

APR 2 1974

HOUSE FILE

1476

Appropriations

BY COMMITTEE ON APPROPRIATIONS

Sen. " 4-10, Pass Calendar

Passed House, Date 4-8-74 (1572) Passed Senate, Date 4-18-74 (1432)

Vote: Ayes 65 Nays 23 Vote: Ayes 33 Nays 16

Approved May 6, 1974

Motion to reconsider lost

Motion to reconsider filed 4-19(1460), w.d. 4-24(1576)

A BILL FOR

1 An Act to provide auxiliary services, including transportation,
2 for nonpublic school children and to provide appropriations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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H-2793

- 1 Amend House File 1476 as follows:
- 2 1. Page 3, line 9, by striking the words ", or in".
- 3 2. Page 3, by striking lines 10, 11, and 12, and
- 4 inserting in lieu thereof a period.
- 5 3. Page 3, line 28, by inserting after the word
- 6 "schedules" the words "and routes".

H-2793 Filed and adopted
April 8, 1974

By FERGUSON of Carroll
WELLS of Linn
WULFF of Black Hawk
MILLER of Calhoun
DE JONG of Marion

1 Section 1. Section two hundred fifty-seven point twenty-
2 six (257.26), unnumbered paragraph two (2), Code 1973, as
3 amended by Acts of the Sixty-fifth General Assembly, 1973
4 Session, chapter one hundred ninety-two (192), section one
5 (1), is amended to read as follows:

6 The provisions of this section shall not deprive the respec-
7 tive boards of public school districts of any of their legal
8 powers, statutory or otherwise, and in accepting such specially
9 enrolled students, each of said boards shall prescribe the
10 terms of such special enrollment, including but not limited
11 to scheduling of such courses and the length of class periods.
12 In addition, the board of the affected public school district
13 shall be given notice by the state board of its decision to
14 permit such special enrollment not later than six months prior
15 to the opening of the affected public school district's school
16 year, except that the board of the public school district
17 may, in its discretion, waive such notice requirement. School
18 districts and county school systems or joint county systems,
19 or their successor agencies, may, when available, make pub-
20 lic school auxiliary services, which may include health ser-
21 vices, special education services, services and materials
22 for remedial education programs and library and resource cen-
23 ters, audio-visual services and materials, guidance services,
24 scientific instruments, school testing services, and other
25 services and materials, available to children attending nonpub-
26 lic schools in the same manner and to the same extent that
27 they are provided to public school students.

28 Sec. 2. Section two hundred eighty-five point one (285.1),
29 subsection one (1), unnumbered paragraphs two (2) and three
30 (3), Code 1973, as amended by Acts of the Sixty-fifth General
31 Assembly, 1973 Session, chapter one hundred ninety-seven
32 (197), section one (1), is amended to read as follows:

33 For the purposes of this subsection, high school means
34 a school which commences with either grade nine or grade ten,
35 as determined by the board of directors of the school district

1 or by the governing authority of the nonpublic school in the
2 case of nonpublic schools.

3 Boards in their discretion may provide transportation for
4 some or all resident pupils attending public school or pupils
5 who attend nonpublic schools who are not entitled to
6 transportation. Boards in their discretion may collect from
7 the parent or guardian of the pupil not more than the pro
8 rata cost for such optional transportation, determined as
9 provided in subsection twelve (12) of this section, or in
10 the case of nonpublic school pupils may file claims for
11 reimbursement for the cost of providing such transportation
12 in the manner provided in section seven (7) of this Act.

13 Sec. 3. Section two hundred eighty-five point one (285.1),
14 Code 1973, as amended by Acts of the Sixty-fifth General
15 Assembly, 1973 Session, chapter one hundred ninety-seven
16 (197), section one (1), is amended by adding the following
17 new subsection:

18 NEW SUBSECTION.

19 1. Resident pupils attending a nonpublic school located
20 either within or without the school district of the pupil's
21 residence shall be entitled to transportation on the same
22 basis as provided for resident public school pupils under
23 this section. The public school district providing trans-
24 portation to a nonpublic school pupil shall determine the
25 days on which bus service is provided, which shall be based
26 upon the days for which bus service is provided to public
27 school pupils, and the public school district shall determine
28 bus schedules. In the case of nonpublic school pupils the
29 term "school designated for attendance" means the nonpublic
30 school which is designated for attendance by the parents of
31 the nonpublic school pupil.

