

# House Study Bill 176

## Bill Text

PAG LIN

1 1 Section 1. Section [279.48](#), subsection 2, Code 1997, is  
1 2 amended to read as follows:  
1 3 2. The total of scheduled annual payments of principal or  
1 4 interest due and payable from current budgeted receipts or  
1 5 future budgeted receipts with respect to all loan agreements  
1 6 authorized under this section or section

~~285.10~~

- [285.11](#),

1 7 subsection 7, paragraph

~~"b"~~

- ["d"](#), must not exceed ten percent

1 8 of the last authorized budget of the school corporation.

1 9 Sec. 2. Section [282.18](#), subsection 10, Code 1997, is

1 10 amended to read as follows:

1 11 10. Notwithstanding section

~~285.1~~

- [285.6](#) relating to

1 12 transportation of nonresident pupils, the parent or guardian  
1 13 is responsible for transporting the pupil without  
1 14 reimbursement to and from a point on a regular school bus  
1 15 route of the receiving district. However, a receiving  
1 16 district may send school vehicles into the district of  
1 17 residence of the pupil using the open enrollment option under  
1 18 this section, for the purpose of transporting the pupil to and  
1 19 from school in the receiving district, if the boards of both  
1 20 the sending and receiving districts agree to this arrangement.  
1 21 If the pupil meets the economic eligibility requirements  
1 22 established by the department and state board of education,  
1 23 the sending district is responsible for providing  
1 24 transportation or paying the pro rata cost of the  
1 25 transportation to a parent or guardian for transporting the  
1 26 pupil to and from a point on a regular school bus route of a  
1 27 contiguous receiving district unless the cost of providing  
1 28 transportation or the pro rata cost of the transportation to a  
1 29 parent or guardian exceeds the average transportation cost per  
1 30 pupil transported for the previous school year in the  
1 31 district. If the cost exceeds the average transportation cost  
1 32 per pupil transported for the previous school year, the  
1 33 sending district shall only be responsible for that average  
1 34 per pupil amount. A sending district which provides  
1 35 transportation for a pupil to a contiguous receiving district  
2 1 under this subsection may withhold from the district cost per  
2 2 pupil amount, that is to be paid to the receiving district, an  
2 3 amount which represents the average or pro rata cost per pupil  
2 4 for transportation, whichever is less.

2 5 Sec. 3. Section [285.1](#), Code 1997, is amended by striking  
2 6 the section and inserting in lieu thereof the following:

2 7 285.1 DEFINITIONS.

2 8 1. "Average cost per student transported" means the pro  
2 9 rata cost of transporting a student for a school year, during  
2 10 the school year only, to and from the school in which the  
2 11 student is enrolled and calculated under section 285.8.

2 12 2. "Elementary school student" for purposes of this

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

2 18 3. "High school student" for purposes of this chapter  
2 19 means a student enrolled in an accredited public or nonpublic  
2 20 school in grades nine or ten through twelve as determined by  
2 21 the board of directors of the school district or, in the case  
2 22 of nonpublic schools, by the governing authority of the  
2 23 nonpublic school.

2 24 4. "Nonpublic school" means a nonpublic school accredited  
2 25 by the department of education as provided in section 256.11  
2 26 and nonpublic institutions that comply with state board of  
2 27 education standards for providing special education programs.

2 28 5. "School or district board" means the board of directors  
2 29 of a school district.

2 30 6. "School bus" means a school bus as defined in 321.1,  
2 31 but shall not include a vehicle used for an approved driver  
2 32 education course in which the driver education teacher  
2 33 transports a driver education student from the student's  
2 34 residence for the purpose of street or highway driving.

2 35 7. "School designated for attendance" means the accredited  
3 1 school designated for attendance by the board of directors of  
3 2 the school district, or in the case of a nonpublic school, by  
3 3 the parent or guardian of a nonpublic school student.

3 4 8. "Prekindergarten student" means a student enrolled in a  
3 5 prekindergarten program offered or sponsored by a school  
3 6 district or nonpublic school and approved by the department of  
3 7 education.

3 8 Sec. 4. Section [285.2](#), Code 1997, is amended by striking  
3 9 the section and inserting in lieu thereof the following:

3 10 285.2 ENTITLEMENT TO SCHOOL TRANSPORTATION.

