

FILED 201 2 1991

SENATE FILE **473**
BY COMMITTEE ON EDUCATION
Journal by SSB 203

Passed Senate, Date 3/24/91 (p. 879) Passed House, Date 4/19/91 (p. 1372)

Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 7

Approved May 7, 1991 (p. 1717)

Repassed Senate as amended by S-2513

4/24/91 (p. 1447)

49 - 0

A BILL FOR

1 An Act relating to accredited schools and school districts,
 2 making changes in the department of education's biennial
 3 report on the condition of schools, changing the requirements
 4 for certain pilot projects, providing exceptions to certain
 5 uses of funds received under an instructional support program,
 6 and changing the district in which shared-time pupils are
 7 counted under the postsecondary enrollment options Act.

31247

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

- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF473

1 Section 1. Section 256.9, subsection 24, Code 1991, is
2 amended to read as follows:

3 24. Report biennially to the governor, at the time
4 provided by law, the condition of the schools under the
5 department's supervision, including the number ~~and kinds~~ of
6 school districts, ~~the number of schools of each kind,~~ the
7 number and value of schoolhouses, the enrollment and
8 attendance in each county district for the previous year, any
9 measures proposed for the improvement of the public schools,
10 financial and statistical information of public importance,
11 and general information relating to educational affairs and
12 conditions within the state or elsewhere. The report shall
13 also review the programs and services of the department.

14 Sec. 2. Section 256.19, Code 1991, is amended to read as
15 follows:

16 256.19 PILOT PROJECTS.

17 For fiscal years in which moneys are appropriated by the
18 general assembly for the purpose of ~~section-256.18~~ conducting
19 pilot projects as approved by the state board of education to
20 improve school district instructional programs, the state
21 board of education shall notify the department of revenue and
22 finance of the amounts necessary for each pilot project in
23 order to reimburse the ~~licensed-instructional-personnel~~
24 ~~pursuant-to-section-256.18, subsection-4, for the in-service~~
25 ~~training-pursuant-to-section-256.18, subsection-5, and~~ school
26 districts for other costs related to the approved pilot
27 projects.

28 Sec. 3. Section 257.19, unnumbered paragraph 1, Code 1991,
29 is amended to read as follows:

30 The additional funding for the instructional support
31 program for a budget year is limited to an amount not
32 exceeding ten percent of the total of regular program district
33 cost for the budget year and moneys received under section
34 257.14 as a budget adjustment for the budget year. Moneys
35 received by a district for the instructional support program

1 are miscellaneous income and may be used for any general fund
2 purpose. However, moneys received by a district for the
3 instructional support program shall not be used as, or in a
4 manner which has the effect of, supplanting funds authorized
5 to be received under sections 257.41, 257.46, 298.2, and
6 298.4, or to cover any deficiencies in funding for special
7 education instructional services resulting from the
8 application of the special education weighting plan under
9 section 281.9.

10 Sec. 4. Section 261C.3, subsection 2, Code 1991, is
11 amended to read as follows:

12 2. "Eligible pupil" means a pupil classified by the board
13 of directors of a school district or the authorities in charge
14 of an accredited nonpublic school as an eleventh or twelfth
15 grade pupil during the period the pupil is participating in
16 the enrollment option provided under this chapter. A pupil
17 attending an accredited nonpublic school shall be counted as a
18 shared-time student in the pupil's-school-district-of
19 residence school district in which the nonpublic school of
20 attendance is located for state foundation aid purposes.

21 Sec. 5. Section 256.18, Code 1991, is repealed.

22 EXPLANATION

23 This bill changes the content of the biennial report of the
24 director of the department of education to strike the
25 references to the kinds of school districts and changing the
26 reporting on enrollment and attendance to reporting by
27 district instead of by county. The section relating to
28 reimbursement for pilot projects is amended to delete
29 references to modified block scheduling and to clarify that
30 pilot projects are subject to approval by the state board of
31 education. Certain exceptions to use of funds received under
32 the instructional support program are added. The exceptions
33 relate to certain programs or services for which other funding
34 sources are currently authorized. The definition of eligible
35 pupil in the postsecondary enrollment options is modified to

1 change the district in which a shared-time student is counted
2 from the pupil's district of residence to the district in
3 which the nonpublic school of attendance is located.

