

3/18/97 W. & M. M.

FILED MAR 17 1997

SENATE FILE 480
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 110)

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

A BILL FOR

1 An Act relating to tuition and fees charged by public school
2 districts and providing an immediate effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 480

1 Section 1. Section 256.7, subsection 20, Code 1997, is
2 amended by striking the subsection.

3 Sec. 2. Section 279.35, Code 1997, is amended to read as
4 follows:

5 279.35 PUBLICATION OF PROCEEDINGS.

6 The proceedings of each regular, adjourned, or special
7 meeting of the board, including the schedule of bills allowed,
8 shall be published after the adjournment of the meeting in the
9 manner provided in this section and section 279.36, and the
10 publication of the schedule of the bills allowed shall include
11 a list of claims allowed, including salary claims for services
12 performed. The schedule of bills allowed may be published on
13 a once monthly basis in lieu of publication with the
14 proceedings of each meeting of the board. The list of claims
15 allowed shall include the name of the person or firm making
16 the claim, the purpose of the claim, and the amount of the
17 claim. The schedule of bills and claims for reimbursement of
18 tuition and fees to parents, guardians, legal or actual
19 custodians, or students, that result from any fee waiver
20 policy, shall not be published. However, salaries paid to
21 individuals regularly employed by the district shall only be
22 published annually and the publication shall include the total
23 amount of the annual salary of each employee. The secretary
24 shall furnish a copy of the proceedings to be published within
25 two weeks following the adjournment of the meeting.

26 Sec. 3. Section 282.1A, subsection 1, Code 1997, is
27 amended to read as follows:

28 1. A board of directors of a public school district may,
29 subject to the approval of the department of education,
30 provide an extended school program for residents of the
31 district who are over the maximum school age established in
32 section 282.1, who do not possess a high school diploma or a
33 high school equivalency diploma under chapter 259A, and who
34 are currently enrolled in an education program in the
35 district. The educational program may be separate from or

1 integrated into the regular school program. Residents
2 attending the program shall be included in the district's
3 basic enrollment and shall attend on a tuition-free basis. A
4 district may also provide services to nonresidents under this
5 section, and those persons shall be charged a sufficient
6 tuition fee to cover the cost of the instruction received by
7 the person as provided in section 282.6.

8 Sec. 4. Section 282.6, Code 1997, is amended to read as
9 follows:

10 282.6 TUITION AND FEES.

11 1. Every school shall be free of tuition to all actual
12 residents between the ages of five and twenty-one years and to
13 resident honorably discharged ~~soldiers, sailors, and marines~~
14 military personnel, as many months after becoming twenty-one
15 years of age as they have spent in the military or naval
16 service of the United States before they became twenty-one,
17 provided, however, fees tuition may be charged covering
18 instructional costs for a summer school or ~~drivers driver~~
19 education program. The board of ~~education directors of a~~
20 school district may, in a hardship case, exempt a student from
21 payment of the above fees tuition. Every person, however, who
22 ~~shall attend any~~ attends a public school after graduation from
23 a four-year course in an approved high school or its
24 equivalent shall be charged a sufficient tuition fee to cover
25 the cost of the instruction received by such the person.

26 ~~This section shall not apply to tuition authorized by~~
27 ~~chapter-260E-~~

28 2. The board of directors of a school district may charge
29 reasonable fees, not to exceed the costs, for the following:

- 30 a. Textbooks as defined in section 301.1.
31 b. Eye-protective devices required under section 280.10.
32 c. Ear-protective devices required under section 280.11.
33 d. Towel service, uniform or robe cleaning or rental,
34 graduation cap and gown rental, musical instrument rental,
35 parking permits, and padlock rental.

1 e. Costs associated with participation in school-sponsored
2 activity programs if student participation is not required.

3 f. Transportation for resident pupils attending public
4 school who are not entitled to transportation under section
5 285.1.

6 g. Admission for students and other persons to school-
7 sponsored activities if student attendance is not required.

8 h. School supplies, materials, and services that are not
9 essential to a student's participation in, and that are not
10 required as part of, the educational program under section
11 256.11. For purposes of this paragraph, "services" are
12 limited to child care, preschool programs, and internet or
13 other on-line computer services.

14 i. Materials essential to a student's participation in
15 music, visual arts, and vocational services areas that are
16 required as part of the educational program under section
17 256.11 for grades nine through twelve.

18 3. The board of directors of a school district shall adopt
19 a fee waiver policy. The policy adopted may waive any fee, or
20 any portion of a fee, permitted under this section.

21 4. For purposes of this section, "resident" means a person
22 who is physically present in a district, whose residence has
23 not been established in another district by operation of law,
24 and who meets any of the following conditions:

25 1- a. Is in the district for the purpose of making a home
26 and not solely for school purposes.

27 2- b. Meets the definitional requirements of the term
28 "homeless individual" under 42 U.S.C. § 11302(a) and (c).

29 3- c. Lives in a residential correctional facility in the
30 district.

31 5. This section shall not apply to tuition or fees
32 authorized by chapters 260C and 261C.

