

F I N A L R E P O R T

EDUCATION STUDY SUBCOMMITTEE
OF THE
SENATE AND HOUSE COMMITTEES ON EDUCATION

January, 1981

The Education Study Subcommittee of the Senate and House Committees on Education was established by the Legislative Council to review current issues in education of interest to the General Assembly. The study was to include studies relating to two concurrent resolutions referred to the Subcommittee by the Legislative Council. H.C.R. 139 requested a study of the administrative expenditures of area education agencies. H.C.R. 135 requested a study of declining enrollment at all educational institutions at the post-secondary level.

Members serving on the Subcommittee were:

Senator Arthur L. Gratiias, Nora Springs
Representative Delwyn Stromer, Garner
Senator Joe Brown, Montezuma
Senator Willard R. Hansen, Cedar Falls
Senator Arthur Small, Iowa City
Senator Ray Taylor, Steamboat Rock
Representative Michael W. Connolly, Dubuque
Representative Marvin E. Diemer, Cedar Falls
Representative Wally Horn, Cedar Rapids
Representative Lester D. Menke, Calumet

The Subcommittee was granted two meetings and an additional meeting was authorized by the Legislative Council at its October meeting. Meetings were held August 21, September 26, and November 6. At the first meeting Senator Gratiias and Representative Stromer were elected Co-chairpersons.

During the interim, the Subcommittee received information on and discussed a variety of different issues relating to education in this state. For some areas legislation was recommended for introduction by the House and Senate Committees on Education and for other areas no action was taken by the Subcommittee, but additional information was received by Subcommittee members which will be helpful during the 1981 legislative session. Copies of any information listed in this report are available upon request from the Legislative Service Bureau.

A list of subject areas, persons making presentations before the Subcommittee, and brief summaries of information presented follows:

AREA EDUCATION AGENCIES

The area education agencies have been in operation since July 1, 1975 and for the school year beginning July 1, 1980 the total of approved budgets for the 15 area education agencies is \$105,261,416. Because of their rapid growth and because of the amount of educational dollars expended by the area education agencies, members of the General Assembly are interested in updating their information about the area education agencies on an annual basis.

Two different aspects of the AEA's received attention during the 1980 legislative session. Effective January 1, 1981 the limitation on increases in the salaries of area education agency administrators was removed, and effective July 1, 1981 funding for special education support services will be based on the weighted enrollment in an AEA rather than on the previous year's expenditures regardless of the weighted enrollment in the AEA.

Prior to the first meeting of the Subcommittee, Co-chairperson Stromer developed a proposal which would have dismantled the area education agencies and assigned oversight of the special education functions to the largest school district in each county; maintained the present area media centers; and provided that educational services funds be distributed to each district and services be provided on a contract basis.

Responses to this proposal and to proposals to determine area education agency budgets for media services and for educational services on the weighted enrollment in the AEA rather than on the previous year's expenditures were solicited from the following persons:

1. Dr. Dale Jensen, Administrator, AEA 2
2. Dr. Don Roseberry, Administrator, AEA 15
3. Ms. Ella Mae Gogel, Board member, AEA 7

The area education agency personnel expressed concern that under such a proposal services for low incidence handicapping conditions would be jeopardized, services to handicapped children would be disrupted, inequalities of service would result, and the results might be more costly to the taxpayers than the area education agencies are currently.

Representatives from the Iowa Association of School Boards, the Iowa State Education Association, and People United for Rural Education were asked to comment about the role and services of the area education agencies. Copies of their remarks are available from the Legislative Service Bureau.

Educational services directors John Cordes, AEA 10, and Cletus Koppen, AEA 1, presented information to the Subcommittee listing expenditures for and educational services provided in 1975-1976, the budget and educational services provided in 1980-1981, and the numbers of full-time equivalent employees for each program in educational services.

The Department of Public Instruction and the area education agencies themselves provided the Subcommittee with the following information:

1. Area education agency administrative program costs for 1979-1980 listing total expenditures and administrative costs in dollars and as a percent of the total.
2. AEA administrative structure 1975-1976 through 1980-1981 by AEA and a listing of the salaries for each position.
3. Consolidated budget for 1980-1981 for each AEA divided into categories.
4. A listing of AEA administrators' salaries and the salaries of the division directors, calculated on a per diem basis, compared to the average per diem salaries of the superintendents and principals of the six largest school districts in the area.

