

4/29/97 Referred to W. & Means Comm.

MAR 27 1997

WAYS & MEANS CALENDAR

HOUSE FILE 716  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 176)

(SUCCESSOR TO HF 531)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the transportation of public and nonpublic  
2 school students and other properly related matters.

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

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HF 716

1 Section 1. Section 279.48, subsection 2, Code 1997, is  
2 amended to read as follows:

3 2. The total of scheduled annual payments of principal or  
4 interest due and payable from current budgeted receipts or  
5 future budgeted receipts with respect to all loan agreements  
6 authorized under this section or section ~~285.10~~ 285.11,  
7 subsection 7, paragraph "b" "d", must not exceed ten percent  
8 of the last authorized budget of the school corporation.

9 Sec. 2. Section 282.18, subsection 10, Code 1997, is  
10 amended to read as follows:

11 10. Notwithstanding section ~~285.1~~ 285.6 relating to  
12 transportation of nonresident pupils, the parent or guardian  
13 is responsible for transporting the pupil without  
14 reimbursement to and from a point on a regular school bus  
15 route of the receiving district. However, a receiving  
16 district may send school vehicles into the district of  
17 residence of the pupil using the open enrollment option under  
18 this section, for the purpose of transporting the pupil to and  
19 from school in the receiving district, if the boards of both  
20 the sending and receiving districts agree to this arrangement.  
21 If the pupil meets the economic eligibility requirements  
22 established by the department and state board of education,  
23 the sending district is responsible for providing  
24 transportation or paying the pro rata cost of the  
25 transportation to a parent or guardian for transporting the  
26 pupil to and from a point on a regular school bus route of a  
27 contiguous receiving district unless the cost of providing  
28 transportation or the pro rata cost of the transportation to a  
29 parent or guardian exceeds the average transportation cost per  
30 pupil transported for the previous school year in the  
31 district. If the cost exceeds the average transportation cost  
32 per pupil transported for the previous school year, the  
33 sending district shall only be responsible for that average  
34 per pupil amount. A sending district which provides  
35 transportation for a pupil to a contiguous receiving district

1 under this subsection may withhold from the district cost per  
2 pupil amount, that is to be paid to the receiving district, an  
3 amount which represents the average or pro rata cost per pupil  
4 for transportation, whichever is less.

5 Sec. 3. Section 285.1, Code 1997, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 285.1 DEFINITIONS.

8 1. "Average cost per student transported" means the pro  
9 rata cost of transporting a student for a school year, during  
10 the school year only, to and from the school in which the  
11 student is enrolled and calculated under section 285.8.

12 2. "Elementary school student" for purposes of this  
13 chapter means a student enrolled in an accredited public or  
14 nonpublic school, grades kindergarten through eight or nine as  
15 determined by the board of directors of the public school  
16 district or, in the case of nonpublic schools, by the  
17 governing authority of the nonpublic school.

18 3. "High school student" for purposes of this chapter  
19 means a student enrolled in an accredited public or nonpublic  
20 school in grades nine or ten through twelve as determined by  
21 the board of directors of the school district or, in the case  
22 of nonpublic schools, by the governing authority of the  
23 nonpublic school.

24 4. "Nonpublic school" means a nonpublic school accredited  
25 by the department of education as provided in section 256.11  
26 and nonpublic institutions that comply with state board of  
27 education standards for providing special education programs.

28 5. "School or district board" means the board of directors  
29 of a school district.

30 6. "School bus" means a school bus as defined in 321.1,  
31 but shall not include a vehicle used for an approved driver  
32 education course in which the driver education teacher  
33 transports a driver education student from the student's  
34 residence for the purpose of street or highway driving.

35 7. "School designated for attendance" means the accredited

1 school designated for attendance by the board of directors of  
2 the school district, or in the case of a nonpublic school, by  
3 the parent or guardian of a nonpublic school student.

4 8. "Prekindergarten student" means a student enrolled in a  
5 prekindergarten program offered or sponsored by a school  
6 district or nonpublic school and approved by the department of  
7 education.

8 Sec. 4. Section 285.2, Code 1997, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 285.2 ENTITLEMENT TO SCHOOL TRANSPORTATION.

11 1. The board of directors of a school district shall  
12 provide transportation, either directly or by reimbursement  
13 for transportation in accordance with section 285.3, to and  
14 from the designated school of attendance, at no cost to the  
15 parent or guardian, for resident students attending public  
16 school, kindergarten through twelfth grade, except that:

17 a. Elementary students are entitled to transportation only  
18 if they live more than two miles from the school designated  
19 for attendance.

20 b. High school students are entitled to transportation  
21 only if they live more than three miles from the school  
22 designated for attendance.

23 c. Students attending public school prekindergarten  
24 programs offered or sponsored by the district and approved by  
25 the department of education may be provided transportation  
26 services as if they were public school elementary pupils.

27 2. Students attending prekindergarten programs offered or  
28 sponsored by a nonpublic school may be transported to the  
29 nonpublic school in the manner provided in this chapter, but  
30 those students are not eligible for transportation  
31 reimbursement under this chapter. The board of directors  
32 transporting nonpublic school prekindergarten students shall  
33 charge a fee for the transportation services as provided in  
34 section 285.11, subsection 3, paragraph "d".

35 3. Distance to school or to a bus route, for the purpose

1 of determining entitlement to transportation services, shall  
2 be measured on the public highway only and over the most  
3 passable and safest highway route as determined by the  
4 district's board, starting in the roadway opposite the private  
5 entrance to the residence of the student and ending in the  
6 roadway opposite an entrance to the school grounds of the  
7 student's designated attendance center, except as provided in  
8 subsection 4. Disputes over safety or entitlement may be  
9 appealed to the area education agency board for resolution  
10 pursuant to section 285.13.

11 4. A parent or guardian of a prekindergarten or elementary  
12 student entitled to transportation may request that a child  
13 day care facility, as defined in section 237A.1, be designated  
14 as the student's residence for purposes of subsection 3 rather  
15 than the actual residence of the student. The request shall  
16 be submitted for a period of time of at least one semester and  
17 shall not be submitted more than twice during a school year.  
18 A board of directors providing transportation service to a  
19 child day care facility located fewer than two miles from a  
20 student's school designated for attendance may charge a fee  
21 for the transportation in an amount not to exceed the  
22 district's average cost per pupil transported calculated under  
23 section 285.8.

24 5. Transportation for which the average cost per student  
25 transported or other charge is collected shall not be provided  
26 outside the state of Iowa except in accordance with rules  
27 adopted by the department of education in accordance with  
28 chapter 17A. The rules shall take into account any applicable  
29 federal requirements.

30 Sec. 5. Section 285.3, Code 1997, is amended by striking  
31 the section and inserting in lieu thereof the following:

32 285.3 TRANSPORTATION BY PARENTS.

33 1. Where unsatisfactory roads or other conditions make it  
34 advisable, a district board in its discretion may require the  
35 parent or guardian of a public or nonpublic school student to

1 furnish transportation for the student a distance of not to  
2 exceed two miles to connect or meet with a school bus. The  
3 parent or guardian shall be reimbursed for the transportation  
4 by the board of the resident district at a rate based on the  
5 current annual mileage rate allowance determined and approved  
6 by the United States Internal Revenue Service in accordance  
7 with 26 U.S.C. § 274(d), for allowable personal income tax  
8 mileage expense. The mileage payment shall be based on miles  
9 traveled one way, per day, per family when measured over the  
10 public highway only for the distance from the student's  
11 residence to the connection point on the bus route.

12 2. In a district where transportation by school bus is  
13 impracticable or unavailable, or where necessary to implement  
14 a whole grade sharing agreement under section 282.10, the  
15 board may require parents or guardians to furnish  
16 transportation for their children to the schools designated  
17 for attendance. Except as provided in section 285.7, the  
18 parent or guardian shall be reimbursed for the transportation  
19 service for public and nonpublic school students by the board  
20 of the resident district in an amount equal to eighty dollars  
21 plus seventy-five percent of the difference between eighty  
22 dollars and the previous school year's statewide average cost  
23 per student transported, as determined by the department of  
24 education. However, a parent or guardian shall not receive  
25 reimbursement for furnishing transportation for more than  
26 three family members who attend kindergarten or elementary  
27 school and one family member who attends high school.

28 3. Notwithstanding subsections 1 and 2, a parent or  
29 guardian may be required to provide transportation to the  
30 connection point on a bus route without reimbursement if the  
31 distance does not exceed three-fourths of a mile when measured  
32 over the public roadway only.

33 Sec. 6. Section 285.4, Code 1997, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 285.4 DISTRICT ARRANGEMENTS FOR STUDENT TRANSPORTATION.

1 1. Where transportation by school bus is impracticable,  
2 unavailable, or other existing conditions warrant it, the  
3 school board may contract for use of common carriers according  
4 to uniform standards established by the director of the  
5 department of education and at a cost based upon the actual  
6 cost of transportation service and approved by the school  
7 board.

