

FILED MAR 2 1994

SENATE FILE 2234
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2182)

(P. 609)
Passed Senate, Date 3-9-94 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved May 13, 1994

A BILL FOR

1 An Act relating to educational finances, activities, and
2 procedures administered by or through the department of
3 education.

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

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S.F. 2234

1 Section 1. Section 237A.1, subsection 4, paragraph a, Code
2 Supplement 1993, is amended to read as follows:

3 a. An instructional program administered by a public or
4 nonpublic school system accredited by the department of
5 education or the state board of regents, ~~except~~ or a program
6 provided under section 279.49 or 280.3A.

7 Sec. 2. Section 237A.12, unnumbered paragraphs 2, 3, 4,
8 and 5, Code 1993, are amended to read as follows:

9 Rules ~~promulgated~~ adopted by the state fire marshal for
10 buildings, other than school buildings, used as child care
11 centers as an adjunct to the primary purpose of the building
12 shall take into consideration that children are received for
13 temporary care only and shall not differ from rules
14 ~~promulgated~~ adopted for these buildings when they are used by
15 groups of persons congregating from time to time in the
16 primary use and occupancy of the buildings. However, the
17 rules may require a fire-rated separation from the remaining
18 portion of the building if the fire marshal determines that
19 the separation is necessary for the protection of children
20 from a specific flammable hazard.

21 Rules relating to fire safety shall be adopted under this
22 chapter by the state fire marshal in consultation with the
23 department. Rules adopted by the state fire marshal for a
24 building which is owned or leased by a school district or
25 accredited nonpublic school and used as a child day care
26 facility shall not differ from standards adopted by the state
27 fire marshal for school buildings under chapter 100. Rules
28 relating to sanitation shall be adopted by the department in
29 consultation with the director of public health. All rules
30 shall be developed in consultation with the state child day
31 care advisory council. The state fire marshal shall inspect
32 the facilities.

33 If a building is owned or leased by a school district or
34 accredited nonpublic school building and complies with
35 standards adopted by the state fire marshal for school

1 buildings under chapter 100, the building is considered
2 appropriate for use by a child day care facility ~~earing-for~~
3 ~~school-age-children~~. The rules adopted by the administrator
4 under this section shall not require the facility to comply
5 with building requirements which differ from requirements for
6 use of the building as a school.

7 Standards and requirements set by a city or county for a
8 ~~school building~~ which is owned or leased by a school district
9 or accredited nonpublic school and used as a child-day-care an
10 early childhood facility ~~as-an-adjunct-to-the-primary-purpose~~
11 ~~of-the-building~~ shall take into consideration that children
12 are received for temporary care only and shall not differ from
13 standards and requirements set for ~~the-primary-purpose~~ use of
14 the building as a school.

15 Sec. 3. Section 257.31, subsection 14, paragraph a, Code
16 Supplement 1993, is amended to read as follows:

17 a. If the amount certified for a school district to the
18 director of the department of management under this subsection
19 for the base year is positive, the director of the department
20 of management shall subtract the amount of the positive
21 balance exceeding ten percent of the additional funds
22 generated for special education, not to include any previous
23 carryover, from the amount of state aid remaining to be paid
24 to the district during the budget year. If the positive
25 amount exceeding the ten percent amount exceeds the amount of
26 state aid that remains to be paid to the district, not
27 including any previous carryover, the school district shall
28 pay the excess on a quarterly basis prior to June 30 of the
29 budget year to the director of the department of management
30 from other funds received by the district. The director of
31 the department of management shall determine the amount of the
32 positive balance that exceeds the ten percent amount that came
33 from local property tax revenues and shall increase the
34 district's total state school aids available under this
35 chapter for the next following budget year by the amount so

1 determined and shall reduce the district's tax levy computed
2 under section 257.4 for the next following budget year by the
3 amount necessary to compensate for the increased state aid.

4 Sec. 4. Section 275.51, unnumbered paragraph 1, Code
5 Supplement 1993, is amended to read as follows:

6 As an alternative to school district reorganization
7 prescribed in this chapter, the board of directors of a school
8 district may establish a school district dissolution
9 commission to prepare a proposal of dissolution of the school
10 district and attachment of all of the school district to one
11 or more contiguous school districts and to include in the
12 proposal a division of the assets and liabilities of the
13 dissolving school district. A school district dissolution
14 commission shall be established by the board of directors of a
15 school district if a dissolution proposal has been prepared by
16 eligible qualified electors who reside within the district.
17 The proposal must contain the names of the proposed members of
18 the commission and be accompanied by a petition which has been
19 signed by at least twenty percent of the eligible qualified
20 electors.

21 Sec. 5. Section 279.49, Code 1993, is amended to read as
22 follows:

23 279.49 ~~CHILD-DAY-CARE~~ EARLY CHILDHOOD PROGRAMS.

24 1. For the purposes of this section unless the context
25 otherwise requires, "early childhood program" means the care,
26 supervision, or guidance of a child by a person other than the
27 parent, guardian, relative, or custodian for a period of less
28 than twenty-four hours per day per child on a regular basis
29 that is not part of the regular school curriculum and is not
30 licensed or approved by the department of human services under
31 chapter 237A except as provided under this section.

32 2. The board of directors of a school corporation may
33 operate or contract for the operation of a program ~~to provide~~
34 ~~child-day-care-to~~ for children not enrolled in school or to
35 students enrolled in kindergarten through grade six before and

1 after school, or to both. Programs operated or contracted by
2 a board may include, but are not limited to, any of the
3 following: school age child day care, child development,
4 infant and toddler care, family resource center, family
5 support programs, preschool, summer and vacation care, and
6 other programs affiliated with a school or an instructional
7 program. A program shall either meet standards for early
8 childhood programs adopted by the state board of education or
9 shall be licensed by the department of human services under
10 chapter 237A as a child care center. A program operated by a
11 board under contract which is not located on property owned or
12 leased by the board must be licensed by the department of
13 human services.

14 3. The person employed to be responsible for a program
15 operated or contracted by a board that is not licensed by the
16 department of human services shall be an appropriately
17 certificated teacher under chapter 272 or the-program-operated
18 by-contract-with-the-board shall be-licensed-as-a-child-care
19 center-under-chapter-237A meet other standards adopted by the
20 state board of education. The-board-shall-require-the
21 employment-of-adequate-personnel-for-a-program-to-meet-the
22 personnel-standards-adopted-by-the-state-board-of-education,
23 pursuant-to-section-256.77-subsection-13, or the department of
24 human-services, pursuant-to-section-237A:12, subsection-1.

25 4. The facilities housing a program operated under this
26 section shall comply with standards adopted by the state fire
27 marshal for school buildings under chapter 100. In addition,
28 if a program provides early childhood programs to children who
29 are younger than school age, the facilities housing those
30 children shall meet the fire safety standards which would
31 apply to that age of child in a child day care facility
32 licensed by the department of human services.

33 5. The board may establish a fee for the cost of
34 participation in a-child-day-care an early childhood program
35 authorized under this section. The fee shall be established

1 pursuant to a sliding fee schedule based upon staffing costs
2 and other expenses and a family's ability to pay. If a fee is
3 established, the parent or guardian of a child participating
4 in a program shall be responsible for payment of any agreed
5 upon fee. The board may require the parent or guardian to
6 furnish transportation of the child.

7 6. The board may utilize or make application for program
8 subsidies from any existing day care funding streams.

9 7. Programs The components of programs established under
10 this section for child-day-care early childhood programs shall
11 include, but are not limited to, parental involvement in
12 program design and direction, activities designed to further
13 children's physical, mental, and emotional development, and a
14 parental education component to educate parents about the
15 physical, mental, and emotional development of children.

16 Sec. 6. NEW SECTION. 279.58 TIME CONTRACTS FOR EQUIP-
17 MENT.

18 The board of directors of school corporations may purchase
19 equipment and enter into contracts to pay for the equipment.
20 This equipment may be purchased with moneys from the general
21 fund or from the voter-approved physical plant and equipment
22 levy as authorized pursuant to section 298.3. If the general
23 fund is used to purchase the equipment, the contract time
24 period shall not exceed five years. If the voter-approved
25 physical plant and equipment levy is used to purchase the
26 equipment, the contract time period shall not exceed the time
27 remaining on the levy as approved by the voters. The interest
28 rate shall not exceed the rate in effect under section 74A.2.
29 The equipment shall serve as security for any balance due.
30 Before instituting proceedings for the issuance of
31 indebtedness on equipment payable from taxation, a notice of
32 the action shall be published in accordance with section
33 73A.12.

34 Sec. 7. NEW SECTION. 280.3A ACCREDITED NONPUBLIC SCHOOL
35 EARLY CHILDHOOD PROGRAMS.

1 Authorities in charge of accredited nonpublic schools may
2 operate or contract for the operation of early childhood
3 programs, as defined in section 279.49, subsection 1. These
4 programs include, but are not limited to, school age child day
5 care, child development, infant and toddler care, family
6 resource center, family support programs, preschool, summer
7 and vacation care, and other programs affiliated with a school
8 or instructional program. The provisions of section 279.49 as
9 they relate to early childhood programs of a school
10 corporation and its board of directors apply to the early
11 childhood programs of the accredited nonpublic school and the
12 authority in charge.

13 Sec. 8. Section 291.1, Code 1993, is amended to read as
14 follows:

15 291.1 PRESIDENT -- DUTIES.

16 The president of the board of directors shall preside at
17 all of its meetings, ~~sign all warrants and drafts,~~
18 ~~respectively, drawn upon the county treasurer for money~~
19 ~~apportioned and taxes collected and belonging to the school~~
20 ~~corporation, and all orders on the treasurer drawn as provided~~
21 ~~by law,~~ sign all contracts made by the board, and appear in
22 behalf of the corporation in all actions brought by or against
23 it, unless individually a party, in which case this duty shall
24 be performed by the secretary. The president or the
25 president's designee shall sign, using an original or
26 facsimile signature, all school district warrants drawn as
27 provided by law. The board of directors, by resolution, may
28 designate an individual, who shall not be the secretary, to
29 sign warrants on behalf of the president.

30 Sec. 9. Section 291.8, Code 1993, is amended to read as
31 follows:

32 291.8 WARRANTS.

33 The secretary shall ~~countersign all warrants and drafts~~
34 ~~upon the county treasurer drawn or signed by the president,~~
35 draw each order on the treasurer, specify the fund on which it

1 is drawn and the use for which the money is appropriated;
2 countersign using an original or facsimile signature and keep
3 a register of the same order, showing the number, date, to
4 whom drawn, the fund upon which it is drawn, the purpose and
5 the amount; and at each regular annual meeting furnish the
6 board with a copy of the same register.

7 Sec. 10. Section 297.23, Code 1993, is amended to read as
8 follows:

9 297.23 ADVERTISEMENT FOR BIDS.

10 Before making a sale, the board shall advertise for bids
11 for ~~said~~ the property. ~~Such~~ The advertisement shall
12 definitely describe ~~said~~ the property and be published by at
13 least one insertion each week for two consecutive weeks in
14 some newspaper having general circulation in the district.
15 However, individual property items having a value of not more
16 than five thousand dollars, other than real property, may be
17 disposed of by any procedure which is adopted by the board.

18 Sec. 11. Section 298.3, subsections 5 and 10, Code 1993,
19 are amended to read as follows:

20 5. Procuring or acquisition of ~~libraries~~ library
21 facilities.

22 10. Lease-purchase option agreements for school buildings
23 and for equipment exceeding in value five thousand dollars per
24 single unit.

25 Sec. 12. Section 300.4, Code 1993, is amended to read as
26 follows:

27 300.4 COMMUNITY EDUCATION.

28 The tax levied under sections 300.2 and 300.3 may also be
29 used for community education purposes under chapter 276 and to
30 stimulate the growth of community services learning,
31 volunteerism, intergenerational learning, school and community
32 planning, and family resource centers under chapter 256C.

33 Sec. 13. Section 301.10, subsection 1, Code Supplement
34 1993, is amended to read as follows:

35 1. ~~At-or-before-the-time-of-filing-a-bid,-make~~ Make

1 available samples of all textbooks ~~included-in-the-bid~~,
2 accompanied by lists giving the lowest wholesale and contract
3 prices for the textbooks.

4 Sec. 14. Section 301.30, unnumbered paragraph 4, Code
5 1993, is amended to read as follows:

6 Claims for reimbursement shall be made to the department of
7 education by July 15 by the public school district providing
8 textbook services during a school year on a form prescribed by
9 the department, and the claim shall state ~~the services~~
10 ~~provided-and~~ the actual costs incurred in, and the actual
11 number of nonpublic students requesting, the provision of
12 textbook services. Claims shall be accompanied by an
13 affidavit of an officer of the public school district
14 affirming the accuracy of the claim. ~~By-February-1-and-by~~
15 ~~July-15-of-each-year-the~~ The department shall certify to the
16 director of revenue and finance the amounts of approved claims
17 to be paid, and the director of revenue and finance shall draw
18 warrants payable to school districts which have established
19 claims. The public school district of attendance shall
20 furnish the services and shall receive reimbursement from the
21 state. However, the services must be comparable to the
22 services of the district of attendance and cannot exceed the
23 per pupil cost of the program of the district of attendance.