32 2. If the nonpublic school designated for attendance is
33 located within the public school district in which the pupil
34 is a resident, the pupil shall be transported to the nonpub-
35 lic school designated for attendance as provided in this sec-

1 tion.

2 3. If the nonpublic school designated for attendance of
3 a pupil is located outside the boundary line of the school
4 district of the pupil's residence, the pupil may be trans-
5 ported by the district of residence to a public school or
6 other location within the district of the pupil's residence.
7 A public school district in which a nonpublic school is located
8 may establish school bus collection locations within its
9 district from which nonresident nonpublic school pupils may
10 be transported to and from a nonpublic school located in the
11 district. If a pupil receives such transportation, the dis-
12 trict of the pupil's residence shall be relieved of any
13 requirement to provide transportation.

14 4. The public school district may meet the requirements
15 of subsections one (1), two (2) and three (3) of this section
16 by any of the following:

17 a. Transportation in a school bus operated by a public
18 school district.

19 b. Contracting with private parties as provided in sec-
20 tion two hundred eighty-five point five (285.5) of the Code.
21 However, contracts shall not provide payment in excess of
22 the average per pupil transportation costs of the school
23 district for that year.

24 c. Utilizing the transportation reimbursement provision
25 of section two hundred eighty-five point one (285.1), sub-
26 section three (3) of the Code. However no reimbursement shall
27 exceed forty dollars per nonpublic school pupil per year.

28 Sec. 4. Section two hundred eighty-five point one (285.1),
29 subsection three (3), Code 1973, is amended to read as follows:

30 3. In any district where transportation by school bus
31 is impracticable or where school bus service is not available,
32 the board may require the parents or guardian to transport
33 their children to the school designated for attendance. The
34 parent or guardian shall be reimbursed for such transporta-
35 tion service for elementary pupils by the board of resident

1 district for the distance one way from the pupil's residence
 2 to the school designated for attendance at the rate of twenty-
 3 eight cents per mile per day irrespective of number of children
 4 transported. For high school pupils, the parent or guardian
 5 shall be reimbursed forty dollars per pupil per year for such
 6 service, provided however no family shall receive more than
 7 eighty dollars per year for transporting the members of the
 8 family who attend high school. The provisions of this sec-
 9 tion shall apply to eligible nonpublic school pupils as well
 10 as to eligible public school pupils. However, reimbursement
 11 for nonpublic school pupils shall not exceed forty dollars
 12 per pupil per year.

13 Sec. 5. Section two hundred eighty-five point five (285.5),
 14 subsection one (1), unnumbered paragraph one (1), Code 1973,
 15 is amended to read as follows:

16 Contracts for school bus service with private parties shall
 17 be in writing and be for the transportation of children who
 18 attend public school and children who attend nonpublic school.
 19 Such contracts shall define the route, the length of time,
 20 service contracted for, the compensation, the vehicle to be
 21 used. The contract shall prescribe the duties of the contrac-
 22 tor and driver of the vehicles and shall provide that every
 23 person in charge of a vehicle conveying children to and from
 24 school shall be at all times subject to any rules said board
 25 shall adopt for the protection of the children, or to govern
 26 the conduct of the persons in charge of said conveyance.
 27 Contracts may be made for a period not to exceed three years.

28 Sec. 6. Section two hundred eighty-five point ten (285.10),
 29 subsection one (1), Code 1973, is amended to read as follows:

30 1. Provide transportation for each resident pupil who
 31 attends public school, and each resident pupil who attends
 32 a nonpublic school, and who is entitled to transportation
 33 under the laws of this state.

34 Sec. 7. Chapter two hundred eighty-five (285), Code 1973,
 35 is amended by adding the following new section:

1 NEW SECTION. PAYMENT OF CLAIMS FOR NONPUBLIC SCHOOL PUPIL
2 TRANSPORTATION. Boards of directors of school districts shall
3 be required to provide transportation services to nonpublic
4 school pupils as provided in section two hundred eighty-five
5 point one (285.1) of the Code only during school years when
6 the general assembly has appropriated funds to the depart-
7 ment of public instruction for the payment of claims for
8 transportation costs submitted by the school district.

