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MAR 9 1993

HOUSE FILE 457
BY COMMITTEE ON EDUCATION

APPROPRIATIONS

(SUCCESSOR TO HSB 148)

Passed House, ^(p.1439) Date 4/20/93 Passed Senate, Date _____
Vote: Ayes 77 Nays 22 Vote: Ayes _____ Nays _____
Approved May 12, 1993

A BILL FOR

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

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

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HF 457

1 Section 1. Section 11.6, subsection 4, Code 1993, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. The auditor of the state receives from
4 the director of the department of education a written request
5 for an audit of a community college or a school corporation
6 pursuant to section 256.9, subsection 19.

7 Sec. 2. Section 256.9, subsection 51, Code 1993, is
8 amended by adding the following new paragraphs:

9 NEW PARAGRAPH. d. Discussion of the focus on the improve-
10 ment of student achievement and the attainment of student
11 achievement goals under sections 280.12 and 280.18.

12 NEW PARAGRAPH. e. Identification of assessment methods to
13 be used in determining the success of the program and the
14 impact on student achievement.

15 NEW PARAGRAPH. f. Description of the relationship between
16 the district's phase III plan and the comprehensive school
17 transformation plan.

18 NEW PARAGRAPH. g. Plans for periodic reports to the
19 department of education and the community.

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

23 Phase I shall consist of annual monitoring by the
24 department of education of all accredited schools and school
25 districts for compliance with accreditation standards adopted
26 by the state board of education as provided in this section.
27 The phase I monitoring requires that accredited schools and
28 school districts annually complete accreditation compliance
29 forms adopted by the state board and file them with the
30 department of education. Phase I monitoring requires a
31 comprehensive desk audit of all accredited schools and school
32 districts including review of accreditation compliance forms,
33 accreditation visit reports, methods of administration
34 reports, and reports submitted in compliance with sections
35 280.12 and 280.18.

1 The department shall conduct site visits to schools and
2 school districts to address accreditation issues identified in
3 the desk audit. Such a visit may be conducted by an
4 individual departmental consultant or may be a comprehensive
5 site visit by a team of departmental consultants and other
6 educational professionals. The purpose of a comprehensive
7 site visit is to determine that a district is in compliance
8 with minimum standards and to provide a general assessment of
9 educational practices in a school or school district and make
10 recommendations with regard to the visit findings for the
11 purposes of improving educational practices above the level of
12 minimum compliance. The department shall establish a long-
13 term schedule of site visits that includes visits of all
14 accredited schools and school districts at least once every
15 five years.

16 Sec. 4. Section 256.11, subsection 12, Code 1993, is
17 amended to read as follows:

18 12. During the period of time specified in the plan for
19 its implementation by a school district or nonpublic school,
20 the ~~school-or~~ school district or school remains accredited.
21 The accreditation committee shall revisit the school district
22 or nonpublic school and shall determine whether the
23 deficiencies in the standards have been corrected and shall
24 make a report and recommendation to the director and the state
25 board. The committee recommendation shall specify whether the
26 school district or school shall remain accredited or under
27 what conditions the district may remain accredited. The con-
28 ditions may include, but are not limited to, providing
29 temporary oversight authority, operational authority, or both
30 oversight and operational authority to the director and the
31 state board for some or all aspects of the school district
32 operation, in order to bring the school district into
33 compliance with minimum standards. The state board shall
34 review the report and recommendation, may request additional
35 information, and shall determine whether the deficiencies have

1 been corrected. If the deficiencies have not been corrected,
2 and the conditional accreditation alternatives contained in
3 the report are not mutually acceptable to the local board and
4 the state board, the state board shall merge the territory of
5 the school district with one or more contiguous school
6 districts at the end of the school year. Division of assets
7 and liabilities of the school district shall be as provided in
8 sections 275.29 through 275.31. Until the merger is
9 completed, and subject to a decision by the state board of
10 education, the school district shall pay tuition for its
11 resident students to an accredited school district under
12 section 282.24. However, in lieu of merger and payment of
13 tuition by a nonaccredited school district, the state board
14 may place a district under receivership for the remainder of
15 the school year. The receivership shall be under the direct
16 supervision and authority of the director. The decision of
17 whether to merge the school district and require payment of
18 tuition for the district's students or to place the district
19 under receivership shall be based upon a determination by the
20 state board of the best interests of the students, parents,
21 residents of the community, teachers, administrators, and
22 board members of the district and the recommendations of the
23 accreditation committee and the director. If the state board
24 declares a nonpublic school to be nonaccredited, the removal
25 of accreditation shall take effect on the date established by
26 the resolution of the state board, which shall be no later
27 than the end of the school year in which the nonpublic school
28 is declared to be nonaccredited.

29 Sec. 5. Section 257.45, Code 1993, is amended to read as
30 follows:

31 257.45 SUBMISSION OF PROGRAM PLANS.

32 The board of directors of a school district requesting to
33 use additional allowable growth for gifted and talented
34 children programs shall submit applications for approval for
35 the programs to the department not later than November 1

1 preceding the fiscal year during which the program will be
2 offered unless the department has granted the district an
3 extension of the deadline. The board shall also submit a copy
4 of the program plans to the gifted and talented children
5 advisory council, if an advisory council has been established.
6 The department shall review the program plans and shall ~~prior~~
7 ~~to-January-15~~ either grant approval for the program or return
8 the request for approval with comments of the department
9 included. Any unapproved request for a program may be
10 resubmitted with modifications to the department not later
11 than ~~February-1~~ a date set by the department. Not later than
12 February 15 the department shall notify the department of
13 management and the school budget review committee of the names
14 of the school districts for which gifted and talented children
15 programs using additional allowable growth for funding have
16 been approved and the approved budget of each program listed
17 separately for each school district having an approved
18 program.

19 Sec. 6. Section 257.46, Code 1993, is amended to read as
20 follows:

21 257.46 FUNDING.

22 The budget of an approved gifted and talented children
23 program for a school district, after subtracting funds
24 received from other sources for that purpose, shall be funded
25 annually on a basis of one-fourth or more from the district
26 cost of the school district and up to three-fourths by an
27 increase in allowable growth as defined in section 257.8. The
28 approved budget for a gifted and talented children program
29 shall not exceed an amount equal to one and ~~two-tenths~~ twenty-
30 four hundredths percent of the district cost per pupil of the
31 district for the base year multiplied by the budget enrollment
32 of the district for the budget year. Annually, the department
33 of management shall establish a modified allowable growth for
34 each such district equal to the difference between the
35 approved budget for the gifted and talented children program

1 for that district and the sum of the amount funded from the
2 district cost of the school district plus funds received from
3 other sources. If any portion of the gifted and talented
4 program budget remains unexpended at the end of the budget
5 year, the part of the remainder equal to the proportion of the
6 original budget which was funded by an increase in allowable
7 growth as defined in section 257.8 shall be carried over to
8 the subsequent budget year and added to the gifted and
9 talented program budget for that year.

10 Sec. 7. Section 279.35, Code 1993, is amended to read as
11 follows:

12 279.35 PUBLICATION OF PROCEEDINGS.

13 The proceedings of each regular, adjourned, or special
14 meeting of the board, including the schedule of bills allowed,
15 shall be published after the adjournment of the meeting in the
16 manner provided in this section and section 279.36, and the
17 publication of the schedule of the bills allowed shall include
18 a list of claims allowed, including salary claims for services
19 performed. The schedule of bills allowed may be published on
20 a once monthly basis in lieu of publication with the
21 proceedings of each meeting of the board. The list of claims
22 allowed shall include the name of the person or firm making
23 the claim, the purpose of the claim, and the amount of the
24 claim. However, salaries paid to individuals regularly
25 employed by the district shall only be published annually and
26 the publication shall include the total amount of the annual
27 salary of each employee. The secretary, within two weeks
28 following the adjournment of the meeting, shall furnish a copy
29 of the proceedings to be published ~~within-two-weeks-following~~
30 ~~the-adjournment-of-the-meeting.~~

31 Sec. 8. Section 280.4, Code 1993, is amended by striking
32 the section and inserting in lieu thereof the following:

33 280.4 LIMITED ENGLISH PROFICIENCY -- WEIGHTING.

