

House Study Bill 638

Bill Text

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1 1 Section 1. Section [273.2](#), unnumbered paragraph 2, Code
1 2 1999, is amended to read as follows:
1 3 An area education agency established under this chapter is
1 4 a body politic as a school corporation for the purpose of
1 5 exercising powers granted under this chapter, and may sue and
1 6 be sued. An area education agency may hold property and
1 7 execute lease-purchase agreements pursuant to section 273.3,
1 8 subsection 7, and if the

1 ~~lease~~
1 ~~lease-purchase~~ exceeds ten
1 9 years, or the purchase price of the property or facility to be
1 10 acquired, built, or remodeled pursuant to a lease-purchase
1 11 agreement or other contract agreement exceeds twenty-five
1 12 thousand dollars, the area education agency shall conduct a
1 13 public hearing on the proposed

1 ~~lease-purchase~~
1 ~~agreement and~~
1 14 receive approval from the area education agency board of
1 15 directors and the director of the department of education
1 16 before entering into the agreement.
1 17 Sec. 2. Section [273.3](#), subsection 7, Code 1999, is amended
1 18 to read as follows:
1 19 7.

1 ~~Be authorized to lease, subject~~
1 ~~Subject to the approval~~
1 20 of the director of the department of education

1 ~~and to~~
1 ~~be~~
1 21 authorized to lease, lease-purchase, receive by gift, and
1 22 build, purchase, remodel, operate, and maintain facilities and
1 23 buildings necessary to provide authorized programs and
1 24 services. However, a lease or lease-purchase for less than
1 25 ten years and with an annual cost of less than twenty-five
1 26 thousand dollars does not require the approval of the
1 27 director. If a lease or lease-purchase requires approval, the
1 28 director shall not approve the lease or lease-purchase until
1 29 the director is satisfied by investigation that public school
1 30 corporations within the area do not have suitable facilities
1 31 available.
1 32 Sec. 3. Section [279.10](#), subsection 1, Code 1999, is
1 33 amended to read as follows:
1 34 1. The school year shall begin annually on

1 ~~the first day~~
1
1 35

1 ~~of~~
1 ~~July 1 and~~

1 ~~each regularly established elementary and~~
1

2 1

~~secondary school shall begin no sooner than a day during the~~

2 2

~~calendar week in which the first day of September falls but no~~

2 3

~~later than the first Monday in December~~

~~end the following June~~

2 4 30.

~~However, if the first day of September falls on a Sunday,~~

2 5

~~school may begin on a day during the calendar week which~~

2 6

~~immediately precedes the first day of September. School~~

~~The~~

2 7 regular school calendar may commence on or after July 1, but

2 8 once commenced shall continue for at least one hundred eighty

2 9 days, except as provided in subsection 3

~~, and may be~~

2 10

~~maintained during the entire calendar year~~

~~However, if the~~

2 11 board of directors of a district extends the school calendar

2 12 because inclement weather caused the district to temporarily

2 13 close school during the regular school calendar, the district

2 14 may excuse a graduating senior who has met district or school

2 15 requirements for graduation from attendance during the

2 16 extended school calendar. A school corporation may begin

2 17 employment of personnel for in-service training and

2 18 development purposes before the date to begin elementary and

2 19 secondary school.

2 20 Sec. 4. Section [279.10](#), subsection 4, Code 1999, is

2 21 amended by striking the subsection.

2 22 Sec. 5. Section [279.48](#), subsection 1, unnumbered paragraph

2 23 1, Code 1999, is amended to read as follows:

2 24 The board of directors of a school corporation may purchase

2 25 equipment,

~~and~~

~~may negotiate and enter into a loan agreement,~~

2 26 and may issue a note to pay for the equipment subject to the

2 27 following terms and procedures:

2 28 Sec. 6. Section [279.48](#), subsection 1, paragraph d, Code

2 29 1999, is amended to read as follows:

2 30 d. Principal and interest on the note must be payable from

2 31 budgeted receipts in the general fund of the school

2 32 corporation and transferred to the debt service fund for each

2 33 year of a period of up to five years.

2 34 Sec. 7. Section [279.48](#), subsection 3, Code 1999, is

2 35 amended to read as follows:

3 1 3. Before entering into a lease-purchase agreement or a

3 2 loan agreement for an equipment purchase, the school

3 3 corporation must publish a notice, including a statement of

3 4 the amount and purpose of the agreement, at least once in a

3 5 newspaper of general circulation within the school corporation

3 6 at least ten days before the meeting at which the loan
3 7 agreement is to be approved.

3 8 Sec. 8. Section [282.30](#), subsection 1, paragraph b,
3 9 unnumbered paragraph 2, Code 1999, is amended to read as
3 10 follows:

3 11 c. An area education agency shall not provide educational
3 12 services to a facility specified in paragraph "a" unless the
3 13 facility makes a request for educational services to the area
3 14 education agency by either of the following dates:

3 15 (1) December 1 of the school year prior to the beginning
3 16 of the school year for which the services are being requested.

3 17 (2) Ninety days prior to the beginning of the time for
3 18 which the services are being requested if the facility is a
3 19 newly established facility.

