

**Senate File 168 - Introduced**

SENATE FILE 168

BY KOELKER and COURNOYER

**A BILL FOR**

1 An Act relating to health services, special education support,  
2 and related services provided to children attending  
3 nonpublic schools.

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

1 Section 1. Section 256.12, subsection 2, paragraph a, Code  
2 2021, is amended to read as follows:

3 a. **This section** does not deprive the respective boards of  
4 public school districts of any of their legal powers, statutory  
5 or otherwise, and in accepting the specially enrolled students,  
6 each of the boards shall prescribe the terms of the special  
7 enrollment, including but not limited to scheduling of courses  
8 and the length of class periods. In addition, the board of the  
9 affected public school district shall be given notice by the  
10 department of its decision to permit the special enrollment  
11 not later than six months prior to the opening of the affected  
12 public school district's school year, except that the board of  
13 the public school district may waive the notice requirement.  
14 School districts and area education agency boards shall make  
15 public school services, which shall include special education  
16 programs and services and may include health services, services  
17 for remedial education programs, guidance services, and school  
18 testing services, available to children attending nonpublic  
19 schools in the same manner and to the same extent that they are  
20 provided to public school students. Service activities shall  
21 be similar to those undertaken for public school students.  
22 Health services, special education support, and related  
23 services provided by area education agencies for the purpose  
24 of identifying children with disabilities, assistance with  
25 physical and communications needs of students with physical  
26 disabilities, and services of an educational interpreter  
27 ~~may shall~~ be provided on nonpublic school premises ~~with the~~  
28 if permission of is granted by the lawful custodian of the  
29 property and the parent or guardian of the student receiving  
30 the services. Other special education services ~~may shall~~ be  
31 provided on nonpublic school premises ~~at the discretion of~~  
32 ~~the school district or area education agency provider of the~~  
33 ~~service and with the~~ if permission of is granted by the lawful  
34 custodian of the property and the parent or guardian of the  
35 student receiving the services.

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EXPLANATION

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

3

4 This bill requires that certain services and support that  
5 an area education agency (AEA) must provide to a nonpublic  
6 school student must, if the parent or guardian of the student  
7 receiving the services grants permission, be provided on the  
8 nonpublic school premises.

9 The health services, special education support, and related  
10 services provided by AEAs for the purpose of identifying  
11 children with disabilities, assistance with physical and  
12 communications needs of students with physical disabilities,  
13 and services of an educational interpreter may, under current  
14 law, be provided on nonpublic school premises with the  
15 permission of the lawful custodian of the property.

16 Currently, other special education services may also be  
17 provided on nonpublic school premises at the discretion of  
18 the school district or AEA provider of the service and with  
19 the permission of the lawful custodian of the property. The  
20 bill modifies the language to require that such services be  
21 provided on the nonpublic school premises, but, in addition to  
22 the permission of the lawful custodian of the property, the  
23 bill requires the permission of the parent or guardian of the  
24 student receiving the services.