24 Sec. 15. Section 670.7, Code 1993, is amended to read as
25 follows:

26 670.7 INSURANCE.

27 The governing body of a municipality may purchase a policy
28 of liability insurance insuring against all or any part of
29 liability which might be incurred by the municipality or its
30 officers, employees, and agents under section 670.2 and
31 section 670.8 and may similarly purchase insurance covering
32 torts specified in section 670.4. The governing body of a
33 municipality may adopt a self-insurance program, including but
34 not limited to the investigation and defense of claims, the
35 establishment of a reserve fund for claims, the payment of

1 claims, and the administration and management of the self-
2 insurance program, to cover all or any part of the liability.
3 The governing body of a municipality may join and pay funds
4 into a local government risk pool to protect itself against
5 any or all liability. The governing body of a municipality
6 may enter into insurance agreements obligating the
7 municipality to make payments beyond its current budget year
8 to provide or procure ~~such~~ the policies of insurance, self-
9 insurance program, or local government risk pool. The premium
10 costs of the insurance, the costs of a self-insurance program,
11 the costs of a local government risk pool, and the amounts
12 payable under ~~any-such~~ the insurance agreements may be paid
13 out of the general fund or any available funds or may be
14 levied in excess of any tax limitation imposed by statute.
15 However, for school districts, the costs shall be included in
16 the district management levy as provided in section 296.7 if
17 the district has certified a district management levy. If the
18 district has not certified a district management levy, the
19 cost shall be paid from the general fund. Any independent or
20 autonomous board or commission in the municipality having
21 authority to disburse funds for a particular municipal
22 function without approval of the governing body may similarly
23 enter into insurance agreements, procure liability insurance,
24 adopt a self-insurance program, or join a local government
25 risk pool within the field of its operation.

26 PARAGRAPH DIVIDED. The procurement of ~~such~~ this insurance
27 constitutes a waiver of the defense of governmental immunity
28 as to those exceptions listed in section 670.4 to the extent
29 stated in the policy but shall have no further effect on the
30 liability of the municipality beyond the scope of this
31 chapter, but if a municipality adopts a self-insurance program
32 or joins and pays funds into a local government risk pool ~~such~~
33 the action does not constitute a waiver of the defense of
34 governmental immunity as to the exceptions listed in section
35 670.4.

1 PARAGRAPH DIVIDED. The existence of any insurance which
2 covers in whole or in part any judgment or award which may be
3 rendered in favor of the plaintiff, or lack of any such
4 insurance, shall not be material in the trial of any action
5 brought against the governing body of a municipality, or its
6 officers, employees, or agents and any reference to such
7 insurance, or lack of insurance, is grounds for a mistrial. A
8 self-insurance program or local government risk pool is not
9 insurance and is not subject to regulation under chapters 505
10 through 523C.

11 Sec. 16. Section 301.8, Code 1993, is repealed.

12 EXPLANATION

13 The bill deals with a number of educational administrative
14 and finance matters. The administrative matters include
15 permitting facsimile signatures of the president of the school
16 district or allowing a designee to sign for the president on
17 warrants and drafts, providing claims by districts for
18 textbook services for nonpublic schools to be paid once
19 instead of twice a year, and providing that early childhood
20 programs provided in school buildings do not require special
21 licensing or greater standards than required of the school
22 itself. The financial matters include not requiring bids for
23 the purchase or sale of equipment by a school district if the
24 unit price is \$5,000 or less, allowing carryover of special
25 education fund balance of up to 10 percent, and allowing the
26 payment for liability insurance of a school district from the
27 district management levy fund or general fund if the district
28 does not have a management levy.

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SENATE FILE 2234

S-5077

- 1 Amend Senate File 2234 as follows:
- 2 1. Page 3, by inserting after line 3 the
- 3 following:
- 4 "Sec. ____ . Section 260C.28, subsection 2, Code
- 5 1993, is amended to read as follows:
- 6 2. However, the board of directors may annually
- 7 certify for levy a tax on taxable property in the
- 8 merged area at a rate in excess of the three cents per
- 9 thousand dollars of assessed valuation specified under
- 10 subsection 1 if the excess tax levied does not cause
- 11 the total rate certified to exceed a rate of nine
- 12 cents per thousand dollars of assessed valuation, and
- 13 the excess revenue generated is used for purposes of
- 14 program sharing between community colleges or for the
- 15 purchase of instructional equipment. Programs that
- 16 are shared shall be designed to increase student
- 17 access to community college programs and to achieve
- 18 efficiencies in program delivery at the community
- 19 colleges, including, but not limited to, the programs
- 20 described under sections 260C.45 and 260C.46. Prior
- 21 to expenditure of the excess revenues generated under
- 22 this subsection, the board of directors shall obtain
- 23 the approval of the director of the department of
- 24 education."
- 25 2. By renumbering as necessary.

By JOHN P. KIBBIE

S-5077 FILED MARCH 4, 1994

*Adopted
3-7-94
(p. 540)*

SENATE FILE 2234

S-5106

- 1 Amend Senate File 2234 as follows:
- 2 1. Page 7, line 17, by inserting after the word
- 3 "board" the following: "and each sale shall be
- 4 published by at least one insertion each week for two
- 5 consecutive weeks in some newspaper having general
- 6 circulation in the district".

By MICHAEL E. GRONSTAL
MIKE CONNOLLY

S-5106 FILED MARCH 8, 1994

ADOPTED (p. 683)

**SENATE FILE 2234
FISCAL NOTE**

A fiscal note for Senate File 2234 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.

Senate File 2234 would allow local school districts to carry up to 10% of their special education funds from one year to the next. Currently local school districts are required to revert any positive special education balances and these balances are used to reduce property taxes in the districts with positive special education balances and to offset negative balances in districts that have negative special education balances.

ASSUMPTIONS:

1. That this legislation would take effect for special education balances at the close of FY 1996.
2. That the special education positive balances at the close of FY 1996 will be approximately \$2.8 million.
3. That of the districts with a special education positive balance none will experience a positive balance greater than 10% for the year.
4. That of the districts with positive balances none will choose to use a portion of the positive special education balance to reduce property taxes.
5. That the special education negative balances will remain constant at an amount of approximately \$12.9 million.
6. That approximately \$2.2 million of the special education positive balances that had been used for offsetting special education negative balances will be eliminated.
7. That districts with special education negative balances will supplant the lost \$2.2 million offset from special education positive balances by increasing property taxes by \$2.2 million.

FISCAL IMPACT:

Senate File 2234 is estimated to increase local school districts property taxes by \$2.8 million starting in FY 1997. (LSB 3259sv, BDH)

FILED MARCH 3, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

(P. 89) 3/24/94 House - Do Pass
(P. 160) 4/5/94 Motion to R/c by Daygett
Shouldy
(P. 1345) Motion to R/c LOST

SENATE FILE 2234
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2182)

(AS AMENDED AND PASSED BY THE SENATE MARCH 9, 1994)

~~_____~~ - New Language by the Senate

Passed Senate, (P. 1274) Date 4/15/94 Passed House, (P. 1145) Date 4.5.94
Vote: Ayes 50 Nays 0 Vote: Ayes 89 Nays 11
Approved May 13, 1994

A BILL FOR

1 An Act relating to educational finances, activities, and
2 procedures administered by or through the department of
3 education.

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

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S.F. 2234

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6 provided under section 279.49 or 280.3A.

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8 and 5, Code 1993, are amended to read as follows:

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10 buildings, other than school buildings, used as child care
11 centers as an adjunct to the primary purpose of the building
12 shall take into consideration that children are received for
13 temporary care only and shall not differ from rules
14 ~~promulgated~~ adopted for these buildings when they are used by
15 groups of persons congregating from time to time in the
16 primary use and occupancy of the buildings. However, the
17 rules may require a fire-rated separation from the remaining
18 portion of the building if the fire marshal determines that
19 the separation is necessary for the protection of children
20 from a specific flammable hazard.

21 Rules relating to fire safety shall be adopted under this
22 chapter by the state fire marshal in consultation with the
23 department. Rules adopted by the state fire marshal for a
24 building which is owned or leased by a school district or
25 accredited nonpublic school and used as a child day care
26 facility shall not differ from standards adopted by the state
27 fire marshal for school buildings under chapter 100. Rules
28 relating to sanitation shall be adopted by the department in
29 consultation with the director of public health. All rules
30 shall be developed in consultation with the state child day
31 care advisory council. The state fire marshal shall inspect
32 the facilities.

33 If a building is owned or leased by a school district or
34 accredited nonpublic school building and complies with
35 standards adopted by the state fire marshal for school

1 buildings under chapter 100, the building is considered
2 appropriate for use by a child day care facility caring-for
3 school-age-children. The rules adopted by the administrator
4 under this section shall not require the facility to comply
5 with building requirements which differ from requirements for
6 use of the building as a school.

7 Standards and requirements set by a city or county for a
8 school building which is owned or leased by a school district
9 or accredited nonpublic school and used as a-child-day-care an
10 early childhood facility as-an-adjunct-to-the-primary-purpose
11 of-the-building shall take into consideration that children
12 are received for temporary care only and shall not differ from
13 standards and requirements set for the-primary-purpose use of
14 the building as a school.

15 Sec. 3. Section 257.31, subsection 14, paragraph a, Code
16 Supplement 1993, is amended to read as follows:

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18 director of the department of management under this subsection
19 for the base year is positive, the director of the department
20 of management shall subtract the amount of the positive
21 balance exceeding ten percent of the additional funds
22 generated for special education, not to include any previous
23 carryover, from the amount of state aid remaining to be paid
24 to the district during the budget year. If the positive
25 amount exceeding the ten percent amount exceeds the amount of
26 state aid that remains to be paid to the district, not
27 including any previous carryover, the school district shall
28 pay the excess on a quarterly basis prior to June 30 of the
29 budget year to the director of the department of management
30 from other funds received by the district. The director of
31 the department of management shall determine the amount of the
32 positive balance that exceeds the ten percent amount that came
33 from local property tax revenues and shall increase the
34 district's total state school aids available under this
35 chapter for the next following budget year by the amount so

1 determined and shall reduce the district's tax levy computed
2 under section 257.4 for the next following budget year by the
3 amount necessary to compensate for the increased state aid.

4 Sec. 4. Section 260C.28, subsection 2, Code 1993, is
5 amended to read as follows:

6 2. However, the board of directors may annually certify
7 for levy a tax on taxable property in the merged area at a
8 rate in excess of the three cents per thousand dollars of
9 assessed valuation specified under subsection 1 if the excess
10 tax levied does not cause the total rate certified to exceed a
11 rate of nine cents per thousand dollars of assessed valuation,
12 and the excess revenue generated is used for purposes of
13 program sharing between community colleges or for the purchase
14 of instructional equipment. Programs that are shared shall be
15 designed to increase student access to community college
16 programs and to achieve efficiencies in program delivery at
17 the community colleges, including, but not limited to, the
18 programs described under sections 260C.45 and 260C.46. Prior
19 to expenditure of the excess revenues generated under this
20 subsection, the board of directors shall obtain the approval
21 of the director of the department of education.

22 Sec. 5. Section 275.51, unnumbered paragraph 1, Code
23 Supplement 1993, is amended to read as follows:

24 As an alternative to school district reorganization
25 prescribed in this chapter, the board of directors of a school
26 district may establish a school district dissolution
27 commission to prepare a proposal of dissolution of the school
28 district and attachment of all of the school district to one
29 or more contiguous school districts and to include in the
30 proposal a division of the assets and liabilities of the
31 dissolving school district. A school district dissolution
32 commission shall be established by the board of directors of a
33 school district if a dissolution proposal has been prepared by
34 eligible qualified electors who reside within the district.
35 The proposal must contain the names of the proposed members of

1 the commission and be accompanied by a petition which has been
2 signed by at least twenty percent of the eligible qualified
3 electors.

4 Sec. 6. Section 279.49, Code 1993, is amended to read as
5 follows:

6 279.49 ~~CHILD-DAY-CARE~~ EARLY CHILDHOOD PROGRAMS.

7 1. For the purposes of this section unless the context
8 otherwise requires, "early childhood program" means the care,
9 supervision, or guidance of a child by a person other than the
10 parent, guardian, relative, or custodian for a period of less
11 than twenty-four hours per day per child on a regular basis
12 that is not part of the regular school curriculum and is not
13 licensed or approved by the department of human services under
14 chapter 237A except as provided under this section.

