

**Senate File 2096 - Introduced**

SENATE FILE 2096

BY PETERSEN

**A BILL FOR**

1 An Act relating to limited English proficient education by  
2 modifying the supplementary weighting for limited English  
3 proficient students, requiring the establishment of a  
4 limited English proficient advisory group, requiring the  
5 creation of a committee within the department of education,  
6 modifying provisions relating to the special instruction of  
7 limited English proficient students, and including effective  
8 date provisions.

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

1 Section 1. Section 256.7, Code 2014, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 33. Adopt rules, following consultation  
4 with area education agencies, the limited English proficient  
5 advisory group established under section 280.4, subsection 4,  
6 the limited English proficient committee established under  
7 section 256.9, subsection 65, and other stakeholders, that  
8 set statewide standards for the training, certification, and  
9 compliance of school employees that provide special instruction  
10 to limited English proficient students, as required by section  
11 280.4.

12 NEW SUBSECTION. 34. Adopt rules that establish standards  
13 for the inclusion of research pertaining to the identification  
14 and instruction of limited English proficient students by any  
15 task force, committee, or advisory group, convened by the  
16 department, a division or bureau within the department, a  
17 school district, or an area education agency.

18 Sec. 2. Section 256.9, subsection 53, paragraph c,  
19 subparagraph (1), Code 2014, is amended by adding the following  
20 new subparagraph divisions:

21 NEW SUBPARAGRAPH DIVISION. (h) Instructional strategies  
22 for limited English proficient students, strategies for  
23 identifying limited English proficient students, and  
24 professional development strategies and materials to  
25 support teacher effectiveness in limited English proficient  
26 instruction.

27 NEW SUBPARAGRAPH DIVISION. (i) Data reports on attendance  
28 center, school district, and statewide progress in the  
29 instruction of limited English proficient students in the  
30 context of student, attendance center, and school district  
31 demographic characteristics.

32 Sec. 3. Section 256.9, Code 2014, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 65. Establish a permanent limited English  
35 proficient committee within the department to review and

1 make recommendations relating to the instruction of limited  
2 English proficient students. The committee shall work with  
3 relevant stakeholders, including the advisory group established  
4 pursuant to section 280.4, subsection 4, to examine the best  
5 practices for such instruction, review funding provided to  
6 school districts under section 280.4 and funding from other  
7 sources, facilitate and implement research-based reading and  
8 writing instruction for limited English proficient students,  
9 and facilitate and implement programs to identify limited  
10 English proficiency during early childhood. The committee  
11 shall include at least one representative from each division or  
12 bureau of the department.

13 Sec. 4. Section 257.31, subsection 5, paragraph j, Code  
14 2014, is amended to read as follows:

15 *j.* Unusual need to continue providing a program or other  
16 special assistance to non-English speaking pupils after the  
17 expiration of the ~~five-year~~ period of years specified in  
18 section 280.4.

19 Sec. 5. Section 280.4, subsection 1, Code 2014, is amended  
20 to read as follows:

21 1. The medium of instruction in all secular subjects  
22 taught in both public and nonpublic schools shall be the  
23 English language, except when the use of a foreign language  
24 is deemed appropriate in the teaching of any subject or when  
25 the student is limited English proficient. When the student  
26 is limited English proficient, both public and nonpublic  
27 schools shall provide special instruction, which shall include  
28 but need not be limited to either instruction in English  
29 as a second language or transitional bilingual instruction  
30 until the student is fully English proficient or demonstrates  
31 a functional ability to speak, read, write, and understand  
32 the English language. Each school district shall develop a  
33 research-based instruction plan for limited English proficient  
34 students. Each school district shall include its plan in  
35 the school district's comprehensive school improvement plan

1 submitted pursuant to section 256.7, subsection 21. As  
2 used in this section, "*limited English proficient*" means a  
3 student's language background is in a language other than  
4 English, and the student's proficiency in English is such  
5 that the probability of the student's academic success in  
6 an English-only classroom is below that of an academically  
7 successful peer with an English language background. "*Fully*  
8 *English proficient*" means a student who is able to read,  
9 understand, write, and speak the English language and to use  
10 English to ask questions, to understand teachers and reading  
11 materials, to test ideas, and to challenge what is being asked  
12 in the classroom.