34 1. The medium of instruction in all secular subjects
35 taught in both public and nonpublic schools shall be the

1 English language, except when the use of a foreign language is
2 deemed appropriate in the teaching of any subject or when the
3 student is limited English proficient. When the student is
4 limited English proficient, both public and nonpublic schools
5 shall provide special instruction, which shall include but
6 need not be limited to either instruction in English as a
7 second language or transitional bilingual instruction until
8 the student is fully English proficient or demonstrates a
9 functional ability to speak, read, write, and understand the
10 English language. As used in this section, "limited English
11 proficient" means a student's language background is in a
12 language other than English, and the student's proficiency in
13 English is such that the probability of the student's academic
14 success in an English-only classroom is below that of an
15 academically successful peer with an English language
16 background. "Fully English proficient" means a student who is
17 able to read, understand, write, and speak the English
18 language and to use English to ask questions, to understand
19 teachers and reading materials, to test ideas, and to
20 challenge what is being asked in the classroom.

21 2. The department of education shall adopt rules relating
22 to the identification of limited English proficient students
23 who require special instruction under this section and to
24 application procedures for funds available under this section.

25 3. In order to provide funds for the excess costs of
26 instruction of limited English proficient students above the
27 costs of instruction of pupils in a regular curriculum,
28 students identified as limited English proficient shall be
29 assigned an additional weighting that shall be included in the
30 weighted enrollment of the school district of residence for a
31 period not exceeding three years. However, the school budget
32 review committee may grant supplemental aid or modified
33 allowable growth to a school district to continue funding a
34 program for students after the expiration of the three-year
35 period. The school budget review committee shall calculate

1 the additional amount for the weighting to the nearest one-
2 hundredth of one percent so that to the extent possible the
3 moneys generated by the weighting will be equivalent to the
4 moneys generated by the two-tenths weighting provided prior to
5 July 2, 1991.

6 Sec. 9. Section 285.1, subsection 1, Code 1993, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. c. Children attending prekindergarten
9 programs offered or sponsored by the district may be provided
10 transportation services.

11 Sec. 10. Section 285.10, subsection 7, paragraph b, Code
12 1993, is amended to read as follows:

13 b. May purchase buses and enter into contract to pay for
14 such buses over a five-year period as follows: One-fourth of
15 the cost when the bus is delivered and the balance in equal
16 annual installments, plus simple interest due. The interest
17 rate shall be the lowest rate available and shall not exceed
18 the rate in effect under section 74A.2. The bus shall serve
19 as security for balance due. ~~Bus-bodies-and-chassis-shall-be~~
20 ~~purchased-on-separate-contracts~~ Competitive bids on comparable
21 equipment shall be requested on all school bus body and
22 chassis purchases and shall be based upon minimum construction
23 standards established by the department of education.
24 Separate body and chassis bids shall be requested unless the
25 bus is constructed as an integral unit, inseparable as to body
26 and chassis, by the manufacturer or is a used or demonstrator
27 bus.

28 Sec. 11. Section 291.2, Code 1993, is amended by striking
29 the section and inserting in lieu thereof the following:

30 291.2 BONDS OF SECRETARY AND TREASURER.

31 The secretary and treasurer, within ten days after
32 appointment and before entering upon the duties of the office,
33 shall execute to the school corporation a surety bond in an
34 amount sufficient to cover current operations as determined by
35 the board. All such bonds shall be continued to the faithful

1 discharge of the duties of the office. The amount and
2 sufficiency of all surety bonds shall be determined and
3 approved by the board and shall be filed with the president.
4 The cost of the surety bond shall be paid by the school
5 corporation. If a single person serves as secretary and
6 treasurer, pursuant to section 279.3 or 260C.12, only one bond
7 is necessary for that person. The secretary and treasurer may
8 give bond under a single bond covering other employees of the
9 district.

10 Sec. 12. Section 291.7, Code 1993, is amended to read as
11 follows:

12 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

13 The secretary of each district shall file ~~monthly~~_{7-on-or}
14 ~~before-the-tenth-day-of-each-month~~₇ with the board of
15 directors, a complete statement of all receipts and
16 disbursements from the various funds during the preceding
17 month, and also the balance remaining on hand in the various
18 funds at the close of the period covered by ~~said~~ the
19 statement, which monthly statements shall be open to public
20 inspection.

21 Sec. 13. Section 294A.16, unnumbered paragraph 1, Code
22 1993, is amended to read as follows:

23 A plan adopted by the board of directors of a school
24 district or area education agency shall be submitted to the
25 department of education not later than ~~April-15~~ May 31 of a
26 school year for that school year for a school district, and
27 not later than June 15 of a school year for that school year
28 for an area education agency. Amendments to multiple year
29 plans may be submitted annually.

30 Sec. 14. Section 321.375, subsection 2, paragraph d, Code
31 1993, is amended to read as follows:

32 d. The commission of or conviction for a public offense as
33 defined by the Iowa criminal code, if the offense is relevant
34 to and affects driving ability, or if the offense includes
35 sexual involvement with a minor student with the intent to

1 commit acts and practices proscribed under sections 709.2
2 through 709.4, section 709.8, and sections 725.1 through
3 725.3, or is a violation of the rules of the department of
4 education adopted to implement section 280.17.

5 Sec. 15. Section 321.376, subsection 1, Code 1993, is
6 amended to read as follows:

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

33 Sec. 16. EFFECTIVE DATE. Section 8 and section 14 of this
34 Act, being deemed of immediate importance, take effect upon
35 enactment.

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EXPLANATION

2 This bill relates to school administration, accreditation,
3 finance, and transportation and amends the enumerated Code
4 sections as follows:

5 Section 11.6, subsection 4, paragraph d. Provides that de-
6 partment of education-requested audits be paid from audit
7 filing fees.

8 Section 256.9, subsection 51, new paragraphs d, e, f, g.
9 Provides a mechanism whereby schools and school districts may
10 seek exemptions from specific standards for the purpose of
11 implementing a comprehensive school transformation plan.

12 Section 256.11, subsection 10. Provides for desk and site
13 audits of accredited schools by the department of education.
14 Desk audits are to be completed annually with on-site audits
15 conducted at least every five years.

16 Section 256.11, subsection 12. Provides that the
17 accreditation committee shall specify whether a school
18 district remains accredited and if not, under what conditions
19 it remains accredited. A receivership option for the
20 remainder of a school year is provided for.

21 Section 257.11. Provides for a five-year extension of
22 supplementary weighting for districts sharing a curriculum
23 specialist.

24 Section 257.18, subsection 3. Provides for the
25 continuation of the enrichment levy in reorganized school
26 districts and defines where the levy may be continued.

27 Section 257.45. Provides that the department of education
28 may grant an extension of the deadline by which a school
29 district may request additional allowable growth for gifted
30 and talented programs.

31 Section 257.46. Provides a formula for calculating gifted
32 and talented program budgets and provides that funds remaining
33 from funding of the gifted and talented program from an
34 increase in allowable growth shall be carried over to the next
35 year.

1 Section 279.35. Provides that the proceedings of all
2 meetings of a school board be sent to the publisher within two
3 weeks of the meeting by the secretary.

4 Section 280.4. Defines limited English proficient and
5 fully English proficient and continues the current weighting
6 for limited English proficient students under the school aid
7 formula.

8 Section 285.1, subsection 1, paragraph c. Provides that a
9 district may provide transportation for children attending
10 prekindergarten programs sponsored by the district.

11 Section 285.10, subsection 7, paragraph b. Allows for
12 school bus bodies and chassis to be purchased on the same
13 contract and requires competitive bidding.

14 Section 291.2. Provides for surety bond coverage for the
15 school district secretary and treasurer with the amount to be
16 determined by the board and paid for by the school
17 corporation.

18 Section 294A.16. Changes date for submission of Phase III
19 plan from April 15 to May 31 for school districts to submit to
20 department of education.

21 Section 321.375, subsection 2, paragraph d. Provides that
22 a violation of the rules of the department of education is
23 grounds for immediate suspension of a school bus driver from
24 duty.