Information was presented to the Subcommittee criticizing the decisions of an area education agency in determining the boundary lines of a reorganized school district. Representatives of area education agencies responded that the area education agency boards would prefer not to be assigned regulatory functions and would welcome changes in the school district reorganization procedures to remove the AEA's from their role.

The Iowa Council of Area School Boards and superintendents of the area schools commented about the relationship and cooperative endeavors between the area education agencies and area schools in an area. The representatives present at the meeting were asked to comment about the required quarterly meetings of the two boards. Information presented to Subcommittee members indicates that more cooperation exists when the area school and the area education offices are located within close proximity to one another.

It was noted that the present law relating to the drawing of boundary lines for coterminous director districts of merged areas and area education agencies requires that data on school district populations be used in determining the weighting of the votes of school district boards as members of a boundary commission. The Subcommittee discussed deleting the use of a boundary commission and allowing the AEA boards and merged area boards, acting jointly, to draw director district boundary lines.

The Subcommittee discussed with representatives from area education agencies the requirement that the AEA board hold a meeting to discuss enrollment trends of the district and surrounding districts and the possibility of reorganization when a school district wishes to issue general obligation bonds for construction or renovation of a school building. The AEA representatives commenting on the law stated that the meeting requirement has not deterred the boards of school districts from constructing new school buildings.

Recommendation

The Subcommittee members from both houses recommend the approval by their respective Committees on Education of the following:

1. Bill I which requires the boards of area education agencies and area schools to meet at least annually, rather than quarterly.
2. Bill II which deletes the establishment of a boundary commission to draw director district boundary lines for a merged area and requires the merged area board and area education agency board acting jointly to redraw director district boundary lines.
3. Bill III which eliminates the requirement that school districts proposing to construct or renovate school buildings must hold a meeting with the area education agency board and the boards of contiguous school districts to justify the necessity for building or remodeling.
4. Bill V which changes the procedure for school reorganization proceedings. The reorganization petition is filed with the superintendent of the school district affected in which the greatest number of electors resides and the boards of school districts affected by the petition hold the hearing and act on the petition before it is submitted to the AEA board for review. If the AEA board in reviewing the action of the boards affected changes the boundaries, the changes must be approved by the boards of districts affected.

FUTURE OF POST-SECONDARY INSTITUTIONS

The Subcommittee heard testimony from representatives of each of the three major aspects of post-secondary education in this state:

1. The State Board of Regents, for Iowa State University, the State University of Iowa, and the University of Northern Iowa.
2. The Department of Public Instruction, for the area community colleges and area vocational schools.
3. The Iowa Association of Independent Colleges and Universities, for the private colleges and universities.

Each of the persons presented information about past and projected enrollments, and sources and amounts of funding, for their institutions. It was generally agreed that the number of prospective students in the 18 to 22 years age group will be fewer in the next few years and if an institution wants to equal or surpass its enrollments of previous years, procedures must be implemented to attract older persons to enroll.

Mary Louise Peterson from the Coordinating Council for Post-high School Education met with the Subcommittee to describe the accomplishments of the Council, including its role in preventing unnecessary duplication of educational programs among the various institutions in the state.

Willis Ann Wolff, Executive Director of the College Aid Commission, presented information about enrollments by type of institution, average college costs by type of institution, growth in sources and amounts of financial aid available to Iowa college students, Iowa scholarship and grant awards by institution and summaries of each of the sources of financial aid.

Recommendation

The Subcommittee made no recommendation in this area.

HOME INSTRUCTION--COMPULSORY EDUCATION

Recently there have been a number of court challenges to the Iowa compulsory attendance law. The law provides that children can receive instruction at a place other than a public school, but the instruction must be taught by a certificated teacher and must be "equivalent."

Two attorneys, Craig Hastings from Ames and Earl Hill from Kanawha, questioned the constitutionality of the present compulsory attendance law including the vagueness of the term "equivalent instruction" and the requirement that all children be taught by a certificated teacher. In addition, Mr. and Mrs. Robert Cochran described the home instruction of their children. Representatives from the Iowa Association of School Boards indicated that the Association supports retaining in its present form the compulsory education section of the Code.

