

4-1-97 W. & Meane
H. 4/10/97 W. & Meane
FILED APR 1 1997

SENATE FILE **532**
BY COMMITTEE ON WAY AND MEANS

(SUCCESSOR TO SF 480)
(SUCCESSOR TO SSB 110)

Passed Senate, Date 4/9/97 (p.1083) Passed House, Date _____
Vote: Ayes 29 Nays 20 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. 532

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 be considered personal information in accordance
21 with section 22.7, subsection 1. However, salaries paid to
22 individuals regularly employed by the district shall only be
23 published annually and the publication shall include the total
24 amount of the annual salary of each employee. The secretary
25 shall furnish a copy of the proceedings to be published within
26 two weeks following the adjournment of the meeting.

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

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

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

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

11 282.6 TUITION AND FEES.

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

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

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

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

1 parking permits, and padlock rental.

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

4 f. Transportation for resident pupils attending public
5 school who are not entitled to transportation under section
6 285.1.

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

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

15 i. Materials essential to a student's participation in
16 music, visual arts, and vocational services areas that are
17 required as part of the educational program under section
18 256.11 for grades nine through twelve.

19 3. The board of directors of a school district shall adopt
20 a fee policy and a fee waiver policy. The board shall charge
21 only fees approved by the board and adopted in the fee policy.
22 The fee waiver policy adopted may provide for the waiver of
23 any fee, or any portion of a fee, permitted under this
24 section. The fee and fee waiver policies, and any subsequent
25 changes to the policies, adopted by the board shall be filed
26 with the department of education. The fee and fee waiver
27 policies, or adequate summaries of the policies, shall be
28 published in the school district's student handbook.

29 4. Items and materials resulting from a student's efforts
30 become the property of the student unless impractical or in
31 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 ~~1-~~ a. Is in the district for the purpose of making a home
2 and not solely for school purposes.

3 ~~2-~~ b. Meets the definitional requirements of the term
4 "homeless individual" under 42 U.S.C. § 11302(a) and (c).

5 ~~3-~~ c. Lives in a residential correctional facility in the
6 district.

7 6. This section shall not apply to tuition or fees
8 authorized by chapters 260C and 261C.

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

11 Textbooks adopted and purchased by a school district may,
12 and shall to the extent funds are appropriated by the general
13 assembly, be made available to pupils attending nonpublic
14 schools upon request of the pupil or the pupil's parent under
15 comparable terms as made available to pupils attending public
16 schools. As used in this paragraph section, "textbooks" means
17 books and loose-leaf or bound manuals, systems of reusable
18 instructional materials or combinations of books and
19 supplementary instructional materials which convey information
20 to the student or otherwise contribute to the learning
21 process, or electronic textbooks, including but not limited to
22 computer software, applications using computer-assisted
23 instruction, interactive videodisc, and other computer
24 courseware and magnetic media.

25 Sec. 6. INITIAL REPORTS. Initial fee and fee waiver
26 policies required under section 282.6, subsection 3, shall be
27 filed with the department of education by October 1, 1997.

28 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill authorizes public school districts to charge a
32 reasonable fee to cover the district costs for certain
33 products or services supplied to students.

34 The bill also requires the board of directors of a school
35 district to establish a fee policy and a fee waiver policy.

1 The board can only charge fees it has approved and adopted in
2 its fee policy. The fee waiver policy adopted may waive any
3 fee, or portion of a fee, permitted under the bill. The
4 policies must be filed with the department of education and
5 published or summarized in the district's student handbook.

6 The schedule of bills and claims paid by school districts
7 for reimbursement of tuition and fees to parents, guardians,
8 legal or actual custodians, or students as a result of any fee
9 waiver policy shall be considered a confidential record, as
10 provided in the bill.

11 Items and materials resulting from a student's efforts are
12 the property of the student unless impractical or in violation
13 of state or federal law.

14 The bill takes effect upon enactment.

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**SENATE FILE 532
FISCAL NOTE**

A fiscal note for **Senate File 532** 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 532 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 532 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 1316SZ, JAS)

FILED APRIL 2, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 532

S-3446

1 Amend Senate File 532 as follows:

DIV 2 1. Page 1, by inserting before line 1 the

A 3 following:

4 "Section 1. DEPARTMENT OF EDUCATION. There is
5 appropriated from the general fund of the state to the
6 department of education for the fiscal year beginning
7 July 1, 1997, and ending June 30, 1998, the following
8 amount, or so much thereof as is necessary, to be used
9 for the purposes designated:

10 For purposes of reimbursing school districts for
11 fees waived by school districts:

12 \$ 3,200,000

13 1. Moneys appropriated in this section shall be
14 allocated as follows:

15 a. One million dollars of the funds appropriated
16 shall be allocated to school districts in the
17 proportion that the basic enrollment of a district
18 bears to the sum of the basic enrollments of all
19 school districts in the state for the budget year.