15 2. The board of directors of a school corporation may
16 operate or contract for the operation of a program to provide
17 child-day-care-to for children not enrolled in school or to
18 students enrolled in kindergarten through grade six before and
19 after school, or to both. Programs operated or contracted by
20 a board may include, but are not limited to, any of the
21 following: school age child day care, child development,
22 infant and toddler care, family resource center, family
23 support programs, preschool, summer and vacation care, and
24 other programs affiliated with a school or an instructional
25 program. A program shall either meet standards for early
26 childhood programs adopted by the state board of education or
27 shall be licensed by the department of human services under
28 chapter 237A as a child care center. A program operated by a
29 board under contract which is not located on property owned or
30 leased by the board must be licensed by the department of
31 human services.

32 3. The person employed to be responsible for a program
33 operated or contracted by a board that is not licensed by the
34 department of human services shall be an appropriately
35 certificated teacher under chapter 272 or the-program-operated

1 by-contract-with-the-board shall be-licensed-as-a-child-care
2 center-under-chapter-237A meet other standards adopted by the
3 state board of education. The-board-shall-require-the
4 employment-of-adequate-personnel-for-a-program-to-meet-the
5 personnel-standards-adopted-by-the-state-board-of-education,
6 pursuant-to-section-256-77-subsection-137-or-the-department-of
7 human-services,-pursuant-to-section-237A-127-subsection-1-

8 4. The facilities housing a program operated under this
9 section shall comply with standards adopted by the state fire
10 marshal for school buildings under chapter 100. In addition,
11 if a program provides early childhood programs to children who
12 are younger than school age, the facilities housing those
13 children shall meet the fire safety standards which would
14 apply to that age of child in a child day care facility
15 licensed by the department of human services.

16 5. The board may establish a fee for the cost of
17 participation in a-child-day-care an early childhood program
18 authorized under this section. The fee shall be established
19 pursuant to a sliding fee schedule based upon staffing costs
20 and other expenses and a family's ability to pay. If a fee is
21 established, the parent or guardian of a child participating
22 in a program shall be responsible for payment of any agreed
23 upon fee. The board may require the parent or guardian to
24 furnish transportation of the child.

25 6. The board may utilize or make application for program
26 subsidies from any existing day care funding streams.

27 7. Programs The components of programs established under
28 this section for child-day-care early childhood programs shall
29 include, but are not limited to, parental involvement in
30 program design and direction, activities designed to further
31 children's physical, mental, and emotional development, and a
32 parental education component to educate parents about the
33 physical, mental, and emotional development of children.

34 Sec. 7. NEW SECTION. 279.58 TIME CONTRACTS FOR EQUIP-
35 MENT.

1 The board of directors of school corporations may purchase
2 equipment and enter into contracts to pay for the equipment.
3 This equipment may be purchased with moneys from the general
4 fund or from the voter-approved physical plant and equipment
5 levy as authorized pursuant to section 298.3. If the general
6 fund is used to purchase the equipment, the contract time
7 period shall not exceed five years. If the voter-approved
8 physical plant and equipment levy is used to purchase the
9 equipment, the contract time period shall not exceed the time
10 remaining on the levy as approved by the voters. The interest
11 rate shall not exceed the rate in effect under section 74A.2.
12 The equipment shall serve as security for any balance due.
13 Before instituting proceedings for the issuance of
14 indebtedness on equipment payable from taxation, a notice of
15 the action shall be published in accordance with section
16 73A.12.

17 Sec. 8. NEW SECTION. 280.3A ACCREDITED NONPUBLIC SCHOOL
18 EARLY CHILDHOOD PROGRAMS.

19 Authorities in charge of accredited nonpublic schools may
20 operate or contract for the operation of early childhood
21 programs, as defined in section 279.49, subsection 1. These
22 programs include, but are not limited to, school age child day
23 care, child development, infant and toddler care, family
24 resource center, family support programs, preschool, summer
25 and vacation care, and other programs affiliated with a school
26 or instructional program. The provisions of section 279.49 as
27 they relate to early childhood programs of a school
28 corporation and its board of directors apply to the early
29 childhood programs of the accredited nonpublic school and the
30 authority in charge.

31 Sec. 9. Section 291.1, Code 1993, is amended to read as
32 follows:

33 291.1 PRESIDENT -- DUTIES.

34 The president of the board of directors shall preside at
35 all of its meetings, ~~sign all warrants and drafts~~

1 ~~respectively, drawn upon the county treasurer for money~~
2 ~~apportioned and taxes collected and belonging to the school~~
3 ~~corporation, and all orders on the treasurer drawn as provided~~
4 ~~by law, sign all contracts made by the board, and appear in~~
5 ~~behalf of the corporation in all actions brought by or against~~
6 ~~it, unless individually a party, in which case this duty shall~~
7 ~~be performed by the secretary. The president or the~~
8 ~~president's designee shall sign, using an original or~~
9 ~~facsimile signature, all school district warrants drawn as~~
10 ~~provided by law. The board of directors, by resolution, may~~
11 ~~designate an individual, who shall not be the secretary, to~~
12 ~~sign warrants on behalf of the president.~~

13 Sec. 10. Section 291.8, Code 1993, is amended to read as
14 follows:

15 291.8 WARRANTS.

16 The secretary shall ~~countersign all warrants and drafts~~
17 ~~upon the county treasurer drawn or signed by the president,~~
18 draw each order on the treasurer, specify the fund on which it
19 is drawn and the use for which the money is appropriated;
20 countersign using an original or facsimile signature and keep
21 a register of the same order, showing the number, date, to
22 whom drawn, the fund upon which it is drawn, the purpose and
23 the amount; and at each regular annual meeting furnish the
24 board with a copy of the same register.

25 Sec. 11. Section 297.23, Code 1993, is amended to read as
26 follows:

27 297.23 ADVERTISEMENT FOR BIDS.

28 Before making a sale, the board shall advertise for bids
29 for ~~said~~ the property. ~~Such~~ The advertisement shall
30 definitely describe ~~said~~ the property and be published by at
31 least one insertion each week for two consecutive weeks in
32 some newspaper having general circulation in the district.
33 However, individual property items having a value of not more
34 than five thousand dollars, other than real property, may be
35 disposed of by any procedure which is adopted by the board and

1 each sale shall be published by at least one insertion each
2 week for two consecutive weeks in some newspaper having
3 general circulation in the district.

4 Sec. 12. Section 298.3, subsections 5 and 10, Code 1993,
5 are amended to read as follows:

6 5. Procuring or acquisition of ~~libraries~~ library
7 facilities.

8 10. Lease-purchase option agreements for school buildings
9 and for equipment exceeding in value five thousand dollars per
10 single unit.

11 Sec. 13. Section 300.4, Code 1993, is amended to read as
12 follows:

13 300.4 COMMUNITY EDUCATION.

14 The tax levied under sections 300.2 and 300.3 may also be
15 used for community education purposes under chapter 276 and to
16 stimulate the growth of community services learning,
17 volunteerism, intergenerational learning, school and community
18 planning, and family resource centers under chapter 256C.

19 Sec. 14. Section 301.10, subsection 1, Code Supplement
20 1993, is amended to read as follows:

21 1. ~~At-or-before-the-time-of-filing-a-bid,--make~~ Make
22 available samples of all textbooks included-in-the-bid,
23 accompanied by lists giving the lowest wholesale and contract
24 prices for the textbooks.

25 Sec. 15. Section 301.30, unnumbered paragraph 4, Code
26 1993, is amended to read as follows:

27 Claims for reimbursement shall be made to the department of
28 education by July 15 by the public school district providing
29 textbook services during a school year on a form prescribed by
30 the department, and the claim shall state ~~the-services~~
31 ~~provided-and~~ the actual costs incurred in, and the actual
32 number of nonpublic students requesting, the provision of
33 textbook services. Claims shall be accompanied by an
34 affidavit of an officer of the public school district
35 affirming the accuracy of the claim. ~~By-February-1-and-by~~

1 ~~July-15-of-each-year-the~~ The department shall certify to the
2 director of revenue and finance the amounts of approved claims
3 to be paid, and the director of revenue and finance shall draw
4 warrants payable to school districts which have established
5 claims. The public school district of attendance shall
6 furnish the services and shall receive reimbursement from the
7 state. However, the services must be comparable to the
8 services of the district of attendance and cannot exceed the
9 per pupil cost of the program of the district of attendance.

10 Sec. 16. Section 670.7, Code 1993, is amended to read as
11 follows:

12 670.7 INSURANCE.

13 The governing body of a municipality may purchase a policy
14 of liability insurance insuring against all or any part of
15 liability which might be incurred by the municipality or its
16 officers, employees, and agents under section 670.2 and
17 section 670.8 and may similarly purchase insurance covering
18 torts specified in section 670.4. The governing body of a
19 municipality may adopt a self-insurance program, including but
20 not limited to the investigation and defense of claims, the
21 establishment of a reserve fund for claims, the payment of
22 claims, and the administration and management of the self-
23 insurance program, to cover all or any part of the liability.
24 The governing body of a municipality may join and pay funds
25 into a local government risk pool to protect itself against
26 any or all liability. The governing body of a municipality
27 may enter into insurance agreements obligating the
28 municipality to make payments beyond its current budget year
29 to provide or procure such the policies of insurance, self-
30 insurance program, or local government risk pool. The premium
31 costs of the insurance, the costs of a self-insurance program,
32 the costs of a local government risk pool, and the amounts
33 payable under any-such the insurance agreements may be paid
34 out of the general fund or any available funds or may be
35 levied in excess of any tax limitation imposed by statute.

1 However, for school districts, the costs shall be included in
2 the district management levy as provided in section 296.7 if
3 the district has certified a district management levy. If the
4 district has not certified a district management levy, the
5 cost shall be paid from the general fund. Any independent or
6 autonomous board or commission in the municipality having
7 authority to disburse funds for a particular municipal
8 function without approval of the governing body may similarly
9 enter into insurance agreements, procure liability insurance,
10 adopt a self-insurance program, or join a local government
11 risk pool within the field of its operation.

12 PARAGRAPH DIVIDED. The procurement of such this insurance
13 constitutes a waiver of the defense of governmental immunity
14 as to those exceptions listed in section 670.4 to the extent
15 stated in the policy but shall have no further effect on the
16 liability of the municipality beyond the scope of this
17 chapter, but if a municipality adopts a self-insurance program
18 or joins and pays funds into a local government risk pool such
19 the action does not constitute a waiver of the defense of
20 governmental immunity as to the exceptions listed in section
21 670.4.

22 PARAGRAPH DIVIDED. The existence of any insurance which
23 covers in whole or in part any judgment or award which may be
24 rendered in favor of the plaintiff, or lack of any such
25 insurance, shall not be material in the trial of any action
26 brought against the governing body of a municipality, or its
27 officers, employees, or agents and any reference to such
28 insurance, or lack of insurance, is grounds for a mistrial. A
29 self-insurance program or local government risk pool is not
30 insurance and is not subject to regulation under chapters 505
31 through 523C.

32 Sec. 17. Section 301.8, Code 1993, is repealed.

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35

SENATE FILE 2234

H-5956

1 Amend Senate File 2234, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 2, lines 9 and 10, by striking the words
4 "~~a-child-day-care an early childhood~~" and inserting
5 the following: "a child day care".

6 2. Page 4, by striking lines 6 through 31 and
7 inserting the following:

8 "279.49 CHILD DAY CARE PROGRAMS.

9 1. For the purposes of this section unless the
10 context otherwise requires, "child day-care program"
11 means child day care that is not licensed or approved
12 by the department of human services under chapter 237A
13 except as provided under this section.

14 2. The board of directors of a school corporation
15 may operate or contract for the operation of a program
16 to provide child day care to children not enrolled in
17 school or to students enrolled in kindergarten through
18 grade six before and after school, or to both.
19 Programs operated or contracted by a board shall
20 either meet standards for child day care programs
21 adopted by the state board of education or shall be
22 licensed by the department of human services under
23 chapter 237A as a child care center. A program
24 operated by a board under contract which is not
25 located on property owned or leased by the board must
26 be licensed by the department of human services."

27 3. Page 4, line 35, by striking the word
28 "certificated" and inserting the following:
29 "certificated licensed".

30 4. Page 5, line 11, by striking the words
31 "provides early childhood programs to" and inserting
32 the following: "involves".

33 5. Page 5, by striking line 17 and inserting the
34 following: "participation in a child day care
35 program".

36 6. Page 5, by striking line 28 and inserting the
37 following: "this section for child day care shall".

38 7. Page 6, by striking lines 18 through 30 and
39 inserting the following: "CHILD DAY CARE PROGRAMS.

