

Iowa State Board of Education

Executive Summary

August 5, 2020



Agenda Item: Rules: 281 IAC Chapter 34 – Funding for Children Residing in State Institutions or Mental Health Institutes (Notice)

State Board Priority: Creating a Safe, Healthy, and Welcoming Learning Environment

State Board Role/Authority: Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under Chapter 17A.

Presenter(s): Thomas Mayes, Attorney

Attachment(s): One

Recommendation: It is recommended that the State Board give notice of its intent to adopt amendments to Chapter 34.

Background: These technical amendments remove obsolete references to the Iowa Juvenile Home, as required by 2019 Iowa Acts chapter 100, House File 421.

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(27), the State Board of Education hereby proposes to amend Chapter 34, “Funding for Children Residing in State Institutions or Mental Health Institutes,” Iowa Administrative Code 281.

These technical amendments remove obsolete references to the Iowa Juvenile Home, as required by 2019 Iowa Acts chapter 100, House File 421.

By statute, no waiver is possible or permitted.

Interested individuals may make written comments on the proposed amendments on or before September 15, 2020. Comments on the proposed amendments should be directed to Thomas A. Mayes, Administrative Rules Co-Coordinator, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 242-5614; e-mail thomas.mayes@iowa.gov; or fax (515) 242-5988.

A public hearing will be held on September 15, 2020, at 2:15 p.m. in the State Board Room, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146, or video conference at :

<https://idoe.zoom.us/j/98138678227?pwd=NE11VUVIdEtTd29QbnlsaVhhdytXZz09>, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling 515-281-5294.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement 2019 Iowa Acts, chapter 100, House File 421.

The following amendment is proposed.

Item 1. Amend Iowa Administrative Code rule 281—34.1(218) as follows:

281—34.1(218) Scope. These rules apply to the funding and provision of appropriate educational services to children residing in the following institutions under the jurisdiction of the director of human services: the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

Item 2. Amend Iowa Administrative Code rule 281—34.2(218), sixth unnumbered paragraph, as follows:

“*Institution*” means the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

Item 3. Amend Iowa Administrative Code rule 281—34.4(218), subrule 2, as follows:

34.4(2) *Students served at the State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~.* The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ shall notify the AEA in which the institution is located and the district of residence of each child who on the date specified in Iowa Code section 257.6, subsection 1, is residing in these institutions if the child’s release date is known and the release date is within the current school year. The notification shall occur on or before October 10. For students served pursuant to an IEP, the State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ shall by the last Friday in October also notify the AEA in which the institution is located and the district of residence of each child residing in these institutions if the child’s release date is known and the release date is within the current school year. Notifications shall be in writing or in a printable electronic medium and shall include

the child's name, birth date, and grade level and the names and addresses of the child's parents or guardians.

Item 4. Amend Iowa Administrative Code rule 281—34.6(218), subrule 2, paragraph “d”, as follows:

d. The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ may include in their budgets an amount that represents the difference between the amount established pursuant to Iowa Code (2003) section 282.28 and approved by the department for the 2003-2004 fiscal year included in the fiscal year beginning July 1, 2003, and the amount each institution has budgeted under paragraph 34.6(3) “c.” The budget amount shall increase annually by the allowable growth rate established for that year.