8 2. When a school board pays the costs for a student to  
9 attend another district under a whole grade sharing agreement  
10 pursuant to sections 282.10 through 282.12, the board of the  
11 resident district shall provide transportation to and from the  
12 school designated for attendance for the student. This  
13 section does not apply to students attending school in another  
14 district under open enrollment in section 282.18.

15 Sec. 7. Section 285.5, Code 1997, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 285.5 CONTRACTS FOR SCHOOL BUS SERVICE.

18 1. Contracts for school bus service with other school  
19 districts, nonpublic schools, or private parties shall be in  
20 writing and be for the transportation of children attending  
21 public or nonpublic school. The contracts shall define the  
22 route, duration of the agreement, service contracted for,  
23 compensation to be paid, and the vehicle to be used. The  
24 contract shall prescribe the duties of the contractor and  
25 driver of the vehicles and shall provide that every person in  
26 charge of a vehicle conveying children to and from school  
27 shall be at all times subject to any rules the school board  
28 shall adopt for the protection of the children or to govern  
29 the conduct of the persons in charge of the vehicle.

30 2. A contract shall provide that the contractor will sell  
31 the transportation equipment to the board should the  
32 contractor desire to terminate the contract, provided that the  
33 school board desires to purchase the equipment. The price of  
34 the equipment sold to the school board shall be determined by  
35 an appraisal board composed of one person appointed by the

1 school board, one appointed by the owner of the equipment, and  
2 a third person selected by these two.

3 3. The contractor shall operate the vehicle or provide a  
4 driver who must be approved by the board. The driver of a  
5 vehicle shall be subject to all laws and prescribed standards  
6 for school bus drivers. Failure to comply shall constitute  
7 grounds for dismissal of the driver or cancellation of the  
8 contract if the board so desires.

9 4. Vehicles of transportation provided by the contractor  
10 shall be inspected, approved, and certified before being put  
11 into operation in the manner provided in section 285.9,  
12 subsection 5.

13 5. Contracts for transportation services may be made for a  
14 period not to exceed three years. Contracts may be terminated  
15 by either party on a ninety-day notice.

16 6. The director of the department of education shall  
17 prepare a uniform contract, containing provisions not in  
18 conflict with this chapter, which shall be used by all school  
19 districts in contracting for transportation service. However,  
20 a school board may add to the provisions of the uniform  
21 contract.

22 7. All contractors providing school transportation service  
23 shall carry liability insurance at least in amounts and kind  
24 as provided in the uniform contract.

25 8. Private buses, other than common carriers not used  
26 exclusively in transportation of students while under contract  
27 to a school district, shall meet construction and operation  
28 requirements for school-owned buses.

29 Sec. 8. Section 285.6, Code 1997, is amended by striking  
30 the section and inserting in lieu thereof the following:

31 285.6 NONPUBLIC STUDENT TRANSPORTATION.

32 1. Resident students attending a nonpublic school located  
33 either within or outside the school district of the student's  
34 residence are entitled to transportation on the same basis as  
35 provided for resident public school students under this

1 chapter. The public school district may meet the requirements  
2 of this section by any of the following:

3 a. Providing transportation services in a school bus  
4 operated by the district.

5 b. Contracting with a contiguous public school district, a  
6 nonpublic school, or private parties as provided in section  
7 285.5. However, contracts shall not provide payment in excess  
8 of the average cost per student transported of the school  
9 district for that school year.

10 c. Utilizing the parent transportation reimbursement in  
11 the manner provided in section 285.3.

12 2. The public school district providing transportation to  
13 a nonpublic school student shall determine the days on which  
14 bus service is provided, based upon the days for which bus  
15 service is provided to public school students. The public  
16 school district shall determine bus schedules and routes.

17 3. If the nonpublic school designated for attendance is  
18 located within the public school district in which the student  
19 is a resident, the student shall be provided transportation in  
20 accordance with this section.

21 4. If the nonpublic school designated for attendance is  
22 located in a contiguous public school district outside the  
23 boundary line of the school district of the student's  
24 residence, one of the following may occur:

25 a. The resident district may provide, in district  
26 vehicles, transportation from the nonpublic school student's  
27 residence to the nonpublic school designated for attendance in  
28 the contiguous district.

29 b. A contiguous district may provide transportation  
30 service from the nonpublic student's residence, or from a  
31 designated point within the boundary of the transporting  
32 district, to the designated nonpublic school. The board of  
33 the contiguous district providing the transportation shall  
34 provide written notice to the nonpublic school student's  
35 district of residence, that it is providing the transportation

1 service and it is making the claim for reimbursement for the  
2 nonpublic school student's transportation under section 285.7.  
3 Transportation by the board of the contiguous district  
4 relieves the resident district of any requirement to provide  
5 transportation services.

6 c. Transportation outside the boundary of the resident  
7 district shall be approved by the area education agency in  
8 accordance with section 285.10, subsection 3.

9 5. If the nonpublic school designated for attendance is  
10 located in a district that is not contiguous to the resident  
11 district, the parent transportation reimbursement provided for  
12 in section 285.3, subsection 2, is the only transportation  
13 option available to the resident district.

14 Sec. 9. NEW SECTION. 285.7 SUBMISSION AND PAYMENT OF  
15 CLAIMS FOR NONPUBLIC STUDENT TRANSPORTATION.

16 1. Boards of directors of school districts are required to  
17 provide transportation services to nonpublic school students  
18 as provided in section 285.6 when the general assembly  
19 appropriates funds to the department of education for the  
20 payment of claims for transportation costs submitted by the  
21 school districts.

22 2. There is appropriated from the general fund of the  
23 state to the department of education funds sufficient to pay  
24 the approved claims of public school districts for  
25 transportation services to nonpublic school students as  
26 provided in this section. The amount paid for an approved  
27 claim, based upon the moneys appropriated for approved claims,  
28 shall be determined under section 285.3, subsection 2.

29 3. The costs of providing transportation to nonpublic  
30 school students as provided in section 285.6 shall not be  
31 included in the computation of district cost under chapter  
32 257, but shall be shown in the budget as an expense from  
33 miscellaneous income. Transportation reimbursements received  
34 by a school district for transporting nonpublic school  
35 students shall not affect district cost limitations of chapter

1 257. The reimbursements provided in this section are  
2 miscellaneous income as defined in section 257.2.

3 4. a. The board of the public school district providing  
4 transportation to nonpublic students or transportation  
5 reimbursement to parents of nonpublic school students during a  
6 school year shall make a claim for reimbursement to the  
7 department of education on a form prescribed by the  
8 department, and the claim shall state the services provided  
9 and the actual costs incurred. A claim for a student shall  
10 not exceed the average cost per student transported of the  
11 resident district for the school year in which the  
12 transportation is provided except as otherwise provided in  
13 this section.

14 b. School boards shall submit claims for reimbursement to  
15 the department of education by January 31 and July 15 of each  
16 school year, accompanied by an affidavit of an officer of the  
17 public school district affirming the accuracy of the claim.  
18 The department of education shall certify to the department of  
19 revenue and finance the amounts of approved claims to be paid,  
20 and the department of revenue and finance shall draw warrants  
21 payable to school districts that have established claims.

22 5. a. A parent or legal guardian of a student attending  
23 an accredited nonpublic school, who furnishes transportation  
24 for the student pursuant to section 285.3 and meets the  
25 requirements of paragraph "b", is entitled to reimbursement  
26 equal to an amount calculated under the provisions of section  
27 285.3, subsection 2. In addition, parents or guardians who  
28 transport one or more family members more than four miles to  
29 their nonpublic schools of attendance shall be entitled to one  
30 supplemental mileage payment per family, per claim period,  
31 equal to fifteen percent of the parental reimbursement amount,  
32 rounded to the nearest whole dollar, when calculated under the  
33 provisions of section 285.3, subsection 2.

34 b. To qualify for parental reimbursement under paragraph  
35 "a", a parent or guardian of a student attending a nonpublic

1 school, who furnishes transportation for the student pursuant  
2 to section 285.3, shall submit a claim for reimbursement to  
3 the resident public school district, on a form prescribed by  
4 the department, notifying the district that the student is  
5 enrolled and attending a nonpublic school. Claims for  
6 reimbursement shall be filed with the district by December 1  
7 and May 1 annually and shall include the name, age, and grade  
8 level of the student, and the name of the nonpublic school and  
9 its location. The district shall submit claims for  
10 reimbursement to the department of education on behalf of the  
11 parent or guardian if the parent or guardian meets the  
12 requirements of this section.

13 Sec. 10. Section 285.8, Code 1997, is amended by striking  
14 the section and inserting in lieu thereof the following:

15 285.8 AVERAGE COST PER STUDENT TRANSPORTED -- CALCULATION.

16 The average cost per student transported for a school year  
17 shall be determined by calculating the actual cost for all  
18 children transported in the state in public school buses for  
19 that school year. It shall include one-seventh of the  
20 original net cost of the bus and other items, as determined  
21 and approved by the director of the department of education,  
22 but no part of the capital outlay cost for school buses and  
23 transportation equipment for which the school district is  
24 reimbursed from state funds or that portion of the cost of the  
25 operation of a school bus used in transporting students to and  
26 from extracurricular activities shall be included in  
27 determining the average cost per student transported.