40 Authorities in charge of accredited nonpublic
41 schools may operate or contract for the operation of
42 child day care programs, as defined in section 279.49,
43 subsection 1. The provisions of section 279.49 as
44 they relate to child day care programs of a school
45 corporation and its board of directors apply to the
46 child day care programs of the accredited nonpublic
47 school and the authority in charge."

48 8. Page 8, by striking lines 11 through 18.

By GRUBBS of Scott

H-5956 FILED APRIL 4, 1994

Adapted
4-5-94
(p. 1139)

SENATE FILE 2234

H-5950

1 Amend Senate File 2234, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 30 the
4 following:

5 "Sec. 200. Section 282.18, subsections 2, 4, 5, 7,
6 and 14, Code Supplement 1993, are amended to read as
7 follows:

8 2. By October 30 of the preceding school year, the
9 parent or guardian shall send notification to the
10 district of residence, ~~and to the department of~~
11 ~~education~~ on forms prescribed by the department of
12 education, that the parent or guardian intends to
13 enroll the parent's or guardian's child in a public
14 school in another school district. The parent or
15 guardian shall describe the reason for enrollment in
16 the receiving district. If a parent or guardian fails
17 to file a notification that the parent intends to
18 enroll the parent's or guardian's child in a public
19 school in another district by the deadline of October
20 30 of the previous year, and good-cause one of the
21 criteria defined in section 282.18, subsection 18,
22 exists for the failure to meet the deadline or if the
23 request is to enroll a child in kindergarten in a
24 public school in another district, the parent or
25 guardian shall be permitted to enroll the child in the
26 other district in the same manner as if the deadline
27 had been met.

28 The board of the district of residence shall take
29 action on the request no later than November 30 of the
30 preceding school year and shall transmit any approved
31 request within five days after board action on the
32 request. The parent or guardian may withdraw the
33 request ~~during November of the preceding school year~~
34 ~~unless the board of the receiving district has acted~~
35 ~~on the request at any time prior to the start of the~~
36 ~~school year.~~ The board of the receiving district
37 shall take action to approve or disapprove the request
38 no later than December 31 of the preceding school
39 year. The board of the receiving district shall
40 enroll the pupil in a school in the receiving district
41 for the following school year unless the receiving
42 district does not have classroom space for the pupil.
43 If the request is granted, the board shall transmit a
44 copy of the form to the school district of residence
45 within five days after board action.

46 ~~4. The board of each school district shall adopt a~~
47 ~~policy relating to the order in which requests for~~
48 ~~enrollment in other districts shall be considered.~~
49 ~~--- The board of the receiving school district shall~~
50 ~~enroll the pupil in a school in the receiving district~~

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~~1 for the following school year unless the receiving~~
~~2 district does not have classroom space for the pupil:~~
3 4. In all districts involved with volunteer
4 voluntary or court-ordered desegregation, minority and
5 nonminority pupil ratios shall be maintained according
6 to the desegregation plan or order. The
7 superintendent of a district subject to volunteer
8 voluntary or court-ordered desegregation may deny a
9 request for transfer under this section if the
10 superintendent finds that enrollment or release of a
11 pupil will adversely affect the district's
12 implementation of the desegregation order or plan.
13 If, however, a transfer request would facilitate a
14 voluntary or court-ordered desegregation plan, the
15 district shall give priority to granting the request
16 over other requests.

17 5. A parent or guardian, whose request has been
18 denied because of a desegregation order or plan, may
19 appeal the decision of the superintendent to the board
20 of the district in which the request was denied. The
21 board may either uphold or overturn the
22 superintendent's decision. A decision of the board to
23 uphold the denial of the request is subject to appeal
24 under section 290.1.

25 5. If, however, a request to enroll a child in
26 another district is denied by the board of the child's
27 district of residence for failure to show good cause
28 for not meeting the request deadline, the parent or
29 guardian shall be permitted to appeal the decision of
30 the board either directly to the director of the
31 department of education or to the state board under
32 chapter 290, but not to both. ~~if the matter is to be~~
~~33 heard by the director, or the director's designee, the~~
~~34 matter shall be heard de novo in accordance with the~~
~~35 procedures contained in chapter 17A. -- If a designee of~~
~~36 the director hears the matter, the findings of the~~
~~37 director's designee shall be reviewed by and are~~
~~38 subject to the approval of the director.~~

39 Notwithstanding chapter 17A, in an appeal arising from
40 the denial of a parent's or guardian's request for
41 open enrollment, where the denial was for failure to
42 show good cause for not meeting the request deadline,
43 the director or designee assigned to hear the appeal
44 on behalf of the director or state board may, with the
45 agreement of the parties to the appeal, issue an oral
46 decision at the conclusion of the hearing on the
47 appeal. The oral decision shall comport with
48 previously established decisions of the director and
49 state board. However, any party to the appeal may
50 request a written decision and the director or state

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1 board shall issue a written decision. The department
 2 shall recommend, and the state board shall adopt,
 3 rules to implement this subsection.
 4 7. A request under this section is for a period of
 5 not less than ~~four-years-unless-the-pupil-will~~
 6 ~~graduate, the pupil's family moves to another school~~
 7 ~~district, or~~ one year. If the request is for more
 8 than one year and the parent or guardian desires to
 9 have the pupil enroll in a different district, the
 10 parent or guardian petitions may petition the current
 11 receiving district by October 30 of the previous
 12 school year for permission to enroll the pupil in a
 13 different district, which may include the district of
 14 residence, within the four-year period for a period of
 15 not less than one year. If the parent or guardian
 16 requests permission of the receiving district to
 17 enroll the pupil in a different district within the
 18 four-year period Upon receipt of such a request, the
 19 current receiving district school board may act on the
 20 request to transfer to the other school district
 21 within five days of at the next regularly scheduled
 22 board meeting after the receipt of the request. The
 23 new receiving district shall enroll the pupil in a
 24 school in the district unless there is insufficient
 25 classroom space in the district or unless enrollment
 26 of the pupil would adversely affect the court-ordered
 27 or voluntary desegregation orders affecting a plan of
 28 the district. A denial of a request to change
 29 district enrollment within the four-year approved
 30 period is subject to appeal under section 290.1.
 31 However, a pupil who has been in attendance in another
 32 district under this section may return to the district
 33 of residence and enroll at any time, once the parent
 34 or guardian has notified the district of residence and
 35 the receiving district in writing of the decision to
 36 enroll the pupil in the district of residence.

37 14. The board of directors of a school district
 38 subject to ~~volunteer~~ voluntary or court-ordered
 39 desegregation may vote not to participate in open
 40 enrollment under this section during the school year
 41 commencing July 1, 1990, and ending June 30, 1991. If
 42 a district chooses not to participate in open
 43 enrollment under this paragraph, the district shall
 44 develop a policy for implementation of open enrollment
 45 in the district for that following school year. The
 46 policy shall contain objective criteria for
 47 determining when a request would adversely impact the
 48 desegregation order or plan and criteria for
 49 prioritizing requests that do not have an adverse
 50 impact on the order or plan."

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1 2. By renumbering as necessary.

By GRUBBS of Scott

H-5950 FILED APRIL 4, 1994

*Adopted
4-5-94
(p. 1144)*

SENATE FILE 2234

H-5815

- 1 Amend Senate File 2234, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 3, by inserting after line 21 the
4 following:
5 "Sec. ____ . Section 273.3, Code 1993, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 20. Be authorized to purchase
8 equipment as provided in section 279.48."
9 2. Page 4, by inserting after line 3 the
10 following:
11 "Sec. ____ . NEW SECTION. 279.48 EQUIPMENT
12 PURCHASE.
13 1. The board of directors of a school corporation
14 may purchase equipment, and may negotiate and enter
15 into a loan agreement and issue a note to pay for the
16 equipment subject to the following terms and
17 procedures.
18 a. The note must mature within five years, or the
19 useful life of the equipment, whichever is less.
20 b. The note may bear interest at a rate to be
21 determined by the board of directors in the manner
22 provided in section 74A.3, subsection 1. Chapter 75
23 is not applicable.
24 c. The board of directors shall provide for the
25 form of the agreement and note.
26 d. Principal and interest on the note must be
27 payable from budgeted receipts in the debt service
28 fund for each year of a period of up to five years.
29 2. The total of scheduled annual payments of
30 principal or interest due and payable from current
31 budgeted receipts or future budgeted receipts with
32 respect to all loan agreements authorized under this
33 section or section 285.10, subsection 7, paragraph
34 "b", must not exceed ten percent of the last
35 authorized budget of the school corporation.
36 3. Before entering into a loan agreement for an
37 equipment purchase, the school corporation must
38 publish a notice, including a statement of the amount
39 and purpose of the agreement, at least once in a
40 newspaper of general circulation within the school
41 corporation at least ten days before the meeting at
42 which the loan agreement is to be approved."
43 3. By striking page 5, line 34 through page 6,
44 line 16.
45 4. By renumbering as necessary.

By IVERSON of Wright
OLLIE of Clinton

H-5815 FILED MARCH 29, 1994

*Adopted 4.5-94
(p. 1140)*

SENATE FILE 2234

H-6001

1 Amend the amendment, H-5950, to Senate File 2234,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 50 the
5 following:
6 "_____. Page 6, by inserting after line 30 the
7 following:
8 "Sec. 160. Section 282.18, subsections 8, 10, and
9 11, Code Supplement 1993, are amended to read as
10 follows:
11 8. a. A pupil participating in open enrollment
12 shall be counted, for state school foundation aid
13 purposes, in the pupil's district of residence. A
14 pupil's residence, for purposes of this section, means
15 a residence under section 282.1. The board of
16 directors of the district of residence shall pay to
17 the receiving district the ~~lower-district-cost-per~~
18 ~~pupil-of-the-two-districts~~ amount determined pursuant
19 to paragraph "b", plus any moneys received for the
20 pupil as a result of non-English speaking weighting
21 under section 280.4, subsection 4, for each school
22 year. The district of residence shall also transmit
23 the phase III moneys allocated to the district for the
24 full-time equivalent attendance of the pupil, who is
25 the subject of the request, to the receiving district
26 specified in the request for transfer.
27 b. The resident district shall pay to the
28 receiving district eighty percent of the lower
29 district cost per pupil of the two districts.
30 However, if the amount which equals twenty percent of
31 the lower district cost per pupil of the two districts
32 for all pupils participating in open enrollment
33 exceeds an amount equal to the product of fifty
34 dollars multiplied by the actual number of pupils
35 remaining in the resident district, such excess amount
36 shall be paid to the receiving district. The total
37 amount paid by the district of residence under this
38 paragraph shall not exceed one hundred percent of the
39 lower district cost per pupil of the two districts for
40 all pupils participating in open enrollment.
41 10. If a parent or guardian of a child, who is
42 participating in open enrollment under this section,
43 moves to a different school district during the course
44 of either district's academic year, the child's first
45 district of residence shall be responsible for payment
46 of the ~~cost-per-pupil-plus-weightings~~ amount specified
47 in subsection 8 or special education costs to the
48 receiving school district for the balance of the
49 school year in which the move took place. The new
50 district of residence shall be responsible for the

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1 payments during succeeding years.

2 If a request to transfer is due to a change in
3 family residence, change in the state in which the
4 family residence is located, a change in a child's
5 parents' marital status, a guardianship proceeding,
6 placement in foster care, adoption, participation in a
7 foreign exchange program, or participation in a
8 substance abuse or mental health treatment program,
9 and the child, who is the subject of the request, is
10 not currently using any provision of open enrollment,
11 the parent or guardian of the child shall have the
12 option to have the child remain in the child's
13 original district of residence under open enrollment
14 with no interruption in the child's educational
15 program. If a parent or guardian exercises this
16 option, the child's new district of residence is not
17 required to pay the ~~lower-of-the-two-district-costs~~
18 per-pupil amount specified in subsection 8 or other
19 costs to the receiving district until the start of the
20 first full year of enrollment of the child.

21 Quarterly payments shall be made to the receiving
22 district.

23 If the transfer of a pupil from one district to
24 another results in a transfer from one area education
25 agency to another, the sending district shall forward
26 a copy of the request to the sending district's area
27 education agency. The receiving district shall
28 forward a copy of the request to the receiving
29 district's area education agency. Any moneys received
30 by the area education agency of the sending district
31 for the pupil who is the subject of the request shall
32 be forwarded to the receiving district's area
33 education agency.

34 A district of residence may apply to the school
35 budget review committee if a student was not included
36 in the resident district's enrollment count during the
37 fall of the year preceding the student's transfer
38 under open enrollment.

