

## CHAPTER 1093

### EDUCATION — REVIEW OF PRACTITIONER LICENSURE DECISIONS AND FUNDING REQUESTS FOR AT-RISK PROGRAMS AND ALTERNATIVE SCHOOLS

H.F. 2418

**AN ACT** relating to certain information in proceedings before the director of the department of education and the board of educational examiners, certain requests made to the school budget review committee, and including effective date and retroactive applicability provisions.

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

Section 1. [Section 256.9, subsection 17](#), Code 2020, is amended to read as follows:

17. Hear and decide appeals arising from the school laws not otherwise specifically granted to the state board. If a school district, accredited nonpublic school, or area education agency requests that the director review information contained in a basic education data survey submission and the director finds that an error in the basic education data survey submission resulted in an incorrect determination by the board of educational examiners or the executive director of the board of educational examiners relating to licensure of a practitioner, the director shall notify the executive director of the board of educational examiners of the director's findings.

Sec. 2. [Section 257.40](#), Code 2020, is amended to read as follows:

**257.40 Approval of requests for modified supplement amounts for adopted program plans.**

1. The board of directors of a school district requesting to use a modified supplemental amount for costs in excess of the funding received under [section 257.11, subsection 4](#), for programs for at-risk students, secondary students who attend alternative programs and alternative schools, or returning dropouts and dropout prevention shall submit requests for a modified supplemental amount, including budget costs, to the school budget review committee not later than January 15 of the budget year preceding the budget year during which the program will be offered. The school budget review committee shall review the request and shall grant approval for the request if the amount requested does not exceed an amount equal to the limitation of [section 257.41, subsection 3](#), minus any funds for the adopted program carried forward from the year prior to the base year. The board of directors shall certify by resolution that the request complies with the school district's adopted program plan. If the amount requested exceeds an amount equal to the limitation of [section 257.41, subsection 3](#), minus any funds for the adopted program carried forward from the year prior to the base year, the amount approved by the school budget review committee shall equal the limitation amount minus any funds for the adopted program carried forward from the year prior to the base year. Not later than March 15, the school budget review committee shall notify the department of management of the names of the school districts for which programs using a modified supplemental amount for funding have been approved and the approved budget of each program listed separately for each school district having an approved request. If requested, the board of directors shall provide the adopted program plan for any audit performed under [chapter 11](#) or other provision of law.

2. If a school district submits a request after January 15 but before March 1 of the budget year preceding the budget year during which the program will be offered, the school budget review committee may grant the modified supplemental amount request based on the specifications under [subsection 1](#).

Sec. 3. [Section 272.2, subsection 14](#), paragraph d, Code 2020, is amended to read as follows:

d. An applicant for a license or certificate under [this chapter](#) shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant. However, if the executive director of the board receives notice from the director of the department of education under [section 256.9, subsection 17](#), that an error in

the basic education data survey submission resulted in an incorrect determination relating to licensure of a practitioner, the executive director shall initiate corrective action with the board and the findings of the director of the department of education shall be sufficient evidence to correct such error.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2020, for requests for modified supplemental amounts filed on or after that date:

The section of this Act amending [section 257.40](#).

Approved June 25, 2020