20 b. Two million two hundred thousand dollars of the
21 funds appropriated shall be allocated to school
22 districts for fee waiver reimbursement based upon the
23 financial need of the school districts. A school
24 district shall qualify for reimbursement under this
25 subsection if twenty-seven percent or more of the
26 students in attendance at the school district during
27 the month of September are eligible for free or
28 reduced price meals under the federal National School
29 Lunch Act and the federal Child Nutrition Act of 1966,
30 42 U.S.C. §§ 1751-1785.

31 2. The allocation to each school district under
32 this section shall be made in one payment on or about
33 October 15. Prior to the receipt of funds, a school
34 district shall provide to the department of education
35 adequate assurance that it has developed or is
36 developing a fee waiver policy in accordance with
37 section 282.6 and that funds received under this
38 section will be used to defray the district cost of
39 implementing the fee waiver requirements of section
40 282.6.

41 3. Moneys received under this section shall not be
42 commingled with state aid payments made under section
43 257.16 to a school district and shall be accounted for
44 by the local school district separately from state aid
45 payments.

46 4. Payments made to school districts under this
47 section are miscellaneous income for purposes of
48 chapter 257 or are considered encumbered. Each local
49 school district shall maintain a separate listing
50 within its budget for payments received and

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Page 2

1 expenditures made pursuant to this section."

DIV 2 2. Page 2, by striking lines 20 through 22 and
B 3 inserting the following: "education program. The
4 ~~board-of-education-may,-in-a-hardship-case,-exempt-a~~
5 ~~student-from-payment-of-the-above-fees.~~ Every person,
6 however, who".

7 3. Page 3, by striking lines 15 through 18.

8 4. Page 3, by inserting after line 18 the
9 following:

10 "3. The state board of education shall adopt
11 tuition and fee waiver rules that at a minimum do the
12 following:

13 a. Require the board of directors of a school
14 district to waive tuition and fees for indigent
15 families for the following:

16 (1) Driver education offered during the regular
17 school year.

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

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

25 (4) Transportation for resident pupils attending
26 public school who are not entitled to transportation
27 under section 285.1 if the school district determines
28 that the transportation is necessary for safety
29 purposes.

30 (5) Student fees included in subsection 2,
31 paragraphs "a" through "e".

32 b. Permit, at the discretion of the board of
33 directors of the school district, a full, partial, or
34 temporary waiver of fees for the following:

35 (1) Summer school tuition or summer school driver
36 education tuition when driver education is also
37 offered during the regular school year.

38 (2) Costs associated with student participation in
39 a school-sponsored activity program if student
40 participation is not required and if fund-raising
41 activities are available to defray the student costs
42 of participation.

43 (3) Transportation for resident pupils attending
44 public school who are not entitled to transportation
45 under section 285.1 if transportation is not for
46 safety purposes.

47 (4) Student fees included in subsection 2,
48 paragraphs "g" and "h".

49 c. Require that items and materials resulting from
50 a student's efforts become the property of the student

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Page 3

1 unless impractical or in violation of state or federal
2 law."
3 5. By renumbering and relettering as necessary.

By MIKE CONNOLLY

S-3446 FILED APRIL 9, 1997

DIV A - RULED OUT OF ORDER, DIV B - LOST
(p.1082) (p.1083)

SENATE FILE 532

S-3454

1 Amend Senate File 532 as follows:
2 1. Page 4, by inserting after line 24 the
3 following:
4 "Sec. ____ . Section 422.12, subsection 2,
5 unnumbered paragraph 1, Code 1997, is amended to read
6 as follows:
7 A tuition credit equal to ten percent of the first
8 one thousand dollars which the taxpayer has paid to
9 others for each dependent in grades kindergarten
10 through twelve, for tuition, fees, and textbooks of
11 each dependent in attending an elementary or secondary
12 school situated in Iowa, which school is accredited or
13 approved under section 256.11, which is not operated
14 for profit, and which adheres to the provisions of the
15 federal Civil Rights Act of 1964 and chapter 216. As
16 used in this subsection, "textbooks" means books and
17 other instructional materials and equipment used in
18 elementary and secondary schools in teaching only
19 those subjects legally and commonly taught in public
20 elementary and secondary schools in this state and
21 does not include instructional books and materials
22 used in the teaching of religious tenets, doctrines,
23 or worship, the purpose of which is to inculcate those
24 tenets, doctrines, or worship, and does not include
25 books or materials for extracurricular activities
26 including sporting events, musical or dramatic events,
27 speech activities, driver's education, or programs of
28 a similar nature. Notwithstanding any other
29 provision, all other credits allowed under this
30 section and section 422.12B shall be deducted before
31 the tuition credit under this subsection. The
32 department, when conducting an audit of a taxpayer's
33 return, shall also audit the tuition tax credit
34 portion of the tax return.
35 Sec. ____ . APPLICABILITY. This Act applies
36 retroactively to January 1, 1997, for tax years
37 beginning on or after that date."
38 2. Title page, line 2, by inserting after the
39 word "districts" the following: ", modifying the
40 tuition and textbook tax credit,".
41 3. By renumbering as necessary.