39 11. Notwithstanding section 285.1 relating to
40 transportation of nonresident pupils, the parent or
41 guardian is responsible for transporting the pupil
42 without reimbursement to and from a point on a regular
43 school bus route of the receiving district. However,
44 a receiving district may send school vehicles into the
45 district of residence of the pupil using the open
46 enrollment option under this section, for the purpose
47 of transporting the pupil to and from school in the
48 receiving district, if the boards of both the sending
49 and receiving districts agree to this arrangement. If
50 the pupil meets the economic eligibility requirements

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1 established by the department and state board of
2 education, the sending district is responsible for
3 providing transportation or paying the pro rata cost
4 of the transportation to a parent or guardian for
5 transporting the pupil to and from a point on a
6 regular school bus route of a contiguous receiving
7 district unless the cost of providing transportation
8 or the pro rata cost of the transportation to a parent
9 or guardian exceeds the average transportation cost
10 per pupil transported for the previous school year in
11 the district. If the cost exceeds the average
12 transportation cost per pupil transported for the
13 previous school year, the sending district shall only
14 be responsible for that average per pupil amount. A
15 sending district which provides transportation for a
16 pupil to a contiguous receiving district under this
17 subsection may withhold from the ~~district-cost-per~~
18 ~~pupil~~ amount specified in subsection 8, that is to be
19 paid to the receiving district, an amount which
20 represents the average or pro rata cost per pupil for
21 transportation, whichever is less."

22 _____. Page 10, by inserting after line 32 the
23 following:

24 "Sec. _____. Section 160 of this Act applies to
25 school budget years beginning on or after July 1,
26 1994.""

By SHOULTZ of Black Hawk

H-6001 FILED APRIL 6, 1994

Out of Order
4-8-94
(P. 1345)

HOUSE AMENDMENT TO
SENATE FILE 2234

S-5561

1 Amend Senate File 2234, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, lines 9 and 10, by striking the words
4 "~~a-child-day-care an early childhood~~" and inserting
5 the following: "a child day care".

6 2. Page 3, by inserting after line 21 the
7 following:

8 "Sec. ____ . Section 273.3, Code 1993, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 20. Be authorized to purchase
11 equipment as provided in section 279.48."

12 3. Page 4, by inserting after line 3 the
13 following:

14 "Sec. ____ . NEW SECTION. 279.48 EQUIPMENT
15 PURCHASE.

16 1. The board of directors of a school corporation
17 may purchase equipment, and may negotiate and enter
18 into a loan agreement and issue a note to pay for the
19 equipment subject to the following terms and
20 procedures.

21 a. The note must mature within five years, or the
22 useful life of the equipment, whichever is less.

23 b. The note may bear interest at a rate to be
24 determined by the board of directors in the manner
25 provided in section 74A.3, subsection 1. Chapter 75
26 is not applicable.

27 c. The board of directors shall provide for the
28 form of the agreement and note.

29 d. Principal and interest on the note must be
30 payable from budgeted receipts in the debt service
31 fund for each year of a period of up to five years.

32 2. The total of scheduled annual payments of
33 principal or interest due and payable from current
34 budgeted receipts or future budgeted receipts with
35 respect to all loan agreements authorized under this
36 section or section 285.10, subsection 7, paragraph
37 "b", must not exceed ten percent of the last
38 authorized budget of the school corporation.

39 3. Before entering into a loan agreement for an
40 equipment purchase, the school corporation must
41 publish a notice, including a statement of the amount
42 and purpose of the agreement, at least once in a
43 newspaper of general circulation within the school
44 corporation at least ten days before the meeting at
45 which the loan agreement is to be approved."

46 4. Page 4, by striking lines 6 through 31 and
47 inserting the following:

48 "279.49 CHILD DAY CARE PROGRAMS.

49 1. For the purposes of this section unless the
50 context otherwise requires, "child day-care program"

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Page 2

1 means child day care that is not licensed or approved
2 by the department of human services under chapter 237A
3 except as provided under this section.

4 2. The board of directors of a school corporation
5 may operate or contract for the operation of a program
6 to provide child day care to children not enrolled in
7 school or to students enrolled in kindergarten through
8 grade six before and after school, or to both.
9 Programs operated or contracted by a board shall
10 either meet standards for child day care programs
11 adopted by the state board of education or shall be
12 licensed by the department of human services under
13 chapter 237A as a child care center. A program
14 operated by a board under contract which is not
15 located on property owned or leased by the board must
16 be licensed by the department of human services."

17 5. Page 4, line 35, by striking the word
18 "certificated" and inserting the following:
19 "certificated licensed".

20 6. Page 5, line 11, by striking the words
21 "provides early childhood programs to" and inserting
22 the following: "involves".

23 7. Page 5, by striking line 17 and inserting the
24 following: "participation in a child day care
25 program".

26 8. Page 5, by striking line 28 and inserting the
27 following: "this section for child day care shall".

28 9. By striking page 5, line 34 through page 6,
29 line 16.

30 10. Page 6, by striking lines 18 through 30 and
31 inserting the following: "CHILD DAY CARE PROGRAMS.

32 Authorities in charge of accredited nonpublic
33 schools may operate or contract for the operation of
34 child day care programs, as defined in section 279.49,
35 subsection 1. The provisions of section 279.49 as
36 they relate to child day care programs of a school
37 corporation and its board of directors apply to the
38 child day care programs of the accredited nonpublic
39 school and the authority in charge."

40 11. Page 6, by inserting after line 30 the
41 following:

42 "Sec. 200. Section 282.18, subsections 2, 4, 5, 7,
43 and 14, Code Supplement 1993, are amended to read as
44 follows:

45 2. By October 30 of the preceding school year, the
46 parent or guardian shall send notification to the
47 district of residence, ~~and to the department of~~
48 ~~education~~ on forms prescribed by the department of
49 education, that the parent or guardian intends to
50 enroll the parent's or guardian's child in a public

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1 school in another school district. The parent or
2 guardian shall describe the reason for enrollment in
3 the receiving district. If a parent or guardian fails
4 to file a notification that the parent intends to
5 enroll the parent's or guardian's child in a public
6 school in another district by the deadline of October
7 30 of the previous year, and good-cause one of the
8 criteria defined in section 282.18, subsection 18,
9 exists for the failure to meet the deadline or if the
10 request is to enroll a child in kindergarten in a
11 public school in another district, the parent or
12 guardian shall be permitted to enroll the child in the
13 other district in the same manner as if the deadline
14 had been met.

15 The board of the district of residence shall take
16 action on the request no later than November 30 of the
17 preceding school year and shall transmit any approved
18 request within five days after board action on the
19 request. The parent or guardian may withdraw the
20 ~~request during November of the preceding school year~~
21 ~~unless the board of the receiving district has acted~~
22 ~~on the request at any time prior to the start of the~~
23 ~~school year.~~ The board of the receiving district
24 shall take action to approve or disapprove the request
25 no later than December 31 of the preceding school
26 year. The board of the receiving district shall
27 enroll the pupil in a school in the receiving district
28 for the following school year unless the receiving
29 district does not have classroom space for the pupil.
30 If the request is granted, the board shall transmit a
31 copy of the form to the school district of residence
32 within five days after board action.

33 ~~4. The board of each school district shall adopt a~~
34 ~~policy relating to the order in which requests for~~
35 ~~enrollment in other districts shall be considered.~~
36 ~~The board of the receiving school district shall~~
37 ~~enroll the pupil in a school in the receiving district~~
38 ~~for the following school year unless the receiving~~
39 ~~district does not have classroom space for the pupil.~~

40 4. In all districts involved with volunteer
41 voluntary or court-ordered desegregation, minority and
42 nonminority pupil ratios shall be maintained according
43 to the desegregation plan or order. The
44 superintendent of a district subject to volunteer
45 voluntary or court-ordered desegregation may deny a
46 request for transfer under this section if the
47 superintendent finds that enrollment or release of a
48 pupil will adversely affect the district's
49 implementation of the desegregation order or plan.
50 If, however, a transfer request would facilitate a

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1 voluntary or court-ordered desegregation plan, the
2 district shall give priority to granting the request
3 over other requests.

4 5. A parent or guardian, whose request has been
5 denied because of a desegregation order or plan, may
6 appeal the decision of the superintendent to the board
7 of the district in which the request was denied. The
8 board may either uphold or overturn the
9 superintendent's decision. A decision of the board to
10 uphold the denial of the request is subject to appeal
11 under section 290.1.

12 5. If, however, a request to enroll a child in
13 another district is denied by the board of the child's
14 district of residence for failure to show good cause
15 for not meeting the request deadline, the parent or
16 guardian shall be permitted to appeal the decision of
17 the board either directly to the director of the
18 department of education or to the state board under
19 chapter 290, but not to both. ~~if-the-matter-is-to-be~~
20 ~~heard-by-the-director,-or-the-director's-designee,-the~~
21 ~~matter-shall-be-heard-de-novo-in-accordance-with-the~~
22 ~~procedures-contained-in-chapter-17A.--if-a-designee-of~~
23 ~~the-director-hears-the-matter,-the-findings-of-the~~
24 ~~director's-designee-shall-be-reviewed-by-and-are~~
25 ~~subject-to-the-approval-of-the-director.~~

26 Notwithstanding chapter 17A, in an appeal arising from
27 the denial of a parent's or guardian's request for
28 open enrollment, where the denial was for failure to
29 show good cause for not meeting the request deadline,
30 the director or designee assigned to hear the appeal
31 on behalf of the director or state board may, with the
32 agreement of the parties to the appeal, issue an oral
33 decision at the conclusion of the hearing on the
34 appeal. The oral decision shall comport with
35 previously established decisions of the director and
36 state board. However, any party to the appeal may
37 request a written decision and the director or state
38 board shall issue a written decision. The department
39 shall recommend, and the state board shall adopt,
40 rules to implement this subsection.

41 7. A request under this section is for a period of
42 ~~not less than four-years-unless-the-pupil-will~~
43 ~~graduate,-the-pupil's-family-moves-to-another-school~~
44 ~~district,-or one year. If the request is for more~~
45 ~~than one year and the parent or guardian desires to~~
46 ~~have the pupil enroll in a different district, the~~
47 ~~parent or guardian petitions may petition the current~~
48 ~~receiving district by October 30 of the previous~~
49 ~~school year for permission to enroll the pupil in a~~
50 ~~different district,-which-may-include-the-district-of~~

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~~1 residence, within the four-year period for a period of~~
~~2 not less than one year. If the parent or guardian~~
~~3 requests permission of the receiving district to~~
~~4 enroll the pupil in a different district within the~~
~~5 four-year period~~ Upon receipt of such a request, the
~~6 current receiving district school board may act on the~~
~~7 request to transfer to the other school district~~
~~8 within five days of~~ at the next regularly scheduled
~~9 board meeting after the receipt of the request. The~~
10 new receiving district shall enroll the pupil in a
11 school in the district unless there is insufficient
12 classroom space in the district or unless enrollment
13 of the pupil would adversely affect the court-ordered
14 or voluntary desegregation orders affecting a plan of
15 the district. A denial of a request to change
16 district enrollment within the four-year approved
17 period is subject to appeal under section 290.1.
18 However, a pupil who has been in attendance in another
19 district under this section may return to the district
20 of residence and enroll at any time, once the parent
21 or guardian has notified the district of residence and
22 the receiving district in writing of the decision to
23 enroll the pupil in the district of residence.

24 14. The board of directors of a school district
25 subject to ~~volunteer~~ voluntary or court-ordered
26 desegregation may ~~vote not to participate in open~~
27 enrollment under this section during the school year
28 commencing July 17, 1990, and ending June 30, 1991. If
29 a district chooses not to participate in open
30 enrollment under this paragraph, the district shall
31 develop a policy for implementation of open enrollment
32 in the district for that following school year. The
33 policy shall contain objective criteria for
34 determining when a request would adversely impact the
35 desegregation order or plan and criteria for
36 prioritizing requests that do not have an adverse
37 impact on the order or plan."

38 12. Page 8, by striking lines 11 through 18.

39 13. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5561 FILED APRIL 11, 1994

Senate Concurred

4-15-92

(P. 1273)

SENATE FILE 2234

S-5569

1 Amend the House amendment, S-5561, to Senate File
2 2234, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by inserting after line 5 the
5 following:

6 "____. Page 2, by inserting after line 14 the
7 following:

8 "Sec. ____ . Section 257.11, subsection 5,
9 unnumbered paragraph 2, Code Supplement 1993, is
10 amended to read as follows:

11 If a district was receiving additional weighting
12 for superintendent sharing or administrator sharing
13 under section 442.39, subsection 4, Code 1989, the
14 district shall continue to be assigned additional
15 weighting for superintendent sharing or administrator
16 sharing by the school budget review committee under
17 this subsection so that the district is assigned the
18 additional weighting for sharing for a total period of
19 five years. A school district receiving supplementary
20 weighting under this subsection prior to July 1, 1994,
21 may apply to the school budget review committee for
22 additional allowable growth in an amount equal to the
23 amount generated by the supplementary weighting as
24 calculated under section 257.11, subsection 5, Code
25 Supplement 1993."