13 Sec. 6. Section 280.4, subsection 3, Code 2014, is amended  
14 to read as follows:

15 3. a. (1) In order to provide funds for the excess  
16 costs of instruction of limited English proficient students  
17 specified in paragraph "b" above the costs of instruction of  
18 pupils in a regular curriculum, students identified as limited  
19 English proficient shall be assigned an additional weighting  
20 ~~of twenty-two hundredths~~ according to subparagraph (2), and  
21 that weighting shall be included in the weighted enrollment of  
22 the school district of residence for a the period not exceeding  
23 five of years specified in paragraph "b". However, the school  
24 budget review committee may grant supplemental aid or a  
25 modified supplemental amount to a school district to continue  
26 funding a program for students after the expiration of the  
27 ~~five-year~~ specified period of years.

28 (2) For budget years beginning on or before July 1, 2013,  
29 students identified as limited English proficient shall be  
30 assigned an additional weighting of twenty-two hundredths. For  
31 the budget year beginning July 1, 2014, students identified  
32 as limited English proficient shall be assigned an additional  
33 weighting of twenty-six hundredths. For the budget year  
34 beginning July 1, 2015, and each budget year thereafter,  
35 students identified as limited English proficient shall be

1 assigned an additional weighting of thirty hundredths.

2 b. (1) For students first determined to be limited English  
3 proficient for a budget year beginning on or after July  
4 1, 2010, but before July 1, 2014, the additional weighting  
5 provided under paragraph "a" shall be included in the weighted  
6 enrollment of the school district of residence for a period  
7 not exceeding five years beginning with the budget year for  
8 which the student was first determined to be limited English  
9 proficient.

10 (2) For students first determined to be limited English  
11 proficient for the budget year beginning on July 1, 2014, the  
12 additional weighting provided under paragraph "a" shall be  
13 included in the weighted enrollment of the school district of  
14 residence for a period not exceeding six years beginning with  
15 the budget year for which the student was first determined to  
16 be limited English proficient.

17 (3) For students first determined to be limited English  
18 proficient for a budget year beginning on or after July 1,  
19 2015, the additional weighting provided under paragraph "a"  
20 shall be included in the weighted enrollment of the school  
21 district of residence for a period not exceeding seven years  
22 beginning with the budget year for which the student was first  
23 determined to be limited English proficient.

24 Sec. 7. Section 280.4, Code 2014, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 4. a. The director of the department  
27 of education shall establish a permanent limited English  
28 proficient advisory group to review and make recommendations  
29 relating to the instruction of limited English proficient  
30 students. The advisory group shall work with relevant  
31 stakeholders to conduct an examination of best practices for  
32 such instruction and a review of funding provided to school  
33 districts under section 280.4 and funding from other sources.  
34 The advisory group shall annually develop recommendations for  
35 consideration by the limited English proficient committee

1 established under section 256.9, subsection 65, the director,  
2 the state board, and the general assembly. The advisory group  
3 shall also assist with the final development and implementation  
4 of any such recommendations or proposals.

5 *b.* The advisory group shall include but is not limited to  
6 the following members:

7 (1) A person or representative of an organization  
8 specializing in limited English proficient education.

9 (2) A person or representative of an organization  
10 specializing in Tit. I of the federal Elementary and Secondary  
11 Education Act of 1965, 20 U.S.C. §6301 et seq., as amended  
12 by the federal No Child Left Behind Act of 2001, Pub. L. No.  
13 107-110.

14 (3) A person or representative of an organization  
15 specializing in Tit. III of the federal No Child Left Behind  
16 Act of 2001, Pub. L. No. 107-110.

17 (4) A person or representative of an organization  
18 specializing in special education instruction.

19 (5) A person or representative of an organization  
20 specializing in the Iowa core curriculum.

21 **Sec. 8. STATE MANDATE FUNDING SPECIFIED.** In accordance  
22 with section 25B.2, subsection 3, the state cost of requiring  
23 compliance with any state mandate included in this Act shall  
24 be paid by a school district from state school foundation aid  
25 received by the school district under section 257.16. This  
26 specification of the payment of the state cost shall be deemed  
27 to meet all of the state funding-related requirements of  
28 section 25B.2, subsection 3, and no additional state funding  
29 shall be necessary for the full implementation of this Act  
30 by and enforcement of this Act against all affected school  
31 districts.