25 Section 321.376, subsection 1. Allows for driving an empty
26 school bus with a valid driver's license.

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HOUSE FILE 457
FISCAL NOTE

A fiscal note for House File 457 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 457 relates to school administration, accreditation, finance, transportation, and official newspaper publication. In regards to fiscal impact, this bill changes the way that funds for talented and gifted programs are generated. Current law calculates talented and gifted program funding by multiplying one and two-tenths percent of the district's cost per pupil for the budget year by a district's budget enrollment for the budget year. This bill would change the calculation of talented and gifted programs by multiplying one and twenty-four hundredths percent of the district's cost per pupil for the base year (budget year just being completed compared to current law using upcoming budget year) times the budget enrollment for the budget year (same as current law).

ASSUMPTIONS:

1. That all school districts participate in talented and gifted programs.
2. That the budget enrollment for FY 1995 is held constant at the FY 1994 level.
3. That funding for talented and gifted programs comes exclusively from property taxes.
4. That the talented and gifted programs funding per pupil is based on 1.24% of the district's cost per pupil for the base year or the budget year just being completed. Current law talented and gifted funding per pupil is based on 1.2% of the district's cost per pupil for the budget year or the upcoming budget year.
5. That the budget enrollment multiplied by the percent of the district cost for talented and gifted programs is for the budget year or the upcoming budget year.
6. That the allowable growth factor is 2.1% for FY 1994 and 0.0% for FY 1995.
7. That the portion of the bill impacting talented and gifted programs takes effect in FY 1995.

FISCAL IMPACT:

House File 457 is estimated to increase funding for local school districts by a maximum of \$700,000 for talented and gifted programs in FY 1995. This increase could be funded by property taxes exclusively. (LSB 1214hv. BDH)

ED MARCH 17, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 457

H-3346

- 1 Amend House File 457 as follows:
- 2 1. Page 5, line 13, by inserting after the word
- 3 "proceedings" the following: "or summary of the
- 4 proceedings".
- 5 2. Page 5, line 29, by inserting after the word
- 6 "proceedings" the following: "or summary of the
- 7 proceedings".

By GRUNDBERG of Polk

H-3346 FILED MARCH 18, 1993

Out of Order 4-20-93

HOUSE FILE 457

H-3390

- 1 Amend House File 457 as follows:
- 2 1. Page 5, line 14, by striking the words "
- 3 including the schedule of bills allowed," and
- 4 inserting the following: ~~"including the schedule of~~
- 5 ~~bills allowed,"~~.
- 6 2. Page 5, by striking lines 16 through 25 and
- 7 inserting the following: "manner provided in this
- 8 section and section 279.36, ~~and the publication of the~~
- 9 ~~schedule of the bills allowed shall include a list of~~
- 10 ~~claims allowed, including salary claims for services~~
- 11 ~~performed. The schedule of bills allowed may be~~
- 12 ~~published on a once monthly basis in lieu of~~
- 13 ~~publication with the proceedings of each meeting of~~
- 14 ~~the board. The list of claims allowed shall include~~
- 15 ~~the name of the person or firm making the claim, the~~
- 16 ~~purpose of the claim, and the amount of the claim.~~
- 17 ~~However, salaries~~ Salaries paid to individuals
- 18 regularly employed by the district shall only be
- 19 published annually and".
- 20 3. Page 5, line 30, by inserting after the word
- 21 "meeting." the following: "In addition a list of
- 22 claims allowed at the meeting shall be available to
- 23 the public at each school district building,
- 24 administrative offices of the board, and libraries
- 25 within the district.
- 26 During the second week of August of each year, the
- 27 board shall publish by one insertion in at least one
- 28 newspaper published in the district a summarized
- 29 statement verified by affidavit of the secretary of
- 30 the board showing the receipts and disbursements of
- 31 all funds of the school corporation for the preceding
- 32 fiscal year. The statement of disbursements shall
- 33 show the names of the persons, firms, or corporations,
- 34 and the total amount paid to each during the fiscal
- 35 year."

By GRUNDBERG of Polk

H-3390 FILED MARCH 23, 1993

Out of Order 4/20/93 (p. 1439)

HOUSE FILE 457

H-3221

Amend House File 457 as follows:

1. Page 9, by inserting after line 32 the following:

"Sec. ____ COUNTY-WIDE SCHOOL DISTRICT STUDY. The department of education shall conduct a study of the feasibility of establishing a pilot project which would create a county-wide school district in a county which contains within its boundaries all of the following:

1. At least one school district with more than 11,000, but fewer than 13,000 pupils.
2. A regents institution of higher learning.
3. A community college.
4. A laboratory school.

This proposed county-wide school district would incorporate all school districts located wholly or partially in the county. This study shall include, but not be limited to, proposals relating to administrative structure, curricula for programs for specialized needs, the relationship with the area education agency, transportation needs, condition of school facilities and equipment, funding, needs for instructional materials, and extracurricular activities. A report on this study shall be presented to the general assembly by January 15, 1994."

out of order 4/20/93

By SHOULTZ of Black Hawk
HARPER of Black Hawk

H-3221 FILED MARCH 11, 1993

HOUSE FILE 457

H-3340

Amend House File 457 as follows:

1. Page 3, by inserting after line 28 the following:

"Sec. ____ Section 257.11, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 8. SHARED CURRICULUM SPECIALISTS. If a district was receiving additional weighting for sharing a curriculum specialist under section 442.39, subsection 4, Code 1991, and requested the assignment of supplementary weighting for a period of five years for the shared curriculum specialist prior to the September 1989 certified enrollment, the district may continue to request the assignment of supplementary weighting for an additional period of five years. The final date for requesting the assignment of supplementary weighting shall be September 1997 for those assignments beginning in 1988 and September 1998 for those assignments beginning in 1989."

2. By renumbering as necessary.

By DICKINSON of Jackson

H-3340 FILED MARCH 17, 1993

*out of order
4/20/93*

HOUSE FILE 457

H-3391

1 Amend House File 457 as follows:
 2 1. Page 5, by striking lines 10 through 30 and
 3 inserting the following:
 4 "Sec. ____ . Section 260C.23, subsection 12, Code
 5 1993, is amended to read as follows:
 6 12. During the second week of August of each year,
 7 publish by one insertion in at least one newspaper
 8 published in the merged area a summarized statement
 9 verified by affidavit of the secretary of the board
 10 showing the receipts and disbursements of all funds of
 11 the community college for the preceding fiscal year.
 12 The statement of disbursements shall show the names of
 13 the persons, firms, or corporations, and the total
 14 amount paid to each during the fiscal year. ~~The board~~
 15 ~~is not required to make the publications and notices~~
 16 ~~required under sections 279.34, 279.35, and 279.36.~~
 17 Sec. ____ . Section 279.35, Code 1993, is amended by
 18 striking the section and inserting in lieu thereof the
 19 following:
 20 279.35 AVAILABILITY OF PROCEEDINGS AND CLAIMS
 21 ALLOWED -- PUBLICATION.
 22 Within two weeks following the adjournment of a
 23 meeting of the board, the proceedings of and claims
 24 allowed at the meeting shall be available to the
 25 public at each school district building,
 26 administrative offices of the board, and libraries
 27 within the district.
 28 During the second week of August of each year, the
 29 board shall publish by one insertion in at least one
 30 newspaper published in the district a summarized
 31 statement verified by affidavit of the secretary of
 32 the board showing the receipts and disbursements of
 33 all funds of the school corporation for the preceding
 34 fiscal year. The statement of disbursements shall
 35 show the names of the persons, firms, or corporations,
 36 and the total amount paid to each during the fiscal
 37 year."
 38 2. Page 9, by inserting after line 32 the
 39 following:
 40 "Sec. ____ . Section 279.36, Code 1993, is
 41 repealed."

By GRUNDBERG of Polk

H-3391 FILED MARCH 23, 1993

out of order 4-20-93 (p. 1439)

HOUSE FILE 457

H-3392

1 Amend House File 457 as follows:
 2 1. Page 5, by inserting after line 30 the
 3 following:
 4 "Those school districts whose proceedings are
 5 televised are not required to publish the proceedings
 6 of board meetings as otherwise required by this
 7 section."