3 11 1. The board of directors of a school district shall  
3 12 provide transportation, either directly or by reimbursement  
3 13 for transportation in accordance with section 285.3, to and  
3 14 from the designated school of attendance, at no cost to the  
3 15 parent or guardian, for resident students attending public  
3 16 school, kindergarten through twelfth grade, except that:

3 17 a. Elementary students are entitled to transportation only  
3 18 if they live more than two miles from the school designated  
3 19 for attendance.

3 20 b. High school students are entitled to transportation  
3 21 only if they live more than three miles from the school  
3 22 designated for attendance.

3 23 c. Students attending public school prekindergarten  
3 24 programs offered or sponsored by the district and approved by  
3 25 the department of education may be provided transportation  
3 26 services as if they were public school elementary pupils.

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

3 35 3. Distance to school or to a bus route, for the purpose  
4 1 of determining entitlement to transportation services, shall  
4 2 be measured on the public highway only and over the most  
4 3 passable and safest highway route as determined by the  
4 4 district's board, starting in the roadway opposite the private  
4 5 entrance to the residence of the student and ending in the  
4 6 roadway opposite an entrance to the school grounds of the  
4 7 student's designated attendance center, except as provided in  
4 8 subsection 4. Disputes over safety or entitlement may be  
4 9 appealed to the area education agency board for resolution

4 10 pursuant to section 285.13.

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

4 24 5. Transportation for which the average cost per student  
4 25 transported or other charge is collected shall not be provided  
4 26 outside the state of Iowa except in accordance with rules  
4 27 adopted by the department of education in accordance with  
4 28 chapter 17A. The rules shall take into account any applicable  
4 29 federal requirements.

4 30 Sec. 5. Section [285.3](#), Code 1997, is amended by striking  
4 31 the section and inserting in lieu thereof the following:

4 32 285.3 TRANSPORTATION BY PARENTS.

4 33 1. Where unsatisfactory roads or other conditions make it  
4 34 advisable, a district board in its discretion may require the  
4 35 parent or guardian of a public or nonpublic school student to  
5 1 furnish transportation for the student a distance of not to  
5 2 exceed two miles to connect or meet with a school bus. The  
5 3 parent or guardian shall be reimbursed for the transportation  
5 4 by the board of the resident district at a rate based on the  
5 5 current annual mileage rate allowance determined and approved  
5 6 by the United States Internal Revenue Service in accordance  
5 7 with 26 U.S.C. } 274(d), for allowable personal income tax  
5 8 mileage expense. The mileage payment shall be based on miles  
5 9 traveled one way, per day, per family when measured over the  
5 10 public highway only for the distance from the student's  
5 11 residence to the connection point on the bus route.

5 12 2. In a district where transportation by school bus is  
5 13 impracticable or unavailable, or where necessary to implement  
5 14 a whole grade sharing agreement under section 282.10, the  
5 15 board may require parents or guardians to furnish  
5 16 transportation for their children to the schools designated  
5 17 for attendance. Except as provided in section 285.7, the  
5 18 parent or guardian shall be reimbursed for the transportation  
5 19 service for public and nonpublic school students by the board  
5 20 of the resident district in an amount equal to eighty dollars  
5 21 plus seventy-five percent of the difference between eighty  
5 22 dollars and the previous school year's statewide average cost  
5 23 per student transported, as determined by the department of  
5 24 education. However, a parent or guardian shall not receive  
5 25 reimbursement for furnishing transportation for more than  
5 26 three family members who attend kindergarten or elementary  
5 27 school and one family member who attends high school.

5 28 3. Notwithstanding subsections 1 and 2, a parent or  
5 29 guardian may be required to provide transportation to the  
5 30 connection point on a bus route without reimbursement if the  
5 31 distance does not exceed three-fourths of a mile when measured  
5 32 over the public roadway only.

5 33 Sec. 6. Section [285.4](#), Code 1997, is amended by striking  
5 34 the section and inserting in lieu thereof the following:

5 35 285.4 DISTRICT ARRANGEMENTS FOR STUDENT TRANSPORTATION.

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

6 7 board.

6 8 2. When a school board pays the costs for a student to  
6 9 attend another district under a whole grade sharing agreement  
6 10 pursuant to sections 282.10 through 282.12, the board of the  
6 11 resident district shall provide transportation to and from the  
6 12 school designated for attendance for the student. This  
6 13 section does not apply to students attending school in another  
6 14 district under open enrollment in section 282.18.