28 Sec. 11. Section 285.9, Code 1997, is amended by striking  
29 the section and inserting in lieu thereof the following:

30 285.9 POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION.

31 The department shall:

32 1. Employ the necessary qualified personnel to implement  
33 this chapter. The appropriation provided by this chapter may  
34 be expended in part for salaries and necessary traveling  
35 expenses incurred by personnel in the performance of their

1 official duties pursuant to this chapter.

2 2. Exercise general supervision over the school  
3 transportation system in the state.

4 3. Establish uniform standards and rules for the  
5 administration of this chapter, including:

6 a. Protection of the health and safety of the students  
7 transported.

8 b. Efficient operation and maintenance of school  
9 transportation vehicles.

10 c. Minimum construction standards for school  
11 transportation vehicles.

12 d. Procedures for purchase of school transportation  
13 vehicles.

14 e. Locating, establishing, and operating school bus  
15 routes.

16 f. Procedures for transporting persons other than  
17 students.

18 g. Qualifications of school bus drivers, including, but  
19 not limited to, a requirement that school bus drivers present  
20 an annual certificate of physical fitness before being  
21 permitted to operate a vehicle transporting children to and  
22 from school.

23 4. Review and establish the locations of bus routes  
24 located in more than one area education agency when the area  
25 education agency boards of the affected area education  
26 agencies after formal action do not reach an agreement.

27 5. Inspect or cause to be inspected annually, in  
28 accordance with rules established by the department, vehicles  
29 used as school buses to determine if the vehicles meet legal  
30 and established standards of construction and can be operated  
31 with safety, comfort, and economy. When it is determined that  
32 use of a vehicle is dangerous to the students transported and  
33 to the safety and welfare of the traveling public, the  
34 department of education shall order the vehicle to be  
35 withdrawn from further use on a specified date. School buses

1 that do not conform to the requirements of the department of  
2 education may be issued temporary certificates of operation by  
3 the department if the school buses can be operated safely and  
4 if the certificate is issued for a period of not more than one  
5 year. Equipment may be required to be altered, or safety  
6 equipment added, in order to make vehicles reasonably safe for  
7 operation. New school buses shall, after initial inspection  
8 and approval, be issued an original seal of inspection, which  
9 shall be placed in the lower right hand corner of the  
10 windshield and shall remain in that position throughout the  
11 service life of the bus. In addition, after each inspection,  
12 an annual seal of inspection and approval shall be issued and  
13 also placed in the lower right hand corner of the windshield  
14 of the bus.

15 6. Aid in the enforcement of the motor vehicle laws  
16 relating to the transportation of school children.

17 7. Review transportation arrangements pursuant to law and  
18 disapprove any arrangements which are not in conformity with  
19 the law and established standards, and require that  
20 transportation arrangements be brought into conformity.

21 8. Conduct schools of instruction for transportation  
22 personnel as needed or requested.

23 Sec. 12. Section 285.10, Code 1997, is amended by striking  
24 the section and inserting in lieu thereof the following:

25 285.10 POWERS AND DUTIES OF AREA EDUCATION AGENCY BOARDS.

26 The area education agency boards shall:

27 1. Assist in the enforcement of laws and rules of the  
28 department of education relating to transportation.

29 2. Review and approve transportation arrangements between  
30 districts in the agency. If transportation arrangements,  
31 designations, and contracts are not in conformity to law or  
32 established uniform standards for the locating and operating  
33 of bus routes, the agency board shall, after receiving all  
34 facts, make such alterations or changes as necessary to make  
35 the arrangements, designations, and contracts conform to the

1 legal and established requirements and shall notify the  
2 affected district board of any action.

3 3. Approve bus routes outside the boundary of the school  
4 district operating buses.

5 4. When a school board fails to make designations and  
6 other necessary arrangements for transportation as required by  
7 law, and after due notice to the school board, make necessary  
8 arrangements in conformity with law and established  
9 requirements. Notice shall be given to the school board of  
10 the arrangements made. The arrangements shall be binding on  
11 the school board, which shall pay the costs for service as  
12 arranged.

13 Sec. 13. Section 285.11, Code 1997, is amended by striking  
14 the section and inserting in lieu thereof the following:

15 285.11 POWERS AND DUTIES OF SCHOOL BOARDS.

16 The board of directors of a district shall:

17 1. Provide transportation for each resident student who  
18 attends public or nonpublic school and is entitled to  
19 transportation under this chapter.

20 2. Establish, maintain, and operate bus routes for the  
21 transportation of students to provide for economical and  
22 efficient operation without duplication of facilities, and  
23 properly safeguard the health and safety of the students  
24 transported.

25 3. Notwithstanding subsection 1, school boards in their  
26 discretion may do the following:

27 a. Provide transportation for some or all resident  
28 students attending public school or nonpublic schools who are  
29 not entitled to transportation.

30 b. Charge a fee of not more than the district's average  
31 cost per student transported for the school year in which the  
32 transportation is provided for each student transported under  
33 paragraph "a" for the year in which transportation is provided  
34 under this subsection.

35 c. Transport nonresident students attending public or

1 nonpublic school who are not entitled to free transportation  
2 if the school board collects a fee equal to the district's  
3 average cost per student transported.

4 d. Transport senior citizens, children, persons with  
5 disabilities, and other persons and groups who are not  
6 otherwise entitled to free transportation. However, the board  
7 shall collect the actual cost of the transportation provided  
8 under this paragraph. Transportation under this paragraph  
9 shall not be provided when the school bus is being used to  
10 transport students to or from school unless the board  
11 determines that such transportation is desirable and will not  
12 interfere with or delay the transportation of students.

13 e. Furnish a school bus and the services of a qualified  
14 driver to the following:

15 (1) An organization of, or an organization sponsoring  
16 activities for, senior citizens, children, persons with  
17 disabilities, or other persons and groups in this state.

18 (2) Persons other than students, for transportation to  
19 activities in which students from the school district are  
20 participants, or are attending, and for which the school  
21 district is a sponsor.

22 (3) The board shall charge and collect an amount  
23 sufficient to reimburse all costs of transportation provided  
24 to persons or groups under this paragraph except when the bus  
25 is used for transporting students to and from extracurricular  
26 activities sponsored by the school. A school bus shall be  
27 used as provided in this subsection only at times when it is  
28 not needed for transportation of students.

29 4. Purchase liability insurance and other insurance  
30 coverage the board deems advisable to insure the school  
31 district, its officers, employees, and agents against  
32 liability incurred as a result of operating school buses,  
33 including but not limited to liability to students or other  
34 persons lawfully transported. Section 670.7 shall apply to  
35 the insurance.

1 5. Employ drivers and other employees as necessary,  
2 prescribe their qualifications, and adopt rules for their  
3 conduct.

4 6. Purchase, or lease, and maintain transportation  
5 facilities.

6 7. Purchase or lease school buses as follows:

7 a. Prepare separate body and chassis specifications except  
8 when the bus is constructed as an integral unit, inseparable  
9 as to body and chassis, by the manufacturer, or when the bus  
10 is a used or demonstrator bus.

11 b. Request competitive bids on comparable equipment on  
12 school bus body and chassis purchases based upon minimum  
13 construction standards established by the department of  
14 education. Separate body and chassis bids shall be requested  
15 unless the bus is constructed as an integral unit, inseparable  
16 as to body and chassis, by the manufacturer, or when the bus  
17 is a used or demonstrator bus.

18 c. Pay for buses from funds available in the school's  
19 general operating fund or physical plant and equipment fund.

20 d. Enter into a contract to pay for buses over a five-year  
21 period as follows: one-fifth of the cost when the bus is  
22 delivered and the balance in equal annual installments, plus  
23 simple interest due. The interest rate shall be the lowest  
24 rate available and shall not exceed the rate in effect under  
25 section 74A.2. The bus shall serve as security for balance  
26 due.

27 8. Suspend transportation service due to weather or road  
28 conditions. Transportation service may be suspended on a day  
29 or days, due to inclemency of the weather, conditions of  
30 roads, or the existence of other conditions, when in the  
31 school board's judgment it is deemed advisable and when the  
32 school or schools are closed to all children.

33 9. Except for teachers under contract with the school  
34 board, establish employment contracts with bus drivers,  
35 including temporary or substitute drivers, for school-owned

1 equipment. The director of the department of education shall  
2 prepare a uniform contract containing provisions not in  
3 conflict with this chapter which shall be used by all school  
4 boards in contracting with drivers of school-owned vehicles.  
5 Additional contract provisions may be included as determined  
6 by the board of directors.

7 Sec. 14. Section 285.12, Code 1997, is amended by striking  
8 the section and inserting in lieu thereof the following:

9 285.12 BUS ROUTES -- BASIS OF OPERATION.

10 The establishment and operation of bus routes and the  
11 contracts for transportation shall be based upon the following  
12 considerations:

13 1. Each bus route shall be planned and adjusted to  
14 utilize, as well as can reasonably be expected, the normal  
15 seating capacity of each bus. Districts are not required to  
16 maintain seating space on school buses for students who do not  
17 or will not regularly utilize the district's transportation  
18 service for extended periods during the school year. The  
19 student, or the student's parent or legal guardian if the  
20 student is less than eighteen years of age, shall be notified  
21 by the board of the district before transportation services  
22 are suspended, and the suspension may continue until the  
23 student, or the student's parent or legal guardian, notifies  
24 the district that regular student ridership will continue.

