

Senate File 2018 - Introduced

SENATE FILE 2018
BY DONAHUE

A BILL FOR

1 An Act relating to special education, including by requiring
2 accredited nonpublic schools to provide special education
3 services to students enrolled in the school who require such
4 services and modifying the responsibilities of area education
5 agencies, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.12, subsection 2, paragraph a, Code
2 2026, is amended to read as follows:

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

33 Sec. 2. Section 256B.9, subsection 4, Code 2026, is amended
34 to read as follows:

35 4. On December 1, 1987, and no later than December 1

1 every two years thereafter, for the school year commencing the
2 following July 1, the director of the department of education
3 shall report to the school budget review committee the average
4 costs of providing instruction for children requiring special
5 education in the categories of the weighting plan established
6 under this section, ~~and for providing services to nonpublic~~
7 ~~school students pursuant to section 256.12, subsection 2,~~
8 and the director of the department of education shall make
9 recommendations to the school budget review committee for needed
10 alterations to make the weighting plan suitable for subsequent
11 school years. The school budget review committee shall establish
12 the weighting plan for each school year and shall report the
13 plan to the director of the department of education. The school
14 budget review committee may establish weights to the nearest
15 hundredth. The school budget review committee shall not alter
16 the weighting assigned to pupils in a regular curriculum, but
17 it may increase or decrease the weighting assigned to each
18 category of children requiring special education by not more
19 than two-tenths of the weighting assigned to pupils in a regular
20 curriculum. The state board of education shall adopt rules under
21 chapter 17A to implement the weighting plan for each year and to
22 assist in identification and proper indexing of each child in the
23 state who requires special education.

24 Sec. 3. Section 273.2, subsection 3, paragraph a, Code 2026,
25 is amended to read as follows:

26 a. The area education agency shall furnish educational
27 services and programs as provided in section 273.1, this section,
28 sections 273.3 through 273.8, and chapter 256B to pupils enrolled
29 in public ~~or nonpublic schools which are on the list of~~
30 ~~accredited schools pursuant to section 256.11,~~ which request to
31 receive such services. The programs and services provided shall
32 be at least commensurate with programs and services existing on
33 July 1, 1974. ~~The programs and services provided to pupils~~
34 ~~enrolled in nonpublic schools shall be comparable to programs~~
35 ~~and services provided to pupils enrolled in public schools within~~

1 ~~constitutional guidelines.~~

2 Sec. 4. Section 280.8, Code 2026, is amended to read as
3 follows:

4 **280.8 Special education.**

5 1. The board of directors of each public school district
6 shall make adequate educational provisions for each resident
7 child requiring special education appropriate to the nature and
8 severity of the child's disability pursuant to rules promulgated
9 by the department under the provisions of chapters 256B and 273.

10 2. a. The authorities in charge of each accredited nonpublic
11 school shall do all of the following:

12 (1) Identify and evaluate each student who is enrolled in the
13 accredited nonpublic school to determine if the student requires
14 special education.

15 (2) Make adequate educational provisions for each student
16 enrolled in the accredited nonpublic school who requires special
17 education that is appropriate to the nature and severity of
18 the student's disability and that is comparable to programs
19 and services provided to students enrolled in school districts,
20 within constitutional guidelines, pursuant to rules promulgated
21 by the department under the provisions of chapter 256B.

22 (3) Employ, or retain the services of, appropriately licensed
23 special education teachers, therapists, guidance counselors, and
24 related service providers to provide special education services
25 to each student enrolled in the accredited nonpublic school who
26 requires special education.

27 (4) Develop and implement a written plan for each student
28 enrolled in the accredited nonpublic school who requires special
29 education that is substantially similar to an individualized
30 education program, as described in the federal Individuals with
31 Disabilities Education Act, 20 U.S.C. §1400 et seq. The written
32 plan must require the accredited nonpublic school to provide to
33 each student enrolled in the accredited nonpublic school who
34 requires special education all of the following transportation
35 services and equipment:

1 (a) Travel to and from school and between schools.

2 (b) Travel in and around school buildings.

3 (c) Specialized equipment, including special or adapted
4 buses, lifts, and ramps, if required to provide special
5 transportation for the student.

6 (5) Maintain documentation and submit reports to the
7 department of education.

8 (6) Assume all costs associated with the activities described
9 in subparagraphs (1) through (5).

10 b. The authorities in charge of an accredited nonpublic
11 school shall not do any of the following:

12 (1) Access or utilize special education services or staffing
13 provided by an area education agency under chapter 273 for
14 purposes of carrying out the activities of the accredited
15 nonpublic school that are required under this subsection.