6 15 Sec. 7. Section [285.5](#), Code 1997, is amended by striking  
6 16 the section and inserting in lieu thereof the following:

6 17 285.5 CONTRACTS FOR SCHOOL BUS SERVICE.

6 18 1. Contracts for school bus service with other school  
6 19 districts, nonpublic schools, or private parties shall be in  
6 20 writing and be for the transportation of children attending  
6 21 public or nonpublic school. The contracts shall define the  
6 22 route, duration of the agreement, service contracted for,  
6 23 compensation to be paid, and the vehicle to be used. The  
6 24 contract shall prescribe the duties of the contractor and  
6 25 driver of the vehicles and shall provide that every person in  
6 26 charge of a vehicle conveying children to and from school  
6 27 shall be at all times subject to any rules the school board  
6 28 shall adopt for the protection of the children or to govern  
6 29 the conduct of the persons in charge of the vehicle.

6 30 2. A contract shall provide that the contractor will sell  
6 31 the transportation equipment to the board should the  
6 32 contractor desire to terminate the contract, provided that the  
6 33 school board desires to purchase the equipment. The price of  
6 34 the equipment sold to the school board shall be determined by  
6 35 an appraisal board composed of one person appointed by the  
7 1 school board, one appointed by the owner of the equipment, and  
7 2 a third person selected by these two.

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

7 9 4. Vehicles of transportation provided by the contractor  
7 10 shall be inspected, approved, and certified before being put  
7 11 into operation in the manner provided in section 285.9,  
7 12 subsection 5.

7 13 5. Contracts for transportation services may be made for a  
7 14 period not to exceed three years. Contracts may be terminated  
7 15 by either party on a ninety-day notice.

7 16 6. The director of the department of education shall  
7 17 prepare a uniform contract, containing provisions not in  
7 18 conflict with this chapter, which shall be used by all school  
7 19 districts in contracting for transportation service. However,  
7 20 a school board may add to the provisions of the uniform  
7 21 contract.

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

7 25 8. Private buses, other than common carriers not used  
7 26 exclusively in transportation of students while under contract  
7 27 to a school district, shall meet construction and operation  
7 28 requirements for school-owned buses.

7 29 Sec. 8. Section [285.6](#), Code 1997, is amended by striking  
7 30 the section and inserting in lieu thereof the following:

7 31 285.6 NONPUBLIC STUDENT TRANSPORTATION.

7 32 1. Resident students attending a nonpublic school located  
7 33 either within or outside the school district of the student's  
7 34 residence are entitled to transportation on the same basis as  
7 35 provided for resident public school students under this  
8 1 chapter. The public school district may meet the requirements  
8 2 of this section by any of the following:

8 3 a. Providing transportation services in a school bus

8 4 operated by the district.

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

8 10 c. Utilizing the parent transportation reimbursement in  
8 11 the manner provided in section 285.3.

8 12 2. The public school district providing transportation to  
8 13 a nonpublic school student shall determine the days on which  
8 14 bus service is provided, based upon the days for which bus  
8 15 service is provided to public school students. The public  
8 16 school district shall determine bus schedules and routes.

8 17 3. If the nonpublic school designated for attendance is  
8 18 located within the public school district in which the student  
8 19 is a resident, the student shall be provided transportation in  
8 20 accordance with this section.

8 21 4. If the nonpublic school designated for attendance is  
8 22 located in a contiguous public school district outside the  
8 23 boundary line of the school district of the student's  
8 24 residence, one of the following may occur:

8 25 a. The resident district may provide, in district  
8 26 vehicles, transportation from the nonpublic school student's  
8 27 residence to the nonpublic school designated for attendance in  
8 28 the contiguous district.

8 29 b. A contiguous district may provide transportation  
8 30 service from the nonpublic student's resident, or from a  
8 31 designated point within the boundary of the transporting  
8 32 district, to the designated nonpublic school. The board of  
8 33 the contiguous district providing the transportation shall  
8 34 provide written notice to the nonpublic school student's  
8 35 district of residence, that it is providing the transportation  
9 1 service and it is making the claim for reimbursement for the  
9 2 nonpublic school student's transportation under section 285.7.  
9 3 Transportation by the board of the contiguous district  
9 4 relieves the resident district of any requirement to provide  
9 5 transportation services.