9 If the funds appropriated by the general assembly are not
10 sufficient to pay the claims submitted by the school districts,
11 the amount paid to each school district by the department
12 shall be prorated on the basis of funds so appropriated.
13 The difference between the amount of the claim of a school
14 district and the amount of payment received from the department
15 of public instruction shall be paid by the parent or guardian
16 of the nonpublic school pupil transported.

17 The costs of providing transportation to nonpublic school
18 pupils as provided in section two hundred eighty-five point
19 one (285.1) of the Code shall not be included in the computa-
20 tion of district cost under chapter four hundred forty-two
21 (442) of the Code, but shall be shown in the budget as an
22 expense from miscellaneous income. Any transportation reim-
23 bursements received by a local school district for transporting
24 nonpublic school pupils shall not affect district cost limi-
25 tations of chapter four hundred forty-two (442) of the Code.
26 The reimbursements provided in this section are miscellaneous
27 income as defined in section four hundred forty-two point
28 five (442.5) of the Code.

29 Sec. 8. If any provision of this Act or the application
30 thereof to any person shall be invalid, such invalidity shall
31 not affect the provisions or application of this Act which
32 can be given effect without the invalid provisions or appli-
33 cation, and to this end the provisions of the Act are
34 severable.

35 Sec. 9. Section four hundred forty-two point thirteen

1 (442.13), subsection six (6), Code 1973, as amended by Acts
2 of the Sixty-fifth General Assembly, 1973 Session, chapter
3 two hundred fifty-eight (258), section eleven (11), is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. Transportation equipment needs which be-
6 come necessary because of the furnishing of transportation
7 to nonpublic school pupils under chapter two hundred eighty-
8 five (285) of the Code.

9 NEW PARAGRAPH. Enrollment decrease caused by the avail-
10 ability of transportation to nonpublic school pupils in a
11 district.

12 Sec. 10. There is appropriated from the general fund of
13 the state to the department of public instruction for the
14 fiscal year commencing July 1, 1974 and ending June 30, 1975,
15 the sum of two million two hundred thousand (2,200,000) dol-
16 lars, or so much thereof as may be necessary, for reimbursing
17 public school districts for expenditures incurred in provid-
18 ing transportation services and transportation reimbursement
19 for nonpublic school pupils as provided under chapter two
20 hundred eighty-five (285) of the Code.

21 Claims for reimbursement shall be made to the department
22 of public instruction by the public school district provid-
23 ing transportation or transportation reimbursement during
24 the school year commencing July 1, 1974 and ending June 30,
25 1975, on a form prescribed by the department, and the claim
26 shall state the services provided and the actual costs in-
27 curred. A claim shall not exceed the average transportation
28 costs of the district per pupil transported. Claims shall
29 be accompanied by an affidavit of an officer of the public
30 school district affirming the accuracy of the claim. On
31 February first and June first of each year, the department
32 of public instruction shall certify to the state comptroller
33 the amounts of approved claims to be paid, and the state comp-
34 troller shall draw warrants payable to school districts which
35 have established claims.

HOUSE FILE 1476

S-2790

1 Amend House File 1476, as amended and passed by
2 the House, as follows:

3 1. Page 2, by striking lines 28 through 35, in-
4 clusive.

5 2. Page 3, by striking lines 1 through 33, in-
6 clusive.

7 3. Page 4, by striking lines 1 through 35, in-
8 clusive.

9 4. Page 5, by striking lines 1 through 35, in-
10 clusive.

11 5. Page 6, by striking lines 1 through 35, in-
12 clusive.

13 6. Page 7, by striking lines 1 through 35, in-
14 clusive.

15 7. Page 8, by striking lines 1 through 7, in-
16 clusive and inserting in lieu thereof the follow-
17 ing:

18 Sec. 2. Section two hundred eighty-five point
19 one (285.1), subsection one (1), Code 1973, as
20 amended by Acts of the Sixty-fifth General Assembly,
21 1973 Session, chapter one hundred ninety-seven
22 (197), section one (1), is amended by adding the
23 following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. The board of directors
25 of a school district may provide transportation for

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1 resident pupils attending nonpublic schools on the
2 same basis as transportation is provided for resi-
3 dent pupils attending public schools, and shall be
4 reimbursed for actual costs incurred, by the non-
5 public school as provided in section five (5) of
6 this Act.

