

Senate File 2302 - Introduced

SENATE FILE 2302

BY BROWN

A BILL FOR

1 An Act relating to students who require special emotional,
2 social, or behavioral supports in education, including
3 calculations for funding and the establishment of regional
4 special schools, and making appropriations.

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

1 Section 1. Section 256B.7, Code 2024, is amended to read as
2 follows:

3 **256B.7 Examinations of children.**

4 1. In order to render proper instruction to each child
5 requiring special education, the school districts shall certify
6 children requiring special education for special instruction
7 in accordance with the requirements set up by the division
8 of special education and shall provide examinations for
9 children preliminary to making certification. The examinations
10 necessary for the certification of children requiring special
11 education shall be prescribed by the state division of special
12 education. Disputes concerning a child's eligibility for
13 special education shall be addressed under rules and procedures
14 adopted by the state board of education pursuant to section
15 256B.6 and consistent with the federal Individuals with
16 Disabilities Education Act of 2004, 20 U.S.C. §1400 et seq.

17 2. In order to render proper instruction to each child
18 requiring specialized emotional, social, or behavioral
19 care, the school districts shall certify children requiring
20 specialized emotional, social, or behavioral care for
21 special emotional, social, and behavioral instruction in
22 accordance with the requirements set up by the division of
23 special education and shall provide examinations for children
24 preliminary to making certification. The examinations
25 necessary for the certification of children requiring
26 specialized emotional, social, or behavioral care shall
27 be prescribed by the state division of special education.
28 Disputes concerning a child's eligibility for special
29 emotional, social, and behavioral instruction shall be
30 addressed under rules and procedures adopted by the state board
31 of education pursuant to section 256B.6.

32 Sec. 2. Section 256B.9, subsection 1, unnumbered paragraph
33 1, Code 2024, is amended to read as follows:

34 In order to provide funds for the excess costs of instruction
35 of children requiring special education or emotional, social,

1 or behavioral supports, above the costs of instruction of
2 pupils in a regular curriculum, a special education weighting
3 plan for determining enrollment in each school district is
4 adopted as follows:

5 Sec. 3. Section 256B.9, subsection 1, Code 2024, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *f.* Children who do not require special
8 education but whose emotional, social, or behavioral needs
9 would prevent the child from academic success in a traditional
10 general education classroom are assigned a weighting of two
11 and two-tenths. This paragraph also applies to children who
12 require the use of therapeutic classrooms.

13 Sec. 4. Section 256B.9, subsections 3, 4, 5, 7, and 9, Code
14 2024, are amended to read as follows:

15 3. The weight that a child is assigned under [this section](#)
16 shall be dependent upon the required educational modifications
17 necessary to meet the special education or emotional, social,
18 and behavioral needs of the child. Enrollment for the purpose
19 of [this section](#), and all payments to be made pursuant thereto,
20 includes all children for whom a special education program or
21 course is to be provided pursuant to section 256.12, subsection
22 2, [sections 273.1 through 273.9](#), and [this chapter](#), whether or
23 not the children are actually enrolled upon the records of a
24 school district.

25 4. On December 1, 1987, and no later than December 1 every
26 two years thereafter, for the school year commencing the
27 following July 1, the director of the department of education
28 shall report to the school budget review committee the average
29 costs of providing instruction for children ~~requiring special~~
30 ~~education~~ in the categories of the weighting plan established
31 under [this section](#), and for providing services to nonpublic
32 school students pursuant to [section 256.12, subsection 2](#),
33 and the director of the department of education shall make
34 recommendations to the school budget review committee for
35 needed alterations to make the weighting plan suitable for

1 subsequent school years. The school budget review committee
 2 shall establish the weighting plan for each school year and
 3 shall report the plan to the director of the department of
 4 education. The school budget review committee may establish
 5 weights to the nearest hundredth. The school budget review
 6 committee shall not alter the weighting assigned to pupils
 7 in a regular curriculum, but it may increase or decrease the
 8 weighting assigned to each category of children ~~requiring~~
 9 ~~special education~~ described in subsection 1, paragraphs "b"
 10 through "f", by not more than two-tenths of the weighting
 11 assigned to pupils in a regular curriculum. The state board of
 12 education shall adopt rules under [chapter 17A](#) to implement the
 13 weighting plan for each year and to assist in identification
 14 and proper indexing of each child in the state who requires
 15 special education or emotional, social, and behavioral
 16 supports.