By GRUNDBERG of Polk

H-3392 FILED MARCH 23, 1993

out of order 4/20/93 (p. 1439)

HOUSE FILE 457

H-3663

1 Amend House File 457 as follows:
 2 1. Page 3, by inserting before line 29 the
 3 following:
 4 "Sec. ____ . Section 257.7, Code 1993, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 3. INCREASING ENROLLMENT. If a
 7 school district's actual enrollment for the budget
 8 year is greater than its budget enrollment for the
 9 budget year, the district may amend its certified
 10 budget for that year to increase it by an amount not
 11 to exceed the lesser of the following:
 12 a. The product of the district cost per pupil for
 13 the budget year and the difference between the actual
 14 enrollment for the budget year and the budget
 15 enrollment for the budget year.
 16 b. The amount of actual cash in excess of its
 17 certified budget."

By DVORSKY of Johnson

H-3663 FILED APRIL 2, 1993

out of order 4/20/93 (P. 1439)

HOUSE FILE 457

H-3670

1 Amend House File 457 as follows:
 2 1. Page 3, by inserting after line 28 the
 3 following:
 4 "Sec. ____ . Section 257.11, Code 1993, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 8. SHARED CURRICULUM SPECIALISTS.
 7 If a district was receiving additional weighting for
 8 sharing a curriculum specialist under section 442.39,
 9 subsection 4, Code 1991, and requested the assignment
 10 of supplementary weighting for a period of five years
 11 for the shared curriculum specialist prior to the
 12 September 1989 certified enrollment, the district
 13 shall continue to receive the assignment of
 14 supplementary weighting for an additional period of
 15 five years. However, notwithstanding subsection 5,
 16 the additional weighting assigned pupils under this
 17 subsection for a budget year for a school district
 18 shall not exceed one-hundredth for each curriculum
 19 specialist who is jointly employed times the percent
 20 of the curriculum specialist's time in which the
 21 curriculum specialist is employed in the school
 22 district. The final date for receiving the assignment
 23 of supplementary weighting shall be September 1997 for
 24 those assignments beginning in 1988 and September 1998
 25 for those assignments beginning in 1989."

By DAGGETT of Union

KISTLER of Jefferson

DINKLA of Guthrie

KREIMAN of Davis

GRIES of Crawford

H-3670 FILED APRIL 2, 1993

out of order 4/20/93 (P. 1439)

HOUSE FILE 457

H-3686

- 1 Amend House File 457 as follows:
2 1. Page 9, by inserting after line 32 the
3 following:
4 "Sec. 201. 1992 Iowa Acts, chapter 1159, section
5 6, is repealed.
6 Sec. ____ . EFFECTIVE DATE. Section 201 of this
7 Act, being deemed of immediate importance, takes
8 effect upon enactment."
9 2. Page 9, by striking line 33 and inserting the
10 following:
11 "Sec. ____ . EFFECTIVE DATE. The language referring
12 to carrying over gifted and talented program funds to
13 a subsequent budget year in section 257.46, as amended
14 in this Act, and section 13 of this".
15 3. By renumbering as necessary.

By GRUBBS of Scott

H-3686 FILED APRIL 2, 1993

out of order 4-20-93 A 1439

HOUSE FILE 457

H-3714

- 1 Amend House File 457 as follows:
2 1. Page 1, by striking lines 7 through 19.
3 2. By striking page 3, line 29, through page 5,
4 line 9.
5 3. By renumbering as necessary.

By GRUBBS of Scott

H-3714 FILED APRIL 5, 1993

out of order 4-20-93

HOUSE FILE 457

H-3715

- 1 Amend House File 457 as follows:
2 1. Page 5, by inserting after line 30 the
3 following:
4 "The board of a school corporation may elect to
5 satisfy the requirements of this section regarding
6 publication of board proceedings or publication of a
7 schedule of bills allowed by mailing a monthly
8 newsletter containing the required information to each
9 mailing address in its district."

By GARMAN of Story

H-3715 FILED APRIL 5, 1993

out of order 4-20-93

H-3732

1 Amend the amendment, H-3390, to House File 457 as
2 follows:

3 1. Page 1, by striking lines 21 through 35 and
4 inserting the following: "meeting." the following:
5 "On a quarterly basis, the board shall publish by one
6 insertion in at least one newspaper published in the
7 district a summarized statement verified by affidavit
8 of the secretary of the board showing the receipts and
9 disbursements of the funds of the school corporation
10 for the preceding quarter. The statement of
11 disbursements shall show the names of the persons,
12 firms, or corporations, and the total amount paid to
13 each during the preceding quarter."

By GRUNDBERG of Polk

H-3732 FILED APRIL 6, 1993

Out of order 4/20/93 (P1439)

HOUSE FILE 457

H-4040

1 Amend House File 457 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

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

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

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

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

41 12. During the period of time specified in the
42 plan for its implementation by a school district or
43 nonpublic school, the ~~school~~ school district or
44 school remains accredited. The accreditation
45 committee shall revisit the school district or
46 nonpublic school and shall determine whether the
47 deficiencies in the standards have been corrected and
48 shall make a report and recommendation to the director
49 and the state board. The committee recommendation
50 shall specify whether the school district or school

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1 shall remain accredited or under what conditions the
2 district may remain accredited. The conditions may
3 include, but are not limited to, providing temporary
4 oversight authority, operational authority, or both
5 oversight and operational authority to the director
6 and the state board for some or all aspects of the
7 school district operation, in order to bring the
8 school district into compliance with minimum
9 standards. The state board shall review the report
10 and recommendation, may request additional
11 information, and shall determine whether the
12 deficiencies have been corrected. If the deficiencies
13 have not been corrected, and the conditional
14 accreditation alternatives contained in the report are
15 not mutually acceptable to the local board and the
16 state board, the state board shall merge the territory
17 of the school district with one or more contiguous
18 school districts at the end of the school year.
19 Division of assets and liabilities of the school
20 district shall be as provided in sections 275.29
21 through 275.31. Until the merger is completed, and
22 subject to a decision by the state board of education,
23 the school district shall pay tuition for its resident
24 students to an accredited school district under
25 section 282.24. However, in lieu of merger and
26 payment of tuition by a nonaccredited school district,
27 the state board may place a district under
28 receivership for the remainder of the school year.
29 The receivership shall be under the direct supervision
30 and authority of the director. The decision of
31 whether to merge the school district and require
32 payment of tuition for the district's students or to
33 place the district under receivership shall be based
34 upon a determination by the state board of the best
35 interests of the students, parents, residents of the
36 community, teachers, administrators, and board members
37 of the district and the recommendations of the
38 accreditation committee and the director. If the
39 state board declares a nonpublic school to be
40 nonaccredited, the removal of accreditation shall take
41 effect on the date established by the resolution of
42 the state board, which shall be no later than the end
43 of the school year in which the nonpublic school is
44 declared to be nonaccredited.

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

48 280.4 LIMITED ENGLISH PROFICIENCY -- WEIGHTING.

49 1. The medium of instruction in all secular
50 subjects taught in both public and nonpublic schools

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1 shall be the English language, except when the use of
2 a foreign language is deemed appropriate in the
3 teaching of any subject or when the student is limited
4 English proficient. When the student is limited
5 English proficient, both public and nonpublic schools
6 shall provide special instruction, which shall include
7 but need not be limited to either instruction in
8 English as a second language or transitional bilingual
9 instruction until the student is fully English
10 proficient or demonstrates a functional ability to
11 speak, read, write, and understand the English
12 language. As used in this section, "limited English
13 proficient" means a student's language background is
14 in a language other than English, and the student's
15 proficiency in English is such that the probability of
16 the student's academic success in an English-only
17 classroom is below that of an academically successful
18 peer with an English language background. "Fully
19 English proficient" means a student who is able to
20 read, understand, write, and speak the English
21 language and to use English to ask questions, to
22 understand teachers and reading materials, to test
23 ideas, and to challenge what is being asked in the
24 classroom.

25 2. The department of education shall adopt rules
26 relating to the identification of limited English
27 proficient students who require special instruction
28 under this section and to application procedures for
29 funds available under this section.