26 2. By renumbering as necessary.

By O. GENE MADDIX

S-5569 FILED APRIL 12, 1994

LOST
4.12.94

Connolly - chair
Kibbie
Kramer

SSB-2182
Education

SENATE/HOUSE FILE 2234
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 educational finances, activities, and
2 procedures administered by or through the department of
3 education.

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

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1 Section 1. NEW SECTION. 24.22A LOANS FROM SCHOOL
2 DISTRICT FUNDS.

3 Notwithstanding section 24.22, the board of directors of a
4 school corporation may, by resolution, make loans for cash
5 flow purposes only from one fund to another fund of the school
6 corporation. These loans shall bear interest at the rate
7 applicable to obligations referred to in section 74A.2 and
8 shall be repaid before the end of the fiscal year. If the
9 board repays the loan prior to the end of the fiscal year and
10 then reissues a similar loan in the next fiscal year, the
11 reissued loan shall be considered a continuation of the first
12 loan and the total time during which the first and the
13 reissued loans may be outstanding shall not exceed thirteen
14 months.

15 Sec. 2. Section 237A.1, subsection 4, paragraph a, Code
16 Supplement 1993, is amended to read as follows:

17 a. An instructional program administered by a public or
18 nonpublic school system accredited by the department of
19 education or the state board of regents, ~~except~~ or a program
20 provided under section 279.49 or 280.3A.

21 Sec. 3. Section 237A.12, unnumbered paragraphs 2, 3, 4,
22 and 5, Code 1993, are amended to read as follows:

23 Rules ~~promulgated~~ adopted by the state fire marshal for
24 buildings, other than school buildings, used as child care
25 centers as an adjunct to the primary purpose of the building
26 shall take into consideration that children are received for
27 temporary care only and shall not differ from rules
28 ~~promulgated~~ adopted for these buildings when they are used by
29 groups of persons congregating from time to time in the
30 primary use and occupancy of the buildings. However, the
31 rules may require a fire-rated separation from the remaining
32 portion of the building if the fire marshal determines that
33 the separation is necessary for the protection of children
34 from a specific flammable hazard.

35 Rules relating to fire safety shall be adopted under this

1 chapter by the state fire marshal in consultation with the
2 department. Rules adopted by the state fire marshal for a
3 building which is owned or leased by a school district or
4 accredited nonpublic school and used as a child day care
5 facility shall not differ from standards adopted by the state
6 fire marshal for school buildings under chapter 100. Rules
7 relating to sanitation shall be adopted by the department in
8 consultation with the director of public health. All rules
9 shall be developed in consultation with the state child day
10 care advisory council. The state fire marshal shall inspect
11 the facilities.

12 If a building is owned or leased by a school district or
13 accredited nonpublic school building and complies with
14 standards adopted by the state fire marshal for school
15 buildings under chapter 100, the building is considered
16 appropriate for use by a child day care facility ~~earing-for~~
17 ~~school-age-children~~. The rules adopted by the administrator
18 under this section shall not require the facility to comply
19 with building requirements which differ from requirements for
20 use of the building as a school.

21 Standards and requirements set by a city or county for a
22 ~~school~~ building which is owned or leased by a school district
23 or accredited nonpublic school and used as a child-day-care an
24 early childhood facility ~~as-an-adjunct-to-the-primary-purpose~~
25 ~~of-the-building~~ shall take into consideration that children
26 are received for temporary care only and shall not differ from
27 standards and requirements set for ~~the-primary-purpose~~ use of
28 the building as a school.

29 Sec. 4. Section 257.31, subsection 14, paragraph a, Code
30 Supplement 1993, is amended to read as follows:

31 a. If the amount certified for a school district to the
32 director of the department of management under this subsection
33 for the base year is positive, the director of the department
34 of management shall subtract the amount of the positive
35 balance exceeding ten percent of the additional funds

1 generated for special education, not to include any previous
2 carryover, from the amount of state aid remaining to be paid
3 to the district during the budget year. If the positive
4 amount exceeding the ten percent amount exceeds the amount of
5 state aid that remains to be paid to the district, not
6 including any previous carryover, the school district shall
7 pay the excess on a quarterly basis prior to June 30 of the
8 budget year to the director of the department of management
9 from other funds received by the district. The director of
10 the department of management shall determine the amount of the
11 positive balance that exceeds the ten percent amount that came
12 from local property tax revenues and shall increase the
13 district's total state school aids available under this
14 chapter for the next following budget year by the amount so
15 determined and shall reduce the district's tax levy computed
16 under section 257.4 for the next following budget year by the
17 amount necessary to compensate for the increased state aid.

18 Sec. 5. Section 275.51, unnumbered paragraph 1, Code
19 Supplement 1993, is amended to read as follows:

20 As an alternative to school district reorganization
21 prescribed in this chapter, the board of directors of a school
22 district may establish a school district dissolution
23 commission to prepare a proposal of dissolution of the school
24 district and attachment of all of the school district to one
25 or more contiguous school districts and to include in the
26 proposal a division of the assets and liabilities of the
27 dissolving school district. A school district dissolution
28 commission shall be established by the board of directors of a
29 school district if a dissolution proposal has been prepared by
30 eligible qualified electors who reside within the district.
31 The proposal must contain the names of the proposed members of
32 the commission and be accompanied by a petition which has been
33 signed by at least twenty percent of the eligible qualified
34 electors.

35 Sec. 6. Section 279.49, Code 1993, is amended to read as

1 follows:

2 279.49 CHILD-DAY-CARE EARLY CHILDHOOD PROGRAMS.

3 1. For the purposes of this section unless the context
4 otherwise requires, "early childhood program" means the care,
5 supervision, or guidance of a child by a person other than the
6 parent, guardian, relative, or custodian for a period of less
7 than twenty-four hours per day per child on a regular basis
8 that is not part of the regular school curriculum and is not
9 licensed or approved by the department of human services under
10 chapter 237A except as provided under this section.

11 2. The board of directors of a school corporation may
12 operate or contract for the operation of a program to provide
13 child-day-care-to for children not enrolled in school or to
14 students enrolled in kindergarten through grade six before and
15 after school, or to both. Programs operated or contracted by
16 a board may include, but are not limited to, any of the
17 following: school age child day care, child development,
18 infant and toddler care, family resource center, family
19 support programs, preschool, summer and vacation care, and
20 other programs affiliated with a school or an instructional
21 program. A program shall either meet standards for early
22 childhood programs adopted by the state board of education or
23 shall be licensed by the department of human services under
24 chapter 237A as a child care center. A program operated by a
25 board under contract which is not located on property owned or
26 leased by the board must be licensed by the department of
27 human services.

28 3. The person employed to be responsible for a program
29 operated or contracted by a board that is not licensed by the
30 department of human services shall be an appropriately
31 certificated teacher under chapter 272 or the-program-operated
32 by-contract-with-the-board shall be-licensed-as-a-child-care
33 center-under-chapter-237A meet other standards adopted by the
34 state board of education. The-board-shall-require-the
35 employment-of-adequate-personnel-for-a-program-to-meet-the

1 personnel standards adopted by the state board of education,
2 pursuant to section 256.77, subsection 13, or the department of
3 human services, pursuant to section 237A.12, subsection 1.

4 4. The facilities housing a program operated under this
5 section shall comply with standards adopted by the state fire
6 marshal for school buildings under chapter 100. In addition,
7 if a program provides early childhood programs to children who
8 are younger than school age, the facilities housing those
9 children shall meet the fire safety standards which would
10 apply to that age of child in a child day care facility
11 licensed by the department of human services.

12 5. The board may establish a fee for the cost of
13 participation in a child-day-care an early childhood program
14 authorized under this section. The fee shall be established
15 pursuant to a sliding fee schedule based upon staffing costs
16 and other expenses and a family's ability to pay. If a fee is
17 established, the parent or guardian of a child participating
18 in a program shall be responsible for payment of any agreed
19 upon fee. The board may require the parent or guardian to
20 furnish transportation of the child.

21 6. The board may utilize or make application for program
22 subsidies from any existing day care funding streams.

23 7. Programs The components of programs established under
24 this section for child-day-care early childhood programs shall
25 include, but are not limited to, parental involvement in
26 program design and direction, activities designed to further
27 children's physical, mental, and emotional development, and a
28 parental education component to educate parents about the
29 physical, mental, and emotional development of children.

30 Sec. 7. NEW SECTION. 279.58 TIME CONTRACTS FOR EQUIP-
31 MENT.

32 The board of directors of school corporations may purchase
33 equipment and enter into contracts to pay for the equipment.
34 This equipment may be purchased with moneys from the general
35 fund or from the voter-approved physical plant and equipment

1 levy as authorized pursuant to section 298.3. If the general
2 fund is used to purchase the equipment, the contract time
3 period shall not exceed five years. If the voter-approved
4 physical plant and equipment levy is used to purchase the
5 equipment, the contract time period shall not exceed the time
6 remaining on the levy as approved by the voters. The interest
7 rate shall not exceed the rate in effect under section 74A.2.
8 The equipment shall serve as security for any balance due.
9 Before instituting proceedings for the issuance of
10 indebtedness on equipment payable from taxation, a notice of
11 the action shall be published in accordance with section
12 73A.12.

13 Sec. 8. NEW SECTION. 279.59 LEASE OR SALE OF EQUIPMENT
14 TO STAFF AND STUDENTS.

15 In order to facilitate the use of technology in schools, a
16 school district may purchase the needed technology and resell
17 or lease to officers and staff of the school district or
18 resell to students of the school district such technology.
19 Sales or leases to officers and staff may be paid for over a
20 period not to exceed five years. However, if an officer or
21 staff member no longer serves or is employed by the school
22 district prior to the end of the sales or lease contract any
23 remaining payments shall be due and payable at once. The
24 interest costs and other charges incurred by the school
25 district in its purchase of the technology shall be made part
26 of the sales or lease payments.

27 Sec. 9. NEW SECTION. 280.3A ACCREDITED NONPUBLIC SCHOOL
28 EARLY CHILDHOOD PROGRAMS.

29 Authorities in charge of accredited nonpublic schools may
30 operate or contract for the operation of early childhood
31 programs, as defined in section 279.49, subsection 1. These
32 programs include, but are not limited to, school age child day
33 care, child development, infant and toddler care, family
34 resource center, family support programs, preschool, summer
35 and vacation care, and other programs affiliated with a school

1 or instructional program. The provisions of section 279.49 as
2 they relate to early childhood programs of a school
3 corporation and its board of directors apply to the early
4 childhood programs of the accredited nonpublic school and the
5 authority in charge.

6 Sec. 10. Section 291.1, Code 1993, is amended to read as
7 follows:

8 291.1 PRESIDENT -- DUTIES.

9 The president of the board of directors shall preside at
10 all of its meetings, ~~sign all warrants and drafts,~~
11 ~~respectively, drawn upon the county treasurer for money~~
12 ~~apportioned and taxes collected and belonging to the school~~
13 ~~corporation, and all orders on the treasurer drawn as provided~~
14 ~~by law,~~ sign all contracts made by the board, and appear in
15 behalf of the corporation in all actions brought by or against
16 it, unless individually a party, in which case this duty shall
17 be performed by the secretary. The president or the
18 president's designee shall sign, using an original or
19 facsimile signature, all school district warrants drawn as
20 provided by law. The board of directors, by resolution, may
21 designate an individual, who shall not be the secretary, to
22 sign warrants on behalf of the president.

23 Sec. 11. Section 291.8, Code 1993, is amended to read as
24 follows:

25 291.8 WARRANTS.

26 The secretary shall ~~countersign all warrants and drafts~~
27 ~~upon the county treasurer drawn or signed by the president,~~
28 draw each order on the treasurer, specify the fund on which it
29 is drawn and the use for which the money is appropriated;
30 countersign using an original or facsimile signature and keep
31 a register of the same order, showing the number, date, to
32 whom drawn, the fund upon which it is drawn, the purpose and
33 the amount; and at each regular annual meeting furnish the
34 board with a copy of the same register.

35 Sec. 12. Section 297.23, Code 1993, is amended to read as

1 follows:

2 297.23 ADVERTISEMENT FOR BIDS.

3 Before making a sale, the board shall advertise for bids
4 for said the property. Such The advertisement shall
5 definitely describe said the property and be published by at
6 least one insertion each week for two consecutive weeks in
7 some newspaper having general circulation in the district.
8 However, individual property items having a value of not more
9 than five thousand dollars, other than real property, may be
10 disposed of by any procedure which is adopted by the board.