17 5. The division of special education shall audit the reports
 18 required in [section 273.5](#) to determine that all children in the
 19 area who have been identified as requiring special education
 20 or requiring emotional, social, or behavioral supports have
 21 received the appropriate ~~special education~~ instructional and
 22 support services, and to verify the proper identification
 23 of pupils in the area who will require ~~special education~~
 24 instructional and support services during the school year in
 25 which the report is filed. The division shall certify to the
 26 director of the department of management the correct total
 27 enrollment of each school district in the state, determined by
 28 applying the appropriate pupil weighting index to each child
 29 requiring special education or requiring emotional, social, or
 30 behavioral supports, as certified by the directors of special
 31 education in each area.

32 7. The costs of special education instructional programs
 33 and emotional, social, and behavioral supports include the
 34 costs of purchase of transportation equipment approved by the
 35 director of the department of education to meet the ~~special~~

1 needs of children requiring special education ~~with the approval~~
2 ~~of the director of the department of education~~ or requiring
3 emotional, social, or behavioral supports. The state board of
4 education shall adopt rules under [chapter 17A](#) for the purchase
5 of transportation equipment pursuant to [this section](#).

6 9. Funds generated for special education instructional
7 programs and emotional, social, and behavioral supports
8 under [this chapter](#) and [chapter 257](#) shall not be expended for
9 modifications of school buildings to make them accessible to
10 children requiring special education or requiring emotional,
11 social, or behavioral supports.

12 Sec. 5. Section 257.6, subsection 1, paragraph a,
13 subparagraph (7), Code 2024, is amended to read as follows:

14 (7) A student attending an accredited nonpublic school or
15 receiving competent private instruction under [chapter 299A](#),
16 who is assigned to a therapeutic classroom established in
17 accordance with section ~~256.25A~~ [256.25](#) or is participating in a
18 program under [chapter 261E](#), shall be counted as a shared-time
19 student in the school district in which the nonpublic school of
20 attendance is located for state foundation aid purposes.

21 Sec. 6. Section 257.16C, subsection 2, paragraph d, Code
22 2024, is amended to read as follows:

23 *d.* A school district's transportation cost per pupil
24 shall be determined by dividing the school district's actual
25 transportation cost for all children transported in all
26 school buses for a school year pursuant to section 285.1,
27 subsection 12, less the amount of ~~transportation costs~~
28 ~~reimbursed under section 256.25A~~ and the amount received for
29 transporting nonpublic school pupils under [section 285.1](#), by
30 the district's actual enrollment for the school year, excluding
31 the shared-time enrollment for the school year as defined in
32 section 257.6.

33 Sec. 7. Section 257.31, subsection 14, paragraph b, Code
34 2024, is amended by striking the paragraph and inserting in
35 lieu thereof the following:

1 **b.** (1) If the amount certified for a school district
2 to the director of the department of management under this
3 subsection for the base year is negative, the department of
4 management shall make supplemental aid payments to school
5 districts. Supplemental aid paid to a district shall be an
6 amount necessary to offset the district's negative balance
7 raised for special education instruction programs.

8 (2) There is appropriated from the general fund of the state
9 to the school budget review committee for each fiscal year an
10 amount as necessary to be used for supplemental aid payments to
11 school districts under subparagraph (1).

12 **Sec. 8. NEW SECTION. 279.84 Regional special schools.**

13 1. A school district may acquire by purchase, lease, or
14 other arrangement property located within the boundaries of a
15 different school district for purposes of operating a regional
16 special school, if the boards of directors of both school
17 districts agree to such purchase, lease, or other arrangement.

18 2. A school district that operates a regional special
19 school pursuant to subsection 1 may allow students who are not
20 residents of the school district that operates the regional
21 special school to attend the regional special school, if the
22 board of directors of the school district that operates the
23 regional special school and the board of directors of the
24 student's resident school district agree to such arrangement.

25 3. An agreement entered into between the boards of directors
26 of school districts pursuant to subsection 1 or 2 may provide
27 for sharing the costs and expenses of any of the following:

28 **a.** The acquisition of property for purposes of operating a
29 regional special school.

30 **b.** The operation of the regional special school.