30 3. In order to provide funds for the excess costs
31 of instruction of limited English proficient students
32 above the costs of instruction of pupils in a regular
33 curriculum, students identified as limited English
34 proficient shall be assigned an additional weighting
35 that shall be included in the weighted enrollment of
36 the school district of residence for a period not
37 exceeding three years. However, the school budget
38 review committee may grant supplemental aid or
39 modified allowable growth to a school district to
40 continue funding a program for students after the
41 expiration of the three-year period. The school
42 budget review committee shall calculate the additional
43 amount for the weighting to the nearest one-hundredth
44 of one percent so that to the extent possible the
45 moneys generated by the weighting will be equivalent
46 to the moneys generated by the two-tenths weighting
47 provided prior to July 2, 1991.

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

50 NEW PARAGRAPH. c. Children attending

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Page 4

1 prekindergarten programs offered or sponsored by the
2 district may be provided transportation services.

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

5 b. May purchase buses and enter into contract to
6 pay for such buses over a five-year period as follows:
7 One-fourth of the cost when the bus is delivered and
8 the balance in equal annual installments, plus simple
9 interest due. The interest rate shall be the lowest
10 rate available and shall not exceed the rate in effect
11 under section 74A.2. The bus shall serve as security
12 for balance due. ~~Bus-bodies-and-chassis-shall-be~~
13 ~~purchased-on-separate-contracts~~ Competitive bids on
14 comparable equipment shall be requested on all school
15 bus body and chassis purchases and shall be based upon
16 minimum construction standards established by the
17 department of education. Separate body and chassis
18 bids shall be requested unless the bus is constructed
19 as an integral unit, inseparable as to body and
20 chassis, by the manufacturer or is a used or
21 demonstrator bus.

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

25 291.2 BONDS OF SECRETARY AND TREASURER.

26 The secretary and treasurer, within ten days after
27 appointment and before entering upon the duties of the
28 office, shall execute to the school corporation a
29 surety bond in an amount sufficient to cover current
30 operations as determined by the board. All such bonds
31 shall be continued to the faithful discharge of the
32 duties of the office. The amount and sufficiency of
33 all surety bonds shall be determined and approved by
34 the board and shall be filed with the president. The
35 cost of the surety bond shall be paid by the school
36 corporation. If a single person serves as secretary
37 and treasurer, pursuant to section 279.3 or 260C.12,
38 only one bond is necessary for that person. The
39 secretary and treasurer may give bond under a single
40 bond covering other employees of the district.

41 Sec. 7. Section 291.7, Code 1993, is amended to
42 read as follows:

43 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND
44 BALANCES.

45 The secretary of each district shall file monthly
46 ~~on-or-before-the-tenth-day-of-each-month,~~ with the
47 board of directors, a complete statement of all
48 receipts and disbursements from the various funds
49 during the preceding month, and also the balance
50 remaining on hand in the various funds at the close of

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Page 5

1 the period covered by said the statement, which
2 monthly statements shall be open to public inspection.

3 Sec. 8. Section 321.375, subsection 2, paragraph
4 d, Code 1993, is amended to read as follows:

5 d. The commission of or conviction for a public
6 offense as defined by the Iowa criminal code, if the
7 offense is relevant to and affects driving ability, or
8 if the offense includes sexual involvement with a
9 minor student with the intent to commit acts and
10 practices proscribed under sections 709.2 through
11 709.4, section 709.8, and sections 725.1 through
12 725.3, or is a violation of the rules of the
13 department of education adopted to implement section
14 280.17.

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

17 ~~1. The driver of a school bus shall hold a school~~
18 ~~bus driver's permit issued annually by the department~~
19 ~~of education and a driver's license issued by the~~
20 ~~department of transportation valid for the operation~~
21 ~~of the school bus. The driver of a school bus shall~~
22 ~~hold a driver's license issued by the department of~~
23 ~~transportation valid for the operation of the school~~
24 ~~bus and shall hold a school bus driver's permit issued~~
25 ~~by the department of education when transporting~~
26 ~~student or adult passengers to or from school~~

27 activities. The department of education shall charge
28 a fee for the issuance of a school bus driver's permit
29 in the amount of five dollars, which shall be
30 deposited in the general fund of the state. A person
31 holding a temporary restricted license issued under
32 chapter 321J shall be prohibited from operating a
33 school bus. The department of education shall revoke
34 or refuse to issue a permit to any person who, after
35 notice and opportunity for hearing, is determined to
36 have committed any of the acts proscribed under
37 section 321.375, subsection 2. The department of
38 education shall recommend, and the state board of
39 education shall adopt under chapter 17A, rules and
40 procedures for the revocation and issuance of permits
41 to persons. Rules and procedures adopted shall
42 include, but are not limited to, provisions for the
43 revocation of, or refusal to issue, permits to persons
44 who are determined to have committed any of the acts
45 proscribed under section 321.375, subsection 2.

46 Sec. 10. REPEAL. 1992 Iowa Acts, chapter 1159,
47 section 6, is repealed.

48 Sec. 11. EFFECTIVE DATE. Section 10 of this Act,
49 being deemed of immediate importance, takes effect
50 upon enactment."

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-5-

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Page 6

1 2. Title page, by striking line 2 and inserting
2 the following: "transportation, and".

Adopted 4/20/93 (P.1439) By GRUBBS of Scott
OLLIE of Clinton

H-4040 FILED APRIL 19, 1993

~~H-3871~~
371

HOUSE FILE 457

1 Amend the amendment, H-3670, to House File 457 as
2 follows:

3 1. Page 1, by striking lines 7 through 25 and
4 inserting the following:

5 "School districts may jointly employ a curriculum
6 specialist. The additional weighting assigned pupils
7 under this subsection for a budget year for a school
8 district jointly employing a curriculum specialist
9 shall not exceed one-hundredth for each curriculum
10 specialist who is jointly employed times the percent
11 of the curriculum specialist's time during which the
12 curriculum specialist is employed in the school dis-
13 trict. The department of management shall determine
14 the additional state aid generated under this
15 subsection for each school district for a budget year,
16 and notwithstanding sections 294A.16, 294A.18, and
17 294A.25, the department of education shall deduct an
18 amount equal to that additional state aid from phase
19 III moneys to be paid to the school district for that
20 budget year. If the amount of phase III moneys to be
21 paid to the school district for that budget year is
22 less than the additional state aid generated under
23 this subsection, the district shall only receive
24 additional state aid equal to the amount of phase III
moneys to be paid to the school district."

By DAGGETT of Union

H-3871 FILED APRIL 12, 1993

out of order 4/20/93

HOUSE FILE 457

H-4066

1 Amend the amendment, H-4040, to House File 457 as
2 follows:
3 1. Page 2, by inserting after line 44 the
4 following:
5 "Sec. ____ . Section 257.11, Code 1993, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. SHARED CURRICULUM SPECIALISTS.
8 For those school districts which jointly employed a
9 curriculum specialist prior to June 30, 1993, the
10 additional weighting assigned pupils under this
11 subsection for a budget year for a school district
12 jointly employing a curriculum specialist shall not
13 exceed one-hundredth for each curriculum specialist
14 who is jointly employed times the percent of the
15 curriculum specialist's time during which the
16 curriculum specialist is employed in the school dis-
17 trict. The department of management shall determine
18 the additional state aid generated under this
19 subsection for each school district for a budget year,
20 and notwithstanding sections 294A.16, 294A.18, and
21 294A.25, the department of education shall deduct an
22 amount equal to that additional state aid from phase
23 III moneys to be paid to the school district for that
24 budget year. If the amount of phase III moneys to be
25 paid to the school district for that budget year is
26 less than the additional state aid generated under
27 this subsection, the district shall only receive
28 additional state aid equal to the amount of phase III
29 moneys to be paid to the school district."

By DAGGETT of Union

H-4066 FILED APRIL 20, 1993

Not Germane 4/20/93

(P.1439)

H-4059

1 Amend the amendment, H-4040, to House File 457, as
2 follows:

3 1. Page 2, by inserting after line 44 the
4 following:

5 "Sec. ____ . Section 279.35, Code 1993, is amended
6 to read as follows:

7 279.35 PUBLICATION OF PROCEEDINGS.

