

MAR 12 1999

EDUCATION

HOUSE FILE 665
BY BRUNKHORST

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

A BILL FOR

1 An Act providing for area education agency open enrollment by
2 school districts.

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

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HF 665

1 Section 1. Section 257.32, subsection 1, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. Unusual need for additional moneys
4 resulting from the open enrollment of a designated school
5 district, or the affiliation of a school district with an area
6 education agency through open enrollment.

7 Sec. 2. Section 257.37, subsection 4, Code 1999, is
8 amended to read as follows:

9 4. "Enrollment served" means the basic enrollment plus the
10 number of nonpublic school pupils served with media services
11 or educational services, as applicable, except that if a
12 nonpublic school pupil or a pupil attending another district
13 under a whole-grade sharing agreement or open enrollment
14 receives services through an area other than the area of the
15 pupil's residence, the pupil shall be deemed to be served by
16 the area of the pupil's residence, which shall by contractual
17 arrangement reimburse the area through which the pupil
18 actually receives services. Each school district shall
19 include in the third Friday in September enrollment report the
20 number of nonpublic school pupils within each school district
21 for media and educational services served by the area. A
22 school district affiliating with an area education agency
23 pursuant to section 273.14 shall be included within the basic
24 enrollment count as provided in this subsection.

25 Sec. 3. Section 273.2, unnumbered paragraph 1, Code 1999,
26 is amended to read as follows:

27 There are established throughout the state fifteen area
28 education agencies, each of which is governed by an area
29 education agency board of directors. The boundaries of an
30 area education agency shall not divide a school district. The
31 director of the department of education shall change
32 boundaries of area education agencies to take into account
33 mergers of local school districts and changes in boundaries of
34 local school districts, when necessary to maintain the policy
35 of this chapter that a local school district, which is not a

1 school district affiliating through open enrollment pursuant
2 to section 273.14 with an area education agency other than its
3 assigned area education agency, shall not be a part of more
4 than one area education agency.

5 Sec. 4. Section 273.2, unnumbered paragraphs 3 and 4, Code
6 1999, are amended to read as follows:

7 The area education agency board shall furnish educational
8 services and programs as provided in sections 273.1 to 273.9
9 and chapter 256B to the pupils enrolled in public or nonpublic
10 schools located within its boundaries, or affiliated with the
11 area education agency through open enrollment pursuant to
12 section 257.14, which are on the list of accredited schools
13 pursuant to section 256.11. The programs and services
14 provided shall be at least commensurate with programs and
15 services existing on July 1, 1974. The programs and services
16 provided to pupils enrolled in nonpublic schools shall be
17 comparable to programs and services provided to pupils
18 enrolled in public schools within constitutional guidelines.

19 The area education agency board shall provide for special
20 education services and media services for the local school
21 districts in the area, or affiliated with the area education
22 agency through open enrollment pursuant to section 273.14, and
23 shall encourage and assist school districts in the area to
24 establish programs for gifted and talented children.

25 Sec. 5. Section 273.8, subsection 2, unnumbered paragraph
26 1, Code 1999, is amended to read as follows:

27 The board of directors of the area education agency shall
28 be elected at director district conventions attended by
29 members of the boards of directors of the local school
30 districts located within the director district, or assigned to
31 the director district through open enrollment pursuant to
32 section 273.14. The member of the area education agency board
33 to be elected at the director district convention may be a
34 member of a local school district board of directors and shall
35 be an elector and a resident of the director district, other

1 than school district employees.

2 Sec. 6. Section 273.8, subsection 2, unnumbered paragraph
3 3, Code 1999, is amended to read as follows:

4 The board of each separate school district which is located
5 entirely or partially inside an area education agency director
6 district, or which has affiliated through open enrollment
7 pursuant to section 257.14 with an area education agency other
8 than its assigned area education agency and is assigned to the
9 director district, shall cast a vote for director of the area
10 education agency board based upon the ratio that the
11 population of the school district, or portion of the school
12 district, in the director district bears to the total
13 population in the director district. The population of each
14 school district or portion shall be determined by the
15 department of education. The board of a school district which
16 has affiliated through open enrollment pursuant to section
17 257.14 with an area education agency other than its assigned
18 area education agency shall not be permitted to cast a vote
19 for director of its assigned area education agency for a year
20 during which the school district has affiliated with another
21 area education agency.