31 4. For purposes of this section, "*regional special school*"
32 means an attendance center at which any of the following
33 services are provided:

34 **a.** Services associated with a therapeutic classroom
35 established pursuant to section 256.25.

1 *b.* Educational services for students participating in
2 special education programs and services under chapter 256B.

3 *c.* Any other services for students who require special
4 emotional, social, or behavioral supports.

5 Sec. 9. REPEAL. Section 256.25A, Code 2024, is repealed.

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 This bill relates to students who require special emotional,
10 social, or behavioral supports in education, including
11 calculations for funding and the establishment of regional
12 special schools.

13 The bill requires school districts to certify children
14 requiring specialized emotional, social, or behavioral care
15 for special emotional, social, and behavioral instruction in
16 accordance with the requirements set up by the division of
17 special education, and to provide examinations for children
18 preliminary to making certification. The examinations
19 necessary for the certification of children requiring
20 specialized emotional, social, or behavioral care must
21 be prescribed by the state division of special education.
22 Disputes concerning a child's eligibility for special
23 emotional, social, and behavioral instruction must be addressed
24 under rules and procedures adopted by the state board of
25 education.

26 In order to provide funds for the excess costs of instruction
27 of children requiring special education above the costs of
28 instruction of pupils in a regular curriculum, the state has
29 a special weighting plan that allows children who require
30 special education to have additional weighting when calculating
31 a school district's funding. The bill adds to the special
32 education weighting plan children who do not require special
33 education but whose emotional, social, or behavioral needs
34 would prevent the child from academic success in a traditional
35 general education classroom. These children are assigned a

1 weighting of 2.2, which is the current weighting of children
2 who require full-time, self-contained special education with
3 little integration into a regular classroom. The bill includes
4 children who require the use of therapeutic classrooms in
5 the category of children with special emotional, social, or
6 behavioral needs.

7 Under current law, the school budget review committee must
8 determine each year, as soon as possible after June 30, the
9 balance of funds for each school district that was raised
10 for special education instruction programs under the special
11 education weighting plan. If the balance is negative, then
12 the school budget review committee is allowed to take amounts
13 appropriated to it from certain sources related to state aid
14 paid to school districts to make supplemental aid payments
15 to the district with a negative balance equal to the state
16 aid portion of the district's negative balance. However, a
17 school district is only eligible to receive supplemental aid
18 payments if the school district certifies to the school budget
19 review committee that for the year following the budget year
20 it will notify the school budget review committee to instruct
21 the director of the department of management to increase the
22 district's modified supplemental amount and will fund the
23 modified supplemental amount increase either by using moneys
24 from its unexpended fund balance to reduce the district's
25 property tax levy or by using cash reserve moneys to equal the
26 amount of the deficit that would have been property taxes and
27 any part of the state aid portion of the deficit not received
28 as supplemental aid.

29 The bill alters the funding structure for schools with
30 a negative balance of funds relating to special education
31 instruction by requiring the department of management to make
32 supplemental aid payments to the school district in an amount
33 necessary to offset the district's negative balance raised for
34 special education instruction programs. The bill appropriates
35 from the state general fund to the school budget review

1 committee for each fiscal year an amount of moneys as necessary
2 to be used for supplemental aid payments to school districts
3 with negative special education fund balances.

4 The bill authorizes a school district to acquire property
5 located within the boundaries of a different school district
6 for purposes of operating a regional special school if the
7 boards of directors of both school districts agree to such
8 acquisition. The division provides that a school district that
9 operates such a regional special school may allow students who
10 are not residents of the school district that operates the
11 regional special school to attend the regional special school
12 if the board of directors of the school district that operates
13 the regional special school and the board of directors of the
14 student's resident school district agree to such arrangement.
15 Additionally, the division provides that an agreement entered
16 into between the boards of directors of school districts under
17 these provisions may provide for sharing the costs and expenses
18 of the acquisition of property for, and operation of, the
19 regional special school.

20 The division defines "regional special school" to mean
21 an attendance center at which services associated with a
22 therapeutic classroom, educational services for students
23 participating in special education programs and services, or
24 any other services for students who require special supports
25 for behavioral issues, are provided.

26 The bill repeals Code section 256.25A (therapeutic classroom
27 — claims) which allows school districts to submit claims
28 to the department of education for the costs of providing
29 therapeutic classroom services and related transportation
30 services.

31 The bill makes conforming changes.