and the Iowa braille and sight saving school, the
24 ~~state board of regents~~ Iowa state board for blind and deaf
25 education shall pay a tuition reimbursement amount by June 30
26 of each year. The amount of tuition reimbursement for each
27 separate course shall equal the lesser of:

28 Sec. 14. Section 262.7, subsections 4 and 5, Code 2011, are
29 amended by striking the subsections.

30 Sec. 15. Section 262.9, subsection 2, Code 2011, is amended
31 to read as follows:

32 2. Elect a president of each of the institutions of higher
33 learning; ~~a superintendent of each of the other institutions;~~
34 a treasurer and a secretarial officer for each institution
35 annually; professors, instructors, officers, and employees;

1 and fix their compensation. ~~Sections 279.12 through 279.19~~
2 ~~and section 279.27 apply to employees of the Iowa braille and~~
3 ~~sight saving school and the state school for the deaf, who~~
4 ~~are licensed pursuant to chapter 272. In following those~~
5 ~~sections in chapter 279, the references to boards of directors~~
6 ~~of school districts shall be interpreted to apply to the board~~
7 ~~of regents.~~

8 Sec. 16. Section 262.9, subsection 21, Code 2011, is amended
9 by striking the subsection.

10 Sec. 17. Section 262.43, Code 2011, is amended to read as
11 follows:

12 **262.43 Students residing on state-owned land.**

13 The state board of regents shall pay to the local school
14 boards the tuition payments and transportation costs, as
15 otherwise authorized by statutes for the elementary or high
16 school education of students residing on land owned by the
17 state and under the control of the state board of regents.
18 Such payments for the three institutions of higher learning,
19 the state university of Iowa, the Iowa state university of
20 science and technology, and the university of northern Iowa,
21 shall be made from the funds of the respective institutions
22 other than state appropriations, ~~and for the two noncollegiate~~
23 ~~institutions, the Iowa braille and sight saving school and the~~
24 ~~state school for the deaf, the payments and costs shall be paid~~
25 ~~from moneys appropriated to the state board of regents.~~

26 Sec. 18. Section 263.12, Code 2011, is amended to read as
27 follows:

28 **263.12 Payment by counties.**

29 The provisions of ~~sections 270.4 to 270.8, inclusive,~~
30 section 259C.8 are hereby made applicable to the university
31 of Iowa hospitals and clinics' center for disabilities and
32 development.

33 Sec. 19. Section 263.21, Code 2011, is amended to read as
34 follows:

35 **263.21 Transfer of patients from state institutions.**

1 The director of the department of human services, in respect
2 to institutions under the director's control, the administrator
3 of any of the divisions of the department, in respect to the
4 institutions under the administrator's control, the director of
5 the department of corrections, in respect to the institutions
6 under the department's control, and the ~~state board of regents~~
7 state board for blind and deaf education, in respect to the
8 Iowa braille and sight saving school and the Iowa school for
9 the deaf, may send any inmate, student, or patient of an
10 institution, or any person committed or applying for admission
11 to an institution, to the university of Iowa hospitals and
12 clinics for treatment and care. The department of human
13 services, the department of corrections, and the ~~state board~~
14 ~~of regents~~ state board for blind and deaf education shall
15 respectively pay the traveling expenses of such patient, and
16 when necessary the traveling expenses of an attendant for
17 the patient, out of funds appropriated for the use of the
18 institution from which the patient is sent.

19 Sec. 20. Section 331.381, subsection 9, Code 2011, is
20 amended to read as follows:

21 9. Comply with ~~chapters 269 and 270~~ chapter 259C in regard
22 to the payment of costs for pupils at the Iowa braille and
23 sight saving school and the school for the deaf.

24 Sec. 21. Section 331.424, subsection 1, paragraph a,
25 subparagraph (1), subparagraph division (c), Code 2011, is
26 amended to read as follows:

27 (c) Clothing, transportation, medical, or other services
28 provided persons attending the Iowa braille and sight saving
29 school, the Iowa school for the deaf, or the university of Iowa
30 hospitals and clinics' center for disabilities and development
31 for children with severe disabilities at Iowa City, for which
32 the county becomes obligated to pay pursuant to sections 259C.8
33 and 263.12, 269.2, and 270.4 through 270.7.

34 Sec. 22. Section 331.502, subsection 18, Code 2011, is
35 amended to read as follows:

1 18. Carry out duties relating to the collection and payment
2 of funds for educating and supporting deaf students as provided
3 in ~~sections 270.6 and 270.7~~ section 259C.8.

4 Sec. 23. Section 331.552, subsection 13, Code 2011, is
5 amended to read as follows:

6 13. Make transfer payments to the state for school expenses
7 for blind and deaf children and support of persons with mental
8 illness as provided in sections ~~230.21, 269.2, and 270.7~~ and
9 259C.8.

10 Sec. 24. REPEAL. Chapter 269, Code 2011, is repealed.

11 Sec. 25. REPEAL. Chapter 270, Code 2011, is repealed.

12 Sec. 26. TRANSITION.

13 1. The state board of regents shall administer the Iowa
14 school for the deaf and the Iowa braille and sight saving
15 school in accordance with the requirements of this Act until
16 the Iowa state board for blind and deaf education and that
17 board's director are appointed. Upon order of the governor
18 following the appointments, the administrative responsibilities
19 shall be transferred to the Iowa state board for blind and deaf
20 education and that board's director.

21 2. Appropriations made for purposes of the Iowa school for
22 the deaf, the Iowa braille and sight saving school, and the
23 Iowa state board for blind and deaf education for the fiscal
24 year beginning July 1, 2011, shall be administered by the
25 department of management until the governor's transfer order
26 under subsection 1 is issued.

27 3. Until the Iowa state board for blind and deaf education
28 has adopted administrative rules and procedures to implement
29 the provisions of chapter 259C, as enacted by this Act, the
30 relevant rules and procedures for the Iowa school for the deaf
31 and the Iowa braille and sight saving school adopted under
32 authority of the state board of regents shall continue to
33 apply. Any contracts relating to the two schools entered into
34 prior to July 1, 2011, shall continue in accordance with the
35 terms of those contracts until expiration of the contracts.

1 district would be provided in the least restrictive environment
2 available to the individual and provides a list of criteria for
3 that purpose.

4 New Code section 259C.8 provides procedures for charges
5 to counties for eligible pupils with legal settlement. The
6 charges are required to be comparable to those charged for
7 services at the schools under current law.

8 Conforming amendments are made to various Code provisions
9 to reflect the change in administrative responsibility for the
10 schools and internal references. Code chapter 269, relating to
11 the Iowa braille and sight saving school, and Code chapter 270,
12 relating to the Iowa school for the deaf, are repealed.

13 A transition provision requires the state board of regents
14 to administer the schools in accordance with the bill until
15 the governor appoints the new board and director and orders
16 transfer of the administrative responsibility, provides
17 for administration of appropriations for the schools by the
18 department of management pending the appointments, continues
19 rules and procedures until replaced, and continues contracts.

20 The bill may include a state mandate as defined in Code
21 section 25B.3. The bill makes inapplicable Code section 25B.2,
22 subsection 3, which would relieve a political subdivision from
23 complying with a state mandate if funding for the cost of
24 the state mandate is not provided or specified. Therefore,
25 political subdivisions are required to comply with any state
26 mandate included in the bill.