8 The proceedings of each regular, adjourned, or
9 special meeting of the board, ~~including the schedule~~
10 ~~of bills allowed,~~ shall be published after the
11 adjournment of the meeting in the manner provided in
12 this section and section 279.36, ~~and the publication~~
13 ~~of the schedule of the bills allowed shall include a~~
14 ~~list of claims allowed, including salary claims for~~
15 ~~services performed.~~ The schedule of bills allowed may
16 be published on a ~~once-monthly~~ quarterly basis in lieu
17 of publication with the proceedings of each meeting of
18 the board. The list of claims allowed shall include
19 the name of the person or firm making the claim, the
20 purpose of the claim, and the amount of the claim.
21 However, salaries paid to individuals regularly
22 employed by the district shall only be published
23 annually and the publication shall include the total
24 amount of the annual salary of each employee. Those
25 school districts whose proceedings are televised are
26 not required to publish the proceedings of board
27 meetings as otherwise required in this section. The
28 secretary shall furnish a copy of the proceedings to
29 be published within two weeks following the
30 adjournment of the meeting."

31 2. By renumbering as necessary.

By GRUNDBERG of Polk

H-4059 FILED APRIL 20, 1993

Not Derrone (p.1438)
4/20/93

HOUSE FILE 457
BY COMMITTEE ON EDUCATION
Substituted for SF 421 4/28/93
(SUCCESSOR TO HSB 148) (P. 1419)

(As Amended and Passed by the House April 20, 1993)

Passed House, ^(P. 1439) Date 4/20/93 Passed Senate, ^(P. 1420) Date 4/28/93
Vote: Ayes 77 Nays 22 Vote: Ayes 39 Nays 8
Approved May 12, 1993

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:

5
6 All New Language by the House
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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 continued to the faithful
15 discharge of the duties of the office. The amount and
16 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-month7~~ 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.

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Grubbs, chair
Hurley
Nelson

HSB 148

EDUCATION

SENATE/HOUSE FILE 457
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

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

A BILL FOR

1 An Act relating to school administration, accreditation, finance,
2 transportation, and official newspaper publication.

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

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1 Section 1. Section 11.6, subsection 4, Code 1993, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. The auditor of the state receives from
4 the director of the department of education a written request
5 for an audit of a community college or a school corporation
6 pursuant to section 256.9, subsection 19.

7 Sec. 2. Section 256.9, subsection 51, Code 1993, is
8 amended by adding the following new paragraphs:

9 NEW PARAGRAPH. d. Discussion of the focus on the improve-
10 ment of student achievement and the attainment of student
11 achievement goals under sections 280.12 and 280.18.

12 NEW PARAGRAPH. e. Identification of assessment methods to
13 be used in determining the success of the program and the
14 impact on student achievement.

15 NEW PARAGRAPH. f. Description of the relationship between
16 the district's phase III plan and the comprehensive school
17 transformation plan.

18 NEW PARAGRAPH. g. Plans for periodic reports to the
19 department of education and the community.

20 Sec. 3. Section 256.11, subsection 5, paragraph g,
21 unnumbered paragraph 1, Code 1993, is amended to read as
22 follows:

23 All students physically able shall be required to
24 participate in physical education activities during each
25 semester they are enrolled in school except as otherwise
26 provided in this paragraph. A minimum of one-eighth unit each
27 semester is required. A twelfth grade student who meets the
28 requirements of this paragraph may be excused from the
29 physical education requirement for up to one semester,
30 trimester, or the equivalent of a semester or trimester, per
31 year, by the principal of the school in which the student is
32 enrolled if the parent or guardian of the student requests in
33 writing that the student be excused from the physical
34 education requirement. A student who wishes to be excused
35 from the physical education requirement must be seeking to be

1 excused in order to enroll in academic courses not otherwise
2 available to the student, or be enrolled or participating in
3 one of the following:

4 Sec. 4. Section 256.11, subsection 10, unnumbered
5 paragraph 2, Code 1993, is amended by striking the paragraph
6 and inserting in lieu thereof the following:

7 Phase I shall consist of annual monitoring by the
8 department of education of all accredited schools and school
9 districts for compliance with accreditation standards adopted
10 by the state board of education as provided in this section.
11 The phase I monitoring requires that accredited schools and
12 school districts annually complete accreditation compliance
13 forms adopted by the state board and file them with the
14 department of education. Phase I monitoring requires a
15 comprehensive desk audit of all accredited schools and school
16 districts including review of accreditation compliance forms,
17 accreditation visit reports, methods of administration
18 reports, and reports submitted in compliance with sections
19 280.12 and 280.18.

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

35 Sec. 5. Section 256.11, subsection 12, Code 1993, is

1 amended to read as follows:

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

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

12 Sec. 6. Section 257.11, Code 1993, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 8. SHARED CURRICULUM SPECIALISTS. If a
15 district was receiving additional weighting for sharing a cur-
16 riculum specialist under section 442.39, subsection 4, Code
17 1991, and requested the assignment of supplementary weighting
18 for a period of five years for the shared curriculum
19 specialist prior to the September 1989 certified enrollment,
20 the district may continue to request the assignment of
21 supplementary weighting for an additional period of five
22 years. The final date for requesting the assignment of
23 supplementary weighting shall be September 1997 for those
24 assignments beginning in 1988 and September 1998 for those
25 assignments beginning in 1989.

26 Sec. 7. Section 257.18, subsection 3, Code 1993, is
27 amended to read as follows:

28 3. Participation in an instructional support program is
29 not affected by a change in the boundaries of the school
30 district, except as otherwise provided in this section. If
31 each school district involved in a school reorganization under
32 chapter 275 has approved an instructional support program or
33 the enrichment levy, pursuant to section 442.14, Code 1991,
34 and if the voters have not voted upon the question of
35 participation in the program in the reorganized district, the

1 instructional support program, or the enrichment levy as
2 applicable, shall be in effect for the reorganized district
3 that has been approved for the least amount and the shortest
4 time in any of the districts.

5 Sec. 8. Section 257.45, Code 1993, is amended to read as
6 follows:

7 257.45 SUBMISSION OF PROGRAM PLANS.

8 The board of directors of a school district requesting to
9 use additional allowable growth for gifted and talented
10 children programs shall submit applications for approval for
11 the programs to the department not later than November 1
12 preceding the fiscal year during which the program will be
13 offered unless the department has granted the district an
14 extension of the deadline. The board shall also submit a copy
15 of the program plans to the gifted and talented children
16 advisory council, if an advisory council has been established.
17 The department shall review the program plans and shall ~~prior~~
18 ~~to-January-15~~ either grant approval for the program or return
19 the request for approval with comments of the department
20 included. Any unapproved request for a program may be
21 resubmitted with modifications to the department not later
22 than ~~February-1~~ a date set by the department. Not later than
23 February 15 the department shall notify the department of
24 management and the school budget review committee of the names
25 of the school districts for which gifted and talented children
26 programs using additional allowable growth for funding have
27 been approved and the approved budget of each program listed
28 separately for each school district having an approved
29 program.

30 Sec. 9. Section 257.46, Code 1993, is amended to read as
31 follows:

32 257.46 FUNDING.

33 The budget of an approved gifted and talented children
34 program for a school district, after subtracting funds
35 received from other sources for that purpose, shall be funded

1 annually on a basis of one-fourth or more from the district
2 cost of the school district and up to three-fourths by an
3 increase in allowable growth as defined in section 257.8. The
4 approved budget for a gifted and talented children program
5 shall not exceed an amount equal to one and two-tenths twenty-
6 four hundredths percent of the district cost per pupil of the
7 district for the base year multiplied by the budget enrollment
8 of the district for the budget year. Annually, the department
9 of management shall establish a modified allowable growth for
10 each such district equal to the difference between the
11 approved budget for the gifted and talented children program
12 for that district and the sum of the amount funded from the
13 district cost of the school district plus funds received from
14 other sources.

15 Sec. 10. Section 279.35, Code 1993, is amended to read as
16 follows:

17 279.35 PUBLICATION OF PROCEEDINGS.

18 The proceedings of each regular, adjourned, or special
19 meeting of the board, including the schedule of bills allowed,
20 shall be published after the adjournment of the meeting in the
21 manner provided in this section and section 279.36, and the
22 publication of the schedule of the bills allowed shall include
23 a list of claims allowed, including salary claims for services
24 performed. The schedule of bills allowed may be published on
25 a once monthly basis in lieu of publication with the
26 proceedings of each meeting of the board. The list of claims
27 allowed shall include the name of the person or firm making
28 the claim, the purpose of the claim, and the amount of the
29 claim. However, salaries paid to individuals regularly
30 employed by the district shall only be published annually and
31 the publication shall include the total amount of the annual
32 salary of each employee. The secretary, within two weeks
33 following the adjournment of the meeting, shall furnish a copy
34 of the proceedings to be published within-two-weeks-following
35 the-adjournment-of-the-meeting.