11 Sec. 13. Section 298.3, subsections 5 and 10, Code 1993,
12 are amended to read as follows:

13 5. Procuring or acquisition of ~~libraries~~ library
14 facilities.

15 10. Lease-purchase option agreements for school buildings
16 and for equipment exceeding in value five thousand dollars per
17 single unit.

18 Sec. 14. Section 300.4, Code 1993, is amended to read as
19 follows:

20 300.4 COMMUNITY EDUCATION.

21 The tax levied under sections 300.2 and 300.3 may also be
22 used for community education purposes under chapter 276 and to
23 stimulate the growth of community services learning,
24 volunteerism, intergenerational learning, school and community
25 planning, and family resource centers under chapter 256C.

26 Sec. 15. Section 301.10, subsection 1, Code Supplement
27 1993, is amended to read as follows:

28 1. ~~At-or-before-the-time-of-filing-a-bid,-make~~ Make
29 available samples of all textbooks ~~included-in-the-bid,~~
30 accompanied by lists giving the lowest wholesale and contract
31 prices for the textbooks.

32 Sec. 16. Section 301.30, unnumbered paragraph 4, Code
33 1993, is amended to read as follows:

34 Claims for reimbursement shall be made to the department of
35 education by July 15 by the public school district providing

1 textbook services during a school year on a form prescribed by
2 the department, and the claim shall state ~~the services~~
3 ~~provided and~~ the actual costs incurred in, and the actual
4 number of nonpublic students requesting, the provision of
5 textbook services. Claims shall be accompanied by an
6 affidavit of an officer of the public school district
7 affirming the accuracy of the claim. ~~By February 1 and by~~
8 ~~July 15 of each year the~~ The department shall certify to the
9 director of revenue and finance the amounts of approved claims
10 to be paid, and the director of revenue and finance shall draw
11 warrants payable to school districts which have established
12 claims. The public school district of attendance shall
13 furnish the services and shall receive reimbursement from the
14 state. However, the services must be comparable to the
15 services of the district of attendance and cannot exceed the
16 per pupil cost of the program of the district of attendance.

17 Sec. 17. Section 670.7, Code 1993, is amended to read as
18 follows:

19 670.7 INSURANCE.

20 The governing body of a municipality may purchase a policy
21 of liability insurance insuring against all or any part of
22 liability which might be incurred by the municipality or its
23 officers, employees, and agents under section 670.2 and
24 section 670.8 and may similarly purchase insurance covering
25 torts specified in section 670.4. The governing body of a
26 municipality may adopt a self-insurance program, including but
27 not limited to the investigation and defense of claims, the
28 establishment of a reserve fund for claims, the payment of
29 claims, and the administration and management of the self-
30 insurance program, to cover all or any part of the liability.
31 The governing body of a municipality may join and pay funds
32 into a local government risk pool to protect itself against
33 any or all liability. The governing body of a municipality
34 may enter into insurance agreements obligating the
35 municipality to make payments beyond its current budget year

1 to provide or procure such the policies of insurance, self-
2 insurance program, or local government risk pool. The premium
3 costs of the insurance, the costs of a self-insurance program,
4 the costs of a local government risk pool, and the amounts
5 payable under any-such the insurance agreements may be paid
6 out of the general fund or any available funds or may be
7 levied in excess of any tax limitation imposed by statute.
8 However, for school districts, the costs shall be included in
9 the district management levy as provided in section 296.7 if
10 the district has certified a district management levy. If the
11 district has not certified a district management levy, the
12 cost shall be paid from the general fund. Any independent or
13 autonomous board or commission in the municipality having
14 authority to disburse funds for a particular municipal
15 function without approval of the governing body may similarly
16 enter into insurance agreements, procure liability insurance,
17 adopt a self-insurance program, or join a local government
18 risk pool within the field of its operation.

19 PARAGRAPH DIVIDED. The procurement of such this insurance
20 constitutes a waiver of the defense of governmental immunity
21 as to those exceptions listed in section 670.4 to the extent
22 stated in the policy but shall have no further effect on the
23 liability of the municipality beyond the scope of this
24 chapter, but if a municipality adopts a self-insurance program
25 or joins and pays funds into a local government risk pool such
26 the action does not constitute a waiver of the defense of
27 governmental immunity as to the exceptions listed in section
28 670.4.

29 PARAGRAPH DIVIDED. The existence of any insurance which
30 covers in whole or in part any judgment or award which may be
31 rendered in favor of the plaintiff, or lack of any such
32 insurance, shall not be material in the trial of any action
33 brought against the governing body of a municipality, or its
34 officers, employees, or agents and any reference to such
35 insurance, or lack of insurance, is grounds for a mistrial. A

1 self-insurance program or local government risk pool is not
2 insurance and is not subject to regulation under chapters 505
3 through 523C.

4 Sec. 18. Section 301.8, Code 1993, is repealed.

5 EXPLANATION

6 The bill deals with a number of educational administrative
7 and finance matters. The administrative matters include
8 allowing interfund transfers by a school district for cash
9 flow purposes only, permitting facsimile signatures on
10 warrants and drafts of the president of the school district or
11 allowing a designee to sign for the president, providing
12 claims by districts for textbook services for nonpublic
13 schools to be paid once instead of twice a year, allowing
14 school districts to purchase technological equipment and
15 resell or lease to its officials or staff or resell to its
16 students, allowing districts to purchase equipment on a
17 contract basis, and providing that early childhood programs
18 provided in school buildings do not require special licensing
19 or greater standards than required of the school itself. The
20 financial matters include not requiring bids for the purchase
21 or sale of equipment by a school district if the unit price is
22 \$5,000 or less, allowing carryover of special education fund
23 balance of up to 10 percent, and allowing the payment for
24 liability insurance of a school district from the district
25 management levy fund or general fund if the district does not
26 have a management levy.

27 BACKGROUND STATEMENT

28 SUBMITTED BY THE AGENCY

29 This bill deals with a variety of school finance and
30 administrative issues. Section 1 allows interfund loans in a
31 school district. This is a good business practice because the
32 district earns interest from itself and no money leaves the
33 district for this short-term borrowing. Section 7 authorizes
34 school corporations to purchase equipment over time.
35 Currently districts cannot purchase anything over time other

1 than buses and buildings. This would provide another option
2 for districts to use to obtain expensive equipment, especially
3 technology. Section 8 allows districts to bulk purchase
4 technological equipment and lease or sell it to school
5 officers, staff and students. This is intended to facilitate
6 the acquisition and use of technology in schools. Sections 10
7 and 11 deal with signatures on warrants and drafts. The law
8 requires county treasurers to direct deposit into school dis-
9 trict accounts which means that these warrants and drafts have
10 not been signed (endorsed) for several years. It is no longer
11 practical to have the president personally sign all of the
12 warrants in a school district. Because of this, many
13 secretaries sign the president's signature and also sign
14 themselves. This does not allow for any segregation of duties
15 to protect public assets because the secretary also prepared
16 the checks. By allowing the board to officially name a
17 designee other than the secretary, there will again be two
18 separate people required to handle check writing.

19 Section 12 addresses the sale of individual property items
20 having a value of \$5,000 or less. The current requirement of
21 advertised bids when applied to used furniture and equipment
22 is not cost effective. Advertising for bids can cost more
23 than districts can get for these used items. Permitting other
24 procedures would allow districts to send such items to an
25 auction or hold their own "garage sale". Five thousand
26 dollars was selected because that is the threshold used to
27 determine when equipment is major enough to be purchased from
28 the physical plant and equipment levy. Section 13 is designed
29 to reduce confusion for districts regarding the acquisition of
30 library facilities. The addition of equipment makes this
31 section consistent with the new section in section 7 on
32 contracts and gives districts more options to acquire
33 expensive equipment. In past years, section 301.7 dealing
34 with bids was repealed, making sections 301.8 and 301.10
35 unclear. Sections 15 and 18 of the bill remove the references

1 to the bid language that was repealed.

2 Section 16 changes payment of claims for nonpublic school
3 pupil textbook services to once a year instead of twice a
4 year. This should relieve some of the data burden and reduce
5 paperwork. Section 17 allows use of the general fund to pay
6 insurance premium costs if a district does not have a
7 management fund. Many districts do not have the district
8 management levy fund and have always used the general
9 operating fund instead. It has now been determined that
10 section 670.7 does not give districts this choice. This Code
11 section conflicts with section 279.28 which states that the
12 board of directors may provide and pay a sum out of the
13 general fund to insure school property. This section is
14 intended to legalize current practice and make the Code
15 consistent. Section 5 deals with "eligible" electors. There
16 is no current census data of eligible electors available, nor
17 is it available from county commissioners of elections. The
18 term "qualified" is clearly defined and their numbers are
19 available from county commissioners of elections. Section 4
20 allows school districts to carry special education positive
21 year-end balances into the next school year in an amount up to
22 10 percent of the additional funds generated for special
23 education. This was one of the recommendations made by the
24 state task force on special education finance. The department
25 believes this change will allow district superintendents and
26 business managers to more wisely manage the expenditure of
27 special education dollars. The long-term impact should be to
28 provide property tax relief to Iowans by reducing the annual
29 amount of cash reserve levies that are requested by school
30 districts to fund deficit special education balances.

31 In order to facilitate partnerships and planned
32 collaboration among schools, families, and communities, the
33 department is proposing in section 14 to expand the uses for
34 the 13.5 cents public educational and recreational activities
35 levy. The department suggests that this funding mechanism be

1 used to stimulate the growth of community services learning,
2 volunteerism, intergenerational learning, family resource
3 centers, and school and community planning. It is more
4 important today than ever before that schools, families, and
5 communities work together.

6 Sections 2, 3, 6, and 9 are designed to clarify the
7 licensing issues regarding school-based instructional and
8 early childhood programs. This language was worked out in
9 conjunction with the department of human services and
10 representatives of accredited nonpublic schools.

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SENATE FILE 2234

AN ACT

RELATING TO EDUCATIONAL FINANCES, ACTIVITIES, AND PROCEDURES
ADMINISTERED BY OR THROUGH THE DEPARTMENT OF EDUCATION.

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

Section 1. Section 237A.1, subsection 4, paragraph a, Code Supplement 1993, is amended to read as follows:

a. An instructional program administered by a public or nonpublic school system accredited by the department of education or the state board of regents, ~~except~~ or a program provided under section 279.49 or 280.3A.

Sec. 2. Section 237A.12, unnumbered paragraphs 2, 3, 4, and 5, Code 1993, are amended to read as follows:

Rules ~~promulgated~~ adopted by the state fire marshal for buildings, other than school buildings, used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from rules ~~promulgated~~ adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the fire marshal determines that the separation is necessary for the protection of children from a specific flammable hazard.

Rules relating to fire safety shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child day care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules

relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child day care advisory council. The state fire marshal shall inspect the facilities.

If a building is owned or leased by a school district or accredited nonpublic school building and complies with standards adopted by the state fire marshal for school buildings under chapter 100, the building is considered appropriate for use by a child day care facility ~~caring for school-age children~~. The rules adopted by the administrator under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

Standards and requirements set by a city or county for a school building which is owned or leased by a school district or accredited nonpublic school and used as a child day care facility as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from standards and requirements set for the primary purpose use of the building as a school.

Sec. 3. Section 257.31, subsection 14, paragraph a, Code Supplement 1993, is amended to read as follows:

a. If the amount certified for a school district to the director of the department of management under this subsection for the base year is positive, the director of the department of management shall subtract the amount of the positive balance exceeding ten percent of the additional funds generated for special education, not to include any previous carryover, from the amount of state aid remaining to be paid to the district during the budget year. If the positive amount exceeding the ten percent amount exceeds the amount of state aid that remains to be paid to the district, not including any previous carryover, the school district shall pay the excess on a quarterly basis prior to June 30 of the

budget year to the director of the department of management from other funds received by the district. The director of the department of management shall determine the amount of the positive balance that exceeds the ten percent amount that came from local property tax revenues and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined and shall reduce the district's tax levy computed under section 257.4 for the next following budget year by the amount necessary to compensate for the increased state aid.

Sec. 4. Section 260C.28, subsection 2, Code 1993, is amended to read as follows:

2. However, the board of directors may annually certify for levy a tax on taxable property in the merged area at a rate in excess of the three cents per thousand dollars of assessed valuation specified under subsection 1 if the excess tax levied does not cause the total rate certified to exceed a rate of nine cents per thousand dollars of assessed valuation, and the excess revenue generated is used for purposes of program sharing between community colleges or for the purchase of instructional equipment. Programs that are shared shall be designed to increase student access to community college programs and to achieve efficiencies in program delivery at the community colleges, including, but not limited to, the programs described under sections 260C.45 and 260C.46. Prior to expenditure of the excess revenues generated under this subsection, the board of directors shall obtain the approval of the director of the department of education.

