

4/27 Education  
4/28/93 Do Pass

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SENATE FILE 421

BY HORN and RIFE

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4/28/93  
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Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

WITHDRAWN  
4.28-93

A BILL FOR

1 An Act relating to school administration, accreditation, finance,  
2 transportation, and providing effective and applicability  
3 dates.

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

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SF-421

1 Section 1. Section 256.11, subsection 10, unnumbered  
2 paragraph 2, Code 1993, is amended by striking the paragraph  
3 and inserting in lieu thereof the following:

4 Phase I shall consist of annual monitoring by the  
5 department of education of all accredited schools and school  
6 districts for compliance with accreditation standards adopted  
7 by the state board of education as provided in this section.  
8 The phase I monitoring requires that accredited schools and  
9 school districts annually complete accreditation compliance  
10 forms adopted by the state board and file them with the  
11 department of education. Phase I monitoring requires a  
12 comprehensive desk audit of all accredited schools and school  
13 districts including review of accreditation compliance forms,  
14 accreditation visit reports, methods of administration  
15 reports, and reports submitted in compliance with sections  
16 280.12 and 280.18.

17 The department shall conduct site visits to schools and  
18 school districts to address accreditation issues identified in  
19 the desk audit. Such a visit may be conducted by an  
20 individual departmental consultant or may be a comprehensive  
21 site visit by a team of departmental consultants and other  
22 educational professionals. The purpose of a comprehensive  
23 site visit is to determine that a district is in compliance  
24 with minimum standards and to provide a general assessment of  
25 educational practices in a school or school district and make  
26 recommendations with regard to the visit findings for the  
27 purposes of improving educational practices above the level of  
28 minimum compliance. The department shall establish a long-  
29 term schedule of site visits that includes visits of all  
30 accredited schools and school districts at least once every  
31 five years.

32 Sec. 2. Section 256.11, subsection 12, Code 1993, is  
33 amended to read as follows:

34 12. During the period of time specified in the plan for  
35 its implementation by a school district or nonpublic school,

1 the ~~school~~-or school district or school remains accredited.  
2 The accreditation committee shall revisit the school district  
3 or nonpublic school and shall determine whether the  
4 deficiencies in the standards have been corrected and shall  
5 make a report and recommendation to the director and the state  
6 board. The committee recommendation shall specify whether the  
7 school district or school shall remain accredited or under  
8 what conditions the district may remain accredited. The  
9 conditions may include, but are not limited to, providing  
10 temporary oversight authority, operational authority, or both  
11 oversight and operational authority to the director and the  
12 state board for some or all aspects of the school district  
13 operation, in order to bring the school district into  
14 compliance with minimum standards. The state board shall  
15 review the report and recommendation, may request additional  
16 information, and shall determine whether the deficiencies have  
17 been corrected. If the deficiencies have not been corrected,  
18 and the conditional accreditation alternatives contained in  
19 the report are not mutually acceptable to the local board and  
20 the state board, the state board shall merge the territory of  
21 the school district with one or more contiguous school  
22 districts at the end of the school year. Division of assets  
23 and liabilities of the school district shall be as provided in  
24 sections 275.29 through 275.31. Until the merger is  
25 completed, and subject to a decision by the state board of  
26 education, the school district shall pay tuition for its  
27 resident students to an accredited school district under  
28 section 282.24. However, in lieu of merger and payment of  
29 tuition by a nonaccredited school district, the state board  
30 may place a district under receivership for the remainder of  
31 the school year. The receivership shall be under the direct  
32 supervision and authority of the director. The decision of  
33 whether to merge the school district and require payment of  
34 tuition for the district's students or to place the district  
35 under receivership shall be based upon a determination by the

1 state board of the best interests of the students, parents,  
2 residents of the community, teachers, administrators, and  
3 board members of the district and the recommendations of the  
4 accreditation committee and the director. If the state board  
5 declares a nonpublic school to be nonaccredited, the removal  
6 of accreditation shall take effect on the date established by  
7 the resolution of the state board, which shall be no later  
8 than the end of the school year in which the nonpublic school  
9 is declared to be nonaccredited.

10 Sec. 3. Section 280.4, Code 1993, is amended by striking  
11 the section and inserting in lieu thereof the following:

12 280.4 LIMITED ENGLISH PROFICIENCY -- WEIGHTING.

