

MAR 1 1983

HOUSE FILE 344

Place On Calendar

BY COMMITTEE ON EDUCATION

Substituted for S.F. 390 3/22/83
(Formerly Study Bill 200)

Passed House, Date 3-11-83 (p. 698) Passed Senate, Date 4-11-83 (p. 1192)

Vote: Ayes 76 Nays 18 Vote: Ayes 32 Nays 12

Approved April 28, 1983 (p. 1659)

A BILL FOR

1 An Act relating to the requirement that school districts
2 maintain twelve grades and to provide for tuition
3 payments by those districts not maintaining twelve
4 grades.

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

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HF 344

1 Section 1. Section 257.28, Code 1983, is amended to read
2 as follows:

3 257.28 NONRESIDENT PUPILS. The boards of directors of
4 two or more school districts may by agreement provide for
5 attendance of pupils residing in one district in the schools
6 of another district for the purpose of taking courses not
7 offered in the district of their residence. The boards may
8 also provide by agreement that the districts will combine
9 their enrollments for one or more grades. Courses and grades
10 made available to students in this manner shall be considered
11 as complying with any standards or laws requiring the offering
12 of such courses and grades. The boards of directors of
13 districts entering into such agreements may provide for sharing
14 the costs and expenses of such courses.

15 Sec. 2. Section 275.1, unnumbered paragraph 1, Code 1983,
16 is amended to read as follows:

17 It is declared to be the policy of the state to encourage
18 economical and efficient school districts which will ensure
19 an equal educational opportunity to all children of the state.
20 All areas of the state shall be in school districts maintain-
21 ing twelve grades. If any school district ceases to maintain
22 twelve grades except as otherwise provided in sections 280.15,
23 and 257.28, and 282.7, subsection 1, it shall reorganize
24 within six months or the state board shall attach the school
25 district not maintaining twelve grades to one or more adjacent
26 districts. Voluntary reorganizations under this chapter shall
27 be commenced only if the affected school districts are
28 contiguous to one another. A reorganized district shall meet
29 the requirements of section 275.3.

30 Sec. 3. Section 282.1, Code 1983, is amended to read as
31 follows:

32 282.1 SCHOOL AGE--NONRESIDENTS. Persons between five
33 and twenty-one years of age ~~shall be~~ are of school age. A
34 board may establish and maintain evening schools for ~~all~~
35 residents of the corporation regardless of age and for which

1 no tuition need be charged. Nonresident children shall be
2 charged the maximum tuition rate as determined in section
3 282.24, subsection 1, with the exception that those ~~sejourning~~
4 residing temporarily in any a school corporation may attend
5 school therein in the corporation upon such terms as prescribed
6 by the board may-determine, and boards discontinuing grades
7 under section 282.7, subsection 1, shall be charged tuition
8 as provided in section 282.24, subsection 2.

9 Sec. 4. Section 282.7, unnumbered paragraph 1, Code 1983,
10 is amended by striking the unnumbered paragraph and inserting
11 in lieu thereof the following:

12 1. The board of directors of a school district by record
13 action may discontinue any or all of grades seven through
14 twelve and negotiate an agreement for attendance of the pupils
15 enrolled in those grades in the schools of one or more
16 contiguous school districts having approved school systems.
17 If the board designates more than one contiguous district
18 for attendance of its pupils, the board shall draw boundary
19 lines within the school district for determining the school
20 districts of attendance of the pupils. The portion of a
21 district so designated shall be contiguous to the approved
22 school district designated for attendance. Only entire grades
23 may be discontinued under this subsection and if a grade is
24 discontinued, all higher grades in that district shall also
25 be discontinued. A school district that has discontinued
26 one or more grades under this subsection has complied with
27 the requirements of section 275.1 relating to the maintenance
28 of twelve grades. A pupil who graduates from another school
29 district under this subsection shall receive a diploma from
30 the receiving district. Tuition shall be paid by the resident
31 district as provided in section 282.24, subsection 2. The
32 agreement shall provide for tuition, transportation, and
33 authority and liability of the affected boards.

34 Sec. 5. Section 282.7, unnumbered paragraph 2, Code 1983,
35 is amended to read as follows:

1 2. Any A school district which does not have an area
2 vocational technical high school or program, established and
3 approved under ~~the provisions of~~ chapter 258, may permit a
4 resident child to attend school in another district which
5 has such a school or program. ~~Said~~ The child shall meet the
6 entrance requirements of the school district which has ~~such~~
7 ~~an~~ the area school or program. Tuition at the maximum rate
8 prescribed in section 282.24, subsection 1, but not
9 transportation, for such a child shall be paid by the resident
10 district as required in section 282.20.