25 2. Each board shall cause each bus route to be reviewed  
26 annually for safety hazards.

27 3. Bus routes shall be established only to give service to  
28 properly entitled or designated students.

29 4. Each bus route shall serve only those students living  
30 in those areas where transportation by bus is the most  
31 economical method for providing adequate transportation  
32 facilities to properly designated students.

33 5. Special contracts for transportation of students  
34 entitled to transportation shall be entered into only when it  
35 is more economical to do so than to provide transportation by

1 regular bus route, or when, by reason of physical or mental  
2 disability of a student, the student cannot be transported  
3 safely by bus.

4 6. A route shall not be extended for the purpose of  
5 accommodating students whose homes are nearer another bus  
6 route.

7 7. A bus shall not leave the public highway for the  
8 purpose of receiving or discharging students, unless the  
9 students' safety is enhanced or the private roadway is  
10 maintained in the same manner as a public roadway.

11 8. The use of school buses is restricted to the following:

12 a. Transporting students to and from school.

13 b. Transportation to and from extracurricular activities  
14 sponsored by the school when the activity is under the  
15 direction of a qualified member of the faculty and a part of  
16 the regular school program.

17 c. Transportation of other persons to the extent permitted  
18 by section 285.11, subsection 3.

19 d. Transporting school employees to and from school and  
20 approved activities they are required to attend as a result of  
21 their responsibilities.

22 e. Transporting a school teacher to and from the teacher's  
23 school when the school is on an established school bus route  
24 and the teacher makes arrangements with the district operating  
25 the school bus.

26 Sec. 15. Section 285.13, Code 1997, is amended by striking  
27 the section and inserting in lieu thereof the following:

28 285.13 DISPUTES -- HEARINGS AND APPEALS.

29 1. If there is a disagreement between a school patron and  
30 the board of the school district, the patron, if dissatisfied  
31 with the decision of the district board, may appeal the  
32 decision to the area education agency board, notifying the  
33 secretary of the district in writing within ten days of the  
34 decision of the board and by filing an affidavit of appeal  
35 with the agency board within the ten-day period. The

1 affidavit of appeal shall include the reasons for the appeal  
2 and points at issue.

3 2. On receiving notice of appeal, the secretary of the  
4 district shall certify all related exhibits and documents to  
5 the agency board, which shall hear the appeal within ten days  
6 of the receipt of the related exhibits and documents and  
7 decide it within three days of the conclusion of the hearing  
8 and shall immediately notify all parties of its decision.

9 3. Either party may appeal the decision of the agency  
10 board to the state board of education as provided by section  
11 290.1. Pending final order made by the state board, upon any  
12 appeal prosecuted to the state board, the order of the agency  
13 board from which the appeal is taken shall be operative and be  
14 in full force and effect.

15 Sec. 16. Section 285.14, Code 1997, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 285.14 DISAGREEMENTS BETWEEN BOARDS.

18 If there is a disagreement between the board of a school  
19 district and the board of an area education agency, the board  
20 of the school district may appeal to the state board of  
21 education as provided by 290.1.

22 Sec. 17. Section 285.15, Code 1997, is amended by striking  
23 the section and inserting in lieu thereof the following:

24 285.15 NONSTANDARD BUSES -- PENALTIES.

25 A person who operates or permits the operation of a vehicle  
26 as a school bus to transport students, that does not comply  
27 with the requirements of law or with the rules of the  
28 department of education, or for which there is not a valid  
29 temporary certificate for operation, is guilty of a simple  
30 misdemeanor.

31 Sec. 18. Section 285.16, Code 1997, is amended by striking  
32 the section and inserting in lieu thereof the following:

33 285.16 FAILURE TO COMPLY WITH CHAPTER -- PENALTIES.

34 Failure of a school district to comply with the provisions  
35 of this chapter, or any other laws relating to the

1 transportation of students, or any rules made by the  
2 department of education under this chapter, or the final  
3 decisions of the area education agency board, or the final  
4 decisions of the department of education, shall, during the  
5 period the failure to comply exists, forfeit any entitlement  
6 to collect transportation costs from schools or parents. A  
7 superintendent, board, or board member who knowingly operates  
8 or permits to be operated a school bus transporting public  
9 school students in violation of a school transportation law is  
10 guilty of a simple misdemeanor.

11 Sec. 19. Section 321.18, subsection 7, Code 1997, is  
12 amended to read as follows:

13 7. Any school bus in this state used exclusively for the  
14 transportation of pupils to and from school or a school  
15 function or for the purposes provided in section ~~285.17~~,  
16 ~~subsection 17~~ 285.2 and section ~~285.10~~ 285.11, subsection 9 3,  
17 or used exclusively for the transportation of children  
18 enrolled in a federal head start program. Upon application  
19 the department shall, without charge, issue a registration  
20 certificate and shall also issue registration plates which  
21 shall have imprinted thereon the words "Private School Bus"  
22 and a distinguishing number assigned to the applicant. Such  
23 plates shall be attached to the front and rear of each bus  
24 exempt from registration under this subsection.

25 Sec. 20. Section 331.502, subsection 22, Code 1997, is  
26 amended by striking the subsection.

27

#### EXPLANATION

28 This bill rewrites the school transportation chapter of the  
29 Iowa Code. The bill updates language and reorganizes current  
30 Code provisions and sections in chapter 285, but with few  
31 exceptions, makes no substantive changes in the current  
32 provisions and sections of chapter 285.

33 279.48(2), 282.18(10), and 321.18(7): Make conforming Code  
34 references changes.

35 285.1: Adds definitions to the chapter, including "average

1 cost per student transported", which replaces the term "pro  
2 rata cost". The bill omits a provision relating to a district  
3 operating transportation equipment when the district closes  
4 elementary and high school facilities. The bill also omits a  
5 provision relating to the failure of a district to pay another  
6 district for services. Provision is made in the chapter for  
7 dispute resolution.

8 285.3: Changes the rate of reimbursement for  
9 transportation provided by parents to meet a bus on the route  
10 to a rate based upon the annual optional standard mileage rate  
11 approved by the United States Internal Revenue Service for the  
12 allowable personal income tax mileage expense determined in  
13 accordance with 26 U.S.C. § 274(d), which for 1997 is 31.5  
14 cents per mile.

15 285.7: Changes the formula for calculating a supplemental  
16 payment for a parent or guardian transporting a student more  
17 than four miles to a nonpublic school. Currently, section  
18 285.3 provides a formula based upon all of the base payments  
19 made to parents or guardians of nonpublic school students  
20 under section 285.3 and section 285.1, subsection 3. The bill  
21 provides that a parent or guardian is entitled to a  
22 supplemental payment equal to 15 percent of the parent or  
23 guardian's base reimbursement amount. The section also  
24 requires parents or guardians to submit claims for  
25 reimbursement to a school district by December 1 and May 1,  
26 and requires the school districts to submit the claims to the  
27 department by January 31 and July 15. A deadline by which the  
28 department is required to certify the amount of the claims to  
29 the department of revenue and finance is removed.

30 285.8: Establishes the means for calculating the average  
31 cost per student transported, and omits current Code language  
32 that allows a district in unusual circumstances to charge in  
33 excess of the actual operating cost of a bus route used to  
34 furnish transportation to nonresident students.

35 285.9: Directs the department of education to carry out

1 the provisions of chapter 285 relating to the transportation  
2 of nonpublic school students.

3 331.502(22): Strikes a provision ordering the treasurer of  
4 state to transfer transportation service fees from a debtor  
5 school to a creditor school.

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HOUSE FILE 716

H-1596

1 Amend House File 716 as follows:

2 1. Page 9, by striking lines 25 through 28 and  
3 inserting the following: "transportation services to  
4 students as provided in this section and sections  
5 285.6 and 285.17."

6 2. Page 20, by inserting after line 10 the  
7 following:

8 "Sec. \_\_\_\_ . NEW SECTION. 285.17 TRANSPORTATION  
9 ASSISTANCE AID TO DISTRICTS.

10 1. The department shall pay transportation  
11 assistance aid to a school district from funds  
12 appropriated in this section to school districts whose  
13 average transportation costs per pupil exceed one  
14 hundred twenty-five percent of the state average  
15 transportation costs per pupil determined under  
16 subsection 2.

17 2. A district's average transportation costs per  
18 pupil shall be determined by dividing the district's  
19 actual cost for all children transported in all school  
20 buses for a school year pursuant to section 285.8, by  
21 the district's actual enrollment for the school year,  
22 as defined in section 257.6. The state average  
23 transportation costs per pupil shall be determined by  
24 dividing the total actual costs for all children  
25 transported in all districts for a school year, by the  
26 total of all districts' actual enrollments for the  
27 school year.

28 3. A school district shall annually certify its  
29 actual cost for all children transported in all school  
30 buses by July 15 after each school year on forms  
31 prescribed by the department of education.

