

FILED MAR 04 1987

SENATE FILE 323  
BY COMMITTEE ON EDUCATION  
(formerly SSB 141)  
*Approved (p. 553)*

Passed Senate, Date 3-25-86 (p. 876) Passed House, Date 3/28/88 (p. 1116)  
Vote: Ayes 28 Nays 20 Vote: Ayes 95 Nays 2

Approved April 27, 1988  
*Motion to Reconsider (p. 901)*  
*" failed 5/10/87*

A BILL FOR

1 An Act to provide a procedure for parents or guardians to enroll  
2 their children in the public schools of contiguous school  
3 districts without cost to the parents or guardians and to  
4 provide an effective date.

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

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SF 323

1 Section 1. NEW SECTION. 282.9 OPEN ENROLLMENT.

2 For the school year commencing July 1, 1987 and each  
3 succeeding school year, a parent or guardian residing in a  
4 school district may enroll the parent's or guardian's child in  
5 a public school in a contiguous school district in the manner  
6 provided in this section if the contiguous school district  
7 provides an opportunity for academic instruction that is not  
8 provided in the district of residence.

9 Not later than January 1 of the preceding school year, the  
10 parent or guardian shall send notification to the district of  
11 residence and to the department of education on forms  
12 prescribed by the department of education that the parent or  
13 guardian intends to enroll the parent's or guardian's child in  
14 a public school in a contiguous school district. The parent  
15 or guardian shall describe the opportunity for academic  
16 instruction that exists in the receiving district that is not  
17 present in the district of residence. The board of the  
18 district of residence shall transmit a copy of the form to the  
19 receiving school district within five days after its receipt.  
20 The board of the receiving school district shall enroll the  
21 pupil in a school in the receiving district for the following  
22 school year unless the receiving district does not have  
23 classroom space for the pupil or unless enrolling the pupil in  
24 the receiving district will adversely affect the minority  
25 enrollment in a school district in which there is voluntary or  
26 court ordered desegregation.

27 A request under this section is for a period of not less  
28 than four years unless the pupil will graduate within the  
29 four-year period.

30 The board of directors of the district of residence shall  
31 pay to the receiving district the lower district cost per  
32 pupil of the two districts for that school year. Quarterly  
33 payments shall be made to the receiving district.  
34 Notwithstanding section 285.1 relating to transportation of  
35 nonresident pupils, the parent or guardian is responsible for

1 transporting the pupil without reimbursement to and from a  
2 point on a regular school bus route of the receiving district.

3 Neither the notification of the parent to the district of  
4 residence nor the decision of the receiving district is  
5 subject to appeal.

6 Sec. 2. Section 280.16, Code 1987, is repealed.

7 Sec. 3. Notwithstanding the notification date specified in  
8 section 1 of this Act, for the school year beginning July 1,  
9 1987, the parent or guardian shall notify the district of  
10 residence and the department of education not later than  
11 thirty days following the effective date of this Act.

12 Sec. 4. This Act, being deemed of immediate importance,  
13 takes effect upon enactment.

14

#### EXPLANATION

15 This bill allows a parent or guardian to send the parent's  
16 or guardian's child to school in a contiguous school district  
17 for a period of not less than four years if the contiguous  
18 school district provides an opportunity for academic  
19 instruction that is not provided in the district of residence.  
20 The four-year requirement does not apply if the student will  
21 graduate within four years. The tuition cost is paid by the  
22 district of residence, but the parent or guardian must provide  
23 transportation to a bus route located in the receiving  
24 district. A contiguous school district must accept the child  
25 unless classroom space is not available.

26 The bill takes effect upon its enactment so that children  
27 can enroll in a contiguous school district for the school year  
28 beginning July 1, 1987. For the first year, the parent or  
29 guardian must notify the school district of residence and the  
30 department of education within thirty days after the effective  
31 date of the bill; thereafter, the notification must be  
32 completed by January 1 of the preceding school year.

33 There is no appeal of notification of the parent to the  
34 district of residence or the decision of the receiving  
35 district.

SENATE FILE 323

S-3219

1 Amend Senate File 323 as follows:

2 1. Page 1, by striking lines 4 through 8 and  
3 inserting the following: "school district may apply  
4 to have the child enrolled in another school district  
5 in accordance with section 280.16."

6 2. Page 1, line 13, by striking the word  
7 "intends" and inserting the following: "applies".

8 3. Page 1, by inserting after line 19 the  
9 following:

10 "The department of education shall determine, not  
11 later than February 1, whether the provisions of  
12 section 280.16 are applicable. If the department  
13 finds that section 280.16 applies, it shall inform the  
14 district of residence and the receiving district."

15 4. Page 2, by striking line 6 and inserting the  
16 following:

17 "Sec. 2. Section 280.16, Code 1987, is amended by  
18 striking the section and inserting in lieu thereof the  
19 following:

20 280.16 INSTRUCTIONAL PROGRAM REVIEW.

21 Pursuant to procedures established in section  
22 282.9, a student's parent or guardian may obtain from  
23 the department of education a review of a school  
24 district's academic program on either of the following  
25 grounds:

26 1. That the student has been or is about to be  
27 denied entry or continuance in an instructional  
28 program appropriate for that student.

29 2. That the student has been or is about to be  
30 required to enter or continue in an instructional  
31 program that is inappropriate for that student.

32 If the state board of education finds that a  
33 student has been denied an appropriate instructional  
34 program, or is required to enter an inappropriate  
35 instructional program, the state board shall order the  
36 resident district to provide or make provision for an  
37 appropriate instructional program for that student.  
38 The district of residence may provide an appropriate  
39 instructional program through regular course  
40 offerings, sharing course offerings with other school  
41 districts, or by offering courses through  
42 telecommunications. If the district cannot offer the  
43 requested courses by any of these means during the  
44 following academic year, the state board of education  
45 shall assign the student to the nearest school  
46 district which offers the requested courses and  
47 academic program as part of its regular academic  
48 course offering."