9 6 c. Transportation outside the boundary of the resident  
9 7 district shall be approved by the area education agency in  
9 8 accordance with section 285.10, subsection 3.

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

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

9 16 1. Boards of directors of school districts are required to  
9 17 provide transportation services to nonpublic school students  
9 18 as provided in section 285.6 when the general assembly  
9 19 appropriates funds to the department of education for the  
9 20 payment of claims for transportation costs submitted by the  
9 21 school districts.

9 22 2. There is appropriated from the general fund of the  
9 23 state to the department of education funds sufficient to pay  
9 24 the approved claims of public school districts for  
9 25 transportation services to nonpublic school students as  
9 26 provided in this section. The amount paid for an approved  
9 27 claim, based upon the moneys appropriated for approved claims,  
9 28 shall be determined under section 285.3, subsection 2.

9 29 3. The costs of providing transportation to nonpublic  
9 30 school students as provided in section 285.6 shall not be  
9 31 included in the computation of district cost under chapter  
9 32 257, but shall be shown in the budget as an expense from  
9 33 miscellaneous income. Transportation reimbursements received  
9 34 by a school district for transporting nonpublic school  
9 35 students shall not affect district cost limitations of chapter

10 1 257. The reimbursements provided in this section are  
10 2 miscellaneous income as defined in section 257.2.  
10 3 4. a. The board of the public school district providing  
10 4 transportation to nonpublic students or transportation  
10 5 reimbursement to parents of nonpublic school students during a  
10 6 school year shall make a claim for reimbursement to the  
10 7 department of education on a form prescribed by the  
10 8 department, and the claim shall state the services provided  
10 9 and the actual costs incurred. A claim for a student shall  
10 10 not exceed the average cost per student transported of the  
10 11 resident district for the school year in which the  
10 12 transportation is provided except as otherwise provided in  
10 13 this section.

10 14 b. School boards shall submit claims for reimbursement to  
10 15 the department of education by January 31 and July 15 of each  
10 16 school year, accompanied by an affidavit of an officer of the  
10 17 public school district affirming the accuracy of the claim.  
10 18 The department of education shall certify to the department of  
10 19 revenue and finance the amounts of approved claims to be paid,  
10 20 and the department of revenue and finance shall draw warrants  
10 21 payable to school districts that have established claims.

10 22 5. a. A parent or legal guardian of a student attending  
10 23 an accredited nonpublic school, who furnishes transportation  
10 24 for the student pursuant to section 285.3 and meets the  
10 25 requirements of paragraph "b", is entitled to reimbursement  
10 26 equal to an amount calculated under the provisions of section  
10 27 285.3, subsection 2. In addition, parents or guardians who  
10 28 transport one or more family members more than four miles to  
10 29 their nonpublic schools of attendance shall be entitled to one  
10 30 supplemental mileage payment per family, per claim period,  
10 31 equal to fifteen percent of the parental reimbursement amount,  
10 32 rounded to the nearest whole dollar, when calculated under the  
10 33 provisions of section 285.3, subsection 2.

10 34 b. To qualify for parental reimbursement under paragraph  
10 35 "a", a parent or guardian of a student attending a nonpublic  
11 1 school, who furnishes transportation for the student pursuant  
11 2 to section 285.3, shall submit a claim for reimbursement to  
11 3 the resident public school district, notifying the district  
11 4 that the student is enrolled and attending a nonpublic school.  
11 5 Claims for reimbursement shall be filed with the district by  
11 6 December 1 and May 1 annually and shall include the name, age,  
11 7 and grade level of the student, and the name of the nonpublic  
11 8 school and its location. The district shall submit claims for  
11 9 reimbursement to the department of education on behalf of the  
11 10 parent or guardian if the parent or guardian meets the  
11 11 requirements of this section.

11 12 Sec. 10. Section [285.8](#), Code 1997, is amended by striking  
11 13 the section and inserting in lieu thereof the following:

11 14 285.8 AVERAGE COST PER STUDENT TRANSPORTED - CALCULATION.