32 4. If a school district's average transportation  
33 costs per pupil are greater than one hundred twenty-  
34 five percent of the state average transportation costs  
35 per pupil, the department of education shall pay  
36 transportation assistance aid equal to the amount of  
37 the difference multiplied by the district's actual  
38 enrollment for the school year.

39 5. Transportation assistance aid received by a  
40 school district pursuant to this section is  
41 miscellaneous income for purposes of chapter 257."

42 3. By renumbering as necessary

By WEIGEL of Chickasaw  
MERTZ of Kossuth  
KOENIGS of Mitchell  
DREES of Carroll  
MAY of Worth  
SCHERRMAN of Dubuque  
OSTERHAUS of Jackson

THOMAS of Clayton  
FOEGE of Linn  
WISE of Lee  
BRAND of Tama  
O'BRIEN of Boone  
LARKIN of Lee

HOUSE FILE 716

H-1696

1 Amend House File 716 as follows:

- 2 1. Page 9, line 28, by striking the words and
- 3 figures "section 285.3, subsection 2" and inserting
- 4 the following: "this section and section 285.6".
- 5 2. Page 10, line 32, by striking the words "when
- 6 calculated" and inserting the following: "as
- 7 calculated for an individual student".

By BRUNKHORST of Bremer  
LORD of Dallas

H-1696 FILED APRIL 14, 1997

Brunkhorst, Ch  
Dolecheck  
Cohoon

HSB 176

EDUCATION

Succeeded By  
SF/ (F)

SENATE/HOUSE FILE \_\_\_\_\_

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 the transportation of public and nonpublic  
2 school students and other properly related matters.

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

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1 Section 1. Section 279.48, subsection 2, Code 1997, is  
2 amended to read as follows:

3 2. The total of scheduled annual payments of principal or  
4 interest due and payable from current budgeted receipts or  
5 future budgeted receipts with respect to all loan agreements  
6 authorized under this section or section ~~285.10~~ 285.11,  
7 subsection 7, paragraph "b" "d", must not exceed ten percent  
8 of the last authorized budget of the school corporation.

9 Sec. 2. Section 282.18, subsection 10, Code 1997, is  
10 amended to read as follows:

11 10. Notwithstanding section ~~285.7~~ 285.6 relating to  
12 transportation of nonresident pupils, the parent or guardian  
13 is responsible for transporting the pupil without  
14 reimbursement to and from a point on a regular school bus  
15 route of the receiving district. However, a receiving  
16 district may send school vehicles into the district of  
17 residence of the pupil using the open enrollment option under  
18 this section, for the purpose of transporting the pupil to and  
19 from school in the receiving district, if the boards of both  
20 the sending and receiving districts agree to this arrangement.  
21 If the pupil meets the economic eligibility requirements  
22 established by the department and state board of education,  
23 the sending district is responsible for providing  
24 transportation or paying the pro rata cost of the  
25 transportation to a parent or guardian for transporting the  
26 pupil to and from a point on a regular school bus route of a  
27 contiguous receiving district unless the cost of providing  
28 transportation or the pro rata cost of the transportation to a  
29 parent or guardian exceeds the average transportation cost per  
30 pupil transported for the previous school year in the  
31 district. If the cost exceeds the average transportation cost  
32 per pupil transported for the previous school year, the  
33 sending district shall only be responsible for that average  
34 per pupil amount. A sending district which provides  
35 transportation for a pupil to a contiguous receiving district

1 under this subsection may withhold from the district cost per  
2 pupil amount, that is to be paid to the receiving district, an  
3 amount which represents the average or pro rata cost per pupil  
4 for transportation, whichever is less.

5 Sec. 3. Section 285.1, Code 1997, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 285.1 DEFINITIONS.

8 1. "Average cost per student transported" means the pro  
9 rata cost of transporting a student for a school year, during  
10 the school year only, to and from the school in which the  
11 student is enrolled and calculated under section 285.8.

12 2. "Elementary school student" for purposes of this  
13 chapter means a student enrolled in an accredited public or  
14 nonpublic school, grades kindergarten through eight or nine as  
15 determined by the board of directors of the public school  
16 district or, in the case of nonpublic schools, by the  
17 governing authority of the nonpublic school.

18 3. "High school student" for purposes of this chapter  
19 means a student enrolled in an accredited public or nonpublic  
20 school in grades nine or ten through twelve as determined by  
21 the board of directors of the school district or, in the case  
22 of nonpublic schools, by the governing authority of the  
23 nonpublic school.

24 4. "Nonpublic school" means a nonpublic school accredited  
25 by the department of education as provided in section 256.11  
26 and nonpublic institutions that comply with state board of  
27 education standards for providing special education programs.

28 5. "School or district board" means the board of directors  
29 of a school district.

30 6. "School bus" means a school bus as defined in 321.1,  
31 but shall not include a vehicle used for an approved driver  
32 education course in which the driver education teacher  
33 transports a driver education student from the student's  
34 residence for the purpose of street or highway driving.

35 7. "School designated for attendance" means the accredited

1 school designated for attendance by the board of directors of  
2 the school district, or in the case of a nonpublic school, by  
3 the parent or guardian of a nonpublic school student.

4 8. "Prekindergarten student" means a student enrolled in a  
5 prekindergarten program offered or sponsored by a school  
6 district or nonpublic school and approved by the department of  
7 education.

8 Sec. 4. Section 285.2, Code 1997, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 285.2 ENTITLEMENT TO SCHOOL TRANSPORTATION.

11 1. The board of directors of a school district shall  
12 provide transportation, either directly or by reimbursement  
13 for transportation in accordance with section 285.3, to and  
14 from the designated school of attendance, at no cost to the  
15 parent or guardian, for resident students attending public  
16 school, kindergarten through twelfth grade, except that:

17 a. Elementary students are entitled to transportation only  
18 if they live more than two miles from the school designated  
19 for attendance.

20 b. High school students are entitled to transportation  
21 only if they live more than three miles from the school  
22 designated for attendance.

23 c. Students attending public school prekindergarten  
24 programs offered or sponsored by the district and approved by  
25 the department of education may be provided transportation  
26 services as if they were public school elementary pupils.

27 2. Students attending prekindergarten programs offered or  
28 sponsored by a nonpublic school may be transported to the  
29 nonpublic school in the manner provided in this chapter, but  
30 those students are not eligible for transportation  
31 reimbursement under this chapter. The board of directors  
32 transporting nonpublic school prekindergarten students shall  
33 charge a fee for the transportation services as provided in  
34 section 285.11, subsection 3, paragraph "d".

35 3. Distance to school or to a bus route, for the purpose

1 of determining entitlement to transportation services, shall  
2 be measured on the public highway only and over the most  
3 passable and safest highway route as determined by the  
4 district's board, starting in the roadway opposite the private  
5 entrance to the residence of the student and ending in the  
6 roadway opposite an entrance to the school grounds of the  
7 student's designated attendance center, except as provided in  
8 subsection 4. Disputes over safety or entitlement may be  
9 appealed to the area education agency board for resolution  
10 pursuant to section 285.13.

11 4. A parent or guardian of a prekindergarten or elementary  
12 student entitled to transportation may request that a child  
13 day care facility, as defined in section 237A.1, be designated  
14 as the student's residence for purposes of subsection 3 rather  
15 than the actual residence of the student. The request shall  
16 be submitted for a period of time of at least one semester and  
17 shall not be submitted more than twice during a school year.  
18 A board of directors providing transportation service to a  
19 child day care facility located fewer than two miles from a  
20 student's school designated for attendance may charge a fee  
21 for the transportation in an amount not to exceed the  
22 district's average cost per pupil transported calculated under  
23 section 285.8.

24 5. Transportation for which the average cost per student  
25 transported or other charge is collected shall not be provided  
26 outside the state of Iowa except in accordance with rules  
27 adopted by the department of education in accordance with  
28 chapter 17A. The rules shall take into account any applicable  
29 federal requirements.

30 Sec. 5. Section 285.3, Code 1997, is amended by striking  
31 the section and inserting in lieu thereof the following:

32 285.3 TRANSPORTATION BY PARENTS.

33 1. Where unsatisfactory roads or other conditions make it  
34 advisable, a district board in its discretion may require the  
35 parent or guardian of a public or nonpublic school student to

1 furnish transportation for the student a distance of not to  
2 exceed two miles to connect or meet with a school bus. The  
3 parent or guardian shall be reimbursed for the transportation  
4 by the board of the resident district at a rate based on the  
5 current annual mileage rate allowance determined and approved  
6 by the United States Internal Revenue Service in accordance  
7 with 26 U.S.C. § 274(d), for allowable personal income tax  
8 mileage expense. The mileage payment shall be based on miles  
9 traveled one way, per day, per family when measured over the  
10 public highway only for the distance from the student's  
11 residence to the connection point on the bus route.