3 20 Sec. 9. Section [297.7](#), subsection 1, Code 1999, is amended
3 21 to read as follows:

3 22 1. Sections 73A.2 and 73A.18 are applicable to the
3 23 construction and repair of school buildings. Before
3 24 construction of a school building for which the cost of
3 25 construction exceeds twenty-five thousand dollars, the board
3 26 of directors of a school district

~~shall~~

- ~~may~~ send a copy of the
3 27 plans to the building consultant in the department of
3 28 education for review. The board of directors may also submit
3 29 for review a copy of the plans for repair or renovation of a
3 30 school building.

~~The building consultant shall return the~~

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3 31

~~plans together with any recommendations to the board of~~

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3 32

~~directors within thirty days following the receipt of the~~

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3 33

~~plans.~~

-
3 34 Sec. 10. Section [299.4](#), Code 1999, is amended to read as
3 35 follows:

4 1 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

4 2 The parent, guardian, or legal custodian of a child who is
4 3 of compulsory attendance age, who places the child under
4 4 competent private instruction under either section 299A.2 or
4 5 299A.3, not in an accredited school or a home school
4 6 assistance program operated by a public or accredited
4 7 nonpublic school, shall furnish a report in duplicate on forms
4 8 provided by the public school district, to the district by

~~the~~

-
4 9

~~earliest starting date specified in section 270.10, subsection~~

-
4 10

~~1~~

- August 15 of the school year in which the child is placed
4 11 under private instruction. The secretary shall retain and
4 12 file one copy and forward the other copy to the district's
4 13 area education agency. The report shall state the name and

4 14 age of the child, the period of time during which the child
4 15 has been or will be under competent private instruction for
4 16 the year, an outline of the course of study, texts used, and
4 17 the name and address of the instructor. The parent, guardian,
4 18 or legal custodian of a child, who is placing the child under
4 19 competent private instruction, for the first time, shall also
4 20 provide the district with evidence that the child has had the
4 21 immunizations required under section 139.9. The term "outline
4 22 of course of study" shall include subjects covered, lesson
4 23 plans, and time spent on the areas of study.

4 24 Sec. 11. Section [257.17](#), Code 1999, is repealed.

4 25 EXPLANATION

4 26 This bill makes a number of changes regarding requirements
4 27 and authorizations for schools and area education agencies.
4 28 The bill allows a school district to make lease-purchase
4 29 option agreement payments from its general fund, abolishes the
4 30 school start date requirement, and eliminates a requirement
4 31 directing a school district to submit its construction plans
4 32 to the department of education for review and recommendation.
4 33 In addition, the bill provides more authority to area
4 34 education agencies over facilities and buildings and
4 35 authorizes an area education agency to provide educational

5 1 services to a newly established shelter care home or juvenile
5 2 detention home facility upon the timely filing of a request.

5 3 Currently, a school corporation may purchase or enter into
5 4 a loan agreement for equipment. The bill adds another payment
5 5 source option by permitting a school corporation to also
5 6 lease-purchase equipment and to make payments from its general
5 7 fund to its debt service fund.

5 8 The bill also specifies that the annual school year begins
5 9 on July 1 and ends the following June 30. Once commenced, the
5 10 bill requires that the school calendar continue for at least
5 11 180 days. Currently, schools must begin their school calendar
5 12 no sooner than a day during the calendar week in which the
5 13 first day of September falls, and no later than the first
5 14 Monday in December. The bill strikes a subsection that
5 15 permits a school to apply to the department of education for a
5 16 waiver from the school start date, and repeals a Code section
5 17 that penalizes schools by reducing their state aid payments if
5 18 they begin their calendars early. In accordance with the
5 19 change in the school start date, the bill establishes a
5 20 deadline of August 15 for the filing of a report that a parent
5 21 who places a child under competent private instruction must
5 22 furnish to the school district of residence. Currently, the
5 23 report must be furnished by the earliest starting date
5 24 specified in the Code, which under the bill is July 1.

5 25 The bill eliminates a requirement directing a school
5 26 district to submit a copy of its construction plans for
5 27 buildings whose costs for construction exceed \$25,000 to the
5 28 building consultant in the department of education for review,
5 29 and eliminates a requirement that the building consultant
5 30 respond with recommendations within 30 days. However, the
5 31 bill permits a school district at its pleasure to submit a
5 32 copy of its plans to the building consultant.

5 33 The bill permits an area education agency to lease, lease-
5 34 purchase, build, purchase, remodel, operate, and maintain
5 35 facilities and buildings under a lease-purchase or other
6 1 contract agreement. Currently, an area education agency can
6 2 execute a lease-purchase agreement only for facilities and
6 3 buildings.

6 4 Finally, the bill authorizes an area education agency to
6 5 provide educational services to a newly established approved
6 6 or licensed shelter care home or a newly established approved
6 7 juvenile detention home if the facility makes a request for
6 8 the services 90 days prior to the beginning of the time for
6 9 which the services are requested. Currently, an area
6 10 education agency can only provide educational services to an

6 11 approved or licensed shelter care home or an approved juvenile
6 12 detention home if the facility makes a request for educational
6 13 services by December 1 of the school year prior to the
6 14 beginning of the school year for which the services are being
6 15 requested.
6 16 LSB 5595XL 78
6 17 kh/cls/14.1