11 15 The average cost per student transported for a school year  
11 16 shall be determined by calculating the actual cost for all  
11 17 children transported in the state in public school buses for  
11 18 that school year. It shall include one-seventh of the  
11 19 original net cost of the bus and other items, as determined  
11 20 and approved by the director of the department of education,  
11 21 but no part of the capital outlay cost for school buses and  
11 22 transportation equipment for which the school district is  
11 23 reimbursed from state funds or that portion of the cost of the  
11 24 operation of a school bus used in transporting students to and  
11 25 from extracurricular activities shall be included in  
11 26 determining the average cost per student transported.

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

11 29 285.9 POWERS AND DUTIES OF THE DEPARTMENT OF EDUCATION.

11 30 The department shall:

11 31 1. Employ the necessary qualified personnel to implement  
11 32 this chapter. The appropriation provided by this chapter may

11 33 be expended in part for salaries and necessary traveling  
11 34 expenses incurred by personnel in the performance of their  
11 35 official duties pursuant to this chapter.

12 1 2. Exercise general supervision over the school  
12 2 transportation system in the state.

12 3 3. Establish uniform standards and rules for the  
12 4 administration of this chapter, including:

12 5 a. Protection of the health and safety of the students  
12 6 transported.

12 7 b. Efficient operation and maintenance of school  
12 8 transportation vehicles.

12 9 c. Minimum construction standards for school  
12 10 transportation vehicles.

12 11 d. Procedures for purchase of school transportation  
12 12 vehicles.

12 13 e. Locating, establishing, and operating school bus  
12 14 routes.

12 15 f. Procedures for transporting persons other than  
12 16 students.

12 17 g. Qualifications of school bus drivers, including, but  
12 18 not limited to, a requirement that school bus drivers present  
12 19 an annual certificate of physical fitness before being  
12 20 permitted to operate a vehicle transporting children to and  
12 21 from school.

12 22 4. Review and establish the locations of bus routes  
12 23 located in more than one area education agency when the area  
12 24 education agency boards of the affected area education  
12 25 agencies after formal action do not reach an agreement.

12 26 5. Inspect or cause to be inspected annually, in  
12 27 accordance with rules established by the department, vehicles  
12 28 used as school buses to determine if the vehicles meet legal  
12 29 and established standards of construction and can be operated  
12 30 with safety, comfort, and economy. When it is determined that  
12 31 use of a vehicle is dangerous to the students transported and  
12 32 to the safety and welfare of the traveling public, the  
12 33 department of education shall order the vehicle to be  
12 34 withdrawn from further use on a specified date. School buses  
12 35 that do not conform to the requirements of the department of  
13 1 education may be issued temporary certificates of operation by  
13 2 the department if the school buses can be operated safely and  
13 3 if the certificate is issued for a period of not more than one  
13 4 year. Equipment may be required to be altered, or safety  
13 5 equipment added, in order to make vehicles reasonably safe for  
13 6 operation. New school buses shall, after initial inspection  
13 7 and approval, be issued an original seal of inspection, which  
13 8 shall be placed in the lower right hand corner of the  
13 9 windshield and shall remain in that position throughout the  
13 10 service life of the bus. In addition, after each inspection,  
13 11 an annual seal of inspection and approval shall be issued and  
13 12 also placed in the lower right hand corner of the windshield  
13 13 of the bus.

13 14 6. Aid in the enforcement of the motor vehicle laws  
13 15 relating to the transportation of school children.

13 16 7. Review transportation arrangements pursuant to law and  
13 17 disapprove any arrangements which are not in conformity with  
13 18 the law and established standards, and require that  
13 19 transportation arrangements be brought into conformity.

13 20 8. Conduct schools of instruction for transportation  
13 21 personnel as needed or requested.

13 22 Sec. 12. Section [285.10](#), Code 1997, is amended by striking  
13 23 the section and inserting in lieu thereof the following:

13 24 285.10 POWERS AND DUTIES OF AREA EDUCATION AGENCY BOARDS.  
13 25 The area education agency boards shall:

13 26 1. Assist in the enforcement of laws and rules of the  
13 27 department of education relating to transportation.

13 28 2. Review and approve transportation arrangements between  
13 29 districts in the agency. If transportation arrangements,

13 30 designations, and contracts are not in conformity to law or  
13 31 established uniform standards for the locating and operating  
13 32 of bus routes, the agency board shall, after receiving all  
13 33 facts, make such alterations or changes as necessary to make  
13 34 the arrangements, designations, and contracts conform to the  
13 35 legal and established requirements and shall notify the  
14 1 affected district board of any action.