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

3 280.4 LIMITED ENGLISH PROFICIENCY -- WEIGHTING.

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

26 2. The department of education shall adopt rules relating
27 to the identification of limited English proficient students
28 who require special instruction under this section and to
29 application procedures for funds available under this section.

30 3. In order to provide funds for the excess costs of
31 instruction of limited English proficient students above the
32 costs of instruction of pupils in a regular curriculum,
33 students identified as limited English proficient shall be
34 assigned an additional weighting that shall be included in the
35 weighted enrollment of the school district of residence for a

1 period not exceeding three years. However, the school budget
2 review committee may grant supplemental aid or modified
3 allowable growth to a school district to continue funding a
4 program for students after the expiration of the three-year
5 period. The school budget review committee shall calculate
6 the additional amount for the weighting to the nearest one-
7 hundredth of one percent so that to the extent possible the
8 moneys generated by the weighting will be equivalent to the
9 moneys generated by the two-tenths weighting provided prior to
10 July 2, 1991.

11 Sec. 12. Section 285.1, subsection 1, Code 1993, is
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. c. Children attending prekindergarten
14 programs offered or sponsored by the district may be provided
15 transportation services.

16 Sec. 13. Section 285.10, subsection 7, paragraph b, Code
17 1993, is amended to read as follows:

18 b. May purchase buses and enter into contract to pay for
19 such buses over a five-year period as follows: One-fourth of
20 the cost when the bus is delivered and the balance in equal
21 annual installments, plus simple interest due. The interest
22 rate shall be the lowest rate available and shall not exceed
23 the rate in effect under section 74A.2. The bus shall serve
24 as security for balance due. ~~Bus-bodies-and-chassis-shall-be~~
25 ~~purchased-on-separate-contracts~~ Competitive bids on comparable
26 equipment shall be requested on all school bus body and
27 chassis purchases and shall be based upon minimum construction
28 standards established by the department of education.
29 Separate body and chassis bids shall be requested unless the
30 bus is constructed as an integral unit, inseparable as to body
31 and chassis, by the manufacturer or is a used or demonstrator
32 bus.

33 Sec. 14. Section 291.2, Code 1993, is amended by striking
34 the section and inserting in lieu thereof the following:

35 291.2 BONDS OF SECRETARY AND TREASURER.

1 The secretary and treasurer, within ten days after
2 appointment and before entering upon the duties of the office,
3 shall execute to the school corporation a surety bond in an
4 amount sufficient to cover current operations. All such bonds
5 shall be continued to the faithful discharge of the duties of
6 the office. The amount and sufficiency of all bonds shall be
7 determined by the board and shall be filed with the president.
8 The cost of the surety bond shall be paid by the school
9 corporation. If a single person serves as secretary and
10 treasurer, pursuant to section 279.3 or 260C.12, only one bond
11 is necessary for that person. The secretary and treasurer may
12 give bond under a single bond covering other employees of the
13 district.

14 Sec. 15. Section 321.375, subsection 2, paragraph d, Code
15 1993, is amended to read as follows:

16 d. The commission of or conviction for a public offense as
17 defined by the Iowa criminal code, if the offense is relevant
18 to and affects driving ability, or if the offense includes
19 sexual involvement with a minor student with the intent to
20 commit acts and practices proscribed under sections 709.2
21 through 709.4, section 709.8, and sections 725.1 through
22 725.3, or is a violation of the rules of the department of
23 education adopted to implement section 280.17.

24 Sec. 16. Section 321.376, subsection 1, Code 1993, is
25 amended to read as follows:

26 ~~1. The driver of a school bus shall hold a school bus~~
27 ~~driver's permit issued annually by the department of education~~
28 ~~and a driver's license issued by the department of~~
29 ~~transportation valid for the operation of the school bus. The~~
30 driver of a school bus shall hold a driver's license issued by
31 the department of transportation valid for the operation of
32 the school bus and shall hold a school bus driver's permit
33 issued by the department of education when transporting
34 student or adult passengers to or from school activities. The
35 department of education shall charge a fee for the issuance of

1 a school bus driver's permit in the amount of five dollars,
2 which shall be deposited in the general fund of the state. A
3 person holding a temporary restricted license issued under
4 chapter 321J shall be prohibited from operating a school bus.
5 The department of education shall revoke or refuse to issue a
6 permit to any person who, after notice and opportunity for
7 hearing, is determined to have committed any of the acts
8 proscribed under section 321.375, subsection 2. The
9 department of education shall recommend, and the state board
10 of education shall adopt under chapter 17A, rules and
11 procedures for the revocation and issuance of permits to
12 persons. Rules and procedures adopted shall include, but are
13 not limited to, provisions for the revocation of, or refusal
14 to issue, permits to persons who are determined to have
15 committed any of the acts proscribed under section 321.375,
16 subsection 2.

17 Sec. 17. Section 618.3, Code 1993, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 5. Is subscribed to by a significant
20 portion of the community.

21 EXPLANATION

22 This bill relates to school administration, accreditation,
23 finance, and transportation and amends the enumerated Code
24 sections as follows:

25 Section 11.6, subsection 4, paragraph d. Provides that de-
26 partment of education-requested audits be paid from audit
27 filing fees.

28 Section 256.9, subsection 51, new paragraphs d, e, f, g.
29 Provides a mechanism whereby schools and school districts may
30 seek exemptions from specific standards for the purpose of
31 implementing a comprehensive school transformation plan.

32 Section 256.11, subsection 5, paragraph g, unnumbered para-
33 graph 1. Limits to one semester or trimester the period of
34 time a twelfth grade student can seek to be excused from
35 physical education.

1 Section 256.11, subsection 10. Provides for desk and site
2 audits of accredited schools by the department of education.
3 Desk audits are to be completed annually with on-site audits
4 conducted at least every five years.

5 Section 256.11, subsection 12. Provides that the
6 accreditation committee shall specify whether a school
7 district remains accredited and if not, under what conditions
8 it remains accredited. A receivership option for the
9 remainder of a school year is provided for.

10 Section 257.11. Provides for a five-year extension of
11 supplementary weighting for districts sharing a curriculum
12 specialist.

13 Section 257.18, subsection 3. Provides for the
14 continuation of the enrichment levy in reorganized school
15 districts and defines where the levy may be continued.

16 Section 257.45. Provides that the department of education
17 may grant an extension of the deadline by which a school
18 district may request additional allowable growth for gifted
19 and talented programs.

20 Section 257.46. Provides a formula for calculating gifted
21 and talented program budgets.

22 Section 279.35. Provides that the proceedings of all
23 meetings of a school board be sent to the publisher within two
24 weeks of the meeting by the secretary.

25 Section 280.4. Defines limited English proficient and
26 fully English proficient and continues the current weighting
27 for limited English proficient students under the school aid
28 formula.

29 Section 285.1, subsection 1, paragraph c. Provides that a
30 district may provide transportation for children attending
31 prekindergarten programs sponsored by the district.

32 Section 285.10, subsection 7, paragraph b. Allows for
33 school bus bodies and chassis to be purchased on the same
34 contract and requires competitive bidding.

35 Section 291.2. Provides for surety bond coverage for the

1 school district secretary and treasurer with the amount to be
2 determined by the board and paid for by the school
3 corporation.

4 Section 321.375, subsection 2, paragraph d. Provides that
5 a violation of the rules of the department of education is
6 grounds for immediate suspension of a school bus driver from
7 duty.

8 Section 321.376, subsection 1. Allows for driving an empty
9 school bus with a valid driver's license.

10 Section 618.3, subsection 5. Adds requirement that a
11 newspaper used for official publications shall be subscribed
12 to by a significant portion of the community.

13 BACKGROUND STATEMENT

14 SUBMITTED BY THE AGENCY

15 Section 1 specifies that department of education requested
16 audits be paid from audit filing fees. The Code currently
17 gives the right to the DE to request an audit or reaudit of a
18 school corporation but does not specify how the fee would be
19 paid. This new subsection clarifies the payment source.