S-3219

Filed March 20, 1987

*Law 3/24/87 (p. 875)*

BY JOY CORNING  
BEVERLY A. HANNON

SENATE FILE 323

S-3218

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, by striking lines 27 through 29 and
- 3 inserting the following: "A child who was permitted
- 4 to attend school in a contiguous district pursuant to
- 5 this section shall be counted in the district of
- 6 residence pursuant to section 442.4, until the child
- 7 graduates, or moves out of the district of residence,
- 8 whichever comes first, and shall not be counted by the
- 9 receiving district for the same period of time."

S-3218

Filed March 20, 1987

BY JOY CORNING

BEVERLY A. HANNON

*Adopted 3/24/87 (p. 877)*

*Reconsidered & Lost 3/25/87 (p. 895)*

SENATE FILE 323

S-3224

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, by striking lines 5 through 8 and inserting
- 3 in lieu thereof the following: "a public school in a
- 4 contiguous school district."
- 5 2. Page 1, by striking lines 14 through 17 and
- 6 inserting in lieu thereof the following: "a public
- 7 school in a contiguous school district. The board of the".

S-3224

Filed March 23, 1987

BY RAY TAYLOR

*Lost 3/24 (p. 876)*

SENATE FILE 323

S-3238

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, by striking line 3 and inserting the
- 3 following: "succeeding school year, if the state
- 4 board of education determines that a school district
- 5 does not meet the requirements for approval or
- 6 accreditation, a parent or guardian residing in a".
- 7 2. Page 1, by striking lines 14 through 17 and
- 8 inserting the following: "a public school in a
- 9 contiguous school district. The board of the".
- 10 3. Page 1, line 29, by inserting after the word
- 11 "period." the following: "However, if a parent or
- 12 guardian chooses to reenroll the child in the district
- 13 of residence during the four-year period, the parent
- 14 or guardian shall pay tuition to the district in an
- 15 amount equal to the district cost per pupil."
- 16 4. Page 2, by striking lines 7 through 11.
- 17 5. By renumbering sections as necessary.

S-3238

Filed March 23, 1987

BY RICHARD VARN

*Am C lost 3/24 (p. 874-5)*

*B - 4/10 (p. 878)*

*C - Reconsidered, amended (3257) & Adopted (p. 886)*

*C - Reconsidered, ruled o/o 3/25 (p. 895)*

SENATE FILE 323

15

- 1 Amend Senate File 323 as follows:  
2 1. Page 2, by inserting after line 11 the  
3 following:  
4 "Sec. \_\_\_\_\_. Notwithstanding sections 279.13 through  
5 279.18 and sections 279.20 through 279.24, the  
6 employment contracts of teachers and administrators  
7 may be terminated for declining enrollment reasons  
8 during the period from thirty-five to sixty-five days  
9 following the effective date of this Act."

S-3215

Filed March 20, 1987

*Adopted 3/24/87 (p. 876) Motion to reconsider (879)  
Reconsidered → w/d (p. 886)*

BY JOY CORNING

BEVERLY A. HANNON

SENATE FILE 323

S-3216

- 1 Amend Senate File 323 as follows:  
2 1. Page 1, line 2, by striking the figure "1987"  
3 and inserting the following: "1988".  
4 2. Page 2, by striking lines 7 through 13.

S-3216

Filed March 20, 1987

*w/d 3/24 (p. 878)*

BY JOY CORNING

BEVERLY A. HANNON

SENATE FILE 323

S-3217

- 1 Amend Senate File 323 as follows:  
2 1. Page 1, by inserting after line 8 the  
3 following:  
4 "The number of course offerings in the district of  
5 residence, when compared to the number of course  
6 offerings in the receiving school district, shall have  
7 no standing in determining whether the district of  
8 residence is providing an appropriate opportunity for  
9 academic instruction. The sole determinant of whether  
10 the district or residence is providing an appropriate  
11 opportunity for academic instruction shall be the  
12 academic program which the parent or guardian has  
13 outlined for the child. The course outline shall list  
14 the courses that the child has completed thus far in  
15 the child's academic career and the courses which the  
16 child would take if the courses were available to the  
17 child. The list of courses taken and proposed to be  
18 taken shall include all courses required as minimum  
19 education standards in Iowa. The department of  
20 education shall determine which, if any, contiguous  
21 school district can provide an appropriate opportunity  
22 for academic instruction."

S-3217

Filed March 20, 1987

*Done 3/24 (p. 877)*

BY JOY CORNING

BEVERLY A. HANNON

SENATE FILE 323

S-3130

1 Amend Senate File 323 as follows:

2 1. Page 1, by inserting after line 26 the  
3 following:

4 "A pupil enrolled in a contiguous school district  
5 is not eligible to participate in interscholastic  
6 athletic contests and athletic competitions during the  
7 first year of enrollment under this section except for  
8 an interscholastic sport in which the district of  
9 residence and the contiguous school district jointly  
10 participate."

S-3130

Filed March 10, 1987

BY BEVERLY A. HANNON

*Law 3/24/87 (p 877)*

SENATE FILE 323

S-3131

1 Amend Senate File 323 as follows:

2 1. Page 1, line 17, by inserting after the word  
3 "residence" the following: "as opportunity for  
4 academic instruction is defined by the state board of  
5 education in rules adopted under chapter 17A".

S-3131

Filed March 10, 1987

BY BEVERLY A. HANNON

*Adopted 3/24 (p 877)*

SENATE FILE 323

S-3213

1 Amend Senate File 323 as follows:

2 1. Page 1, line 5, by striking the words "a  
3 contiguous" and inserting the following: "another".  
4 2. Page 1, line 6, by striking the word  
5 "contiguous" and inserting the following: "other".  
6 3. Page 1, line 14, by striking the words "a  
7 contiguous" and inserting the following: "another".