14 2 3. Approve bus routes outside the boundary of the school  
14 3 district operating buses.

14 4 4. When a school board fails to make designations and  
14 5 other necessary arrangements for transportation as required by  
14 6 law, and after due notice to the school board, make necessary  
14 7 arrangements in conformity with law and established  
14 8 requirements. Notice shall be given to the school board of  
14 9 the arrangements made. The arrangements shall be binding on  
14 10 the school board, which shall pay the costs for service as  
14 11 arranged.

14 12 Sec. 13. Section [285.11](#), Code 1997, is amended by striking  
14 13 the section and inserting in lieu thereof the following:

14 14 285.11 POWERS AND DUTIES OF SCHOOL BOARDS.

14 15 The board of directors of a district shall:

14 16 1. Provide transportation for each resident student who  
14 17 attends public or nonpublic school and is entitled to  
14 18 transportation under this chapter.

14 19 2. Establish, maintain, and operate bus routes for the  
14 20 transportation of students to provide for economical and  
14 21 efficient operation without duplication of facilities, and  
14 22 properly safeguard the health and safety of the students  
14 23 transported.

14 24 3. Notwithstanding subsection 1, school boards in their  
14 25 discretion may do the following:

14 26 a. Provide transportation for some or all resident  
14 27 students attending public school or nonpublic schools who are  
14 28 not entitled to transportation.

14 29 b. Charge a fee of not more than the district's average  
14 30 cost per student transported for the school year in which the  
14 31 transportation is provided for each student transported under  
14 32 paragraph "a" for the year in which transportation is provided  
14 33 under this subsection.

14 34 c. Transport nonresident students attending public or  
14 35 nonpublic school who are not entitled to free transportation  
15 1 if the school board collects a fee equal to the district's  
15 2 average cost per student transported.

15 3 d. Transport senior citizens, children, persons with  
15 4 disabilities, and other persons and groups who are not  
15 5 otherwise entitled to free transportation. However, the board  
15 6 shall collect the actual cost of the transportation provided  
15 7 under this paragraph. Transportation under this paragraph  
15 8 shall not be provided when the school bus is being used to  
15 9 transport students to or from school unless the board  
15 10 determines that such transportation is desirable and will not  
15 11 interfere with or delay the transportation of students.

15 12 e. Furnish a school bus and the services of a qualified  
15 13 driver to the following:

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

15 17 (2) Persons other than students, for transportation to  
15 18 activities in which students from the school district are  
15 19 participants, or are attending, and for which the school  
15 20 district is a sponsor.

15 21 (3) The board shall charge and collect an amount  
15 22 sufficient to reimburse all costs of transportation provided  
15 23 to persons or groups under this paragraph except when the bus  
15 24 is used for transporting students to and from extracurricular  
15 25 activities sponsored by the school. A school bus shall be  
15 26 used as provided in this subsection only at times when it is



15 27 not needed for transportation of students.

15 28 4. Purchase liability insurance and other insurance  
15 29 coverage the board deems advisable to insure the school  
15 30 district, its officers, employees, and agents against  
15 31 liability incurred as a result of operating school buses,  
15 32 including but not limited to liability to students or other  
15 33 persons lawfully transported. Section 670.7 shall apply to  
15 34 the insurance.

15 35 5. Employ drivers and other employees as necessary,  
16 1 prescribe their qualifications, and adopt rules for their  
16 2 conduct.

16 3 6. Purchase, or lease, and maintain transportation  
16 4 facilities.

16 5 7. Purchase or lease school buses as follows:

16 6 a. Prepare separate body and chassis specifications except  
16 7 when the bus is constructed as an integral unit, inseparable  
16 8 as to body and chassis, by the manufacturer, or when the bus  
16 9 is a used or demonstrator bus.

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

16 17 c. Pay for buses from funds available in the school's  
16 18 general operating fund or physical plant and equipment fund.

16 19 d. Enter into a contract to pay for buses over a five-year  
16 20 period as follows: one-fifth of the cost when the bus is  
16 21 delivered and the balance in equal annual installments, plus  
16 22 simple interest due. The interest rate shall be the lowest  
16 23 rate available and shall not exceed the rate in effect under  
16 24 section 74A.2. The bus shall serve as security for balance  
16 25 due.