Dr. Robert Benton, Superintendent of Public Instruction, informed the Subcommittee that responsibility for enforcement of school attendance laws is placed with the school districts and not at the state level. He expressed the belief that children should have access to appropriate or reasonable educational offerings and it is a responsibility of society to provide the process to insure children of a minimum of a preparatory education.

As the Subcommittee began discussion of the home instruction issue, it became apparent that the entire chapter relating to compulsory education requires extensive revision. Senator Hansen, a member of the Subcommittee, reviewed the chapter and presented a draft to the Subcommittee.

Recommendation

Subcommittee members from both houses recommend the approval by their respective Committees on Education of Bill VI revising Chapter 299 of the Code. The bill provides for private instruction of a child if the instruction is directed, diagnosed, prescribed, and evaluated by the Department of Public Instruction and the name and age of the child are reported to the secretary of the school district. It defines truants, provides for truancy counselors employed by school districts, and leaves responsibility for compliance with the school district boards. The bill retains exemption language for the Amish, but strikes language relating to the establishment of truancy schools and the appointment of truancy officers. It also updates language to reflect the establishment of area education agencies and programs for handicapped children.

BILINGUAL INSTRUCTION

In 1979 the General Assembly appropriated \$200,000 to be distributed to school districts for instruction in the English language, a transitional bilingual or other special instruction program for public and nonpublic school students who do not speak English. The Act gave the Department of Public Instruction the authority to promulgate rules for distribution of the funds. Accordingly, the Department of Public Instruction submitted rules requiring the use of a transitional bilingual program, which would require teaching in both English and the students' native languages. The Department has withdrawn its proposed rules and is currently revising its teaching requirements for programs for non-English speaking students.

Representatives from the Des Moines School District presented information about the different programs provided to Southeast Asian students and to Spanish-speaking students, stressing that any rules adopted for distribution of state funds should allow various kinds of teaching programs based on the different needs of the students. The representatives also outlined the additional costs of providing these programs.

Recommendation

The Subcommittee made no recommendation in this area.

SCHOOL YEAR REQUIREMENTS

Senator Brown, a member of the Subcommittee, proposed that the current requirement that the school year consist of 36 weeks of five days each be amended to require a minimum number of hours for a school year. It was pointed out that this change would allow the boards of directors more flexibility in scheduling the school year and could result in lower energy costs, including utility costs and pupil transportation costs if the board voted to schedule school for longer hours each day and fewer days per week.

Recommendation

The Subcommittee members from both houses recommend the approval by their respective Committees on Education of Bill IV to provide that the school year consist of 1080 hours.

DR. TRUESDELL'S COMMENTS

Dr. Wayne Truesdell, Professor Emeritus from the University of Northern Iowa, addressed the Subcommittee listing a number of inequities in the current school finance formula. He distributed copies of information illustrating the property tax and state aid inequities resulting from changes in the formula over the years and the 3.6 percent reduction in state aid for the current school year. He recommended the following:

1. Raise the state support level (currently 77 percent of state cost per pupil).
2. Introduce income tax revenues as a factor in the formula.
3. Continue minimum aid.
4. Allow boards of school districts some discretionary power over their budgets.

Recommendation

The Subcommittee made no recommendation in this area.

Copies of the bills recommended by the Subcommittee are attached to this report.

PROPOSED SENATE/HOUSE FILE _____

By (PROPOSED EDUCATION STUDY
SUBCOMMITTEE BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to joint meetings of members of boards of an
2 area education agency and its corresponding merged area.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 273.3, subsection 17, Code 1981, is
2 amended to read as follows:

3 17. Meet ~~quarterly~~ at least annually with the members
4 of the board of directors of the merged area in which the
5 area education agency is located to discuss co-ordination
6 of programs and services and other matters of mutual interest
7 to the two boards.

8 EXPLANATION

9 This bill deletes the requirement that the merged area
10 board and the area education agency board in an area meet
11 quarterly and requires that the two boards meet at least
12 annually. The bill takes effect July 1 following its
13 enactment.

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PROPOSED HOUSE/SENATE FILE _____

By (PROPOSED EDUCATION STUDY SUBCOM-
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Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to provide for redrawing director districts in a merged
2 area.