20 Section 2, developed at the direction of the general
21 assembly, provides a mechanism whereby school districts and
22 schools may seek exemptions from specific standards for the
23 purpose of implementing a comprehensive school transformation
24 plan.

25 Section 3 provides corrective language which limits to one
26 semester the period of time a twelfth grade student can seek
27 to be excused from physical education. This is consistent
28 with exemptions for students in other grades.

29 Sections 4 and 5 provide for greater flexibility in the
30 school accreditation process and an opportunity to better meet
31 the needs of individual school districts and schools. In
32 order to assist school districts and schools to improve their
33 educational practices beyond the level of minimum compliance,
34 the department proposes to modify the accreditation process to
35 put more emphasis on comprehensive site visits in selected

1 districts. The department will continue the current phase I
2 desk audit process. As a result of the phase I desk audit
3 process, the department will conduct special site visits to
4 follow-up on accreditation issues related to the desk audit.
5 In addition to any special site visits stemming from the desk
6 audit process, the department of education proposes to
7 establish a schedule of site visits, including comprehensive
8 site visits in selected districts, that will include all
9 accredited school districts or schools at least every five
10 years. The purpose of the comprehensive site visit is to
11 determine compliance with minimum standards and provide a
12 general assessment of educational practices in the district
13 for the purpose of improving educational practice well beyond
14 the level of minimum compliance. This proposal also clarifies
15 and expands, in Code, the steps to be taken by the state board
16 in situations where districts do not meet minimum standards.

17 Section 6 provides for a five-year extension of the
18 assignment of supplementary weighting for districts sharing a
19 curriculum specialist.

20 Section 7 permits reorganized districts to continue an
21 additional levy for the instructional support program and
22 enrichment levy if each district prior to the reorganization
23 had one of the levies approved by the voters. If two
24 districts entering into a reorganization had each approved the
25 enrichment levy prior to the reorganization, the levy may
26 continue in the reorganized district for the least amount and
27 the shortest time in any of the districts.

28 Section 8 adjusts some of the timelines for application and
29 processing of gifted and talented program plans which are
30 funded through additional allowable growth. This change will
31 allow for the flexibility needed to respond to the new method
32 of establishing allowable growth.

33 Section 9 creates a mechanism for calculating gifted and
34 talented program budgets.

35 Section 10 moves the responsibility for publication from

1 the secretary to the publisher. Districts are cited in audits
2 for failure of proceedings to be published within two weeks.
3 The district has no control over publishers. This still
4 requires the secretary to get the material to the publisher
5 within two weeks.

6 Section 11 adds definitions for "limited English
7 proficient" and "fully English proficient" to bring this
8 section of the Code into compliance with federal regulations.

9 Section 12 provides districts with discretionary authority
10 to transport prekindergarten students on the same basis as
11 other children attending public school.

12 Section 13 eliminates the requirement that school bus
13 bodies be purchased on separate contracts and requires that
14 competitive bids be taken.

15 Section 14 removes outdated bonding levels and adds
16 language that specifies coverage adequate for current
17 operations. The current language setting a minimum of \$500 is
18 out-of-date and does not cover current levels of liability.
19 It also does not specify who pays for the bond. This item is
20 cited in many audits.

21 Section 15 broadens the provision that deals with grounds
22 for revocation of a school bus driver's permit to include a
23 violation of the rules of the department of education.

24 Section 16 eliminates the need to obtain a school bus
25 operator's permit for persons operating a school bus without
26 student passengers on board. This would permit maintenance or
27 school bus sales personnel to drive a school bus, without
28 students on board, for purposes including road-testing and
29 pick-up or delivery of new and used buses without having to
30 meet school bus driver physical or inservice requirements.

31 Section 17 amends the requirements for newspapers used for
32 official publication to add the criterion that the newspaper
33 be subscribed to by a significant portion of the community.

34

35

HOUSE FILE 457

AN ACT

RELATING TO SCHOOL ADMINISTRATION, ACCREDITATION, FINANCE,
TRANSPORTATION, AND PROVIDING EFFECTIVE AND APPLICABILITY
DATES.

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

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

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

The department shall conduct site visits to schools and school districts to address accreditation issues identified in the desk audit. Such a visit may be conducted by an individual departmental consultant or may be a comprehensive site visit by a team of departmental consultants and other educational professionals. The purpose of a comprehensive site visit is to determine that a district is in compliance with minimum standards and to provide a general assessment of educational practices in a school or school district and make recommendations with regard to the visit findings for the

purposes of improving educational practices above the level of minimum compliance. The department shall establish a long-term schedule of site visits that includes visits of all accredited schools and school districts at least once every five years.

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

12. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school or school district or school remains accredited. The accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected and shall make a report and recommendation to the director and the state board. The committee recommendation shall specify whether the school district or school shall remain accredited or under what conditions the district may remain accredited. The conditions may include, but are not limited to, providing temporary oversight authority, operational authority, or both oversight and operational authority to the director and the state board for some or all aspects of the school district operation, in order to bring the school district into compliance with minimum standards. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the local board and the state board, the state board shall merge the territory of the school district with one or more contiguous school districts at the end of the school year. Division of assets and liabilities of the school district shall be as provided in sections 275.29 through 275.31. Until the merger is completed, and subject to a decision by the state board of education, the school district shall pay tuition for its resident students to an accredited school district under

section 282.24. However, in lieu of merger and payment of tuition by a nonaccredited school district, the state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the director. The decision of whether to merge the school district and require payment of tuition for the district's students or to place the district under receivership shall be based upon a determination by the state board of the best interests of the students, parents, residents of the community, teachers, administrators, and board members of the district and the recommendations of the accreditation committee and the director. If the state board declares a nonpublic school to be nonaccredited, the removal of accreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is declared to be nonaccredited.

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

280.4 LIMITED ENGLISH PROFICIENCY -- WEIGHTING.

1. The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a foreign language is deemed appropriate in the teaching of any subject or when the student is limited English proficient. When the student is limited English proficient, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language. As used in this section, "limited English proficient" means a student's language background is in a language other than English, and the student's proficiency in English is such that the probability of the student's academic success in an English-only classroom is below that of an

academically successful peer with an English language background. "Fully English proficient" means a student who is able to read, understand, write, and speak the English language and to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom.

2. The department of education shall adopt rules relating to the identification of limited English proficient students who require special instruction under this section and to application procedures for funds available under this section.

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

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

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

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

b. May purchase buses and enter into contract to pay for such buses over a five-year period as follows: One-fourth of the cost when the bus is delivered and the balance in equal

annual installments, plus simple interest due. The interest rate shall be the lowest rate available and shall not exceed the rate in effect under section 74A.2. The bus shall serve as security for balance due. ~~Bus-bodies-and-chassis-shall-be purchased-on-separate-contracts~~ Competitive bids on comparable equipment shall be requested on all school bus body and chassis purchases and shall be based upon minimum construction standards established by the department of education. ~~Separate body and chassis bids shall be requested~~ unless the bus is constructed as an integral unit, inseparable as to body and chassis, by the manufacturer or is a used or demonstrator bus.

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

291.2 BONDS OF SECRETARY AND TREASURER.

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

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

291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

The secretary of each district shall file monthly, ~~on or before the tenth day of each month,~~ with the board of directors, a complete statement of all receipts and disbursements from the various funds during the preceding

month, and also the balance remaining on hand in the various funds at the close of the period covered by said the statement, which monthly statements shall be open to public inspection.

Sec. 8. Section 321.375, subsection 2, paragraph d, Code 1993, is amended to read as follows:

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

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

1. ~~The driver of a school bus shall hold a school bus driver's permit issued annually by the department of education and a driver's license issued by the department of transportation valid for the operation of the school bus.~~ The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and shall hold a school bus driver's permit issued by the department of education when transporting student or adult passengers to or from school activities. The department of education shall charge a fee for the issuance of a school bus driver's permit in the amount of five dollars, which shall be deposited in the general fund of the state. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department of education shall revoke or refuse to issue a permit to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and

procedures for the revocation and issuance of permits to persons. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation of, or refusal to issue, permits to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

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

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

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 457, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 12, 1993

TERRY E. BRANSTAD
Governor