13 1. The medium of instruction in all secular subjects  
14 taught in both public and nonpublic schools shall be the  
15 English language, except when the use of a foreign language is  
16 deemed appropriate in the teaching of any subject or when the  
17 student is limited English proficient. When the student is  
18 limited English proficient, both public and nonpublic schools  
19 shall provide special instruction, which shall include but  
20 need not be limited to either instruction in English as a  
21 second language or transitional bilingual instruction until  
22 the student is fully English proficient or demonstrates a  
23 functional ability to speak, read, write, and understand the  
24 English language. As used in this section, "limited English  
25 proficient" means a student's language background is in a  
26 language other than English, and the student's proficiency in  
27 English is such that the probability of the student's academic  
28 success in an English-only classroom is below that of an  
29 academically successful peer with an English language  
30 background. "Fully English proficient" means a student who is  
31 able to read, understand, write, and speak the English  
32 language and to use English to ask questions, to understand  
33 teachers and reading materials, to test ideas, and to  
34 challenge what is being asked in the classroom.

35 2. The department of education shall adopt rules relating

1 to the identification of limited English proficient students  
2 who require special instruction under this section and to  
3 application procedures for funds available under this section.

4 3. In order to provide funds for the excess costs of  
5 instruction of limited English proficient students above the  
6 costs of instruction of pupils in a regular curriculum,  
7 students identified as limited English proficient shall be  
8 assigned an additional weighting that shall be included in the  
9 weighted enrollment of the school district of residence for a  
10 period not exceeding three years. However, the school budget  
11 review committee may grant supplemental aid or modified  
12 allowable growth to a school district to continue funding a  
13 program for students after the expiration of the three-year  
14 period. The school budget review committee shall calculate  
15 the additional amount for the weighting to the nearest one-  
16 hundredth of one percent so that to the extent possible the  
17 moneys generated by the weighting will be equivalent to the  
18 moneys generated by the two-tenths weighting provided prior to  
19 July 2, 1991.

20 Sec. 4. Section 285.1, subsection 1, Code 1993, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. c. Children attending prekindergarten  
23 programs offered or sponsored by the district may be provided  
24 transportation services.

25 Sec. 5. Section 285.10, subsection 7, paragraph b, Code  
26 1993, is amended to read as follows:

27 b. May purchase buses and enter into contract to pay for  
28 such buses over a five-year period as follows: One-fourth of  
29 the cost when the bus is delivered and the balance in equal  
30 annual installments, plus simple interest due. The interest  
31 rate shall be the lowest rate available and shall not exceed  
32 the rate in effect under section 74A.2. The bus shall serve  
33 as security for balance due. ~~Bus-bodies-and- chassis-shall-be~~  
34 ~~purchased-on-separate-contracts~~ Competitive bids on comparable  
35 equipment shall be requested on all school bus body and

1 chassis purchases and shall be based upon minimum construction  
2 standards established by the department of education.

3 Separate body and chassis bids shall be requested unless the  
4 bus is constructed as an integral unit, inseparable as to body  
5 and chassis, by the manufacturer or is a used or demonstrator  
6 bus.

7 Sec. 6. Section 291.2, Code 1993, is amended by striking  
8 the section and inserting in lieu thereof the following:

9 291.2 BONDS OF SECRETARY AND TREASURER.

10 The secretary and treasurer, within ten days after  
11 appointment and before entering upon the duties of the office,  
12 shall execute to the school corporation a surety bond in an  
13 amount sufficient to cover current operations as determined by  
14 the board. All such bonds shall be conditioned on the  
15 faithful discharge of the duties of the office. The amount  
16 and sufficiency of all surety bonds shall be determined and  
17 approved by the board and shall be filed with the president.  
18 The cost of the surety bond shall be paid by the school  
19 corporation. If a single person serves as secretary and  
20 treasurer, pursuant to section 279.3 or 260C.12, only one bond  
21 is necessary for that person. The secretary and treasurer may  
22 give bond under a single bond covering other employees of the  
23 district.

24 Sec. 7. Section 291.7, Code 1993, is amended to read as  
25 follows:

26 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

27 The secretary of each district shall file monthly ~~7-on-or~~  
28 ~~before-the-tenth-day-of-each-month~~7, with the board of  
29 directors, a complete statement of all receipts and  
30 disbursements from the various funds during the preceding  
31 month, and also the balance remaining on hand in the various  
32 funds at the close of the period covered by ~~said the~~  
33 statement, which monthly statements shall be open to public  
34 inspection.