16 (2) Access any state or area education agency funding for
17 purposes of carrying out the activities of the accredited
18 nonpublic school that are required under this subsection.

19 c. (1) The state board of education shall ensure accredited
20 nonpublic schools comply with this subsection, and with all
21 applicable federal laws related to special education, by
22 overseeing and monitoring the activities of accredited nonpublic
23 schools that are required under this subsection and by providing
24 technical assistance to such accredited nonpublic schools.

25 (2) The state board of education shall adopt rules pursuant
26 to chapter 17A to administer this subsection, including but not
27 limited to rules related to all of the following:

28 (a) Recordkeeping, documentation, and reporting requirements.

29 (b) Compliance monitoring.

30 (c) Accreditation standards concerning the delivery of
31 special education services.

32 (3) The state board of education may adopt rules pursuant
33 to chapter 17A that establish procedures allowing accredited
34 nonpublic schools to directly access moneys available under the
35 federal Individuals with Disabilities Education Act, 20 U.S.C.

1 §1400 et seq., consistent with federal law and guidance issued by
2 the United States department of education.

3 d. This subsection shall not be construed to limit the
4 ability of a child to access a free appropriate public education
5 directly from a school district, as required under the federal
6 Individuals with Disabilities Education Act, 20 U.S.C. §1400 et
7 seq.

8 e. For purposes of this subsection, "special education" means
9 the same as defined in the federal Individuals with Disabilities
10 Education Act, 20 U.S.C. §1401.

11 Sec. 5. EFFECTIVE DATE. This Act takes effect July 1, 2027.

12 EXPLANATION

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

15 This bill relates to special education, including by requiring
16 accredited nonpublic schools to provide special education
17 services to students enrolled in the school who require such
18 services and by modifying the responsibilities of area education
19 agencies.

20 Current law requires school districts and area education
21 agencies to make special education programs and services
22 available to children attending nonpublic schools and requires
23 the director of the department of education to report to the
24 school budget review committee the average cost of providing such
25 special education programs and services. The bill strikes these
26 provisions.

27 Current law requires area education agencies to furnish
28 educational services and programs as provided in Code sections
29 273.1 through 273.8, and Code chapter 256B (special education)
30 to pupils enrolled in nonpublic schools which are on the list of
31 accredited schools pursuant to Code section 256.11, which request
32 to receive such services. The bill strikes this provision.

33 The bill requires the authorities in charge of each accredited
34 nonpublic school to: identify and evaluate each student
35 who is enrolled in the school to determine if the student

1 requires special education; make adequate educational provisions
2 for each student enrolled in the school who requires special
3 education that is appropriate to the nature and severity of
4 the student's disability; employ, or retain the services of,
5 appropriately licensed special education teachers, therapists,
6 guidance counselors, and related service providers to provide
7 special education services to each student enrolled in the school
8 who requires special education; develop and implement a written
9 plan for each student enrolled in the school who requires special
10 education that is substantially similar to an individualized
11 education program; maintain documentation and submit reports to
12 the department of education; and assume all costs associated with
13 all of these activities.

14 The bill prohibits the authorities in charge of an accredited
15 nonpublic school from accessing or utilizing special education
16 services or staffing provided by an area education agency for
17 purposes of carrying out the activities of the school that
18 are required under the bill's provisions. In addition, the
19 authorities in charge of an accredited nonpublic school are
20 prohibited from accessing any state or area education agency
21 funding for purposes of carrying out the activities of the school
22 that are required under the bill's provisions.

23 The bill requires the state board of education to ensure
24 accredited nonpublic schools comply with the bill's provisions,
25 and with all applicable federal laws related to special
26 education, by overseeing and monitoring the activities of
27 schools that are required under the bill's provisions and by
28 providing technical assistance to such schools. The state
29 board of education is required to adopt rules to administer
30 the bill's provisions, including rules related to recordkeeping,
31 documentation, and reporting requirements; compliance monitoring;
32 and accreditation standards concerning the delivery of special
33 education services. The bill authorizes the state board of
34 education to adopt rules that establish procedures allowing
35 accredited nonpublic schools to directly access moneys available

1 under the federal Individuals with Disabilities Education Act,
2 consistent with federal law and guidance issued by the United
3 States department of education.

4 The bill does not limit the ability of a child to access
5 a free appropriate public education directly from a school
6 district, as required under the federal Individuals with
7 Disabilities Education Act.

8 The bill defines "special education" to mean the same as
9 defined in the federal Individuals with Disabilities Education
10 Act, which states that the term means specially designed
11 instruction, at no cost to parents, to meet the unique needs of
12 a child with a disability, including instruction conducted in the
13 classroom, in the home, in hospitals and institutions, and in
14 other settings; and instruction in physical education.

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