12 2. In a district where transportation by school bus is  
13 impracticable or unavailable, or where necessary to implement  
14 a whole grade sharing agreement under section 282.10, the  
15 board may require parents or guardians to furnish  
16 transportation for their children to the schools designated  
17 for attendance. Except as provided in section 285.7, the  
18 parent or guardian shall be reimbursed for the transportation  
19 service for public and nonpublic school students by the board  
20 of the resident district in an amount equal to eighty dollars  
21 plus seventy-five percent of the difference between eighty  
22 dollars and the previous school year's statewide average cost  
23 per student transported, as determined by the department of  
24 education. However, a parent or guardian shall not receive  
25 reimbursement for furnishing transportation for more than  
26 three family members who attend kindergarten or elementary  
27 school and one family member who attends high school.

28 3. Notwithstanding subsections 1 and 2, a parent or  
29 guardian may be required to provide transportation to the  
30 connection point on a bus route without reimbursement if the  
31 distance does not exceed three-fourths of a mile when measured  
32 over the public roadway only.

33 Sec. 6. Section 285.4, Code 1997, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 285.4 DISTRICT ARRANGEMENTS FOR STUDENT TRANSPORTATION.

1 1. Where transportation by school bus is impracticable,  
2 unavailable, or other existing conditions warrant it, the  
3 school board may contract for use of common carriers according  
4 to uniform standards established by the director of the  
5 department of education and at a cost based upon the actual  
6 cost of transportation service and approved by the school  
7 board.

8 2. When a school board pays the costs for a student to  
9 attend another district under a whole grade sharing agreement  
10 pursuant to sections 282.10 through 282.12, the board of the  
11 resident district shall provide transportation to and from the  
12 school designated for attendance for the student. This  
13 section does not apply to students attending school in another  
14 district under open enrollment in section 282.18.

15 Sec. 7. Section 285.5, Code 1997, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 285.5 CONTRACTS FOR SCHOOL BUS SERVICE.

18 1. Contracts for school bus service with other school  
19 districts, nonpublic schools, or private parties shall be in  
20 writing and be for the transportation of children attending  
21 public or nonpublic school. The contracts shall define the  
22 route, duration of the agreement, service contracted for,  
23 compensation to be paid, and the vehicle to be used. The  
24 contract shall prescribe the duties of the contractor and  
25 driver of the vehicles and shall provide that every person in  
26 charge of a vehicle conveying children to and from school  
27 shall be at all times subject to any rules the school board  
28 shall adopt for the protection of the children or to govern  
29 the conduct of the persons in charge of the vehicle.

30 2. A contract shall provide that the contractor will sell  
31 the transportation equipment to the board should the  
32 contractor desire to terminate the contract, provided that the  
33 school board desires to purchase the equipment. The price of  
34 the equipment sold to the school board shall be determined by  
35 an appraisal board composed of one person appointed by the

1 school board, one appointed by the owner of the equipment, and  
2 a third person selected by these two.

3 3. The contractor shall operate the vehicle or provide a  
4 driver who must be approved by the board. The driver of a  
5 vehicle shall be subject to all laws and prescribed standards  
6 for school bus drivers. Failure to comply shall constitute  
7 grounds for dismissal of the driver or cancellation of the  
8 contract if the board so desires.

9 4. Vehicles of transportation provided by the contractor  
10 shall be inspected, approved, and certified before being put  
11 into operation in the manner provided in section 285.9,  
12 subsection 5.

13 5. Contracts for transportation services may be made for a  
14 period not to exceed three years. Contracts may be terminated  
15 by either party on a ninety-day notice.

16 6. The director of the department of education shall  
17 prepare a uniform contract, containing provisions not in  
18 conflict with this chapter, which shall be used by all school  
19 districts in contracting for transportation service. However,  
20 a school board may add to the provisions of the uniform  
21 contract.

22 7. All contractors providing school transportation service  
23 shall carry liability insurance at least in amounts and kind  
24 as provided in the uniform contract.

25 8. Private buses, other than common carriers not used  
26 exclusively in transportation of students while under contract  
27 to a school district, shall meet construction and operation  
28 requirements for school-owned buses.

29 Sec. 8. Section 285.6, Code 1997, is amended by striking  
30 the section and inserting in lieu thereof the following:

31 285.6 NONPUBLIC STUDENT TRANSPORTATION.

32 1. Resident students attending a nonpublic school located  
33 either within or outside the school district of the student's  
34 residence are entitled to transportation on the same basis as  
35 provided for resident public school students under this

1 chapter. The public school district may meet the requirements  
2 of this section by any of the following:

3 a. Providing transportation services in a school bus  
4 operated by the district.

5 b. Contracting with a contiguous public school district, a  
6 nonpublic school, or private parties as provided in section  
7 285.5. However, contracts shall not provide payment in excess  
8 of the average cost per student transported of the school  
9 district for that school year.

10 c. Utilizing the parent transportation reimbursement in  
11 the manner provided in section 285.3.

12 2. The public school district providing transportation to  
13 a nonpublic school student shall determine the days on which  
14 bus service is provided, based upon the days for which bus  
15 service is provided to public school students. The public  
16 school district shall determine bus schedules and routes.

17 3. If the nonpublic school designated for attendance is  
18 located within the public school district in which the student  
19 is a resident, the student shall be provided transportation in  
20 accordance with this section.

21 4. If the nonpublic school designated for attendance is  
22 located in a contiguous public school district outside the  
23 boundary line of the school district of the student's  
24 residence, one of the following may occur:

25 a. The resident district may provide, in district  
26 vehicles, transportation from the nonpublic school student's  
27 residence to the nonpublic school designated for attendance in  
28 the contiguous district.

29 b. A contiguous district may provide transportation  
30 service from the nonpublic student's resident, or from a  
31 designated point within the boundary of the transporting  
32 district, to the designated nonpublic school. The board of  
33 the contiguous district providing the transportation shall  
34 provide written notice to the nonpublic school student's  
35 district of residence, that it is providing the transportation

1 service and it is making the claim for reimbursement for the  
2 nonpublic school student's transportation under section 285.7.  
3 Transportation by the board of the contiguous district  
4 relieves the resident district of any requirement to provide  
5 transportation services.

6 c. Transportation outside the boundary of the resident  
7 district shall be approved by the area education agency in  
8 accordance with section 285.10, subsection 3.

9 5. If the nonpublic school designated for attendance is  
10 located in a district that is not contiguous to the resident  
11 district, the parent transportation reimbursement provided for  
12 in section 285.3, subsection 2, is the only transportation  
13 option available to the resident district.

14 Sec. 9. NEW SECTION. 285.7 SUBMISSION AND PAYMENT OF  
15 CLAIMS FOR NONPUBLIC STUDENT TRANSPORTATION.

16 1. Boards of directors of school districts are required to  
17 provide transportation services to nonpublic school students  
18 as provided in section 285.6 when the general assembly  
19 appropriates funds to the department of education for the  
20 payment of claims for transportation costs submitted by the  
21 school districts.

22 2. There is appropriated from the general fund of the  
23 state to the department of education funds sufficient to pay  
24 the approved claims of public school districts for  
25 transportation services to nonpublic school students as  
26 provided in this section. The amount paid for an approved  
27 claim, based upon the moneys appropriated for approved claims,  
28 shall be determined under section 285.3, subsection 2.

29 3. The costs of providing transportation to nonpublic  
30 school students as provided in section 285.6 shall not be  
31 included in the computation of district cost under chapter  
32 257, but shall be shown in the budget as an expense from  
33 miscellaneous income. Transportation reimbursements received  
34 by a school district for transporting nonpublic school  
35 students shall not affect district cost limitations of chapter

1 257. The reimbursements provided in this section are  
2 miscellaneous income as defined in section 257.2.

3 4. a. The board of the public school district providing  
4 transportation to nonpublic students or transportation  
5 reimbursement to parents of nonpublic school students during a  
6 school year shall make a claim for reimbursement to the  
7 department of education on a form prescribed by the  
8 department, and the claim shall state the services provided  
9 and the actual costs incurred. A claim for a student shall  
10 not exceed the average cost per student transported of the  
11 resident district for the school year in which the  
12 transportation is provided except as otherwise provided in  
13 this section.

14 b. School boards shall submit claims for reimbursement to  
15 the department of education by January 31 and July 15 of each  
16 school year, accompanied by an affidavit of an officer of the  
17 public school district affirming the accuracy of the claim.  
18 The department of education shall certify to the department of  
19 revenue and finance the amounts of approved claims to be paid,  
20 and the department of revenue and finance shall draw warrants  
21 payable to school districts that have established claims.

22 5. a. A parent or legal guardian of a student attending  
23 an accredited nonpublic school, who furnishes transportation  
24 for the student pursuant to section 285.3 and meets the  
25 requirements of paragraph "b", is entitled to reimbursement  
26 equal to an amount calculated under the provisions of section  
27 285.3, subsection 2. In addition, parents or guardians who  
28 transport one or more family members more than four miles to  
29 their nonpublic schools of attendance shall be entitled to one  
30 supplemental mileage payment per family, per claim period,  
31 equal to fifteen percent of the parental reimbursement amount,  
32 rounded to the nearest whole dollar, when calculated under the  
33 provisions of section 285.3, subsection 2.

