

MAR 5 2004
Place On Calendar

HOUSE FILE 2466
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 40)

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

A BILL FOR

1 An Act relating to school district transportation of students
2 participating in open enrollment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2466

1 Section 1. Section 282.18, subsection 10, Code Supplement
2 2003, is amended to read as follows:

3 10. a. Notwithstanding section 285.1 relating to
4 transportation of nonresident pupils, the parent or guardian
5 is responsible for transporting the pupil without
6 reimbursement to and from a point on a regular school bus
7 route of the receiving district. However, a receiving
8 district may send school vehicles into the district of
9 residence of the pupil using the open enrollment option under
10 this section, for the purpose of transporting the pupil to and
11 from school in the receiving district, ~~if the~~ under any of the
12 following conditions:

13 (1) The boards of both the sending and receiving districts
14 agree to this the transportation arrangement.

15 (2) The pupil's district of residence has dissolved and
16 the pupil is continuing the pupil's education in the district
17 with which the district of residence had a whole grade sharing
18 agreement prior to dissolution.

19 (3) Due to a misinterpretation of school district
20 boundaries, the pupil was enrolled in a school district other
21 than the actual district of residence, and the pupil is
22 currently participating in open enrollment in order to attend
23 the school district in which the pupil was enrolled prior to
24 the discovery of the misinterpretation. In such a case, the
25 receiving school district shall continue to provide
26 transportation services in the same manner as provided before
27 the misinterpretation of school district boundaries was
28 discovered.

29 The sibling of a pupil who is eligible for transportation
30 under the provisions of subparagraph (2) or (3) shall also be
31 eligible for the same transportation services.

32 b. If the pupil meets the economic eligibility
33 requirements established by the department and state board of
34 education, the sending district is responsible for providing
35 transportation or paying the pro rata cost of the

1 transportation to a parent or guardian for transporting the
2 pupil to and from a point on a regular school bus route of a
3 contiguous receiving district unless the cost of providing
4 transportation or the pro rata cost of the transportation to a
5 parent or guardian exceeds the average transportation cost per
6 pupil transported for the previous school year in the
7 district. If the cost exceeds the average transportation cost
8 per pupil transported for the previous school year, the
9 sending district shall only be responsible for that average
10 per pupil amount. A sending district which provides
11 transportation for a pupil to a contiguous receiving district
12 under this subsection may withhold from the district cost per
13 pupil amount, that is to be paid to the receiving district, an
14 amount which represents the average or pro rata cost per pupil
15 for transportation, whichever is less.

16 Sec. 2. Section 285.9, subsection 3, Code 2003, is amended
17 by striking the subsection.

18 Sec. 3. RETROACTIVE APPLICABILITY. The portions of the
19 section of this Act that enact a new subparagraph (3) and a
20 new unnumbered paragraph following subparagraph (3) to section
21 282.18, subsection 10, paragraph "a", and provide for
22 transportation services for the described pupil and the
23 sibling of the pupil are retroactively applicable to July 1,
24 2002, and are applicable on and after that date.

25 EXPLANATION

26 This bill allows a receiving district to send school
27 vehicles into the district of residence to transport a pupil
28 using the open enrollment option under three conditions.
29 Currently, the boards of both the sending and receiving
30 districts must agree to the transportation arrangement. The
31 bill adds the following new conditions under which the
32 receiving district may transport the pupil:

33 1. The pupil's district of residence dissolved and the
34 pupil is continuing the pupil's education in the district
35 where the district of residence had a whole grade sharing

1 agreement prior to dissolution.

2 2. Due to a misinterpretation of school district
3 boundaries, the pupil was enrolled in a school district other
4 than the actual district of residence, and the pupil is
5 currently participating in open enrollment in order to attend
6 the school district in which the pupil was enrolled prior to
7 the discovery of the misinterpretation.

8 Under the bill, the sibling of a pupil who is eligible for
9 transportation under either of these conditions is also
10 eligible for the same transportation services.


11 The portions of the bill relating to transportation
12 services for a pupil after a misinterpretation of school
13 boundaries and providing for the same transportation services
14 for a sibling of such a pupil are retroactively applicable to
15 July 1, 2002, and are applicable on and after that date.

16 The bill also strikes a provision directing the area
17 education agencies to approve all bus routes outside the
18 boundary of the district of the school operating buses.

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Chair: Tymeson

Roberts
Raecker
Wise
Bukta

Submitted By
SF 

HSB 40
EDUCATION

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON TYMESON)

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

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2 participating in open enrollment.

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

32 Sec. 2. Section 285.9, subsection 3, Code 2003, is amended
33 by striking the subsection.

34

EXPLANATION

35 This bill permits a receiving district to send a school

1 vehicle into the school district of residence to transport a
2 pupil participating in open enrollment to the receiving
3 district. The bill strikes a provision directing the area
4 education agencies to approve all bus routes outside the
5 boundary of the district of the school operating buses.

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