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

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1 Section 1. Section 273.3, Code 1981, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. Be authorized by joint action with the
4 board of directors of the coterminous merged area to change
5 the number of directors serving on the board and to change
6 the boundary lines of director districts in the merged area
7 after each federal decennial census, change in the boundaries
8 of the merged area, or change in the number of director dis-
9 tricts. Meetings shall be called pursuant to section 4 of
10 this Act. An area education agency board shall consist of
11 not less than five nor more than nine members.

12 Sec. 2. Section 273.8, subsection 1, unnumbered paragraph
13 2, Code 1981, is amended by striking the unnumbered paragraph.

14 Sec. 3. Section 280A.12, unnumbered paragraph 2, Code
15 1981, is amended by striking the unnumbered paragraph.

16 Sec. 4. Section 280A.23, Code 1981, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. Be authorized by joint action with the
19 board of directors of the coterminous area education agency
20 to change the number of directors serving on the board and
21 to change the boundary lines of director districts in the
22 merged area after each federal decennial census, change in
23 the boundaries of the merged area, or change in the number
24 of director districts. The president of the board of the
25 merged area shall call joint meetings for the purpose of
26 redrawing director district boundary lines or changing the
27 number of directors on the board. A merged area board shall
28 consist of not less than five nor more than nine members.

29 Sec. 5. Section 280A.25, subsection 2, Code 1981, is
30 amended to read as follows:

31 2. Change boundaries of director districts in any merged
32 area when the ~~commission-fails~~ merged area board and area
33 education agency board acting jointly fail to change boundaries
34 as required by law.

35 Sec. 6. Section 280A.28, unnumbered paragraph 1, Code

1 1981, is amended by striking the unnumbered paragraph.

2 Sec. 7. Section 280A.29, Code 1981, is amended to read
3 as follows:

4 280A.29 DIRECTOR DISTRICTS. Changes in the boundary lines
5 of director districts of merged areas and area education
6 agencies shall not lengthen or diminish the term of office
7 of a director of an area education agency board or a merged
8 arca board. ~~Changes-in-boundary-lines-of-director-districts~~
9 ~~shall-be-transmitted-to-the-boards-of-directors-of-merged~~
10 ~~areas-and-area-education-agencies-within-ten-days-following~~
11 ~~action-of-the-boundary-commission.~~ The boards shall use the
12 revised director district boundary lines at the next following
13 regular school election or regular director district
14 convention.

15 EXPLANATION

16 This bill provides for the redrawing of director districts
17 in a merged area by the AEA board and merged area boards
18 acting jointly. It strikes the election and duties of the
19 boundary commission. The bill takes effect July 1 following
20 its enactment.

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PROPOSED SENATE/HOUSE FILE _____

By (PROPOSED EDUCATION STUDY
SUBCOMMITTEE BILL.)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to strike the requirement that boards of directors of
2 districts proposing to issue general obligation bonds for
3 school building construction or renovation must hold a
4 meeting with the area education agency boards and boards
5 of adjoining school districts.

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

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1 Section 1. Section 296.3, Code 1981, is amended to read
2 as follows:

3 296.3 ELECTION CALLED. The president of the board of
4 directors ~~on~~, within ten days of receipt of such a petition,
5 ~~shall, within ten days after receiving the recommendations~~
6 ~~of the area education agency board under section 297.7, subsee-~~
7 ~~tion 3,~~ call a meeting of the board which shall call such
8 the election, ~~fixing the~~ and fix its time ~~thereof~~ and place,
9 which may be at the time and place of holding the regular
10 school election. The president shall notify the county
11 commissioner of elections of the time and place of the
12 election.

13 Sec. 2. Section 297.7, subsection 3, including unnumbered
14 paragraphs 1, 2, and 3, Code 1981, is amended by striking
15 the subsection.

16 EXPLANATION

17 This bill eliminates the requirement that school districts
18 proposing to construct or renovate school buildings must hold
19 a meeting with the area education agency board and the boards
20 of contiguous school districts. The bill takes effect July
21 1 following its enactment.

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PROPOSED SENATE/HOUSE FILE _____

By (PROPOSED EDUCATION STUDY
SUBCOMMITTEE BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to school year requirements.

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

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1 Section 1. Section 279.10, Code 1981, is amended to read
2 as follows:

3 279.10 SCHOOL YEAR. The school year shall begin on the
4 first of July and each school regularly established shall
5 continue for at least ~~thirty-six-weeks-of-five-school-days~~
6 each one thousand eighty hours and may be maintained during
7 the entire calendar year.