7 Sec. 3. Section two hundred eighty-five point
8 five (285.5), subsection one (1), unnumbered para-
9 graph one (1), Code 1973, is amended to read as fol-
10 lows:

11 Contracts for school bus service with private
12 parties shall be in writing and be for the trans-
13 portation of children who attend public school.
14 Contracts may be executed for the transportation of
15 resident pupils attending nonpublic schools. Such
16 contracts shall define the route, the length of time,
17 service contracted for, the compensation, the vehicle
18 to be used. The contract shall prescribe the duties
19 of the contractor and driver of the vehicles and
20 shall provide that every person in charge of a
21 vehicle conveying children to and from school shall
22 be at all times subject to any rules said board
23 shall adopt for the protection of the children, or
24 to govern the conduct of the persons in charge of
25 said conveyance. Contracts may be made for a period

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1 not to exceed three years.

2 Sec. 4. Section two hundred eighty-five point
3 ten (285.10), subsection one (1), Code 1973, is
4 amended to read as follows:

5 1. Provide transportation for each pupil who
6 attends public school, and who is entitled to trans-
7 portation under the laws of this state and be autho-
8 riized to provide transportation for resident pupils
9 attending nonpublic schools.

10 Sec. 5. NEW SECTION. TRANSPORTATION OF NONPUB-
11 LIC SCHOOL PUPILS. The governing authority of a
12 nonpublic school may apply to the department of pub-
13 lic instruction for reimbursement for the costs of
14 transporting nonpublic school pupils enrolled in
15 the nonpublic school, or for funds to reimburse the
16 parent or guardian of a nonpublic school pupil for
17 the costs of transporting the pupil to the nonpub-
18 lic school, if funds are appropriated by the gen-
19 eral assembly to the department of public instruc-
20 tion for such purpose.

21 The governing authority of a nonpublic school
22 may contract with the board of directors of a pub-
23 lic school district for the board of directors of
24 the public school district, or a private agency
25 under contract to the board of directors of the pub-

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1 lic school district, to provide transportation ser-
2 vices for the nonpublic school pupils who are resi-
3 dents of the public school district.

4 If the funds appropriated by the general assem-
5 bly are not sufficient to pay the claims submitted
6 by the nonpublic schools the amount paid to each
7 nonpublic school by the department shall be prorated
8 on the basis of funds appropriated.

9 Sec. 6. There is appropriated from the general
10 fund of the state to the department of public instruc-
11 tion for the fiscal year commencing July 1, 1974 and
12 ending June 30, 1975, the sum of four million four
13 hundred thousand (4,400,000) dollars, or so much
14 thereof as may be necessary, for reimbursing non-
15 public schools for expenditures incurred in providing
16 transportation services and transportation reimburse-
17 ment for nonpublic school pupils as provided in sec-
18 tion five (5) of this Act.

19 Claims for reimbursement shall be made to the
20 department of public instruction by the nonpublic
21 school for the school year commencing July 1, 1974
22 and ending June 30, 1975, on a form prescribed
23 by the department, and the claim shall state the
24 services provided and the actual costs incurred.
25 A claim shall not exceed on a per pupil basis the

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1 average state transportation cost for public school
2 pupils. Claims shall be accompanied by an affi-
3 davit of an officer of the nonpublic school affirming
4 the accuracy of the claim. On February first and
5 June first of each year, the department of public
6 instruction shall certify to the state comptroller
7 the amounts of approved claims to be paid, and the
8 state comptroller shall draw warrants payable to
9 nonpublic schools which have established claims.
10 8. By renumbering sections as necessary.

S-2790 Filed - *Lost 4/18*
April 17, 1974

By SHAW and SHAFF

S-2795

1 Amend House File 1476 as amended and passed by the
2 House as follows:
3 Page 5, line 26, by adding the following sentence
4 after the period: "A contract with a nonpublic
5 school for school bus service in buses owned by the
6 nonpublic school shall not include any agreement to
7 provide bus maintenance in a shop owned by the
8 public school or to provide motor fuel from the
9 public school supply unless the contract also pro-
10 vides that the buses owned by the nonpublic school
11 are to be driven by public school employees."