S-3213

Filed March 20, 1987

BY JOY CORNING

BEVERLY A. HANNON

*Law 3/24 (p 876)*

SENATE FILE 323

S-3214

1 Amend Senate File 323 as follows:

2 1. Page 1, line 32, by striking the word "year."  
3 and inserting the following: "year, provided that the  
4 receiving district is not sending students to the  
5 district of residence under this section. When school  
6 districts are exchanging students under this section,  
7 the district of residence shall pay the receiving  
8 district the district cost per pupil of the district  
9 of residence."

S-3214

Filed March 20, 1987

BY JOY CORNING

BEVERLY A. HANNON

*Adopted 3/24 (p 877)*

SENATE FILE 323

3250

1 Amend Senate File 323 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 281.6, Code 1987, is amended  
5 to read as follows:

6 281.6 PARENT'S OR GUARDIAN'S DUTIES -- REVIEW.

7 When the school district or area education agency  
8 has provided special education services and programs  
9 as provided herein for any child requiring special  
10 education, either by admission to a special class or  
11 by supportive services, it shall be the duty of the  
12 parent or guardian to enroll said child for  
13 instruction in such special classes or supportive  
14 services as may be established, except in the event a  
15 doctor's certificate is filed with the secretary of  
16 the school district showing that it is inadvisable for  
17 medical reasons for the child requiring special  
18 education to receive the special education provided;  
19 ~~all-the-provisions-and-conditions-of-chapter, and~~  
20 ~~except as otherwise provided in this section. Chapter~~  
21 ~~299 and-amendments-thereto-shall-be~~ is applicable to  
22 this section, and any violations shall be punishable  
23 as provided in ~~said~~ that chapter.

24 A child, or the parent or guardian of the child, or  
25 the school district in which the child resides, may  
26 ~~obtain-a-review-of-an-action-or-omission-of-state-or~~  
27 ~~local-authorities-pursuant-to-the-procedures~~  
28 ~~established-by-the-state-board-of-education-on-the~~  
29 ~~ground~~ enroll the child in special classes or  
30 supportive services selected by the parent or guardian  
31 either within or outside this state upon a  
32 determination of the state board of education that the  
33 child has been or is about to be:

34 1. Denied entry or continuance in a program of  
35 special education appropriate to the child's condition  
36 and needs.

37 2. Placed in a special education program which is  
38 inappropriate to the child's condition and needs.

39 3. Denied educational services because no suitable  
40 program of education or related services is  
41 maintained.

42 4. Provided with special education which is  
43 insufficient in quantity to satisfy the requirements  
44 of law.

45 ~~5.--Assigned-to-a-program-of-special-education-when~~  
46 ~~the-child-is-not-handicapped-~~

47 Notwithstanding section 17A.11, the state board of  
48 education shall adopt rules for the appointment of an  
49 impartial administrative hearing officer for special  
50 education appeals. The rules shall comply with

S-3250 pg. 2

1 federal statutes and regulations. The burden of proof  
2 rests with the school district or area education  
3 agency to prove that the special classes or supportive  
4 services assigned by the school district or area  
5 education agency are appropriate for the child.

6 Upon a determination in favor of the parent or  
7 guardian by the state board, the board of directors of  
8 the district of residence shall pay to the public or  
9 private agency selected by the parent or guardian  
10 providing the special education programs and services  
11 for the child an amount not to exceed the amount  
12 received by the district of residence for the child  
13 under the weighting plan established in section 281.9.  
14 Quarterly payments shall be made to the public or  
15 private agency."

16 2. Title page, line 3, by inserting after the  
17 word "districts" the following: ", and to enroll  
18 their special education children in programs in public  
19 and private agencies,".

20 ~~3.~~ By renumbering sections as necessary.

S-3250

Filed March 24, 1987

ADOPTED (p. 878)

BY ROBERT M. CARR

LARRY MURPHY

SENATE FILE 323

S-3249

- 1 Amend amendment S-3217 to Senate File 323 as follows:  
2 1. Page 1, line 10, by striking the word "or" and  
3 inserting in lieu thereof the word "of".

S-3249

Filed March 24, 1987

ADOPTED (p. 877)

BY JOY C. CORNING

SENATE FILE 323

S-3248

- 1 Amend amendment, S-3130 to Senate File 323 as  
2 follows:  
3 1. Page 1, by striking line 6 and inserting the  
4 following: "contests and competitions during the".  
5 2. Page 1, line 8, by striking the words  
6 "interscholastic sport" and inserting the following:  
7 "activity program".

S-3248

Filed March 24, 1987

ADOPTED (p. 877)

BY LARRY MURPHY

SENATE FILE 323

S-3257

- 1 Amend the amendment, S-3238, to Senate File 323 as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "residence" the following: ", or enroll the child in
- 5 another school district,".

S-3257

Filed March 24, 1987

BY LARRY MURPHY  
RICHARD VARN

ADOPTED (p. 886)

*Reconsidered & read c/o 3/25/87 (p. 875)*

SENATE FILE 323

S-3258

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, line 2, by striking the figure "1987"
- 3 and inserting the following: "1988".
- 4 2. Page 2, by striking lines 7 through 13.

S-3258

Filed March 24, 1987

BY JAMES R. RIORDAN

*Adopted 3/25 (p. 876)*

SENATE FILE 323

S-3268

- 1 Amend Senate File 323 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "period." the following: "However, if a parent or
- 4 guardian chooses to reenroll the child in the district
- 5 of residence, or to enroll the child in another school
- 6 district, during the four-year period, the parent or
- 7 guardian shall pay the maximum tuition fee to the
- 8 district pursuant to section 282.24."
- 9 2. Page 1, line 30, by striking the word "The"
- 10 and inserting the following:
- 11 "A child attending school in a contiguous district
- 12 pursuant to this section shall be included in the
- 13 basic enrollment of the district of residence pursuant
- 14 to section 442.4. The".