33 Sec. 5. Section 301.1, unnumbered paragraph 2, Code 1997,
34 is amended to read as follows:

35 Textbooks adopted and purchased by a school district may,

1 and shall to the extent funds are appropriated by the general
2 assembly, be made available to pupils attending nonpublic
3 schools upon request of the pupil or the pupil's parent under
4 comparable terms as made available to pupils attending public
5 schools. As used in this paragraph section, "textbooks" means
6 books and loose-leaf or bound manuals, systems of reusable
7 instructional materials or combinations of books and
8 supplementary instructional materials which convey information
9 to the student or otherwise contribute to the learning
10 process, or electronic textbooks, including but not limited to
11 computer software, applications ~~using~~ computer-assisted
12 instruction, interactive videodisc, and other computer
13 courseware and magnetic media.

14 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill authorizes public school districts to charge a
18 reasonable fee to cover the district costs for certain
19 products or services supplied to students. The bill also
20 requires the board of directors of a school district to
21 establish a fee waiver policy. The policy adopted may waive
22 any fee, or portion of a fee, permitted under the bill.

23 The schedule of bills and claims paid by school districts
24 for reimbursement of tuition and fees to parents, guardians,
25 legal or actual custodians, or students as a result of any fee
26 waiver policy shall not be published, as provided in the bill.

27 The bill takes effect upon enactment.

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LSB 1316SV 77

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**SENATE FILE 480
FISCAL NOTE**

A fiscal note for Senate File 480 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 480 authorizes public school districts to charge a reasonable fee to cover the district cost for certain products or services supplied to students. The Bill also requires the Board of Directors of a school district to establish a fee waiver policy. The policy adopted may waive any fee, or portion of a fee, permitted under the Bill.

ASSUMPTIONS

1. Estimates were derived from a survey conducted by the Department of Education. The estimates assume the sampling and measurement errors are minimal.
2. Estimates include only fees currently being charged and do not include possible changes in fees.
3. In FY 1996, \$21.6 million was collected in student fees and of this amount \$3.3 million has been waived.
4. In FY 1996, \$2.3 million was collected for course fees and of this amount \$1.0 million was for materials essential to a student's participation in music, visual arts, and vocational services areas that are required as part of the educational program for grades nine through twelve.
5. School districts will waive fees at the current level.

FISCAL IMPACT

Senate File 480 authorizes an additional \$5.0 million in school fees. School districts are currently collecting these fees but have no legal authorization. Currently, school districts are collecting \$1.3 million in fees that will remain unauthorized after the passage of this Bill.

The Bill allows school districts to waive any fee or a portion of a fee. This replaces the Department of Education rules which requires school districts to waive school fees. This will allow the collection of up to an estimated \$2.2 million in fees that will not have to be waived.

(LSB 1316sv, JAS)

FILED MARCH 20, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

Redfern, Chair
Connolly
Szymoniak
Redwine
J. Black

SSB 110
Education
Succeeded By
SF HF 480

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 tuition and fees charged by public school
2 districts and to tuition and fee waiver rules for indigent
3 families, and providing an immediate effective date.

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

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1 Section 1. Section 22.7, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 37. The schedule of bills and claims paid
4 by school districts for reimbursement of tuition and fees to
5 parents, guardians, legal or actual custodians, or students as
6 a result of any fee waiver policy.

7 Sec. 2. Section 256.7, subsection 20, Code 1997, is
8 amended by striking the subsection.

9 Sec. 3. Section 279.35, Code 1997, is amended to read as
10 follows:

11 279.35 PUBLICATION OF PROCEEDINGS.

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13 meeting of the board, including the schedule of bills allowed,
14 shall be published after the adjournment of the meeting in the
15 manner provided in this section and section 279.36, and the
16 publication of the schedule of the bills allowed shall include
17 a list of claims allowed, including salary claims for services
18 performed. The schedule of bills allowed may be published on
19 a once monthly basis in lieu of publication with the
20 proceedings of each meeting of the board. The list of claims
21 allowed shall include the name of the person or firm making
22 the claim, the purpose of the claim, and the amount of the
23 claim. The schedule of bills and claims for reimbursement of
24 tuition and fees to parents, guardians, legal or actual
25 custodians, or students, that result from any fee waiver
26 policy, shall not be published and are considered confidential
27 records under section 22.7. However, salaries paid to
28 individuals regularly employed by the district shall only be
29 published annually and the publication shall include the total
30 amount of the annual salary of each employee. The secretary
31 shall furnish a copy of the proceedings to be published within
32 two weeks following the adjournment of the meeting.

33 Sec. 4. Section 282.1A, subsection 1, Code 1997, is
34 amended to read as follows:

35 1. A board of directors of a public school district may,

1 subject to the approval of the department of education,
 2 provide an extended school program for residents of the
 3 district who are over the maximum school age established in
 4 section 282.1, who do not possess a high school diploma or a
 5 high school equivalency diploma under chapter 259A, and who
 6 are currently enrolled in an education program in the
 7 district. The educational program may be separate from or
 8 integrated into the regular school program. Residents
 9 attending the program shall be included in the district's
 10 basic enrollment and shall attend on a tuition-free basis. A
 11 district may also provide services to nonresidents under this
 12 section, and those persons shall be charged a sufficient
 13 tuition fee to cover the cost of the instruction received by
 14 the person as provided in section 282.6.