S-2795 Filed and withdrawn
April 18, 1974

By HILL

S-2797

1 Amend House File 1476 as amended and passed by
2 the House as follows:
3 Page 3, line 25, by inserting after the word
4 "routes" the following: "and be responsible for
5 disciplinary matters regarding nonpublic school
6 pupils occurring on the bus."

S-2797 Filed and lost
April 18, 1974

By WILLITS

S-2798

1 Amend House File 1476, as amended and passed by the House,
2 as follows:
3 1. Page 2, by striking lines 1 through 27.
4 2. Page 8, by striking lines 8 through 10.
5 3. By renumbering remaining sections and correct-
6 ing internal references in accordance with this
7 amendment.
8 4. Amend the title, page 1, line 1, by striking
9 the words "auxiliary services, including transporta-
10 tion," and inserting in lieu thereof the words
11 "transportation services".

S-2798 Filed and lost
April 18, 1974

By ORR

S-2799

1 Amend House File 1476, as amended and passed by
2 the House, page 5, by inserting after line 12, the
3 following section:
4 Sec. _____. Section two hundred eighty-five point
5 eleven (285.11), subsection eight (8), Code 1973,
6 is amended to read as follows:
7 8. No bus shall leave the public highway to
8 receive or discharge pupils unless the roadway leads
9 to a housing development or mobile home park and the
10 roadway is maintained pursuant to specifications
11 similar to the specifications for maintenance of
12 public highways.

S-2799 Filed and withdrawn
April 18, 1974

By DODERER

S-2801

1 Amend House File 1476 as amended and passed by the
2 House as follows:
3 Page 3, line 20, by inserting after the period the
4 following: "A nonpublic school requiring bus
5 transportation for its students shall, by January
6 first prior to the ensuing school year, supply the
7 public school district providing the bus transpor-
8 tation with a certified list of the names and
9 addresses of those nonpublic school students
10 enrolled and requiring bus transportation."

S-2801 Filed and lost
April 18, 1974

By HILL

S-2803

1 Amend House File 1476, as amended and passed by the
2 House, as follows:
3 1. Page 6, line 16 by adding the following after the
4 period: "Failure or refusal of a parent or guardian
5 to pay the claim, within sixty days of the receipt
6 thereof, shall subject the parent or guardian to a
7 fine equal to the amount of the claim."
8 2. Amend the title, page 1, line 2 by striking the
9 words "and to provide appropriations" and inserting
10 in lieu thereof the words ", to provide appropriations
11 and providing a penalty".

S-2803 Filed and lost
April 18, 1974

By WILLITS

S-2804

1 Amend House File 1476, as amended and passed by
2 the House, as follows:
3 1. Page 2, line 24, by inserting after the word
4 "instruments," the word "and".
5 2. Page 2, lines 24 and 25, by striking the words
6 "and other services and materials".

S-2804 Filed and lost
April 18, 1974

By ORR

S—2806

1 Amend House File 1476, as amended and passed by the
2 House, as follows:
3 1. Page 3, by adding the following after the period
4 in line 20: "Any nonpublic school student eligible
5 for transportation under this Act shall submit his or
6 her name and address to the nonpublic school the stu-
7 dent attends; the nonpublic school student shall also
8 indicate whether he or she desires to receive trans-
9 portation as provided in this Act. The nonpublic
10 school shall compile a list of those students eligi-
11 ble for transportation and submit the list to the
12 public school district providing the transportation,
13 forty-five days prior to the budget certification
14 date, on forms prescribed by the department of public
15 instruction."

S—2806 Filed and withdrawn
April 18, 1974

By HANSEN

S—2805

1 Amend House File 1476, as amended and passed by the
2 House as follows:
3 Page 3, lines 28 and 29, by striking the words
4 "parents of the nonpublic school pupil" and
5 inserting in lieu thereof the following: "governing
6 body of the system of nonpublic schools the
7 nonpublic school pupil attends".

S—2805 Filed and lost
April 18, 1974

By WILLITS