11 Sec. 6. Section 282.20, unnumbered paragraph 1, Code 1983,
12 is amended to read as follows:

13 The school corporation in which the student resides shall
14 pay from the general fund to the secretary of the corporation
15 in which ~~he~~ the student is permitted to enroll, ~~the maximum~~
16 a tuition fee as prescribed in section 282.24.

17 Sec. 7. Section 282.24, Code 1983, is amended to read
18 as follows:

19 282.24 TUITION FEES ESTABLISHED.

20 1. There is established a maximum tuition fee ~~to~~ that
21 may be charged for ~~students,~~ elementary ~~or~~ and high school,
22 students residing within another school district or corporation
23 except students attending school in another district under
24 section 282.7, subsection 1. That fee is the district cost
25 per pupil of the receiving district as computed in section
26 442.9, subsection 1, paragraph "a".

27 Any A school corporation which owns facilities used as
28 attendance centers for students shall maintain an itemized
29 statement of the appraised value of all buildings owned by
30 the school corporation. Beginning July 1, 1976, the appraisal
31 shall be updated at least one time every five years.

32 The superintendent of public instruction shall, after July
33 1 but before September 1 of each year, notify every school
34 in the state, affected by this section, what the computed
35 maximum tuition rate shall be for the ensuing year.

1 ~~Nothing-in-this-section-shall-prevent~~ This subsection does
2 not prevent the corporation or district in which the student
3 resides from paying a tuition in excess of the maximum computed
4 tuition rates, if the actual per pupil cost of the preceding
5 year so warrants, but ~~in-no-case-may~~ the receiving district
6 or corporation shall not demand more than the maximum rate.

7 2. The tuition fee charged by the board of directors for
8 pupils attending school in the district under section 282.7,
9 subsection 1, shall not exceed the actual cost of providing
10 the educational program for either the high school or the
11 junior high school in that district and shall not be less
12 than the maximum tuition rate in that district. For the
13 purpose of this section, high school means a school which
14 commences with either grade nine or grade ten as determined
15 by the board of directors of the district, and junior high
16 school means the remaining grades commencing with grade seven.

17 Sec. 8. Section 282.17, Code 1983, is repealed.

18 EXPLANATION

19 This bill provides that a school district can discontinue
20 any or all of grades seven through twelve designating another
21 approved school or schools for the pupils to attend, and still
22 meet the twelve-grade requirement. The bill sets a tuition
23 rate for students from those districts. It strikes a section
24 allowing high school students to attend any district in the
25 state and part of an obsolete section that allowed school
26 districts to discontinue their facilities.

27 The bill takes effect July 1 following its enactment.

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HOUSE FILE 344
FISCAL NOTE

REQUESTED BY REPRESENTATIVE GROTH

In compliance with a written request received March 2, 1983, there is hereby submitted a Fiscal Note for House File 344 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

House File 344 is an Act which provides that a school district can discontinue any or all of grades seven through twelve designating another approved school or schools for the pupils to attend, and still meet the twelve-grade requirement. The bill sets a tuition rate charged by the board of directors for pupils attending school in the district. The tuition rates are not to exceed the actual cost of providing the program or be less than the maximum tuition rate in the district.

This Act does not change the way that state school aid is calculated. Although this Act could result in increased state cost as a result of the state foundation programs supplementary weighting plan which gives an extra one-tenth (1/10) weighting for pupils attending classes in another school district. The amount of this cost would vary directly with the number of students being shared.

The fiscal impact on individual school districts would need to be calculated according to the circumstances of each district.

(663H, 83-315, GPD)

FILED MARCH 14, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 344

AN ACT

RELATING TO THE REQUIREMENT THAT SCHOOL DISTRICTS MAINTAIN
TWELVE GRADES AND TO PROVIDE FOR TUITION PAYMENTS BY THOSE
DISTRICTS NOT MAINTAINING TWELVE GRADES.

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

Section 1. Section 257.28, Code 1983, is amended to read
as follows:

257.28 NONRESIDENT PUPILS. The boards of directors of
two or more school districts may by agreement provide for
attendance of pupils residing in one district in the schools
of another district for the purpose of taking courses not
offered in the district of their residence. The boards may
also provide by agreement that the districts will combine
their enrollments for one or more grades. Courses and grades
made available to students in this manner shall be considered
as complying with any standards or laws requiring the offering
of such courses and grades. The boards of directors of
districts entering into such agreements may provide for sharing
the costs and expenses of such courses.