S-3268

Filed March 25, 1987

BY LARRY MURPHY  
RICHARD VARN

ADOPTED (p. 875)

STATE OF IOWA

FISCAL NOTE TO

LSB No. 2314S

Staff ID. PDD

REQ. BY SENATOR MURPHY

SENATE FILE 323

In compliance with a written request received March 10, 1987, a fiscal note for **SENATE FILE 323** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 323 allows a parent or guardian to send a child to school in a contiguous school district if the receiving school district provides an opportunity for academic instruction not provided in the district of residence. Students must enroll for four years unless the student will graduate within that time. The sending district must pay the receiving district the lower district per pupil cost of the two districts for each child sent. The parent or guardian must provide transportation to a bus route in the receiving district. A contiguous school district must accept the child unless classroom space is not available.

**FISCAL EFFECT**

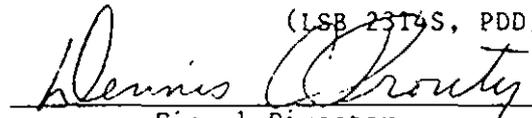
Senate File 323 has no impact on the State General Fund since the sending district's transfer of district per pupil cost funds to the receiving district does not effect the amount of state aid received by either district.

However, local school budgets would be effected and an example illustrating the exchange of funds between a sending and receiving district is provided below:

School A must send 20 students to School B. School A's district per pupil cost is \$2,500; School B's district per pupil cost is \$2,400. For each student sent, School A must pay School B the lower of the two district per pupil costs, which in this case is \$2,400 per pupil or \$48,000 total. If School A's cost per pupil had been \$2,400 and School B's cost per pupil had been \$2,500, then School B would have had to accept these students at a reimbursement loss of \$100 per pupil received or \$2,000 total.

(Source: Department of Education)

(LSB 2314S, PDD)



Fiscal Director

Legislative Fiscal Bureau

Date: 3/17/87

Filed by the Sec. of the Senate March 18, 1987



1 Section 1. Section 281.6, Code 1987, is amended to read as  
2 follows:

3 281.6 PARENT'S OR GUARDIAN'S DUTIES -- REVIEW.

4 When the school district or area education agency has  
5 provided special education services and programs as provided  
6 herein for any child requiring special education, either by  
7 admission to a special class or by supportive services, it  
8 shall be the duty of the parent or guardian to enroll said  
9 child for instruction in such special classes or supportive  
10 services as may be established, except in the event a doctor's  
11 certificate is filed with the secretary of the school district  
12 showing that it is inadvisable for medical reasons for the  
13 child requiring special education to receive the special  
14 education provided; ~~all the provisions and conditions of~~  
15 chapter, and except as otherwise provided in this section.  
16 Chapter 299 and amendments thereto shall be is applicable to  
17 this section, and any violations shall be punishable as  
18 provided in said that chapter.

19 A child, or the parent or guardian of the child, or the  
20 school district in which the child resides, may obtain a  
21 review of an action or omission of state or local authorities  
22 pursuant to the procedures established by the state board of  
23 education on the ground enroll the child in special classes or  
24 supportive services selected by the parent or guardian either  
25 within or outside this state upon a determination of the state  
26 board of education that the child has been or is about to be:

- 27 1. Denied entry or continuance in a program of special  
28 education appropriate to the child's condition and needs.
- 29 2. Placed in a special education program which is  
30 inappropriate to the child's condition and needs.
- 31 3. Denied educational services because no suitable program  
32 of education or related services is maintained.
- 33 4. Provided with special education which is insufficient  
34 in quantity to satisfy the requirements of law.
- 35 5. --Assigned to a program of special education when the

1 child-is-not-handicapped-

2 Notwithstanding section 17A.11, the state board of  
3 education shall adopt rules for the appointment of an  
4 impartial administrative hearing officer for special education  
5 appeals. The rules shall comply with federal statutes and  
6 regulations. The burden of proof rests with the school  
7 district or area education agency to prove that the special  
8 classes or supportive services assigned by the school district  
9 or area education agency are appropriate for the child.

10 Upon a determination in favor of the parent or guardian by  
11 the state board, the board of directors of the district of  
12 residence shall pay to the public or private agency selected  
13 by the parent or guardian providing the special education  
14 programs and services for the child an amount not to exceed  
15 the amount received by the district of residence for the child  
16 under the weighting plan established in section 281.9.

17 Quarterly payments shall be made to the public or private  
18 agency.

19 Sec. 2. NEW SECTION. 282.9 OPEN ENROLLMENT.

20 For the school year commencing July 1, 1988 and each  
21 succeeding school year, a parent or guardian residing in a  
22 school district may enroll the parent's or guardian's child in  
23 a public school in a contiguous school district in the manner  
24 provided in this section if the contiguous school district  
25 provides an opportunity for academic instruction that is not  
26 provided in the district of residence.

27 Not later than January 1 of the preceding school year, the  
28 parent or guardian shall send notification to the district of  
29 residence and to the department of education on forms  
30 prescribed by the department of education that the parent or  
31 guardian intends to enroll the parent's or guardian's child in  
32 a public school in a contiguous school district. The parent  
33 or guardian shall describe the opportunity for academic  
34 instruction that exists in the receiving district that is not  
35 present in the district of residence as opportunity for

1 academic instruction is defined by the state board of  
2 education in rules adopted under chapter 17A. The board of  
3 the district of residence shall transmit a copy of the form to  
4 the receiving school district within five days after its  
5 receipt. The board of the receiving school district shall  
6 enroll the pupil in a school in the receiving district for the  
7 following school year unless the receiving district does not  
8 have classroom space for the pupil or unless enrolling the  
9 pupil in the receiving district will adversely affect the  
10 minority enrollment in a school district in which there is  
11 voluntary or court ordered desegregation.

12 A request under this section is for a period of not less  
13 than four years unless the pupil will graduate within the  
14 four-year period. However, if a parent or guardian chooses to  
15 reenroll the child in the district of residence, or to enroll  
16 the child in another school district, during the four-year  
17 period, the parent or guardian shall pay the maximum tuition  
18 fee to the district pursuant to section 282.24.