22 Sec. 7. Section 273.8, subsection 2, unnumbered paragraph
23 5, Code 1999, is amended to read as follows:

24 A candidate for election to the area education agency board
25 shall file a statement of candidacy with the area education
26 agency secretary at least ten days prior to the date of the
27 director district convention, on forms prescribed by the
28 department of education. The statement of candidacy shall
29 include the candidate's name, address and school district.
30 The list of candidates shall be sent by the secretary of the
31 area education agency by ordinary mail to the presidents of
32 the boards of directors of all school districts within, or
33 affiliated with, the director district immediately following
34 the last day for filing the statement of candidacy. However,
35 if no candidate files with the area education agency secretary

1 by the deadline, an eligible elector who is present at the
2 director district convention may be nominated at the
3 convention by a delegate from a board of directors of a school
4 district located within the director district. Delegates to
5 director district conventions shall not be bound by a school
6 board or any school board member to pledge their votes to any
7 candidate prior to the date of the convention.

8 Sec. 8. Section 273.9, Code 1999, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 5. Funding for a school district which is
11 affiliating with an area education agency pursuant to the open
12 enrollment provisions of section 275.14 shall be determined as
13 if the area education agency subject to the affiliation is the
14 area education agency to which the school district was
15 originally assigned. Program plans required to be submitted
16 by area education agency administrators pursuant to
17 subsections 3 and 4 shall be submitted by the administrator of
18 an affiliated area education agency, provided that the board
19 of directors of the area education agency, and the department
20 of education, has approved the open enrollment pursuant to
21 section 273.14, subsection 1, paragraph "a".

22 Sec. 9. NEW SECTION. 273.14 AREA EDUCATION AGENCY OPEN
23 ENROLLMENT.

24 1. If the board of directors of a school district adopts a
25 resolution in favor of affiliating with an area education
26 agency other than the area education agency to which it is
27 assigned pursuant to section 273.2, the school district shall
28 be authorized to affiliate with the other area education
29 agency provided all of the following conditions are met:

30 a. The school district seeking to affiliate submits a
31 request to the director of the department of education and the
32 board of directors of the area education agency with which
33 affiliation is sought on forms developed by the department by
34 rule.

35 b. A request shall not be considered by the department

1 unless it has been approved by the board of directors of the
2 area education agency with which affiliation is sought. In
3 considering whether to grant a request, the department shall
4 take into account the impact on the area education agency to
5 which the school district has been assigned of the proposed
6 open enrollment, and the capacity of the area education agency
7 with which affiliation is sought to provide services to an
8 additional school district. A request shall not be granted if
9 the department determines that the affiliation would
10 negatively impact the funding or delivery of services in
11 either the assigned area education agency or the area
12 education agency with which the school district requests to
13 affiliate.

14 c. A request, if granted, shall be permitted for a one-
15 year period. Within sixty days prior to the conclusion of a
16 year during which a school district is affiliated with an area
17 education agency other than its assigned area education agency
18 through open enrollment, a school district desiring to
19 reaffiliate with an area education agency for an additional
20 year shall submit a new request to the department and the area
21 education agency with which affiliation is sought.

22 d. A school district which is affiliating with an area
23 education agency pursuant to this section shall be considered
24 in all respects a component school district with access to
25 area education agency services and facilities equal to that of
26 the school districts which are physically located within the
27 area served by the area education agency.

28 e. A school district shall not be permitted to affiliate
29 with more than one area education agency over the course of a
30 school year.

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EXPLANATION

32 This bill provides for area education agency open
33 enrollment by a school district. The bill provides that if
34 the board of directors of a school district adopts a
35 resolution in favor of affiliating with an area education

1 agency other than the area education agency to which it is
2 assigned pursuant to section 273.2, the school district may be
3 authorized to affiliate with the other area education agency.
4 In order to become affiliated with another area education
5 agency, a school district must submit a request to the
6 director of the department of education, and the board of
7 directors of the area education agency with which affiliation
8 is sought, on forms to be developed by the department by rule.
9 The request will not be considered by the department unless it
10 has been approved by the board of directors of the area
11 education agency with which affiliation is sought. In
12 considering whether to grant a request, the department will
13 take into account the impact on the area education agency to
14 which the school district has been assigned of the proposed
15 open enrollment, and the capacity of the area education agency
16 with which affiliation is sought to provide services to an
17 additional school district. A request will not be granted if,
18 in the determination of the department, the affiliation would
19 negatively impact the funding or delivery of services in
20 either the assigned or the affiliated area education agency.
21 If granted, a request will apply for a one-year period. The
22 bill provides that a school district which is affiliating with
23 an area education agency pursuant to this section will be
24 considered in all respects a component school district with
25 access to area education agency services and facilities equal
26 to that of the school districts which are physically located
27 in the area served by the area education agency.

28 The bill provides that funding for a school district which
29 is affiliating with an area education agency pursuant to open
30 enrollment will be determined as if the area education agency
31 subject to the affiliation is the area education agency to
32 which the school district was originally assigned. The bill
33 provides a number of conforming changes, including several
34 relating to participation by an affiliating school district in
35 the election of an area education agency board of directors.