By STEVEN D. HANSEN
TOM VILSACK

S-3454 FILED APRIL 9, 1997
RULED OUT OF ORDER (p.1083)

SENATE FILE 532

S-3455

1 Amend Senate File 532 as follows:

2 1. Page 4, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 422.12, subsection 2,
5 unnumbered paragraph 1, Code 1997, is amended to read
6 as follows:

7 A tuition credit equal to ~~ten~~ twenty percent of the
8 first one thousand dollars which the taxpayer has paid
9 to others for each dependent in grades kindergarten
10 through twelve, for tuition, fees, and textbooks of
11 each dependent in attending an elementary or secondary
12 school situated in Iowa, which school is accredited or
13 approved under section 256.11, which is not operated
14 for profit, and which adheres to the provisions of the
15 federal Civil Rights Act of 1964 and chapter 216. As
16 used in this subsection, "textbooks" means books and
17 other instructional materials and equipment used in
18 elementary and secondary schools in teaching only
19 those subjects legally and commonly taught in public
20 elementary and secondary schools in this state and
21 does not include instructional books and materials
22 used in the teaching of religious tenets, doctrines,
23 or worship, the purpose of which is to inculcate those
24 tenets, doctrines, or worship, and does not include
25 books or materials for extracurricular activities
26 including sporting events, musical or dramatic events,
27 speech activities, driver's education, or programs of
28 a similar nature. Notwithstanding any other
29 provision, all other credits allowed under this
30 section and section 422.12B shall be deducted before
31 the tuition credit under this subsection. The
32 department, when conducting an audit of a taxpayer's
33 return, shall also audit the tuition tax credit
34 portion of the tax return.

35 Sec. _____. APPLICABILITY. This Act applies
36 retroactively to January 1, 1997, for tax years
37 beginning on or after that date."

38 2. Title page, line 2, by inserting after the
39 word "districts" the following: ", increasing the
40 tuition and textbook tax credit to twenty percent of
41 the first one thousand dollars of K through 12
42 tuition, fees, and textbook expenses, providing a
43 retroactive applicability date,".

44 3. By renumbering as necessary.

By STEVEN D. HANSEN
TOM VILSACK

S-3455 FILED APRIL 9, 1997
RULED OUT OF ORDER (p. 1083)

H-1713

1 Amend Senate File 532, as passed by the Senate, as
2 follows:

3 1. Page 3, line 21, by inserting after the words
4 "policy." the following: "The fee waiver policy
5 adopted by the board shall provide for the full waiver
6 of the fees permitted under this section for a child
7 receiving child foster care services or who is
8 eligible for free lunches under the federal National
9 School Lunch Act and the federal Child Nutrition Act
10 of 1966, 42 U.S.C. § 1751-1785. The fee waiver policy
11 adopted by the board shall also provide for a partial
12 waiver of fees permitted under this section for a
13 child who is eligible for reduced price lunches under
14 the federal National School Lunch Act and the federal
15 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, by
16 a percentage equivalent to the percentage by which the
17 child's lunch price is reduced."

By RICHARDSON of Warren

H-1713 FILED APRIL 14, 1997

Redfern, Chair
Connolly
Szymoniak
Redwine
J. Black

SSB 110

Education
Succeeded By
(SF) HF 480 & 532

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.

12 The proceedings of each regular, adjourned, or special
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-260E.~~

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

3 ~~2-~~ b. Meets the definitional requirements of the term
4 "homeless individual" under 42 U.S.C. § 11302(a) and (c).

5 ~~3-~~ c. Lives in a residential correctional facility in the
6 district.

7 6. This section shall not apply to tuition or fees
8 authorized by chapters 260C and 261C.

9 Sec. 6. Section 301.1, unnumbered paragraph 2, Code 1997,
10 is amended to read as follows:

11 Textbooks adopted and purchased by a school district may,
12 and shall to the extent funds are appropriated by the general
13 assembly, be made available to pupils attending nonpublic
14 schools upon request of the pupil or the pupil's parent under
15 comparable terms as made available to pupils attending public
16 schools. As used in this paragraph section, "textbooks" means
17 books and loose-leaf or bound manuals, systems of reusable
18 instructional materials or combinations of books and
19 supplementary instructional materials which convey information
20 to the student or otherwise contribute to the learning
21 process, or electronic textbooks, including but not limited to
22 computer software, applications using computer-assisted
23 instruction, interactive videodisc, and other computer
24 courseware and magnetic media.

25 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
26 immediate importance, takes effect upon enactment.

27 EXPLANATION

28 This bill authorizes public school districts to charge a
29 reasonable fee to cover the district costs for certain
30 products or services supplied to students. However, the bill
31 also requires the state board of education to establish
32 tuition and fee waiver rules for indigent families and
33 provides that items and materials resulting from a student's
34 efforts become the property of the student unless impractical
35 or a violation of state or federal law.

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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