

CHAPTER 153

SPECIAL EDUCATION

H. F. 801

AN ACT relating to education programs and services.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred fifty-seven point twenty-five
2 (257.25), subsection five (5), Code 1975, is amended to read as follows:
3 5. Provision for special education services and programs shall be
4 made for children requiring special education, ~~who are or would other-~~
5 ~~wise be enrolled in kindergarten through grade eight of such schools.~~

1 SEC. 2. Section two hundred fifty-seven point twenty-six (257.26),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. The provisions of this section shall not deprive the respective
4 boards of public school districts of any of their legal powers, statutory
5 or otherwise, and in accepting such specially enrolled students, each of
6 said boards shall prescribe the terms of such special enrollment, includ-
7 ing but not limited to scheduling of such courses and the length of
8 class periods. In addition, the board of the affected public school dis-
9 trict shall be given notice by the state board of its decision to permit
10 such special enrollment not later than six months prior to the opening
11 of the affected public school district's school year, except that the
12 board of the public school district may, in its discretion, waive such no-
13 tice requirement. School districts and county school systems or joint
14 county systems, or their successor agencies, may, when available, make
15 public school ~~auxiliary~~ services, which may include health services, spe-
16 cial education services, services ~~and materials~~ for remedial education
17 programs ~~and library and resource centers, audio-visual services and~~
18 ~~materials~~, guidance services, ~~scientific instruments, and school testing~~
19 ~~services, and other services and materials~~, available to children attend-
20 ing nonpublic schools in the same manner and to the same extent that
21 they are provided to public school students. *However, services that*
22 *are made available shall be provided on premises other than non-*
23 *public school property, except health services which may be provid-*
24 *ed on nonpublic school premises.*

1 SEC. 3. Section two hundred seventy-three point three (273.3), sub-
2 section five (5), Code 1975, is amended to read as follows:

3 5. Be authorized, subject to rules ~~and regulations~~ of the department
4 of public instruction, to provide directly or by contractual arrangement
5 with public or private agencies for special education programs and ser-
6 vices, media services, and other programs and services requested by the
7 local boards of education as provided in this chapter, including but not
8 limited to contracts for the area education agency to provide programs
9 or services to the local school districts and contracts for local school dis-
10 tricts, other educational agencies, and public and private agencies to
11 provide programs and services to the local school districts in the area
12 education agency in lieu of the area education agency providing such
13 services.

14 *Contracts may be made with public or private agencies located*
15 *outside the state if the programs and services comply with the rules*
16 *of the department. The cost of such programs and services for each*
17 *child shall not exceed the amount of money available through the*
18 *area education agency of the child's residence for each child under*
19 *chapters two hundred eighty-one (281) and four hundred forty-two*
20 *(442) of the Code.*

1 SEC. 4. Section two hundred eighty point eight (280.8), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **280.8 Special education.** The board of directors of each public
5 school district shall make adequate educational provisions for each resi-
6 dent child requiring special education appropriate to the nature and
7 severity of the child's handicapping condition pursuant to rules pro-
8 mulgated by the department under the provisions of chapters two
9 hundred seventy-three (273) and two hundred eighty-one (281) of the
10 Code.

1 SEC. 5. Section two hundred eighty-one point eight (281.8), unnum-
2 bered paragraph one (1), Code 1975, is amended to read as follows:

3 It shall not be incumbent upon the school districts ~~or county boards~~
4 ~~of education~~ to keep a child requiring special education in regular in-
5 struction when the child cannot sufficiently profit from the work of the
6 regular classroom, nor to keep such child requiring special education in
7 the special class or instruction for children requiring special education
8 when it is determined *by the director of special education of an area*
9 *education agency* that the child can no longer benefit ~~therefrom~~ *from*
10 *the instruction*, or needs more specialized instruction ~~which is avail-~~
11 ~~able in special state schools.~~ *However, the school district shall count*
12 *the child requiring special education in the enrollment as provided*
13 *in sections two hundred seventy-three point nine (273.9) and two*
14 *hundred eighty-one point nine (281.9) and four hundred forty-two*
15 *point four (442.4) of the Code and shall insure that appropriate edu-*
16 *cational provisions are made for the child requiring special educa-*
17 *tion within the limits of funds available under the provisions of*
18 *chapters two hundred seventy-three (273), two hundred eighty-one*
19 *(281), and four hundred forty-two (442) of the Code.*

1 SEC. 6. Section two hundred eighty-two point three (282.3), subsec-
2 tion one (1), Code 1975, is amended to read as follows:

3 1. The board may exclude from school children under the age of six
4 years when in its judgment such children are not sufficiently mature to
5 be benefited by ~~attendance~~ *regular instruction*, or any incorrigible
6 child or any child who in its judgment is so abnormal that ~~his atten-~~
7 ~~dance at school will~~ *regular instruction would* be of no substantial
8 benefit to him, or any child whose presence in school may be injurious
9 to the health or morals of other pupils or to the welfare of such school.
10 *However, the board shall provide special education programs and*
11 *services under the provisions of chapters two hundred seventy-three*
12 *(273), two hundred eighty-one (281), and four hundred forty-two*
13 *(442) of the Code for all children requiring special education.*

1 SEC. 7. Section two hundred eighty-two point eighteen (282.18),
2 Code 1975, is amended to read as follows:

3 **282.18 Children from charitable institution or state institu-**
4 **tion.** Children who are ~~residents of living in~~ a charitable institution
5 organized under the laws of this state or ~~residents of~~ *are living in* any
6 institution under the jurisdiction of a director of a division of the de-
7 partment of social services and who have completed a course of study
8 for the eighth grade *and who do not require special education* shall
9 be permitted to enter any approved public high school in Iowa that
10 will receive them and the tuition and transportation when required by
11 law shall be paid by the treasurer of state from any money in his
12 hands not otherwise appropriated and upon warrants drawn and signed
13 by the state comptroller on requisition issued by the superintendent of

14 public instruction. The superintendent of public instruction is hereby
 15 empowered to require such reports, from such institution and from the
 16 high school such pupils attend, as are necessary properly to carry out
 17 the provisions of this section.

1 SEC. 8. Section two hundred eighty-two point twenty-three (282.23),
 2 Code 1975, is amended to read as follows:

3 **282.23 Tuition when in boarding home.** When any child of
 4 school age *who does not require special education* has become a pub-
 5 lic charge and is being cared for in a children's boarding home licensed
 6 by the state, and the ~~domicile~~ *residence* of such child at the time it be-
 7 came a public charge was in another school district than the one ~~where-~~
 8 ~~in such in which the~~ boarding home is located, then ~~such the~~ child
 9 shall be entitled to attend public school in the school district in which
 10 ~~such the~~ boarding home is located, or if such district does not main-
 11 tain a school offering instruction in the grade in which ~~such the~~
 12 child is properly classified, then ~~such the~~ child may attend upon such
 13 instruction in any approved public school in the state that will receive
 14 it. The tuition and transportation when required of such a child, at the
 15 rates established by law, shall be paid by the treasurer of state from
 16 any funds in the state treasury not otherwise appropriated, and upon
 17 warrants drawn by the state comptroller upon the requisition of the su-
 18 perintendent of public instruction. If such child was in the district at
 19 the time the regular biennial school census was taken, the semiannual
 20 apportionments shall be deducted from the tuition due the district un-
 21 der the provisions of this section. The superintendent of public instruc-
 22 tion is hereby empowered to require such reports as are necessary
 23 properly to carry out the provisions of this section.

1 SEC. 9. Section two hundred eighty-two point twenty-four (282.24),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 The superintendent of public instruction shall determine a maximum
 5 tuition rate to be charged for students, elementary or high school, re-
 6 siding within another school district or corporation *except children re-*
 7 *quiring special education.* This maximum tuition rate shall be
 8 determined in the following manner: Classify all schools, elementary
 9 and secondary, located in school districts or corporations with popula-
 10 tions of one thousand to fourteen thousand nine hundred ninety-nine,
 11 inclusive, according to monthly per pupil costs. In such classification
 12 the school that falls within the eighty-fifth percentile of the monthly
 13 per pupil cost shall form the basis. Using this figure the elementary
 14 and high school tuition rates for the succeeding year shall be deter-
 15 mined so that the rate for the high school student is one and seventy-
 16 five hundredths times the rate for the elementary student. The junior
 17 high school rate shall be one and fifty hundredths times the elementa-
 18 ry rate.

1 SEC. 10. Section two hundred eighty-two point twenty-five (282.25),
 2 Code 1975, is amended to read as follows:

3 **282.25 Children in state institutions.** When any child is cared
 4 for in any state supported institution in this state which does not
 5 maintain a school and the ~~domicile~~ *residence* of the child is in another
 6 school district than that wherein the institution is situated, then such
 7 child shall be entitled to attend school in the district where such insti-
 8 tution is located, provided, however, the board of the district has the
 9 authority to determine if such child can be benefited from such attend-
 10 ance. In such case, *except if the child requires special education*, the

11 cost of tuition and transportation, at the rates established by law, shall
12 be paid by the treasurer of the state from any funds in the state trea-
13 sury not otherwise appropriated and upon warrants drawn by the state
14 comptroller upon requisition of the superintendent of public instruc-
15 tion.