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 473

H-3616

1 Amend Senate File 473, as passed by the Senate as
2 follows:

* 3 1. Page 2, by inserting after line 21, the
4 following:

* 5 "Sec. ____ . Section 3 of this Act does not apply to
6 funds received by a district for the instructional
7 support program as a result of a levy which was
8 authorized prior to the effective date of this Act."

9 2. By numbering and renumbering as necessary.

By COMMITTEE ON EDUCATION

OLLIE of Clinton, Chairperson

H-3616 FILED APRIL 12, 1991

Adopted as amended by 3724 4/18/91 (p. 1372)

SENATE FILE 473

H-3682

1 Amend Senate File 473, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 28 through page 2,
4 line 9.

5 2. By renumbering as necessary.

By CORBETT of Linn

H-3682 FILED APRIL 17, 1991

26/10 4/18/91

SENATE FILE 473

H-3683

1 Amend the amendment, H-3616, to Senate File 473, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 8, and
4 inserting the following:

5 " ____ . By striking page 1, line 28 through page 2,
6 line 9."

By CORBETT of Linn

H-3683 FILED APRIL 17, 1991

Foot 4/18/91 (p. 1371)

SENATE FILE 473

H-3724

1 Amend the amendment, H-3616, to Senate File 473, as
2 passed by the Senate, as follows:

3 1. Page 1, line 5, by striking the word "Sec.
4 ____ ." and inserting the following: "Sec. 100."

5 2. Page 1, by inserting after line 8, the
6 following:

7 "Sec. ____ . Sections 3 and 100 of this Act, being
8 deemed of immediate importance, take effect upon
9 enactment."

10 3. Title page, line 7, by inserting after the
11 word "Act" the following: "and providing an effective
12 date".

13 4. By renumbering as necessary.

By SPEAR of Lee

H-3724 FILED APRIL 18, 1991

ADOPTED *(p. 1372)*

HOUSE AMENDMENT TO
SENATE FILE 473

S-3513

- 1 Amend Senate File 473, as passed by the Senate as
2 follows:
3 1. Page 2, by inserting after line 21, the
4 following:
5 "Sec. 100. Section 3 of this Act does not apply to
6 funds received by a district for the instructional
7 support program as a result of a levy which was
8 authorized prior to the effective date of this Act.
9 Sec. _____. Sections 3 and 100 of this Act, being
10 deemed of immediate importance, take effect upon
11 enactment."
12 2. Title page, line 7, by inserting after the
13 word "Act" the following: "and providing an effective
14 date".
15 3. By numbering and renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3513 FILED APRIL 19, 1991

Senate concurred 4/24/91 (p. 1447)

MURPHY, CH.
HORN
Tinsman

SSB 203
EDUCATION

SENATE/HOUSE FILE 473
BY (PROPOSED DEPARTMENT
OF EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to accredited schools and school districts,
2 making changes in the department of education's biennial
3 report on the condition of schools, changing the requirements
4 for certain pilot projects, setting a deadline for board
5 resolutions to participate in an instructional support
6 program, and changing the district in which shared-time pupils
7 are counted under the postsecondary enrollment options Act.

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 256.9, subsection 24, Code 1991, is
2 amended to read as follows:

3 24. Report biennially to the governor, at the time
4 provided by law, the condition of the schools under the
5 department's supervision, including the number ~~and kinds~~ of
6 school districts, ~~the number of schools of each kind,~~ the
7 number and value of schoolhouses, the enrollment and
8 attendance in each county district for the previous year, any
9 measures proposed for the improvement of the public schools,
10 financial and statistical information of public importance,
11 and general information relating to educational affairs and
12 conditions within the state or elsewhere. The report shall
13 also review the programs and services of the department.

14 Sec. 2. Section 256.19, Code 1991, is amended to read as
15 follows:

16 256.19 PILOT PROJECTS.