8 EXPLANATION

9 This bill strikes the requirement that school continue
10 for thirty-six weeks of five days each and substitutes a one
11 thousand eighty hour requirement. The bill takes effect July
12 1 following its enactment.

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BILL V

PROPOSED HOUSE/SENATE FILE _____

BY (PROPOSED EDUCATION STUDY
SUBCOMMITTEE BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the authority of boards of directors of
2 school districts and area education agencies in school
3 reorganization proceedings.

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

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1 Section 1. Section 275.12, subsection 1, Code 1981, is
2 amended to read as follows:

3 1. A petition describing the boundaries, or accurately
4 describing the area included ~~therein~~ by legal descriptions,
5 of the proposed district, which boundaries or area described
6 shall conform to plans developed or the petition shall request
7 change of the ~~plan~~ plans, shall be filed with the area
8 ~~education-agency-administrator-of-the-area-education-agency~~
9 superintendent of the school district involved in the
10 reorganization in which the greatest number of electors reside.
11 ~~Such~~ The petition shall be signed by ~~voters~~ qualified electors
12 in each existing school district or portion of a district
13 affected ~~or-portion-thereof~~ equal in number to at least twenty
14 percent of the ~~number-of-eligible-voters~~ qualified electors
15 or four hundred voters, whichever is the smaller number.
16 ~~School districts~~ district or portion of a district affected
17 ~~or-portion-thereof-shall-be-defined-to-mean-that~~ means the
18 area ~~to-be~~ included in the plan of the proposed new school
19 district.

20 Sec. 2. Section 275.12, subsection 4, Code 1981, is amended
21 by striking the subsection.

22 Sec. 3. Section 275.14, Code 1981, is amended by striking
23 the section and inserting in lieu thereof the following:

24 275.14 NOTICE OF HEARING. Within ten days after the
25 petition is filed, the superintendent of the school district
26 in which the greatest number of qualified electors reside
27 shall transmit a copy of the petition to the boards of all
28 school districts affected and shall fix a final date for
29 filing objections to the petition which shall be not more
30 than sixty days after the petition is filed, and shall fix
31 the date for a hearing on the objections to the petition which
32 shall be not more than ten days after the final date for
33 filing objections. Objections shall be filed in the office
34 of the superintendent of the school district in which the
35 greatest number of qualified electors reside, who shall give

1 notice at least ten days prior to the final day for filing
2 objections, by one publication in a newspaper published within
3 the territory described in the petition, or if none is
4 published therein, in a newspaper published in the county
5 where the petition is filed, and of general circulation in
6 the territory described. The notice shall list the date,
7 time, and location for the hearing on the petition as provided
8 in section 275.15. The cost of publication shall be assessed
9 to each district whose territory is involved in the ratio
10 that the number of pupils in basic enrollment, as defined
11 in section 442.4, in each district bears to the total number
12 of pupils in basic enrollment in the total area involved.
13 Objections shall be in writing in the form of an affidavit
14 and may be made by any person residing or owning land within
15 the territory described in the petition or who would be
16 injuriously affected by the change petitioned for, and shall
17 be on file not later than twelve o'clock noon of the final
18 day fixed for filing objections.

19 Sec. 4. Section 275.15, Code 1981, is amended to read
20 as follows:

21 275.15 HEARING--DECISION--PUBLICATION-OF-ORDER. At the
22 hearing, ~~which shall be held within ten days of the final~~
23 ~~date set for filing objections,~~ interested parties, ~~both~~
24 ~~petitioners and objectors,~~ may present evidence and arguments,
25 and the ~~area education agency board~~ boards of districts
26 affected acting jointly shall review the matter on its merits
27 and within five days after the conclusion of any hearing,
28 shall rule on the objections and shall ~~enter an order fixing~~
29 ~~such~~ determine the boundaries for the proposed school
30 corporation as will in its judgment be for the best interests
31 of all parties concerned, having due regard for the welfare
32 of adjoining districts or shall dismiss the petition. The
33 ~~area education agency board,~~ ~~when entering the order fixing~~
34 ~~the boundaries,~~ boards of districts affected acting jointly
35 shall consider requests for boundary line changes of property