15 Sec. 5. Section 282.6, Code 1997, is amended to read as
 16 follows:

17 282.6 TUITION AND FEES.

18 1. This section shall be construed broadly to effectuate
 19 its purposes to permit school districts to provide a wide
 20 range of tuition-free educational choices for Iowa resident
 21 students enrolled in public schools in this state and to
 22 maximize the ability of students to use those choices in order
 23 to access educational opportunities.

24 2. Every school shall be free of tuition to all actual
 25 residents between the ages of five and twenty-one years and to
 26 resident honorably discharged soldiers, sailors, and marines
 27 military personnel, as many months after becoming twenty-one
 28 years of age as they have spent in the military or naval
 29 service of the United States before they became twenty-one,
 30 provided, however, fees tuition may be charged covering
 31 instructional costs for a summer school or drivers driver
 32 education program. ~~The board of education may, in a hardship~~
 33 ~~case, exempt a student from payment of the above fees.~~ Every
 34 person, however, who ~~shall attend any~~ attends a public school
 35 after graduation from a four-year course in an approved high

1 school or its equivalent shall be charged a sufficient tuition
2 fee to cover the cost of the instruction received by such the
3 person.

4 ~~This section shall not apply to tuition authorized by~~
5 ~~chapter 260C.~~

6 3. Boards of school districts may charge reasonable fees,
7 not to exceed the costs, for the following:

8 a. Textbooks as defined in section 301.1.

9 b. Eye-protective devices required under section 280.10.

10 c. Ear-protective devices required under section 280.11.

11 d. Services provided and rental of school property limited
12 to towel service, uniform or robe cleaning or rental,
13 graduation cap and gown rental, musical instrument rental,
14 parking permits, and padlock rental.

15 e. Costs associated with participation in school-sponsored
16 activity programs if student participation is not required.

17 f. Transportation for resident pupils attending public
18 school who are not entitled to transportation under section
19 285.1.

20 g. Admission for students and other persons to school-
21 sponsored activities if student attendance is not required.

22 h. School supplies that are not essential to participation
23 in the educational program under section 256.11.

24 i. Items and materials that become property of the student
25 and are not essential to the educational program under section
26 256.11.

27 j. Services provided that are not required as part of the
28 educational program under section 256.11, limited to child
29 care, preschool programs, and Internet or other on-line
30 computer services.

31 4. The state board of education shall adopt tuition and
32 fee waiver rules that at a minimum do the following:

33 a. Require a waiver of tuition and fees for indigent
34 families for the following:

35 (1) Driver education offered during the regular school

1 year.

2 (2) Driver education when offered by a school district
3 only as a summer school program.

4 (3) Costs associated with student participation in a
5 school-sponsored activity program if student participation is
6 not required and if fund-raising activities are not available
7 to defray the student costs of participation.

8 (4) Transportation for resident pupils attending public
9 school who are not entitled to transportation under section
10 285.1 if the school district determines that the
11 transportation is necessary for safety purposes.

12 (5) Student fees included in subsection 3, paragraphs "a"
13 through "e".

14 b. Permit, at the discretion of the board of directors of
15 the school district, a full, partial, or temporary waiver of
16 fees for the following:

17 (1) Summer school tuition or summer school driver
18 education tuition when driver education is also offered during
19 the regular school year.

20 (2) Costs associated with student participation in a
21 school-sponsored activity program if student participation is
22 not required and if fund-raising activities are available to
23 defray the student costs of participation.

24 (3) Transportation for resident pupils attending public
25 school who are not entitled to transportation under section
26 285.1 if transportation is not for safety purposes.

27 (4) Student fees included in subsection 3, paragraphs "g"
28 through "j".

29 c. Require that items and materials resulting from a
30 student's efforts become the property of the student unless
31 impractical or in violation of state or federal law.

32 5. For purposes of this section, "resident" means a person
33 who is physically present in a district, whose residence has
34 not been established in another district by operation of law,
35 and who meets any of the following conditions:

1 The bill communicates the intent of the general assembly to
 2 permit a wide range of tuition-free educational choices for
 3 Iowa's public school students. Those who would interpret the
 4 provision relating to tuition and fees charged or waived by
 5 school districts are directed to broadly construe the
 6 provision in order to increase student choice and access to
 7 educational opportunities.

8 The schedule of bills and claims paid by school districts
 9 for reimbursement of tuition and fees to parents, guardians,
 10 legal or actual custodians, or students as a result of any fee
 11 waiver policy shall remain confidential, as provided in the
 12 bill, unless otherwise ordered by a court, by the lawful
 13 custodian of the records, or by another person duly authorized
 14 to release the information.

15 The Act takes effect upon enactment.

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