35 Sec. 8. Section 321.375, subsection 2, paragraph d, Code

1 1993, is amended to read as follows:

2 d. The commission of or conviction for a public offense as  
3 defined by the Iowa criminal code, if the offense is relevant  
4 to and affects driving ability, or if the offense includes  
5 sexual involvement with a minor student with the intent to  
6 commit acts and practices proscribed under sections 709.2  
7 through 709.4, section 709.8, and sections 725.1 through  
8 725.3, or is a violation of the rules of the department of  
9 education adopted to implement section 280.17.

10 Sec. 9. Section 321.376, subsection 1, Code 1993, is  
11 amended to read as follows:

12 1. ~~The driver of a school bus shall hold a school bus~~  
13 ~~driver's permit issued annually by the department of education~~  
14 ~~and a driver's license issued by the department of~~  
15 ~~transportation valid for the operation of the school bus. The~~  
16 driver of a school bus shall hold a driver's license issued by  
17 the department of transportation valid for the operation of  
18 the school bus and shall hold a school bus driver's permit  
19 issued by the department of education when transporting  
20 student or adult passengers to or from school activities. The  
21 department of education shall charge a fee for the issuance of  
22 a school bus driver's permit in the amount of five dollars,  
23 which shall be deposited in the general fund of the state. A  
24 person holding a temporary restricted license issued under  
25 chapter 321J shall be prohibited from operating a school bus.  
26 The department of education shall revoke or refuse to issue a  
27 permit to any person who, after notice and opportunity for  
28 hearing, is determined to have committed any of the acts  
29 proscribed under section 321.375, subsection 2. The  
30 department of education shall recommend, and the state board  
31 of education shall adopt under chapter 17A, rules and  
32 procedures for the revocation and issuance of permits to  
33 persons. Rules and procedures adopted shall include, but are  
34 not limited to, provisions for the revocation of, or refusal  
35 to issue, permits to persons who are determined to have

1 committed any of the acts proscribed under section 321.375,  
2 subsection 2.

3 Sec. 10. REPEAL. 1992 Iowa Acts, chapter 1159, section 6,  
4 is repealed.

5 Sec. 11. EFFECTIVE DATE. Section 10 of this Act, being  
6 deemed of immediate importance, takes effect upon enactment.

7 EXPLANATION

8 This bill relates to school administration, accreditation,  
9 financial accounting, and transportation.

10 In sections 1 and 2, the bill provides for desk and site  
11 audits of accredited schools by the department of education.  
12 Desk audits are to be completed annually with on-site audits  
13 conducted at least every five years. The bill also provides  
14 that the accreditation committee shall specify whether a  
15 school district or school remains accredited and if not, under  
16 what conditions it remains accredited. Under the bill, if the  
17 conditional accreditation alternatives are not mutually  
18 agreeable to the local board and the state board, the state  
19 board shall merge the district at the end of the school year.  
20 A receivership option for the remainder of the year is  
21 provided.

22 Section 3 defines limited English proficient and fully  
23 English proficient and continues the current weighting for  
24 limited English proficient students under the school aid  
25 formula.

26 Section 4 provides that a district may provide  
27 transportation for children attending prekindergarten programs  
28 sponsored by the district.

29 Section 5 allows for school bus bodies and chassis to be  
30 purchased on the same contract and requires competitive  
31 bidding.

32 Section 6 provides for surety bond coverage for the school  
33 district secretary and treasurer with the amount to be  
34 determined by the board and paid for by the school  
35 corporation.

1 Section 7 deletes the requirement that the secretary of the  
2 district shall file a report of all receipts and disbursements  
3 before the tenth of the month and provides that the report be  
4 filed monthly.

5 Section 8 provides that a violation of the rules of the  
6 department of education is grounds for immediate suspension of  
7 a school bus driver from duty.

8 Section 9 allows for driving an empty school bus with a  
9 valid driver's license.

10 Section 10 repeals the repeal of section 256.9, subsection  
11 51, which allows for the granting of annual exemptions from  
12 minimum education standards for those schools engaged in  
13 comprehensive school transformation by the director of the  
14 department of education. Under the bill section 10 takes  
15 effect upon enactment.

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