16 26 8. Suspend transportation service due to weather or road  
16 27 conditions. Transportation service may be suspended on a day  
16 28 or days, due to inclemency of the weather, conditions of  
16 29 roads, or the existence of other conditions, when in the  
16 30 school board's judgment it is deemed advisable and when the  
16 31 school or schools are closed to all children.

16 32 9. Except for teachers under contract with the school  
16 33 board, establish employment contracts with bus drivers,  
16 34 including temporary or substitute drivers, for school-owned  
16 35 equipment. The director of the department of education shall  
17 1 prepare a uniform contract containing provisions not in  
17 2 conflict with this chapter which shall be used by all school  
17 3 boards in contracting with drivers of school-owned vehicles.  
17 4 Additional contract provisions may be included as determined  
17 5 by the board of directors.

17 6 Sec. 14. Section [285.12](#), Code 1997, is amended by striking  
17 7 the section and inserting in lieu thereof the following:

17 8 285.12 BUS ROUTES - BASIS OF OPERATION.

17 9 The establishment and operation of bus routes and the  
17 10 contracts for transportation shall be based upon the following  
17 11 considerations:

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

17 24 2. Each board shall cause each bus route to be reviewed  
17 25 annually for safety hazards.

17 26 3. Bus routes shall be established only to give service to  
17 27 properly entitled or designated students.

17 28 4. Each bus route shall serve only those students living  
17 29 in those areas where transportation by bus is the most  
17 30 economical method for providing adequate transportation  
17 31 facilities to properly designated students.

17 32 5. Special contracts for transportation of students  
17 33 entitled to transportation shall be entered into only when it  
17 34 is more economical to do so than to provide transportation by  
17 35 regular bus route, or when, by reason of physical or mental  
18 1 disability of a student, the student cannot be transported  
18 2 safely by bus.

18 3 6. A route shall not be extended for the purpose of  
18 4 accommodating students whose homes are nearer another bus  
18 5 route.

18 6 7. A bus shall not leave the public highway for the  
18 7 purpose of receiving or discharging students, unless the  
18 8 students' safety is enhanced or the private roadway is  
18 9 maintained in the same manner as a public roadway.

18 10 8. The use of school buses is restricted to the following:  
18 11 a. Transporting students to and from school.  
18 12 b. Transportation to and from extracurricular activities  
18 13 sponsored by the school when the activity is under the  
18 14 direction of a qualified member of the faculty and a part of  
18 15 the regular school program.  
18 16 c. Transportation of other persons to the extent permitted  
18 17 by section 285.11, subsection 3.  
18 18 d. Transporting school employees to and from school and  
18 19 approved activities they are required to attend as a result of  
18 20 their responsibilities.  
18 21 e. Transporting a school teacher to and from the teacher's  
18 22 school when the school is on an established school bus route  
18 23 and the teacher makes arrangements with the district operating  
18 24 the school bus.

18 25 Sec. 15. Section [285.13](#), Code 1997, is amended by striking  
18 26 the section and inserting in lieu thereof the following:  
18 27 285.13 DISPUTES - HEARINGS AND APPEALS.  
18 28 1. If there is a disagreement between a school patron and  
18 29 the board of the school district, the patron, if dissatisfied  
18 30 with the decision of the district board, may appeal the  
18 31 decision to the area education agency board, notifying the  
18 32 secretary of the district in writing within ten days of the  
18 33 decision of the board and by filing an affidavit of appeal  
18 34 with the agency board within the ten-day period. The  
18 35 affidavit of appeal shall include the reasons for the appeal  
19 1 and points at issue.

19 2 2. On receiving notice of appeal, the secretary of the  
19 3 district shall certify all related exhibits and documents to  
19 4 the agency board, which shall hear the appeal within ten days  
19 5 of the receipt of the related exhibits and documents and  
19 6 decide it within three days of the conclusion of the hearing  
19 7 and shall immediately notify all parties of its decision.

19 8 3. Either party may appeal the decision of the agency  
19 9 board to the state board of education as provided by section  
19 10 290.1. Pending final order made by the state board, upon any  
19 11 appeal prosecuted to the state board, the order of the agency  
19 12 board from which the appeal is taken shall be operative and be  
19 13 in full force and effect.

19 14 Sec. 16. Section [285.14](#), Code 1997, is amended by striking  
19 15 the section and inserting in lieu thereof the following:  
19 16 285.14 DISAGREEMENTS BETWEEN BOARDS.  
19 17 If there is a disagreement between the board of a school  
19 18 district and the board of an area education agency, the board  
19 19 of the school district may appeal to the state board of  
19 20 education as provided by 290.1.