34 b. To qualify for parental reimbursement under paragraph  
35 "a", a parent or guardian of a student attending a nonpublic

1 school, who furnishes transportation for the student pursuant  
2 to section 285.3, shall submit a claim for reimbursement to  
3 the resident public school district, notifying the district  
4 that the student is enrolled and attending a nonpublic school.  
5 Claims for reimbursement shall be filed with the district by  
6 December 1 and May 1 annually and shall include the name, age,  
7 and grade level of the student, and the name of the nonpublic  
8 school and its location. The district shall submit claims for  
9 reimbursement to the department of education on behalf of the  
10 parent or guardian if the parent or guardian meets the  
11 requirements of this section.

12 Sec. 10. Section 285.8, Code 1997, is amended by striking  
13 the section and inserting in lieu thereof the following:

14 285.8 AVERAGE COST PER STUDENT TRANSPORTED -- CALCULATION.

15 The average cost per student transported for a school year  
16 shall be determined by calculating the actual cost for all  
17 children transported in the state in public school buses for  
18 that school year. It shall include one-seventh of the  
19 original net cost of the bus and other items, as determined  
20 and approved by the director of the department of education,  
21 but no part of the capital outlay cost for school buses and  
22 transportation equipment for which the school district is  
23 reimbursed from state funds or that portion of the cost of the  
24 operation of a school bus used in transporting students to and  
25 from extracurricular activities shall be included in  
26 determining the average cost per student transported.

27 Sec. 11. Section 285.9, Code 1997, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 285.9 POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION.

30 The department shall:

31 1. Employ the necessary qualified personnel to implement  
32 this chapter. The appropriation provided by this chapter may  
33 be expended in part for salaries and necessary traveling  
34 expenses incurred by personnel in the performance of their  
35 official duties pursuant to this chapter.

- 1     2. Exercise general supervision over the school  
2 transportation system in the state.
- 3     3. Establish uniform standards and rules for the  
4 administration of this chapter, including:
  - 5     a. Protection of the health and safety of the students  
6 transported.
  - 7     b. Efficient operation and maintenance of school  
8 transportation vehicles.
  - 9     c. Minimum construction standards for school  
10 transportation vehicles.
  - 11    d. Procedures for purchase of school transportation  
12 vehicles.
  - 13    e. Locating, establishing, and operating school bus  
14 routes.
  - 15    f. Procedures for transporting persons other than  
16 students.
  - 17    g. Qualifications of school bus drivers, including, but  
18 not limited to, a requirement that school bus drivers present  
19 an annual certificate of physical fitness before being  
20 permitted to operate a vehicle transporting children to and  
21 from school.
- 22    4. Review and establish the locations of bus routes  
23 located in more than one area education agency when the area  
24 education agency boards of the affected area education  
25 agencies after formal action do not reach an agreement.
- 26    5. Inspect or cause to be inspected annually, in  
27 accordance with rules established by the department, vehicles  
28 used as school buses to determine if the vehicles meet legal  
29 and established standards of construction and can be operated  
30 with safety, comfort, and economy. When it is determined that  
31 use of a vehicle is dangerous to the students transported and  
32 to the safety and welfare of the traveling public, the  
33 department of education shall order the vehicle to be  
34 withdrawn from further use on a specified date. School buses  
35 that do not conform to the requirements of the department of

1 education may be issued temporary certificates of operation by  
2 the department if the school buses can be operated safely and  
3 if the certificate is issued for a period of not more than one  
4 year. Equipment may be required to be altered, or safety  
5 equipment added, in order to make vehicles reasonably safe for  
6 operation. New school buses shall, after initial inspection  
7 and approval, be issued an original seal of inspection, which  
8 shall be placed in the lower right hand corner of the  
9 windshield and shall remain in that position throughout the  
10 service life of the bus. In addition, after each inspection,  
11 an annual seal of inspection and approval shall be issued and  
12 also placed in the lower right hand corner of the windshield  
13 of the bus.

14 6. Aid in the enforcement of the motor vehicle laws  
15 relating to the transportation of school children.

16 7. Review transportation arrangements pursuant to law and  
17 disapprove any arrangements which are not in conformity with  
18 the law and established standards, and require that  
19 transportation arrangements be brought into conformity.

20 8. Conduct schools of instruction for transportation  
21 personnel as needed or requested.

22 Sec. 12. Section 285.10, Code 1997, is amended by striking  
23 the section and inserting in lieu thereof the following:

24 285.10 POWERS AND DUTIES OF AREA EDUCATION AGENCY BOARDS.

25 The area education agency boards shall:

26 1. Assist in the enforcement of laws and rules of the  
27 department of education relating to transportation.

28 2. Review and approve transportation arrangements between  
29 districts in the agency. If transportation arrangements,  
30 designations, and contracts are not in conformity to law or  
31 established uniform standards for the locating and operating  
32 of bus routes, the agency board shall, after receiving all  
33 facts, make such alterations or changes as necessary to make  
34 the arrangements, designations, and contracts conform to the  
35 legal and established requirements and shall notify the

1 affected district board of any action.

2 3. Approve bus routes outside the boundary of the school  
3 district operating buses.

4 4. When a school board fails to make designations and  
5 other necessary arrangements for transportation as required by  
6 law, and after due notice to the school board, make necessary  
7 arrangements in conformity with law and established  
8 requirements. Notice shall be given to the school board of  
9 the arrangements made. The arrangements shall be binding on  
10 the school board, which shall pay the costs for service as  
11 arranged.

12 Sec. 13. Section 285.11, Code 1997, is amended by striking  
13 the section and inserting in lieu thereof the following:

14 285.11 POWERS AND DUTIES OF SCHOOL BOARDS.

15 The board of directors of a district shall:

16 1. Provide transportation for each resident student who  
17 attends public or nonpublic school and is entitled to  
18 transportation under this chapter.

19 2. Establish, maintain, and operate bus routes for the  
20 transportation of students to provide for economical and  
21 efficient operation without duplication of facilities, and  
22 properly safeguard the health and safety of the students  
23 transported.

24 3. Notwithstanding subsection 1, school boards in their  
25 discretion may do the following:

26 a. Provide transportation for some or all resident  
27 students attending public school or nonpublic schools who are  
28 not entitled to transportation.

29 b. Charge a fee of not more than the district's average  
30 cost per student transported for the school year in which the  
31 transportation is provided for each student transported under  
32 paragraph "a" for the year in which transportation is provided  
33 under this subsection.

34 c. Transport nonresident students attending public or  
35 nonpublic school who are not entitled to free transportation

1 if the school board collects a fee equal to the district's  
2 average cost per student transported.

3 d. Transport senior citizens, children, persons with  
4 disabilities, and other persons and groups who are not  
5 otherwise entitled to free transportation. However, the board  
6 shall collect the actual cost of the transportation provided  
7 under this paragraph. Transportation under this paragraph  
8 shall not be provided when the school bus is being used to  
9 transport students to or from school unless the board  
10 determines that such transportation is desirable and will not  
11 interfere with or delay the transportation of students.

12 e. Furnish a school bus and the services of a qualified  
13 driver to the following:

14 (1) An organization of, or an organization sponsoring  
15 activities for, senior citizens, children, persons with  
16 disabilities, or other persons and groups in this state.

17 (2) Persons other than students, for transportation to  
18 activities in which students from the school district are  
19 participants, or are attending, and for which the school  
20 district is a sponsor.

21 (3) The board shall charge and collect an amount  
22 sufficient to reimburse all costs of transportation provided  
23 to persons or groups under this paragraph except when the bus  
24 is used for transporting students to and from extracurricular  
25 activities sponsored by the school. A school bus shall be  
26 used as provided in this subsection only at times when it is  
27 not needed for transportation of students.

28 4. Purchase liability insurance and other insurance  
29 coverage the board deems advisable to insure the school  
30 district, its officers, employees, and agents against  
31 liability incurred as a result of operating school buses,  
32 including but not limited to liability to students or other  
33 persons lawfully transported. Section 670.7 shall apply to  
34 the insurance.

35 5. Employ drivers and other employees as necessary,

1 prescribe their qualifications, and adopt rules for their  
2 conduct.

3 6. Purchase, or lease, and maintain transportation  
4 facilities.

5 7. Purchase or lease school buses as follows:

6 a. Prepare separate body and chassis specifications except  
7 when the bus is constructed as an integral unit, inseparable  
8 as to body and chassis, by the manufacturer, or when the bus  
9 is a used or demonstrator bus.

10 b. Request competitive bids on comparable equipment on  
11 school bus body and chassis purchases based upon minimum  
12 construction standards established by the department of  
13 education. Separate body and chassis bids shall be requested  
14 unless the bus is constructed as an integral unit, inseparable  
15 as to body and chassis, by the manufacturer, or when the bus  
16 is a used or demonstrator bus.

17 c. Pay for buses from funds available in the school's  
18 general operating fund or physical plant and equipment fund.

19 d. Enter into a contract to pay for buses over a five-year  
20 period as follows: one-fifth of the cost when the bus is  
21 delivered and the balance in equal annual installments, plus  
22 simple interest due. The interest rate shall be the lowest  
23 rate available and shall not exceed the rate in effect under  
24 section 74A.2. The bus shall serve as security for balance  
25 due.