32 **Sec. 9. EFFECTIVE UPON ENACTMENT.** This Act, being deemed of  
33 immediate importance, takes effect upon enactment.

34 **EXPLANATION**

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill relates to limited English proficient education  
3 by modifying the supplementary weighting for limited English  
4 proficient students, requiring the establishment of a limited  
5 English proficient advisory group, requiring the creation of  
6 a committee within the department of education, and modifying  
7 provisions relating to the special instruction of limited  
8 English proficient students.

9       Current Code section 280.4 provides supplementary weighting  
10 for the excess costs of instruction of limited English  
11 proficient students. The current amount of the supplementary  
12 weighting for students identified as limited English proficient  
13 is 0.22 per student. The weighting is provided for those  
14 students first determined to be limited English proficient for  
15 a budget year beginning on or after July 1, 2010, and may be  
16 included in the weighted enrollment of the school district for  
17 a period not exceeding five years.

18       For the school budget year beginning on July 1, 2014, the  
19 bill increases the amount of the supplementary weighting for  
20 those students identified as limited English proficient to 0.26  
21 per student. For the budget year beginning on July 1, 2015,  
22 and each budget year thereafter, those students identified as  
23 limited English proficient shall be assigned an additional  
24 weighting of 0.30 per student.

25       The bill also specifies the number of years during which the  
26 additional weighting may be included in the school district's  
27 weighted enrollment. For students first determined to be  
28 limited English proficient for a budget year beginning on or  
29 after July 1, 2010, but before July 1, 2014, the additional  
30 weighting may be included for a period not exceeding five  
31 years. For students first determined to be limited English  
32 proficient for the budget year beginning on July 1, 2014, the  
33 additional weighting may be included for a period not exceeding  
34 six years. For students first determined to be limited English  
35 proficient for a budget year beginning on or after July 1,

1 2015, the additional weighting may be included for a period not  
2 exceeding seven years.

3 The bill requires each school district to develop a  
4 research-based instruction plan for limited English proficient  
5 students and requires such plan to be included in the school  
6 district's comprehensive school improvement plan submitted  
7 pursuant to Code section 256.7(21).

8 The bill requires the director of the department of  
9 education to establish a permanent limited English proficient  
10 advisory group to review and make recommendations relating to  
11 the instruction of limited English proficient students. The  
12 bill also establishes requirements relating to the membership  
13 of the advisory group.

14 The bill also requires the director of the department  
15 of education to establish a permanent limited English  
16 proficient committee within the department to review and make  
17 recommendations relating to the instruction of limited English  
18 proficient students. The bill requires the committee to work  
19 with relevant stakeholders, including the limited English  
20 proficient advisory group required to be established under  
21 the bill, to examine the best practices for such instruction,  
22 review funding sources, facilitate and implement research-based  
23 reading and writing instruction for limited English proficient  
24 students, and facilitate and implement programs to identify  
25 limited English proficiency during early childhood. The  
26 committee must include at least one representative from each  
27 division or bureau of the department of education.

28 The bill requires the Iowa reading research center,  
29 established by the director of the department of education  
30 pursuant to Code section 256.9(53)(c), to provide for the  
31 development and dissemination of specified strategies and data  
32 reports related to limited English proficient students.

33 The bill requires the state board of education to adopt  
34 rules, following consultation with area education agencies and  
35 stakeholders, that set statewide standards for the training,

1 certification, and compliance of school employees that provide  
2 special instruction to limited English proficient students.

3 The bill also requires the state board of education to adopt  
4 rules that establish standards for the inclusion of research  
5 pertaining to the identification and instruction of limited  
6 English proficient students by any task force, committee, or  
7 advisory group, convened by the department, a division or  
8 bureau within the department, a school district, or an area  
9 education agency.

10 This bill may include a state mandate as defined in Code  
11 section 25B.3. The bill requires that the state cost of  
12 any state mandate included in the bill be paid by a school  
13 district from state school foundation aid received by the  
14 school district under Code section 257.16. The specification  
15 is deemed to constitute state compliance with any state mandate  
16 funding-related requirements of Code section 25B.2. The  
17 inclusion of this specification is intended to reinstate the  
18 requirement of political subdivisions to comply with any state  
19 mandates included in the bill.

20 The bill takes effect upon enactment.