1 owners who reside on property adjacent to the proposed boundary
2 lines. ~~The agency administrator shall at once publish this~~
3 ~~order in the same newspaper in which the original notice was~~
4 ~~published. Within twenty days after the publication thereof~~
5 ~~the decision rendered by the area education agency board may~~
6 ~~be appealed to the district court in the county involved by~~
7 ~~any school district affected. For purposes of appeal, only~~
8 ~~those school districts who filed reorganization petitions~~
9 ~~are school districts affected.~~ However, if the boundary lines
10 of the proposed district have been changed substantially from
11 the proposed petition, a second hearing shall be held before
12 the boundaries are determined. The second hearing shall be
13 called and conducted in the same manner as the first hearing.

14 The petition agreed to by the boards of districts affected
15 acting jointly shall be transmitted to the area education
16 agency administrator within ten days following the final
17 hearing. For the purposes of this section, weight of the votes
18 of the board of each school district affected is equal.

19 Sec. 5. Chapter 275, Code 1981, is amended by adding the
20 following new section after section 275.15:

21 NEW SECTION. The administrator of the area education
22 agency shall call a meeting to consider the petition submitted
23 by the school districts. The meeting shall take place within
24 thirty days following receipt of the petition. The area
25 education agency administrator shall publish notice of the
26 meeting in the same newspaper in which notice of the hearing
27 by the affected school boards was published. The area
28 education agency board shall review the petition at the meeting
29 as provided in section 275.15 to ensure that the procedures
30 used comply with this chapter and shall review the proposed
31 method of election of school directors and may change the
32 boundaries of director districts if proposed, or specify a
33 different method of electing school directors on the basis
34 of area, school population, or assessed valuation as may be
35 required by law, justice, equity, and the interest of the

1 people. Property owners who reside on property adjacent to
2 the proposed boundary lines whose requests at the hearing
3 to the boards acting jointly were not approved may appeal
4 the decision of the boards acting jointly to the area education
5 agency board at the meeting. The area education agency board
6 shall rule on the objections and shall notify the boards of
7 the school districts affected of the changes. If the boards
8 of the school districts affected approve the changes, the
9 area education agency board shall enter an order fixing the
10 boundaries for the proposed school corporation. The area
11 education agency administrator shall at once publish the order
12 in the same newspaper in which the original notice was
13 published. If the boards of the school districts affected
14 do not approve the changes made by the area education agency
15 board, the petition is void.

16 Sec. 6. Section 275.16, Code 1981, is amended by striking
17 the section and inserting in lieu thereof the following:

18 275.16 MEETING WHEN TERRITORY IN DIFFERENT AREA EDUCATION
19 AGENCIES. If the territory described in the petition for
20 the proposed corporation lies in more than one area education
21 agency, the agency administrator with whom the petition is
22 filed shall fix the time and place and call a joint meeting
23 of the members of all the agency boards in which any territory
24 of the proposed school corporation lies, to act as a single
25 board, and a majority of all members of the agency boards
26 of the different agencies in which any part of the proposed
27 corporation lies constitutes a quorum. The joint boards
28 acting as a single board shall perform the duties prescribed
29 in section 5 of this Act. Votes of each member of an area
30 education agency board shall be weighted so that the total
31 number of votes eligible to be cast by members of each board
32 is equal. If the joint boards cast a tie vote on the order
33 fixing the boundaries for the proposed school district or
34 an order to dismiss the petition, it shall be deemed an order
35 granting the petition and fixing the boundaries for the

1 proposed school corporation. The agency administrator shall
2 at once publish the order in the same newspaper in which the
3 original notice was published.

4 If a controversy on issues other than boundary lines of
5 the proposed district arises from the meeting, the area
6 education agency board or boards or a school district aggrieved
7 may bring the controversy to the state department of public
8 instruction, as provided in section 275.8, within twenty days
9 from the publication of the order, and if the controversy
10 is taken to the state department of public instruction, a
11 ten-day notice in writing shall be given to all agency boards
12 and school districts or portions of districts affected. The
13 state department may affirm the action of the joint boards,
14 vacate, dismiss all proceedings or make a modification of
15 the action of the joint boards as in its judgment serves the
16 best interest of all the agencies. Judicial review of the
17 actions of the department may be sought in accordance with
18 chapter 17A except that petitions for judicial review shall
19 be filed within thirty days after the decision.