Sec. 5. Section 273.3, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 20. Be authorized to purchase equipment as provided in section 279.48.

Sec. 6. Section 275.51, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school

district may establish a school district dissolution commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district. A school district dissolution commission shall be established by the board of directors of a school district if a dissolution proposal has been prepared by eligible qualified electors who reside within the district. The proposal must contain the names of the proposed members of the commission and be accompanied by a petition which has been signed by at least twenty percent of the eligible qualified electors.

Sec. 7. NEW SECTION. 279.48 EQUIPMENT PURCHASE.

1. The board of directors of a school corporation may purchase equipment, and may negotiate and enter into a loan agreement and issue a note to pay for the equipment subject to the following terms and procedures.

a. The note must mature within five years, or the useful life of the equipment, whichever is less.

b. The note may bear interest at a rate to be determined by the board of directors in the manner provided in section 74A.3, subsection 1. Chapter 75 is not applicable.

c. The board of directors shall provide for the form of the agreement and note.

d. Principal and interest on the note must be payable from budgeted receipts in the debt service fund for each year of a period of up to five years.

2. The total of scheduled annual payments of principal or interest due and payable from current budgeted receipts or future budgeted receipts with respect to all loan agreements authorized under this section or section 285.10, subsection 7, paragraph "b", must not exceed ten percent of the last authorized budget of the school corporation.

3. Before entering into a loan agreement for an equipment purchase, the school corporation must publish a notice,

including a statement of the amount and purpose of the agreement, at least once in a newspaper of general circulation within the school corporation at least ten days before the meeting at which the loan agreement is to be approved.

Sec. 8. Section 279.49, Code 1993, is amended to read as follows:

279.49 CHILD DAY CARE PROGRAMS.

1. For the purposes of this section unless the context otherwise requires, "child day-care program" means child day care that is not licensed or approved by the department of human services under chapter 237A except as provided under this section.

2. The board of directors of a school corporation may operate or contract for the operation of a program to provide child day care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. Programs operated or contracted by a board shall either meet standards for child day care programs adopted by the state board of education or shall be licensed by the department of human services under chapter 237A as a child care center. A program operated by a board under contract which is not located on property owned or leased by the board must be licensed by the department of human services.

3. The person employed to be responsible for a program operated or contracted by a board that is not licensed by the department of human services shall be an appropriately certificated licensed teacher under chapter 272 or the-program operated-by-contract-with-the-board shall be-licensed-as-a child-care-center-under-chapter-237A meet other standards adopted by the state board of education. The-board-shall require-the-employment-of-adequate-personnel-for-a-program-to meet-the-personnel-standards-adopted-by-the-state-board-of education; pursuant-to-section-256.27-subsection-13; or-the department-of-human-services; pursuant-to-section-237A:12; subsection-1;

4. The facilities housing a program operated under this section shall comply with standards adopted by the state fire marshal for school buildings under chapter 100. In addition, if a program involves children who are younger than school age, the facilities housing those children shall meet the fire safety standards which would apply to that age of child in a child day care facility licensed by the department of human services.

5. The board may establish a fee for the cost of participation in a child day care program authorized under this section. The fee shall be established pursuant to a sliding fee schedule based upon staffing costs and other expenses and a family's ability to pay. If a fee is established, the parent or guardian of a child participating in a program shall be responsible for payment of any agreed upon fee. The board may require the parent or guardian to furnish transportation of the child.

6. The board may utilize or make application for program subsidies from any existing day care funding streams.

7. Programs The components of programs established under this section for child day care shall include, but are not limited to, parental involvement in program design and direction, activities designed to further children's physical, mental, and emotional development, and a parental education component to educate parents about the physical, mental, and emotional development of children.

Sec. 9. NEW SECTION. 280.3A ACCREDITED NONPUBLIC SCHOOL CHILD DAY CARE PROGRAMS.

Authorities in charge of accredited nonpublic schools may operate or contract for the operation of child day care programs, as defined in section 279.49, subsection 1. The provisions of section 279.49 as they relate to child day care programs of a school corporation and its board of directors apply to the child day care programs of the accredited nonpublic school and the authority in charge.

Sec. 10. Section 282.18, subsections 2, 4, 5, 7, and 14, Code Supplement 1993, are amended to read as follows:

2. By October 30 of the preceding school year, the parent or guardian shall send notification to the district of residence, and to the department of education on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. The parent or guardian shall describe the reason for enrollment in the receiving district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline of October 30 of the previous year, and good cause one of the criteria defined in section 282.18, subsection 18, exists for the failure to meet the deadline or if the request is to enroll a child in kindergarten in a public school in another district, the parent or guardian shall be permitted to enroll the child in the other district in the same manner as if the deadline had been met.

The board of the district of residence shall take action on the request no later than November 30 of the preceding school year and shall transmit any approved request within five days after board action on the request. The parent or guardian may withdraw the request during November of the preceding school year unless the board of the receiving district has acted on the request at any time prior to the start of the school year. The board of the receiving district shall take action to approve or disapprove the request no later than December 31 of the preceding school year. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. If the request is granted, the board shall transmit a copy of the form to the school district of residence within five days after board action.

~~4. The board of each school district shall adopt a policy relating to the order in which requests for enrollment in other districts shall be considered.~~

~~The board of the receiving school district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil.~~

4. In all districts involved with volunteer voluntary or court-ordered desegregation, minority and nonminority pupil ratios shall be maintained according to the desegregation plan or order. The superintendent of a district subject to volunteer voluntary or court-ordered desegregation may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or plan. If, however, a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.

5r. A parent or guardian, whose request has been denied because of a desegregation order or plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal under section 290.1.

5. If, however, a request to enroll a child in another district is denied by the board of the child's district of residence for failure to show good cause for not meeting the request deadline, the parent or guardian shall be permitted to appeal the decision of the board either directly to the director of the department of education or to the state board under chapter 290, but not to both. ~~if the matter is to be heard by the director or the director's designee, the matter shall be heard de novo in accordance with the procedures contained in chapter 17A; if a designee of the director hears~~

~~the matter, the findings of the director's designee shall be reviewed by and are subject to the approval of the director.~~ Notwithstanding chapter 17A, in an appeal arising from the denial of a parent's or guardian's request for open enrollment, where the denial was for failure to show good cause for not meeting the request deadline, the director or designee assigned to hear the appeal on behalf of the director or state board may, with the agreement of the parties to the appeal, issue an oral decision at the conclusion of the hearing on the appeal. The oral decision shall comport with previously established decisions of the director and state board. However, any party to the appeal may request a written decision and the director or state board shall issue a written decision. The department shall recommend, and the state board shall adopt, rules to implement this subsection.

7. ~~A request under this section is for a period of not less than four years unless the pupil will graduate, the pupil's family moves to another school district, or one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian petitions may petition the current receiving district by October 30 of the previous school year for permission to enroll the pupil in a different district, which may include the district of residence, within the four-year period for a period of not less than one year. If the parent or guardian requests permission of the receiving district to enroll the pupil in a different district within the four-year period. Upon receipt of such a request, the current receiving district school board may act on the request to transfer to the other school district within five days of at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect the court-ordered or voluntary desegregation orders affecting a plan of~~

~~the district. A denial of a request to change district enrollment within the four-year approved period is subject to appeal under section 290.1. However, a pupil who has been in attendance in another district under this section may return to the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.~~

14. ~~The board of directors of a school district subject to volunteer voluntary or court-ordered desegregation may vote not to participate in open enrollment under this section during the school year commencing July 1, 1990, and ending June 30, 1991. If a district chooses not to participate in open enrollment under this paragraph, the district shall develop a policy for implementation of open enrollment in the district for that following school year. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.~~

Sec. 11. Section 291.1, Code 1993, is amended to read as follows:

291.1 PRESIDENT -- DUTIES.

~~The president of the board of directors shall preside at all of its meetings, sign all warrants and drafts, respectively, drawn upon the county treasurer for money apportioned and taxes collected and belonging to the school corporation, and all orders on the treasurer drawn as provided by law; sign all contracts made by the board, and appear in behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary. The president or the president's designee shall sign, using an original or facsimile signature, all school district warrants drawn as provided by law. The board of directors, by resolution, may designate an individual, who shall not be the secretary, to sign warrants on behalf of the president.~~

Sec. 12. Section 291.8, Code 1993, is amended to read as follows:

291.8 WARRANTS.

The secretary shall countersign all warrants and drafts upon the county treasurer drawn or signed by the president; draw each order on the treasurer, specify the fund on which it is drawn and the use for which the money is appropriated; countersign using an original or facsimile signature and keep a register of the same order, showing the number, date, to whom drawn, the fund upon which it is drawn, the purpose and the amount; and at each regular annual meeting furnish the board with a copy of the same register.

Sec. 13. Section 297.23, Code 1993, is amended to read as follows:

297.23 ADVERTISEMENT FOR BIDS.

Before making a sale, the board shall advertise for bids for said the property. Such The advertisement shall definitely describe said the property and be published by at least one insertion each week for two consecutive weeks in some newspaper having general circulation in the district. However, individual property items having a value of not more than five thousand dollars, other than real property, may be disposed of by any procedure which is adopted by the board and each sale shall be published by at least one insertion each week for two consecutive weeks in some newspaper having general circulation in the district.

Sec. 14. Section 298.3, subsections 5 and 10, Code 1993, are amended to read as follows:

5. Procuring or acquisition of ~~libraries~~ library facilities.

10. Lease-purchase option agreements for school buildings and for equipment exceeding in value five thousand dollars per single unit.

Sec. 15. Section 301.10, subsection 1, Code Supplement 1993, is amended to read as follows:

~~1. At or before the time of filing a bid, make~~ Make available samples of all textbooks ~~included in the bid,~~ accompanied by lists giving the lowest wholesale and contract prices for the textbooks.

Sec. 16. Section 301.30, unnumbered paragraph 4, Code 1993, is amended to read as follows:

Claims for reimbursement shall be made to the department of education by July 15 by the public school district providing textbook services during a school year on a form prescribed by the department, and the claim shall state ~~the services provided and the actual costs incurred in, and the actual number of nonpublic students requesting, the provision of~~ textbook services. Claims shall be accompanied by an affidavit of an officer of the public school district affirming the accuracy of the claim. ~~By February 1 and by July 15 of each year the~~ The department shall certify to the director of revenue and finance the amounts of approved claims to be paid, and the director of revenue and finance shall draw warrants payable to school districts which have established claims. The public school district of attendance shall furnish the services and shall receive reimbursement from the state. However, the services must be comparable to the services of the district of attendance and cannot exceed the per pupil cost of the program of the district of attendance.

Sec. 17. Section 670.7, Code 1993, is amended to read as follows:

670.7 INSURANCE.

The governing body of a municipality may purchase a policy of liability insurance insuring against all or any part of liability which might be incurred by the municipality or its officers, employees, and agents under section 670.2 and section 670.8 and may similarly purchase insurance covering torts specified in section 670.4. The governing body of a municipality may adopt a self-insurance program, including but not limited to the investigation and defense of claims, the establishment of a reserve fund for claims, the payment of

claims, and the administration and management of the self-insurance program, to cover all or any part of the liability. The governing body of a municipality may join and pay funds into a local government risk pool to protect itself against any or all liability. The governing body of a municipality may enter into insurance agreements obligating the municipality to make payments beyond its current budget year to provide or procure such the policies of insurance, self-insurance program, or local government risk pool. The premium costs of the insurance, the costs of a self-insurance program, the costs of a local government risk pool, and the amounts payable under any-such the insurance agreements may be paid out of the general fund or any available funds or may be levied in excess of any tax limitation imposed by statute. However, for school districts, the costs shall be included in the district management levy as provided in section 296.7 if the district has certified a district management levy. If the district has not certified a district management levy, the cost shall be paid from the general fund. Any independent or autonomous board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly enter into insurance agreements, procure liability insurance, adopt a self-insurance program, or join a local government risk pool within the field of its operation.

PARAGRAPH DIVIDED. The procurement of such this insurance constitutes a waiver of the defense of governmental immunity as to those exceptions listed in section 670.4 to the extent stated in the policy but shall have no further effect on the liability of the municipality beyond the scope of this chapter, but if a municipality adopts a self-insurance program or joins and pays funds into a local government risk pool such the action does not constitute a waiver of the defense of governmental immunity as to the exceptions listed in section 670.4.

PARAGRAPH DIVIDED. The existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, or lack of any such insurance, shall not be material in the trial of any action brought against the governing body of a municipality, or its officers, employees, or agents and any reference to such insurance, or lack of insurance, is grounds for a mistrial. A self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C.

Sec. 18. Section 301.8, Code 1993, is repealed.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2234, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 13, 1994

TERRY E. BRANSTAD
Governor