19 A child attending school in a contiguous district pursuant  
20 to this section shall be included in the basic enrollment of  
21 the district of residence pursuant to section 442.4. The  
22 board of directors of the district of residence shall pay to  
23 the receiving district the lower district cost per pupil of  
24 the two districts for that school year, provided that the  
25 receiving district is not sending students to the district of  
26 residence under this section. When school districts are  
27 exchanging students under this section, the district of  
28 residence shall pay the receiving district the district cost  
29 per pupil of the district of residence. Quarterly payments  
30 shall be made to the receiving district. Notwithstanding  
31 section 285.1 relating to transportation of nonresident  
32 pupils, the parent or guardian is responsible for transporting  
33 the pupil without reimbursement to and from a point on a  
34 regular school bus route of the receiving district.

35 Neither the notification of the parent to the district of

1 residence nor the decision of the receiving district is  
2 subject to appeal.

3     Sec. 3. Section 280.16, Code 1987, is repealed.

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## SENATE FILE 323

H-5832

1 Amend Senate File 323, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 282.19 OPEN ENROLLMENT.

6 It is the intent of the general assembly to allow a  
7 pupil with special and exceptional needs to enroll in  
8 a district contiguous to the pupil's resident district  
9 if the contiguous district offers coursework or  
10 programs, not already available to the pupil, that  
11 would meet the needs of the pupil.

12 1. Except as provided in subsection 2, for the  
13 school year commencing July 1, 1990, and each  
14 succeeding school year, a parent or guardian residing  
15 in a school district may be allowed to enroll the  
16 parent's or guardian's child or ward in a public  
17 school in a contiguous school district as provided in  
18 this section.

19 Not later than November 1 of the preceding school  
20 year, the parent or guardian shall notify the district  
21 of residence and the department of education that the  
22 parent or guardian intends to enroll the parent's or  
23 guardian's child or ward in a contiguous school  
24 district. Notice shall be made in the form and manner  
25 prescribed by the department of education and shall  
26 contain a description of the substantial educational  
27 opportunities necessary and available for the child in  
28 the receiving district that are not available in the  
29 district of residence. The state board of education  
30 shall adopt rules under chapter 17A by January 1,  
31 1990, that define substantial educational opportunity.  
32 The definition shall include, but not be limited to,  
33 whether the contiguous district offers coursework or  
34 programs not available in the district of residence.  
35 A request under this section is for a period of not  
36 less than four years, unless the pupil will graduate  
37 within the four-year period.

38 The board of directors of the district of residence  
39 shall approve or disapprove the request within thirty  
40 days of receipt of the parent's and guardian's notice.  
41 The parent or guardian may appeal the decision of the  
42 board under chapter 290. If the parent or guardian  
43 appeals to the state board of education, the parent or  
44 guardian must prove by substantial evidence to the  
45 state board that the conditions listed in the request  
46 exist and the denial of the request of the parent or  
47 guardian was an abuse of discretion by the board of  
48 the district of residence.

49 Following approval of the transfer, the board of  
50 the district of residence shall transmit a copy of the

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Page 2

1 form to the contiguous school district. The board of  
2 the contiguous school district shall enroll the pupil  
3 in a school in the contiguous district for the  
4 following school year, unless the contiguous school  
5 district does not have classroom space for the pupil  
6 or enrolling the pupil in the contiguous district will  
7 adversely affect the minority enrollment in the  
8 resident or contiguous school district because of  
9 voluntary or court ordered desegregation. The child  
10 shall, however, be included in the basic enrollment of  
11 the district of residence for purposes of section  
12 442.4.

13 The board of directors of the district of residence  
14 shall pay to the receiving school district an amount  
15 which is equal to the lesser of the state aid received  
16 as part of the resident district's cost per pupil or  
17 the state aid received as part of the receiving  
18 district's cost per pupil. The state aid amount shall  
19 include moneys received under sections 294A.9 and  
20 294A.14. If the amount paid to the receiving school  
21 district is not equal to that district's cost per  
22 pupil, the receiving district has the option of either  
23 accepting the amount paid by the district of  
24 residence, or billing the parent or guardian for the  
25 difference between the district cost per pupil and the  
26 amount received from the district of residence. The  
27 district of residence may reimburse the parent for any  
28 difference paid to the receiving district. Quarterly  
29 payment shall be made to the receiving district.  
30 Notwithstanding section 285.1 relating to  
31 transportation of nonresident pupils, the parent or  
32 guardian is responsible for transporting the pupil  
33 without reimbursement to and from a point on a regular  
34 school bus route of the receiving district. A parent  
35 or guardian who chooses to reenroll the child in the  
36 district of residence, or to enroll the child in  
37 another school district, during the four-year period  
38 covered by the request, shall pay the maximum tuition  
39 fee to the enrolling district pursuant to section  
40 282.24.

41 A student who attends school in a contiguous school  
42 district is not eligible to participate in  
43 interscholastic athletic contests and athletic  
44 competitions during the first year of enrollment under  
45 this section except for an interscholastic sport in  
46 which the district of residence and the contiguous  
47 school district jointly participate.

48 2. This section does not apply if the contiguous  
49 district, in which the parent or guardian wishes to  
50 enroll their child, is a party to a sharing agreement,

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Page 3

1 which covers the request, with the district of  
 2 residence under sections 282.7 through 282.12. If a  
 3 resident or receiving district is participating in a  
 4 reorganization study under chapter 275, subsection 1  
 5 shall not be available to a parent or guardian until  
 6 the study is completed.

7 Sec. 2. Section 280.16, Code 1987, is repealed  
 8 effective July 1, 1990.

9 Sec. 3. By January 1, 1989, the department of  
 10 education shall adopt rules to implement chapter 261C  
 11 including, but not limited to, defining the term  
 12 "academic". For purposes of this section, "academic"  
 13 shall be defined narrowly to provide opportunities for  
 14 an enriched curriculum characterized by rigor and  
 15 extending beyond ordinary high school offerings."

16 2. Title page, by striking lines 3 through 5 and  
 17 inserting the following: "districts and providing for  
 18 the implementation of administrative rules and an  
 19 effective date."