Sec. 2. Section 275.1, unnumbered paragraph 1, Code 1983,
is amended to read as follows:

It is declared to be the policy of the state to encourage
economical and efficient school districts which will ensure
an equal educational opportunity to all children of the state.
All areas of the state shall be in school districts maintain-
ing twelve grades. If any school district ceases to maintain
twelve grades except as otherwise provided in sections 280.15,
and 257.28, and 282.7, subsection 1, it shall reorganize
within six months or the state board shall attach the school
district not maintaining twelve grades to one or more adjacent
districts. Voluntary reorganizations under this chapter shall
be commenced only if the affected school districts are
contiguous to one another. A reorganized district shall meet
the requirements of section 275.3.

Sec. 3. Section 282.1, Code 1983, is amended to read as
follows:

282.1 SCHOOL AGE--NONRESIDENTS. Persons between five
and twenty-one years of age ~~shall be~~ are of school age. A
board may establish and maintain evening schools for all
residents of the corporation regardless of age and for which
no tuition need be charged. Nonresident children shall be
charged the maximum tuition rate as determined in section
282.24, subsection 1, with the exception that those ~~nonresident~~
residing temporarily in any a school corporation may attend
school therein in the corporation upon such terms as prescribed
by the board may determine and boards discontinuing grades
under section 282.7, subsection 1, shall be charged tuition
as provided in section 282.24, subsection 2.

Sec. 4. Section 282.7, unnumbered paragraph 1, Code 1983,
is amended by striking the unnumbered paragraph and inserting
in lieu thereof the following:

1. The board of directors of a school district by record
action may discontinue any or all of grades seven through
twelve and negotiate an agreement for attendance of the pupils

enrolled in those grades in the schools of one or more contiguous school districts having approved school systems. If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school districts of attendance of the pupils. The portion of a district so designated shall be contiguous to the approved school district designated for attendance. Only entire grades may be discontinued under this subsection and if a grade is discontinued, all higher grades in that district shall also be discontinued. A school district that has discontinued one or more grades under this subsection has complied with the requirements of section 275.1 relating to the maintenance of twelve grades. A pupil who graduates from another school district under this subsection shall receive a diploma from the receiving district. Tuition shall be paid by the resident district as provided in section 282.24, subsection 2. The agreement shall provide for tuition, transportation, and authority and liability of the affected boards.

Sec. 5. Section 282.7, unnumbered paragraph 2, Code 1983, is amended to read as follows:

2. ~~Any~~ A school district which does not have an area vocational technical high school or program, established and approved under ~~the provisions of~~ chapter 258, may permit a resident child to attend school in another district which has such a school or program. ~~Said~~ The child shall meet the entrance requirements of the school district which has such ~~an~~ the area school or program. Tuition at the maximum rate prescribed in section 282.24, subsection 1, but not transportation, for such a child shall be paid by the resident district as required in section 282.20.

Sec. 6. Section 282.20, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The school corporation in which the student resides shall pay from the general fund to the secretary of the corporation

in which ~~he~~ the student is permitted to enroll, ~~the maximum~~ a tuition fee as prescribed in section 282.24.

Sec. 7. Section 282.24, Code 1983, is amended to read as follows:

282.24 TUITION FEES ESTABLISHED.

1. There is established a maximum tuition fee ~~to~~ that may be charged for ~~students,~~ elementary ~~or~~ and high school, students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1. That fee is the district cost per pupil of the receiving district as computed in section 442.9, subsection 1, paragraph "a".

Any A school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. Beginning July 1, 1976, the appraisal shall be updated at least one time every five years.

The superintendent of public instruction shall, after July 1 but before September 1 of each year, notify every school in the state, affected by this section, what the computed maximum tuition rate shall be for the ensuing year.

~~Nothing in this section shall prevent~~ This subsection does not prevent the corporation or district in which the student resides from paying a tuition in excess of the maximum computed tuition rates, if the actual per pupil cost of the preceding year so warrants, but ~~in no case may~~ the receiving district or corporation shall not demand more than the maximum rate.

2. The tuition fee charged by the board of directors for pupils attending school in the district under section 282.7, subsection 1, shall not exceed the actual cost of providing the educational program for either the high school or the junior high school in that district and shall not be less than the maximum tuition rate in that district. For the purpose of this section, high school means a school which commences with either grade nine or grade ten as determined

by the board of directors of the district, and junior high school means the remaining grades commencing with grade seven.

Sec. 8. Section 282.17, Code 1983, is repealed.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 344, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 28, 1983

TERRY E. BRANSTAD
Governor