19 21 Sec. 17. Section [285.15](#), Code 1997, is amended by striking  
19 22 the section and inserting in lieu thereof the following:

19 23 285.15 NONSTANDARD BUSES - PENALTIES.

19 24 A person who operates or permits the operation of a vehicle  
19 25 as a school bus to transport students, that does not comply  
19 26 with the requirements of law or with the rules of the  
19 27 department of education, or for which there is not a valid  
19 28 temporary certificate for operation, is guilty of a simple  
19 29 misdemeanor.

19 30 Sec. 18. Section [285.16](#), Code 1997, is amended by striking  
19 31 the section and inserting in lieu thereof the following:

19 32 285.16 FAILURE TO COMPLY WITH CHAPTER - PENALTIES.

19 33 Failure of a school district to comply with the provisions  
19 34 of this chapter, or any other laws relating to the  
19 35 transportation of students, or any rules made by the  
20 1 department of education under this chapter, or the final  
20 2 decisions of the area education agency board, or the final  
20 3 decisions of the department of education, shall, during the  
20 4 period the failure to comply exists, forfeit any entitlement  
20 5 to collect transportation costs from schools or parents. A  
20 6 superintendent, board, or board member who knowingly operates  
20 7 or permits to be operated a school bus transporting public  
20 8 school students in violation of a school transportation law is  
20 9 guilty of a simple misdemeanor.

20 10 Sec. 19. Section [321.18](#), subsection 7, Code 1997, is  
20 11 amended to read as follows:

20 12 7. Any school bus in this state used exclusively for the  
20 13 transportation of pupils to and from school or a school  
20 14 function or for the purposes provided in section

~~285.1,~~

~~20 15~~

~~subsection 1,~~

~~285.2~~ and section

~~285.10~~

~~285.11,~~ subsection

~~9~~

~~3,~~

20 16 or used exclusively for the transportation of children  
20 17 enrolled in a federal head start program. Upon application  
20 18 the department shall, without charge, issue a registration  
20 19 certificate and shall also issue registration plates which  
20 20 shall have imprinted thereon the words "Private School Bus"  
20 21 and a distinguishing number assigned to the applicant. Such  
20 22 plates shall be attached to the front and rear of each bus  
20 23 exempt from registration under this subsection.

20 24 Sec. 20. Section [331.502](#), subsection 22, Code 1997, is  
20 25 amended by striking the subsection.

20 26 EXPLANATION

20 27 This bill rewrites the school transportation chapter of the  
20 28 Iowa Code. The bill updates language and reorganizes current  
20 29 Code provisions and sections in chapter 285, but with few  
20 30 exceptions, makes no substantive changes in the current  
20 31 provisions and sections of chapter 285.

20 32 279.48(2), 282.18(10), and 321.18(7): Make conforming Code  
20 33 references changes.

20 34 285.1: Adds definitions to the chapter, including "average  
20 35 cost per student transported", which replaces the term "pro  
21 1 rata cost". The bill omits a provision relating to a district  
21 2 operating transportation equipment when the district closes  
21 3 elementary and high school facilities. The bill also omits a  
21 4 provision relating to the failure of a district to pay another  
21 5 district for services. Provision is made in the chapter for

21 6 dispute resolution.

21 7 285.3: Changes the rate of reimbursement for  
21 8 transportation provided by parents to meet a bus on the route  
21 9 to a rate based upon the annual optional standard mileage rate  
21 10 approved by the United States Internal Revenue Service for the  
21 11 allowable personal income tax mileage expense determined in  
21 12 accordance with 26 U.S.C. } 274(d), which for 1997 is 31.5  
21 13 cents per mile.

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

21 29 285.8: Establishes the means for calculating the average  
21 30 cost per student transported, and omits current Code language  
21 31 that allows a district in unusual circumstances to charge in  
21 32 excess of the actual operating cost of a bus route used to  
21 33 furnish transportation to nonresident students.

21 34 285.9: Directs the department of education to carry out  
21 35 the provisions of chapter 285 relating to the transportation  
22 1 of nonpublic school students.

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

22 5 LSB 1314DP 77  
22 6 kh/cf/24.1