By COMMITTEE ON EDUCATION  
 OLLIE of Clinton, Chairperson

H-5832 FILED MARCH 23, 1988

*Adopted as amended by 5866, 5874,  
 5925, 5934 3/28 (p. 1106)*

SENATE FILE 323

H-5866

1 Amend the amendment, H-5832, to Senate File 323, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 3, line 14, by striking the words  
 5 "characterized by rigor and".

By SPEAR of Lee

H-5866 FILED MARCH 24, 1988

*Adopted 3/28 (p. 1104)*

SENATE FILE 323

H-5874

1 Amend the amendment, H-5832, to Senate File 323, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 2, line 40, by inserting after the figure  
 5 "282.24." the following: "However, the tuition fee  
 6 requirement does not apply if a child is enrolled in  
 7 another school district, during the four-year period  
 8 covered by the request, because of a change in the  
 9 child's place of residence."

By SPEAR of Lee

H-5874 FILED MARCH 24, 1988

*Adopted 3/28 (p. 1103)*

SENATE FILE 323

H-5952

- 1 Amend amendment H-5948 to Senate File 323 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 7, by striking the word "parent"
- 5 and inserting the word "student".

By TYRRELL of Iowa

H-5952 FILED MARCH 28, 1988

ADOPTED BY UNANIMOUS CONSENT (p. 1105)

SENATE AMENDMENT TO HOUSE AMENDMENT TO  
SENATE FILE 323

H-6358

- 1 Amend the House amendment, S-5668, to Senate File
- 2 323, as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 5, by striking the figure
- 5 "282.19" and inserting the following: "282.18".

RECEIVED FROM THE SENATE

H-6358 FILED APRIL 11, 1988

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## SENATE FILE 323

H-5925

1 Amend the amendment, H-5832, to Senate File 323, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 2, line 15, by striking the word  
 5 "received" and inserting the following: "portion".  
 6 2. Page 2, line 16, by striking the words "as  
 7 part".  
 8 3. Page 2, line 17, by striking the words  
 9 "received as part".  
 10 4. Page 2, line 18, by striking the word "The"  
 11 and inserting the following: "For the purpose of this  
 12 section, "state aid portion of a district's cost per  
 13 pupil" is the state foundation aid for the budget year  
 14 received by the district under section 442.26 for  
 15 regular program costs divided by the district's basic  
 16 enrollment for the budget year. In addition, the".

By OLLIE of Clinton

H-5925 FILED MARCH 28, 1988

*(Adopted 3/28 (p. 1103))*

## SENATE FILE 323

H-5936

1 Amend the amendment, H-5832, to Senate File 323, as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

- 4 1. Page 1, line 19, by inserting after the word  
 5 and figure "November 1" the following: ", 1989, or  
 6 not later than November 1".  
 7 2. Page 1, line 29, by inserting after the word  
 8 "residence" the following: "and a statement that the  
 9 child intends to take advantage of the opportunity  
 10 before graduation".  
 11 3. Page 1, line 31, by striking the figure "1990"  
 12 and inserting the following: "1989".

By OLLIE of Clinton

DAGGETT of Adams

H-5936 FILED MARCH 28, 1988

ADOPTED *(p. 1103)*

## SENATE FILE 323

H-5948

1 Amend the amendment H-5832 to Senate File 323 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

- 4 1. Page 2, line 26, by inserting after the word  
 5 "residence" the following: "; however, if more than  
 6 one student enrolls, the amount of difference billed  
 7 shall be the same for each parent".  
 8 2. Page 2, line 44, by striking the word "year"  
 9 and inserting the following: "two years".

By TYRRELL of Iowa

H-5948 FILED MARCH 28, 1988

DIVISIONS A AND B LOST *(p. 1106)*

HOUSE AMENDMENT 10  
SENATE FILE 323

668

1 Amend Senate File 323, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 282.19 OPEN ENROLLMENT.

6 It is the intent of the general assembly to allow a  
7 pupil with special and exceptional needs to enroll in  
8 a district contiguous to the pupil's resident district  
9 if the contiguous district offers coursework or  
10 programs, not already available to the pupil, that  
11 would meet the needs of the pupil.

12 1. Except as provided in subsection 2, for the  
13 school year commencing July 1, 1990, and each  
14 succeeding school year, a parent or guardian residing  
15 in a school district may be allowed to enroll the  
16 parent's or guardian's child or ward in a public  
17 school in a contiguous school district as provided in  
18 this section.

19 Not later than November 1, 1989, or not later than  
20 November 1 of the preceding school year, the parent or  
21 guardian shall notify the district of residence and  
22 the department of education that the parent or  
23 guardian intends to enroll the parent's or guardian's  
24 child or ward in a contiguous school district. Notice  
25 shall be made in the form and manner prescribed by the  
26 department of education and shall contain a  
27 description of the substantial educational  
28 opportunities necessary and available for the child in  
29 the receiving district that are not available in the  
30 district of residence and a statement that the child  
31 intends to take advantage of the opportunity before  
32 graduation. The state board of education shall adopt  
33 rules under chapter 17A by January 1, 1989, that  
34 define substantial educational opportunity. The  
35 definition shall include, but not be limited to,  
36 whether the contiguous district offers coursework or  
37 programs not available in the district of residence.  
38 A request under this section is for a period of not  
39 less than four years, unless the pupil will graduate  
40 within the four-year period.

41 The board of directors of the district of residence  
42 shall approve or disapprove the request within thirty  
43 days of receipt of the parent's and guardian's notice.  
44 The parent or guardian may appeal the decision of the  
45 board under chapter 290. If the parent or guardian  
46 appeals to the state board of education, the parent or  
47 guardian must prove by substantial evidence to the  
48 state board that the conditions listed in the request  
49 exist and the denial of the request of the parent or  
50 guardian was an abuse of discretion by the board of

1 the district of residence.