26 8. Suspend transportation service due to weather or road  
27 conditions. Transportation service may be suspended on a day  
28 or days, due to inclemency of the weather, conditions of  
29 roads, or the existence of other conditions, when in the  
30 school board's judgment it is deemed advisable and when the  
31 school or schools are closed to all children.

32 9. Except for teachers under contract with the school  
33 board, establish employment contracts with bus drivers,  
34 including temporary or substitute drivers, for school-owned  
35 equipment. The director of the department of education shall

1 prepare a uniform contract containing provisions not in  
2 conflict with this chapter which shall be used by all school  
3 boards in contracting with drivers of school-owned vehicles.  
4 Additional contract provisions may be included as determined  
5 by the board of directors.

6 Sec. 14. Section 285.12, Code 1997, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 285.12 BUS ROUTES -- BASIS OF OPERATION.

9 The establishment and operation of bus routes and the  
10 contracts for transportation shall be based upon the following  
11 considerations:

12 1. Each bus route shall be planned and adjusted to  
13 utilize, as well as can reasonably be expected, the normal  
14 seating capacity of each bus. Districts are not required to  
15 maintain seating space on school buses for students who do not  
16 or will not regularly utilize the district's transportation  
17 service for extended periods during the school year. The  
18 student, or the student's parent or legal guardian if the  
19 student is less than eighteen years of age, shall be notified  
20 by the board of the district before transportation services  
21 are suspended, and the suspension may continue until the  
22 student, or the student's parent or legal guardian, notifies  
23 the district that regular student ridership will continue.

24 2. Each board shall cause each bus route to be reviewed  
25 annually for safety hazards.

26 3. Bus routes shall be established only to give service to  
27 properly entitled or designated students.

28 4. Each bus route shall serve only those students living  
29 in those areas where transportation by bus is the most  
30 economical method for providing adequate transportation  
31 facilities to properly designated students.

32 5. Special contracts for transportation of students  
33 entitled to transportation shall be entered into only when it  
34 is more economical to do so than to provide transportation by  
35 regular bus route, or when, by reason of physical or mental

1 disability of a student, the student cannot be transported  
2 safely by bus.

3 6. A route shall not be extended for the purpose of  
4 accommodating students whose homes are nearer another bus  
5 route.

6 7. A bus shall not leave the public highway for the  
7 purpose of receiving or discharging students, unless the  
8 students' safety is enhanced or the private roadway is  
9 maintained in the same manner as a public roadway.

10 8. The use of school buses is restricted to the following:

11 a. Transporting students to and from school.

12 b. Transportation to and from extracurricular activities  
13 sponsored by the school when the activity is under the  
14 direction of a qualified member of the faculty and a part of  
15 the regular school program.

16 c. Transportation of other persons to the extent permitted  
17 by section 285.11, subsection 3.

18 d. Transporting school employees to and from school and  
19 approved activities they are required to attend as a result of  
20 their responsibilities.

21 e. Transporting a school teacher to and from the teacher's  
22 school when the school is on an established school bus route  
23 and the teacher makes arrangements with the district operating  
24 the school bus.

25 Sec. 15. Section 285.13, Code 1997, is amended by striking  
26 the section and inserting in lieu thereof the following:

27 285.13 DISPUTES -- HEARINGS AND APPEALS.

28 1. If there is a disagreement between a school patron and  
29 the board of the school district, the patron, if dissatisfied  
30 with the decision of the district board, may appeal the  
31 decision to the area education agency board, notifying the  
32 secretary of the district in writing within ten days of the  
33 decision of the board and by filing an affidavit of appeal  
34 with the agency board within the ten-day period. The  
35 affidavit of appeal shall include the reasons for the appeal

1 and points at issue.

2 2. On receiving notice of appeal, the secretary of the  
3 district shall certify all related exhibits and documents to  
4 the agency board, which shall hear the appeal within ten days  
5 of the receipt of the related exhibits and documents and  
6 decide it within three days of the conclusion of the hearing  
7 and shall immediately notify all parties of its decision.

8 3. Either party may appeal the decision of the agency  
9 board to the state board of education as provided by section  
10 290.1. Pending final order made by the state board, upon any  
11 appeal prosecuted to the state board, the order of the agency  
12 board from which the appeal is taken shall be operative and be  
13 in full force and effect.

14 Sec. 16. Section 285.14, Code 1997, is amended by striking  
15 the section and inserting in lieu thereof the following:

16 285.14 DISAGREEMENTS BETWEEN BOARDS.

17 If there is a disagreement between the board of a school  
18 district and the board of an area education agency, the board  
19 of the school district may appeal to the state board of  
20 education as provided by 290.1.

21 Sec. 17. Section 285.15, Code 1997, is amended by striking  
22 the section and inserting in lieu thereof the following:

23 285.15 NONSTANDARD BUSES -- PENALTIES.

24 A person who operates or permits the operation of a vehicle  
25 as a school bus to transport students, that does not comply  
26 with the requirements of law or with the rules of the  
27 department of education, or for which there is not a valid  
28 temporary certificate for operation, is guilty of a simple  
29 misdemeanor.

30 Sec. 18. Section 285.16, Code 1997, is amended by striking  
31 the section and inserting in lieu thereof the following:

32 285.16 FAILURE TO COMPLY WITH CHAPTER -- PENALTIES.

33 Failure of a school district to comply with the provisions  
34 of this chapter, or any other laws relating to the  
35 transportation of students, or any rules made by the

1 department of education under this chapter, or the final  
2 decisions of the area education agency board, or the final  
3 decisions of the department of education, shall, during the  
4 period the failure to comply exists, forfeit any entitlement  
5 to collect transportation costs from schools or parents. A  
6 superintendent, board, or board member who knowingly operates  
7 or permits to be operated a school bus transporting public  
8 school students in violation of a school transportation law is  
9 guilty of a simple misdemeanor.

10 Sec. 19. Section 321.18, subsection 7, Code 1997, is  
11 amended to read as follows:

12 7. Any school bus in this state used exclusively for the  
13 transportation of pupils to and from school or a school  
14 function or for the purposes provided in section ~~285.17~~  
15 ~~subsection-17~~ 285.2 and section ~~285.10~~ 285.11, subsection 9 3,  
16 or used exclusively for the transportation of children  
17 enrolled in a federal head start program. Upon application  
18 the department shall, without charge, issue a registration  
19 certificate and shall also issue registration plates which  
20 shall have imprinted thereon the words "Private School Bus"  
21 and a distinguishing number assigned to the applicant. Such  
22 plates shall be attached to the front and rear of each bus  
23 exempt from registration under this subsection.

24 Sec. 20. Section 331.502, subsection 22, Code 1997, is  
25 amended by striking the subsection.

26 EXPLANATION

27 This bill rewrites the school transportation chapter of the  
28 Iowa Code. The bill updates language and reorganizes current  
29 Code provisions and sections in chapter 285, but with few  
30 exceptions, makes no substantive changes in the current  
31 provisions and sections of chapter 285.

32 279.48(2), 282.18(10), and 321.18(7): Make conforming Code  
33 references changes.

34 285.1: Adds definitions to the chapter, including "average  
35 cost per student transported", which replaces the term "pro

1 rata cost". The bill omits a provision relating to a district  
2 operating transportation equipment when the district closes  
3 elementary and high school facilities. The bill also omits a  
4 provision relating to the failure of a district to pay another  
5 district for services. Provision is made in the chapter for  
6 dispute resolution.

7 285.3: Changes the rate of reimbursement for  
8 transportation provided by parents to meet a bus on the route  
9 to a rate based upon the annual optional standard mileage rate  
10 approved by the United States Internal Revenue Service for the  
11 allowable personal income tax mileage expense determined in  
12 accordance with 26 U.S.C. § 274(d), which for 1997 is 31.5  
13 cents per mile.

14 285.7: Changes the formula for calculating a supplemental  
15 payment for a parent or guardian transporting a student more  
16 than four miles to a nonpublic school. Currently, section  
17 285.3 provides a formula based upon all of the base payments  
18 made to parents or guardians of nonpublic school students  
19 under section 285.3 and section 285.1, subsection 3. The bill  
20 provides that a parent or guardian is entitled to a  
21 supplemental payment equal to 15 percent of the parent or  
22 guardian's base reimbursement amount. The section also  
23 requires parents or guardians to submit claims for  
24 reimbursement to a school district by December 1 and May 1,  
25 and requires the school districts to submit the claims to the  
26 department by January 31 and July 15. A deadline by which the  
27 department is required to certify the amount of the claims to  
28 the department of revenue and finance is removed.

29 285.8: Establishes the means for calculating the average  
30 cost per student transported, and omits current Code language  
31 that allows a district in unusual circumstances to charge in  
32 excess of the actual operating cost of a bus route used to  
33 furnish transportation to nonresident students.

34 285.9: Directs the department of education to carry out  
35 the provisions of chapter 285 relating to the transportation

1 of nonpublic school students.

2 331.502(22): Strikes a provision ordering the treasurer of  
3 state to transfer transportation service fees from a debtor  
4 school to a creditor school.

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