

House Study Bill 18 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act relating to payment of costs for educational services
2 for children residing in certain psychiatric hospitals or
3 institutions.

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

1 Section 1. Section 282.27, Code 2015, is amended to read as
2 follows:

3 **282.27 Children living in psychiatric hospitals or**
4 **institutions — payment.**

5 1. The public school district in which ~~is located~~ a
6 psychiatric unit of a hospital licensed under chapter 135B or
7 a psychiatric medical institution for children licensed under
8 chapter 135H, which is not operated by the state, is located
9 shall be responsible for the provision of educational services
10 to children residing in the unit or institution. Children
11 residing in the unit or institution shall be included in the
12 basic enrollment of their districts of residence, as defined in
13 section 282.31, subsection 4.

14 2. The board of directors of each district of residence
15 shall pay to the school district in which such psychiatric unit
16 or institution is located ~~such psychiatric unit or institution,~~
17 for the provision of educational services to the child, a
18 portion of the ~~district of residence's district cost per pupil~~
19 tuition rate prescribed by section 282.24 for students residing
20 within another school district for each of such children who
21 does not require special education, based upon the proportion
22 that the time each child is provided educational services while
23 in such unit or institution is to the total time for which
24 the child is provided educational services during a normal
25 school year. The actual special education instructional costs
26 incurred for a child who resides in the unit or institution
27 shall be paid by the district of residence of the child to the
28 district in which the unit or institution is located.

29 3. Notwithstanding subsection 2, if a child is placed in
30 the psychiatric unit or institution as a voluntary parental
31 placement, the district of residence is not responsible for the
32 instructional costs incurred for the provision of educational
33 services for the period of time the child is residing in such
34 unit or institution.

35 4. Notwithstanding section 282.24, if a child for whom all

1 of the following applies is placed in the psychiatric unit
2 or institution, the district of residence may use amounts
3 received as supplementary weighting pursuant to section 257.11,
4 subsection 4, to pay the instructional costs necessary to
5 address the child's behavior during instructional time when
6 those services are not otherwise provided to students who do
7 not require special education and the costs exceed the costs
8 of instruction of pupils in a regular curriculum and the costs
9 exceed the maximum tuition rate prescribed by section 282.24:

10 a. The child does not require special education.

11 b. The child is not placed in the unit or institution as a
12 voluntary parental placement.

13 c. The child is not placed by the department of human
14 services or a court in a day program treatment program in such
15 psychiatric unit or institution.

16 d. The board of directors of the district of residence has
17 determined that the child is likely to inflict self-harm or
18 likely to harm another student.

19 5. Notwithstanding section 282.24, if a child for whom
20 all of the following applies is placed in the psychiatric
21 unit or institution, the district of residence may use the
22 funding for programs for returning dropouts and dropout
23 prevention calculated pursuant to section 257.41, to pay the
24 instructional costs necessary to address the child's behavior
25 during instructional time when those services are not otherwise
26 provided to students who do not require special education
27 and the costs exceed the costs of instruction of pupils in
28 a regular curriculum, the costs exceed the maximum tuition
29 rate prescribed by section 282.24, and the child meets the
30 definition of a returning dropout or potential dropout in
31 section 257.39:

32 a. The child does not require special education.

33 b. The child is not placed in the unit or institution as a
34 voluntary parental placement.

35 c. The child is not placed by the department of human

1 services or a court in a day program treatment program in such
2 psychiatric unit or institution.

3 d. The board of directors of the district of residence has
4 determined that the child is likely to inflict self-harm or
5 likely to harm another student.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 Current law provides that the school district in which
10 a psychiatric unit of a licensed hospital or a licensed
11 psychiatric medical institution for children, not operated by
12 the state, is located shall be responsible for the provision
13 of educational services to children residing in the unit or
14 institution. The district of residence is required pay to the
15 school district in which the psychiatric unit or institution
16 is located a portion of the district of residence's district
17 cost per pupil for each child based upon the proportion of the
18 time each child is provided educational services while in the
19 unit or institution to the total time for which the child is
20 provided educational services during a normal school year.

21 This bill provides that the required payment shall be
22 calculated based on the tuition rate prescribed by Code section
23 282.24 for students residing within another school district,
24 instead of the district of residence's district cost per
25 pupil. Code section 282.24 provides that the maximum tuition
26 fee that may be charged for students residing within another
27 school district is the district cost per pupil of the receiving
28 district. The bill also provides that the actual special
29 education instructional costs incurred for a child who resides
30 in a unit or institution shall be paid by the district of
31 residence of the child to the district in which the unit or
32 institution is located, rather than the required tuition rate
33 amount.

34 The bill provides that if a child has been placed in the
35 psychiatric unit or institution as a voluntary parental

1 placement, the district of residence is not responsible for the
2 instructional costs incurred for the provision of educational
3 services for the period of time the child is residing in such
4 unit or institution.

5 The bill provides that, notwithstanding Code section 282.24,
6 if a child, who does not require special education, who is not
7 placed as a voluntary parental placement, who is not placed by
8 the department of human services or a court in a day program
9 treatment program in such psychiatric unit or institution, and
10 who the board of directors of the district of residence has
11 determined is likely to inflict harm on themselves or other
12 students, is placed in the psychiatric unit or institution, the
13 district of residence may use amounts received as supplementary
14 weighting pursuant to Code section 257.11, subsection 4, to
15 pay the instructional costs necessary to address the child's
16 behavior during instructional time when those services are
17 not otherwise provided to students who do not require special
18 education and the costs exceed the costs of instruction of
19 pupils in a regular curriculum and the costs exceed the maximum
20 tuition rate prescribed by Code section 282.24.

21 The bill further provides that if such a child meets the
22 definition of returning dropout or potential dropout in
23 Code section 257.39, the district of residence may also use
24 the funding for programs for returning dropouts and dropout
25 prevention to pay the instructional costs necessary to address
26 the child's behavior during instructional time when those
27 services are not otherwise provided to students who do not
28 require special education and the costs exceed the costs of
29 instruction of pupils in a regular curriculum, the costs exceed
30 the maximum tuition rate prescribed by Code section 282.24.