17 For fiscal years in which moneys are appropriated by the
18 general assembly for the purpose of ~~section 256.18~~ conducting
19 pilot projects as approved by the state board of education to
20 improve school district instructional programs, the state
21 board of education shall notify the department of revenue and
22 finance of the amounts necessary for each pilot project in
23 order to reimburse the ~~licensed instructional personnel~~
24 ~~pursuant to section 256.18, subsection 4, for the in-service~~
25 ~~training pursuant to section 256.18, subsection 5, and~~ school
26 districts for other costs related to the approved pilot
27 projects.

28 Sec. 3. Section 257.18, subsection 2, unnumbered paragraph
29 1, Code 1991, is amended to read as follows:

30 If the board does not provide for an election and adopts a
31 resolution not later than September 15 of the base year to
32 participate in the instructional support program, the district
33 shall participate in the instructional support program unless
34 within twenty-eight days following the action of the board,
35 the secretary of the board receives a petition containing the

1 required number of signatures, asking that an election be
2 called to approve or disapprove the action of the board in
3 adopting the instructional support program. The petition must
4 be signed by eligible electors equal in number to not less
5 than one hundred or thirty percent of the number of voters at
6 the last preceding regular school election, whichever is
7 greater. The board shall either rescind its action or direct
8 the county commissioner of elections to submit the question to
9 the qualified electors of the school district at the next
10 following regular school election or a special election held
11 not later than December 1 of the base year. If a majority of
12 those voting on the question at the election favors
13 disapproval of the action of the board, the district shall not
14 participate in the instructional support program. If a
15 majority of those voting on the question favors approval of
16 the action, the board shall certify the results of the
17 election to the department of management and the district
18 shall participate in the program.

19 Sec. 4. Section 261C.3, subsection 2, Code 1991, is
20 amended to read as follows:

21 2. "Eligible pupil" means a pupil classified by the board
22 of directors of a school district or the authorities in charge
23 of an accredited nonpublic school as an eleventh or twelfth
24 grade pupil during the period the pupil is participating in
25 the enrollment option provided under this chapter. A pupil
26 attending an accredited nonpublic school shall be counted as a
27 shared-time student in the ~~pupil's school district of~~
28 residence school district in which the nonpublic school of
29 attendance is located for state foundation aid purposes.

30 Sec. 5. Section 256.18, Code 1991, is repealed.

31 EXPLANATION

32 This bill changes the content of the biennial report of the
33 director of the department of education to strike the
34 references to the kinds of school districts and changing the
35 reporting on enrollment and attendance to reporting by

1 district instead of by county. The section relating to
2 reimbursement for pilot projects is amended to delete
3 references to modified block scheduling and to clarify that
4 pilot projects are subject to approval by the state board of
5 education. A deadline is added to the provisions relating to
6 adoption by the board of the instructional support program
7 which requires the board of directors to adopt a resolution to
8 participate in the instruction support program by a date
9 certain. The definition of eligible pupil in the
10 postsecondary enrollment options is modified to change the
11 district in which a shared-time student is counted from the
12 pupil's district of residence to the district in which the
13 nonpublic school of attendance is located.

14 BACKGROUND STATEMENT

15 SUBMITTED BY THE AGENCY

16 The director of the department of education is required to
17 report certain information about schools in the state on a
18 biennial basis. The department proposes to modify these
19 requirements so that information is reported by school
20 district rather than by county. We also propose to eliminate
21 reporting by kind of school district, since we do not
22 currently classify school districts.

23 The department proposes to eliminate pilot projects for
24 modified block scheduling. Districts do not appear interested
25 in pursuing modified block scheduling and the department does
26 not feel that this is the one instructional model that should
27 be singled out for pilot project status. If moneys are
28 appropriated, the department prefers that they be made
29 available on a broader scale to fund a variety of pilot
30 projects, subject to approval by the state board of education,
31 which would improve school district instructional programs.

32 A local school board may initiate the instructional support
33 program in two ways. They may adopt a resolution to
34 participate in the instructional support program for a period
35 not exceeding five years or they may call for an election to

1 submit the question of participation in the program for a
2 period not exceeding ten years. The election is to be held at
3 the next following regular school election in the base year or
4 a special election held not later than December 1 of the base
5 year.