20 EXPLANATION

21 This bill changes the procedure for school reorganization
22 proceedings. The reorganization petition is filed with the
23 superintendent of the school district involved in the
24 reorganization in which the greatest number of electors resides
25 and the boards of school districts affected by the petition
26 hold the hearing and act on the petition before it is submitted
27 to the AEA board for review. The bill takes effect July 1
28 following its enactment.

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PROPOSED SENATE/HOUSE FILE _____

By (PROPOSED EDUCATION STUDY
SUBCOMMITTEE BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the compulsory school attendance of children.

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

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1 Section 1. Chapter 299, Code 1981, is repealed and sections
2 2 through 12 of this Act are enacted in lieu thereof:

3 Sec. 2. NEW SECTION. 299.1 ATTENDANCE REQUIREMENT.

4 A person having control of a child over seven and under sixteen
5 years of age shall require that the child be enrolled in a
6 public school commencing with the first day of school
7 designated by the board of directors of the school district.

8 However, in lieu of attendance at a public school, the
9 child may receive instruction by a certificated teacher in
10 a nonpublic school meeting the uniform school requirements
11 prescribed in chapter 280.

12 In addition, a person having control of a child of compul-
13 sory school age may meet the requirements of this chapter
14 by private instruction of the child if the following
15 requirements are met:

16 1. The instruction is directed, diagnosed, prescribed
17 and evaluated by the department of public instruction.

18 2. The name and age of the child are reported annually,
19 no later than September 1 for instruction during a school
20 year, to the secretary of the school district of the child's
21 residence.

22 Permission for a person to continue private instruction
23 for a child under the person's control may be conditioned
24 by the board of directors of the district of residence upon
25 receipt of proof of achievement by the child in the basic
26 skills of arithmetic; the communicative arts of reading,
27 writing, grammar and spelling; an understanding of United
28 States history, history of Iowa, and the principles of American
29 government; science; and health.

30 Sec. 3. NEW SECTION. 299.2 EXCEPTIONS.

31 1. Section 299.1 does not apply to a child:

32 a. Who has successfully completed the ninth grade.

33 b. Who is so mentally or physically impaired as to be
34 unable to attend a public school program as determined by
35 the area education agency under chapter 281.

1 c. Who is attending a private college preparatory school
2 approved or probationally approved under section 257.25, sub-
3 section 14.

4 d. Who is enrolled in a program at an institution governed
5 by the state board of regents or the department of social
6 services.

7 2. A person having control of a child required to attend
8 school under section 299.1 who wishes to exercise the excep-
9 tions to attendance listed under subsection 1 shall do so
10 by filing affidavits with the secretary of the resident school
11 district and receiving approval from the board of the resident
12 school district.

13 Sec. 4. NEW SECTION. 299.3 PROOF OF COMPLIANCE.

14 1. Every school district shall maintain enrollment records,
15 on forms prescribed by the department of public instruction,
16 of all children required to attend school under section 299.1
17 who are enrolled in the public schools of the district.

18 2. Every private school shall maintain enrollment records,
19 on forms prescribed by the department of public instruction,
20 of all children required to attend school under section 299.1
21 who are enrolled in the private school, and shall transmit
22 copies of the forms to the secretary of the board of the
23 resident public school district of the pupil not later than
24 September 30 of each year.

25 3. A person having control of a child required to attend
26 school under section 299.1 who enrolls the child in an approved
27 private instruction program shall report the child's enroll-
28 ment on forms prescribed by the department of public
29 instruction to the secretary of the resident school district
30 no later than September 30 of each year. Forms may be obtained
31 from the secretary of the school district.

32 4. The secretary of each school district shall submit
33 no later than October 15 of each year to the department of
34 public instruction, on forms prescribed by the department
35 of public instruction, the total number of children required

1 to attend school under section 299.1, listing separately the
2 numbers of children enrolled for each category.

3 Sec. 5. NEW SECTION. 299.4 PENALTY. A person who
4 violates a provision of section 299.1, 299.2, or 299.3,
5 subsection 2 or 3, is guilty of a simple misdemeanor, except
6 as otherwise provided in section 299.9.