1 SEC. 11. Chapter two hundred eighty-two (282), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Payment for certain children.** When a child re-
4 quiring special education is living in a state-supported institution,
5 charitable institution, or licensed boarding home as defined in this
6 chapter which does not maintain a school and the residence of the
7 child requiring special education is in a school district other than the
8 school district in which the state-supported institution, charitable insti-
9 tution, or licensed boarding home is located, the child is eligible for
10 special education programs and services provided for children requiring
11 special education who are residents of the school district in which the
12 institution or boarding home is located. The special education instruc-
13 tional costs shall be computed by means of weighted enrollment for
14 that child under the provisions of chapters two hundred seventy-three
15 (273), two hundred eighty-one (281), and four hundred forty-two (442)
16 of the Code as if that child were a resident of the school district in
17 which the institution or boarding home is located but the child shall be
18 included in the enrollment count in the district of residence in the
19 manner provided in sections two hundred eighty-one point nine
20 (281.9) and four hundred forty-two point four (442.4) of the Code. The
21 costs as computed shall be paid by the district of residence. No child
22 requiring special education shall be denied special education programs
23 and services because of a dispute over determination of residence of
24 that child. If the residence of the child cannot be determined, the dis-
25 trict in which the institution or boarding home is located shall provide
26 the special education programs and services appropriate for that child
27 and shall compute the costs by means of the weighted enrollment and
28 may apply to the school budget review committee for reimbursement
29 until the dispute over residence of the child is resolved. However, if
30 the special education instructional costs incurred on behalf of the child
31 exceed the amount which would be allowed if the child were provided
32 the programs and services in the district of residence, the treasurer of
33 the school district of residence shall make payment at the maximum
34 amount allowed in that district for a child requiring special education
35 who is similarly handicapped. If the child requiring special education
36 is not counted in the weighted enrollment of any district under section
37 two hundred eighty-one point nine (281.9) of the Code, and payment is
38 not made by any district, the district in which the institution or board-
39 ing home is located may make application for reimbursement from the
40 school budget review committee. For the purposes of this section, the
41 term "district of residence of the child" means the residence of the par-
42 ent or legal guardian, or the location of the district court if the district
43 court is the legal guardian, of the child.

1 SEC. 12. Section three hundred one point one (301.1), Code 1975, is
2 amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** Textbooks adopted and purchased by a school dis-
4 trict may be made available to pupils attending nonpublic schools
5 upon request of the pupil or the pupil's parent under the same terms as
6 made available to pupils attending public schools.

1 SEC. 13. Section four hundred forty-two point thirteen (442.13),
2 subsection six (6), Code 1975, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. Costs of special education programs and services
5 for children requiring special education who are living in a state-sup-
6 ported institution, charitable institution, or licensed boarding home
7 which does not maintain a school and the child has not been counted
8 in the weighted enrollment under section two hundred eighty-one
9 point nine (281.9) of the Code.

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 154

HIGH SCHOOL EQUIVALENCY DIPLOMAS

H. F. 386

AN ACT relating to the issuance of high school equivalency diplomas, including changes in fees.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred fifty-nine A point one (259A.1),
2 Code 1975, is amended to read as follows:

3 **259A.1 Tests.** The ~~state superintendent~~ department of public in-
4 struction shall cause to be made available for qualified individuals a
5 high school equivalency ~~certificate~~ diploma. The ~~certificate~~ diploma
6 shall be issued on the basis of satisfactory competence as shown by
7 tests covering: The correctness and effectiveness of expression; the in-
8 terpretation of reading material in the social studies; interpretation of
9 reading materials in the natural sciences; interpretation of literary ma-
10 terials; and general mathematical ability.

1 SEC. 2. Section two hundred fifty-nine A point two (259A.2), Code
2 1975, is amended to read as follows:

3 **259A.2 Age and residence.** Every applicant ~~shall~~ must have at-
4 tained the age ~~which if said applicant had remained in school would~~
5 ~~have graduated at least one year before date of application and of~~
6 ~~eighteen years, be a nonhigh school graduate, and not currently en-~~
7 ~~rolled in a secondary school. However, an applicant is not eligible~~
8 ~~for the diploma until after the class in which the applicant was en-~~
9 ~~rolled has graduated.~~

10 Applicants shall make application to the state superintendent and at
11 time of making application pay a fee of five dollars. Application shall
12 be made to the department of public instruction and shall be accom-
13 panied by an application fee in an amount prescribed by the de-
14 partment.

1 SEC. 3. Chapter two hundred fifty-nine A (259A), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. **Residents of juvenile institutions and juvenile**
4 **probationers.** Notwithstanding the provisions of section two hundred
5 fifty-nine A point two (259A.2) of the Code a minor who is a resident
6 of a state training school or the Iowa juvenile home or a minor who is