2 Following approval of the transfer, the board of  
3 the district of residence shall transmit a copy of the  
4 form to the contiguous school district. The board of  
5 the contiguous school district shall enroll the pupil  
6 in a school in the contiguous district for the  
7 following school year, unless the contiguous school  
8 district does not have classroom space for the pupil  
9 or enrolling the pupil in the contiguous district will  
10 adversely affect the minority enrollment in the  
11 resident or contiguous school district because of  
12 voluntary or court ordered desegregation. The child  
13 shall, however, be included in the basic enrollment of  
14 the district of residence for purposes of section  
15 442.4.

16 The board of directors of the district of residence  
17 shall pay to the receiving school district an amount  
18 which is equal to the lesser of the state aid portion  
19 of the resident district's cost per pupil or the state  
20 aid of the receiving district's cost per pupil. For  
21 the purpose of this section, "state aid portion of a  
22 district's cost per pupil" is the state foundation aid  
23 for the budget year received by the district under  
24 section 442.26 for regular program costs divided by  
25 the district's basic enrollment for the budget year.  
26 In addition, the state aid amount shall include moneys  
27 received under sections 294A.9 and 294A.14. If the  
28 amount paid to the receiving school district is not  
29 equal to that district's cost per pupil, the receiving  
30 district has the option of either accepting the amount  
31 paid by the district of residence, or billing the  
32 parent or guardian for the difference between the  
33 district cost per pupil and the amount received from  
34 the district of residence. The district of residence  
35 may reimburse the parent for any difference paid to  
36 the receiving district. Quarterly payment shall be  
37 made to the receiving district. Notwithstanding  
38 section 285.1 relating to transportation of  
39 nonresident pupils, the parent or guardian is  
40 responsible for transporting the pupil without  
41 reimbursement to and from a point on a regular school  
42 bus route of the receiving district. A parent or  
43 guardian who chooses to reenroll the child in the  
44 district of residence, or to enroll the child in  
45 another school district, during the four-year period  
46 covered by the request, shall pay the maximum tuition  
47 fee to the enrolling district pursuant to section  
48 282.24. However, the tuition fee requirement does not  
49 apply if a child is enrolled in another school  
50 district, during the four-year period covered by the

S-5668 Page 3

1 request, because of a change in the child's place of  
2 residence.

3 A student who attends school in a contiguous school  
4 district is not eligible to participate in  
5 interscholastic athletic contests and athletic  
6 competitions during the first year of enrollment under  
7 this section except for an interscholastic sport in  
8 which the district of residence and the contiguous  
9 school district jointly participate.

10 2. This section does not apply if the contiguous  
11 district, in which the parent or guardian wishes to  
12 enroll their child, is a party to a sharing agreement,  
13 which covers the request, with the district of  
14 residence under sections 282.7 through 282.12. If a  
15 resident or receiving district is participating in a  
16 reorganization study under chapter 275, subsection 1  
17 shall not be available to a parent or guardian until  
18 the study is completed.

19 Sec. 2. Section 280.16, Code Supplement 1987, is  
20 repealed effective July 1, 1990.

21 Sec. 3. By January 1, 1989, the department of  
22 education shall adopt rules to implement chapter 261C  
23 including, but not limited to, defining the term  
24 "academic". For purposes of this section, "academic"  
25 shall be defined narrowly to provide opportunities for  
26 an enriched curriculum extending beyond ordinary high  
27 school offerings."

28 2. Title page, by striking lines 3 through 5 and  
29 inserting the following: "districts and providing for  
30 the implementation of administrative rules and an  
31 effective date."

S-5668

Filed March 30, 1988

RECEIVED FROM THE HOUSE

*Senate Amendment (S-5674) Concerned  
4/5 (of 1255)*

SENATE FILE 323

S-5674

1 Amend the House amendment, S-5668, to Senate File  
2 323, as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 1, line 5, by striking the figure  
5 "282.19" and inserting the following: "282.18".

S-5674

Filed March 30, 1988

BY LARRY MURPHY

*Adopted 4/5/88 (1255)*

SSB # 141 *and*  
Education *ST 323*  
*and* *323*

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to provide a procedure for parents or guardians to enroll  
2 their children in the public schools of contiguous school  
3 districts without cost to the parents or guardians and to  
4 provide an effective date.

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

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SUB COMMITTEE ASSIGNMENTS  
CHAIR: *Wells*  
COMMITTEE: *Education*  
*2/24/87*

1 Section 1. NEW SECTION. 282.9 OPEN ENROLLMENT.

2 For the school year commencing July 1, 1987 and each  
3 succeeding school year, a parent or guardian residing in a  
4 school district may enroll the parent's or guardian's child in  
5 a public school in a contiguous school district in the manner  
6 provided in this section if the contiguous school district  
7 provides an opportunity for academic instruction that is not  
8 provided in the district of residence.

9 Not later than January 1 of the preceding school year, the  
10 parent or guardian shall send notification to the district of  
11 residence and to the department of education on forms  
12 prescribed by the department of education that the parent or  
13 guardian intends to enroll the parent's or guardian's child in  
14 a public school in a contiguous school district. The parent  
15 or guardian shall describe the opportunity for academic  
16 instruction that exists in the receiving district that is not  
17 present in the district of residence. The board of the  
18 district of residence shall transmit a copy of the form to the  
19 receiving school district within five days after its receipt.  
20 The board of the receiving school district shall enroll the  
21 pupil in a school in the receiving district for the following  
22 school year unless the receiving district does not have  
23 classroom space for the pupil or unless enrolling the pupil in  
24 the receiving district will adversely affect the minority  
25 enrollment in a school district in which there is voluntary or  
26 court ordered desegregation.

27 A request under this section is for a period of not less  
28 than three years unless the pupil will graduate within the  
29 three-year period.

30 The board of directors of the district of residence shall  
31 pay to the receiving district the lower district cost per  
32 pupil of the two districts for that school year. Quarterly  
33 payments shall be made to the receiving district.

34 Notwithstanding section 285.1 relating to transportation of  
35 nonresident pupils, the parent or guardian is responsible for

1 transporting the pupil without reimbursement to and from a  
2 point on a regular school bus route of the receiving district.