7 Sec. 6. NEW SECTION. 299.5 CUSTODY OF RECORDS. Reports
8 required to be filed under this chapter shall be filed and
9 preserved in the office of the secretary of the school district
10 and with the department of public instruction as a part of
11 the records of the office.

12 Sec. 7. NEW SECTION. 299.6 DEFINITION OF TRUANT. A
13 child over seven and under sixteen years of age who does not
14 meet the requirements of sections 299.1 and 299.2 and does
15 not meet the attendance policies established by the board
16 of the school district of residence is a truant.

17 Sec. 8. NEW SECTION. 299.7 STANDARDS. The board of
18 directors of each school district shall establish attendance
19 standards within the requirements set forth in this chapter
20 for determining truancy of a child.

21 Sec. 9. NEW SECTION. 299.8 TRUANCY COUNSELOR. The board
22 of directors of each school district shall designate a
23 certificated employee as a truancy counselor who may serve
24 in this capacity in addition to other responsibilities as
25 an employee of the district.

26 The board shall prescribe the duties of the truancy coun-
27 selor under the requirements of this chapter and the standards
28 established under section 299.7.

29 Sec. 10. NEW SECTION. 299.9 PROCEEDINGS. The truancy
30 counselor shall contact the person having control over a
31 truant child to ascertain compliance with sections 299.1,
32 299.2 and 299.3 and shall interview the truant student for
33 the same purpose. A written report shall be made to the next
34 regular school board meeting with a recommendation to do any
35 of the following:

1 1. Counsel with the person having control over the truant
2 child and advise the person that willful noncompliance will
3 necessitate proceedings under section 299.4.

4 2. Institute a criminal proceeding against the person
5 having control over a truant child under section 299.4.

6 3. Approve an alternative educational program for the
7 truant child.

8 4. Approve expulsion proceedings against the truant child
9 for violation of the chapter or the standards established
10 by the board under section 299.7.

11 Sec. 11. NEW SECTION. 299.10 RELIGIOUS EXEMPTION. When
12 members or representatives of a local congregation of a
13 recognized church or religious denomination established for
14 ten years or more within the state of Iowa prior to July 1,
15 1967, which professes principles or tenets that differ
16 substantially from the objectives, goals, and philosophy of
17 education embodied in standards set forth in section 257.25,
18 and rules adopted in implementation of that section, file
19 with the superintendent of public instruction proof of the
20 existence of the conflicting tenets or principles, together
21 with a list of the names, ages, and post-office addresses
22 of all persons of compulsory school age desiring to be exempted
23 from the compulsory education law and the educational standards
24 law, whose parents or guardians are members of the congregation
25 or religious denomination, the state superintendent, subject
26 to the approval of the state board of public instruction,
27 may exempt the members of the congregation or religious
28 denomination from compliance with any or all requirements
29 of the compulsory education law and the educational standards
30 law for two school years. When the exemption has once been
31 granted, renewal of the exemption for each succeeding school
32 year may be conditioned by the state superintendent, with
33 the approval of the board, upon proof of achievement in the
34 basic skills of arithmetic, the communicative arts of reading,
35 writing, grammar, and spelling, and an understanding of United

1 States history, history of Iowa, and the principles of American
2 government, by persons of compulsory school age exempted in
3 the preceding year, which shall be determined on the basis
4 of tests or other means of evaluation selected by the state
5 superintendent with the approval of the board. The testing
6 or evaluation, if required, shall be accomplished prior to
7 submission of the request for renewal of the exemption.
8 Renewal requests shall be filed with the state superintendent
9 on or before April 15 of the school year preceding the school
10 year for which the applicants desire exemption.

11 Sec. 12. NEW SECTION. 299.11 RELIGIOUS SERVICES OR
12 CLASSES. A child required to attend school under section
13 299.1, or a person having control of a child required to
14 attend school, may request that the child be excused from
15 a portion of the school day for the purposes of attending
16 a religious service or class if the child maintains an
17 acceptable level of performance in the school's academic
18 program.

19 EXPLANATION

20 This bill updates language on compulsory school attendance.
21 It requires that children between the ages of seven and sixteen
22 attend either a public school, a private school meeting the
23 requirements of chapter 280, or receive private instruction
24 under certain listed requirements. The bill defines truant,
25 provides for truancy counselors employed by school districts,
26 and leaves responsibility for compliance with the school
27 board. The bill takes effect July 1 following its enactment.

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