6 If the board chooses to proceed through resolution,
7 electors may force an election on the issue through petition.
8 The September 15 timeline ensures that, if the instructional
9 support program is brought to an election via petition, the
10 special election can be held by December 1.

11 Many students that attend nonpublic high schools are not
12 residents of the district in which the nonpublic school is
13 located. By reference to district of residence in the
14 postsecondary options Act, a student would need to contact
15 his/her district of residence rather than the district where
16 the nonpublic school is located to determine if a comparable
17 course is provided. In most instances, the student would not
18 be able to get to the resident district to enroll in the
19 comparable course because of time and distance. In other
20 shared-time situations, the district in which the nonpublic
21 school is located most often provides the shared-time
22 programs. This amended language does include the resident
23 district, if the nonpublic school is located in the resident
24 district.

25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 473

AN ACT

RELATING TO ACCREDITED SCHOOLS AND SCHOOL DISTRICTS,

MAKING CHANGES IN THE DEPARTMENT OF EDUCATION'S BIENNIAL REPORT ON THE CONDITION OF SCHOOLS, CHANGING THE REQUIREMENTS FOR CERTAIN PILOT PROJECTS, PROVIDING EXCEPTIONS TO CERTAIN USES OF FUNDS RECEIVED UNDER AN INSTRUCTIONAL SUPPORT PROGRAM, AND CHANGING THE DISTRICT IN WHICH SHARED-TIME PUPILS ARE COUNTED UNDER THE POSTSECONDARY ENROLLMENT OPTIONS ACT AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 256.9, subsection 24, Code 1991, is amended to read as follows:

24. Report biennially to the governor, at the time provided by law, the condition of the schools under the department's supervision, including the number and kinds of school districts, the number of schools of each kind, the number and value of schoolhouses, the enrollment and attendance in each county district for the previous year, any measures proposed for the improvement of the public schools, financial and statistical information of public importance, and general information relating to educational affairs and conditions within the state or elsewhere. The report shall also review the programs and services of the department.

Sec. 2. Section 256.19, Code 1991, is amended to read as follows:

256.19 PILOT PROJECTS.

For fiscal years in which moneys are appropriated by the general assembly for the purpose of section-256.18 conducting pilot projects as approved by the state board of education to improve school district instructional programs, the state

board of education shall notify the department of revenue and finance of the amounts necessary for each pilot project in order to reimburse the licensed-instructional personnel pursuant-to-section-256.18-subsection-4-for-the-in-service training-pursuant-to-section 256.18-subsection 5, and school districts for other costs related to the approved pilot projects.

Sec. 3. Section 257.19, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The additional funding for the instructional support program for a budget year is limited to an amount not exceeding ten percent of the total of regular program district cost for the budget year and moneys received under section 257.14 as a budget adjustment for the budget year. Moneys received by a district for the instructional support program are miscellaneous income and may be used for any general fund purpose. However, moneys received by a district for the instructional support program shall not be used as, or in a manner which has the effect of, supplanting funds authorized to be received under sections 257.41, 257.46, 298.2, and 298.4, or to cover any deficiencies in funding for special education instructional services resulting from the application of the special education weighting plan under section 281.9.

Sec. 4. Section 261C.3, subsection 2, Code 1991, is amended to read as follows:

2. "Eligible pupil" means a pupil classified by the board of directors of a school district or the authorities in charge of an accredited nonpublic school as an eleventh or twelfth grade pupil during the period the pupil is participating in the enrollment option provided under this chapter. A pupil attending an accredited nonpublic school shall be counted as a shared-time student in the pupil's-school-district-of residence school district in which the nonpublic school of attendance is located for state foundation aid purposes.

Sec. 5. Section 256.18, Code 1991, is repealed.

Sec. 6. Section 3 of this Act does not apply to funds received by a district for the instructional support program as a result of a levy which was authorized prior to the effective date of this Act.

Sec. 7. Sections 3 and 6 of this Act, being deemed of immediate importance, take effect upon enactment.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 473, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 7, 1991

TERRY E. BRANSTAD
Governor