3 Neither the notification of the parent to the district of  
4 residence nor the decision of the receiving district is  
5 subject to appeal.

6 Sec. 2. Section 280.16, Code 1987, is repealed.

7 Sec. 3. Notwithstanding the notification date specified in  
8 section 1 of this Act, for the school year beginning July 1,  
9 1987, the parent or guardian shall notify the district of  
10 residence and the department of education not later than  
11 thirty days following the effective date of this Act.

12 Sec. 4. This Act, being deemed of immediate importance,  
13 takes effect upon enactment.

14 EXPLANATION

15 This bill allows a parent or guardian to send the parent's  
16 or guardian's child to school in a contiguous school district  
17 for a period of not less than three years if the contiguous  
18 school district provides an opportunity for academic  
19 instruction that is not provided in the district of residence.  
20 The tuition cost is paid by the district of residence, but the  
21 parent or guardian must provide transportation to a bus route  
22 located in the receiving district. A contiguous school  
23 district must accept the child unless classroom space is not  
24 available.

25 The bill takes effect upon its enactment so that children  
26 can enroll in a contiguous school district for the school year  
27 beginning July 1, 1987. For the first year, the parent or  
28 guardian must notify the school district of residence and the  
29 department of education within thirty days after the effective  
30 date of the bill; thereafter, the notification must be  
31 completed by January 1 of the preceding school year.

32 There is no appeal of notification of the parent to the  
33 district of residence or the decision of the receiving  
34 district.

35

SENATE FILE 323

AN ACT

TO PROVIDE A PROCEDURE FOR PARENTS OR GUARDIANS TO ENROLL THEIR CHILDREN IN THE PUBLIC SCHOOLS OF CONTIGUOUS SCHOOL DISTRICTS AND PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE RULES AND AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 282.18 OPEN ENROLLMENT.

It is the intent of the general assembly to allow a pupil with special and exceptional needs to enroll in a district contiguous to the pupil's resident district if the contiguous district offers coursework or programs, not already available to the pupil, that would meet the needs of the pupil.

1. Except as provided in subsection 2, for the school year commencing July 1, 1990, and each succeeding school year, a parent or guardian residing in a school district may be allowed to enroll the parent's or guardian's child or ward in a public school in a contiguous school district as provided in this section.

Not later than November 1, 1989, or not later than November 1 of the preceding school year, the parent or guardian shall notify the district of residence and the department of education that the parent or guardian intends to enroll the parent's or guardian's child or ward in a contiguous school district. Notice shall be made in the form and manner prescribed by the department of education and shall contain a description of the substantial educational opportunities necessary and available for the child in the receiving district that are not available in the district of residence and a statement that the child intends to take advantage of the opportunity before graduation. The state board of education shall adopt rules under chapter 17A by January 1,

1989, that define substantial educational opportunity. The definition shall include, but not be limited to, whether the contiguous district offers coursework or programs not available in the district of residence. A request under this section is for a period of not less than four years, unless the pupil will graduate within the four-year period.

The board of directors of the district of residence shall approve or disapprove the request within thirty days of receipt of the parent's and guardian's notice. The parent or guardian may appeal the decision of the board under chapter 290. If the parent or guardian appeals to the state board of education, the parent or guardian must prove by substantial evidence to the state board that the conditions listed in the request exist and the denial of the request of the parent or guardian was an abuse of discretion by the board of the district of residence.

Following approval of the transfer, the board of the district of residence shall transmit a copy of the form to the contiguous school district. The board of the contiguous school district shall enroll the pupil in a school in the contiguous district for the following school year, unless the contiguous school district does not have classroom space for the pupil or enrolling the pupil in the contiguous district will adversely affect the minority enrollment in the resident or contiguous school district because of voluntary or court ordered desegregation. The child shall, however, be included in the basic enrollment of the district of residence for purposes of section 442.4.

The board of directors of the district of residence shall pay to the receiving school district an amount which is equal to the lesser of the state aid portion of the resident district's cost per pupil or the state aid of the receiving district's cost per pupil. For the purpose of this section, "state aid portion of a district's cost per pupil" is the state foundation aid for the budget year received by the district under section 442.26 for regular program costs

divided by the district's basic enrollment for the budget year. In addition, the state aid amount shall include moneys received under sections 294A.9 and 294A.14. If the amount paid to the receiving school district is not equal to that district's cost per pupil, the receiving district has the option of either accepting the amount paid by the district of residence, or billing the parent or guardian for the difference between the district cost per pupil and the amount received from the district of residence. The district of residence may reimburse the parent for any difference paid to the receiving district. Quarterly payment shall be made to the receiving district. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. A parent or guardian who chooses to reenroll the child in the district of residence, or to enroll the child in another school district, during the four-year period covered by the request, shall pay the maximum tuition fee to the enrolling district pursuant to section 282.24. However, the tuition fee requirement does not apply if a child is enrolled in another school district, during the four-year period covered by the request, because of a change in the child's place of residence.

A student who attends school in a contiguous school district is not eligible to participate in interscholastic athletic contests and athletic competitions during the first year of enrollment under this section except for an interscholastic sport in which the district of residence and the contiguous school district jointly participate.

2. This section does not apply if the contiguous district, in which the parent or guardian wishes to enroll their child, is a party to a sharing agreement, which covers the request, with the district of residence under sections 282.7 through 282.12. If a resident or receiving district is participating in a reorganization study under chapter 275, subsection 1

shall not be available to a parent or guardian until the study is completed.

Sec. 2. Section 280.16, Code Supplement 1987, is repealed effective July 1, 1990.

Sec. 3. By January 1, 1989, the department of education shall adopt rules to implement chapter 261C including, but not limited to, defining the term "academic". For purposes of this section, "academic" shall be defined narrowly to provide opportunities for an enriched curriculum extending beyond ordinary high school offerings.

-----  
JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 323, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved *April 27*, 1988

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TERRY E. BRANSTAD  
Governor