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SENATE FILE 198

BY McKINLEY

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

A BILL FOR

1 An Act relating to school bus route approval or mediation by area
2 education agencies.

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

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SF 198
EDUCATION

1 Section 1. Section 285.1, subsection 6, Code 2003, is
2 amended to read as follows:

3 6. When the school designated for attendance of pupils is
4 engaged in the transportation of pupils, the sending or
5 designating school shall use these facilities and pay the pro
6 rata cost of transportation except that a district sending
7 pupils to another school may make other arrangements when it
8 can be shown that such arrangements will be more efficient and
9 economical than to use facilities of the receiving school,
10 ~~providing-such-arrangements-are-approved-by-the-board-of-the~~
11 ~~area-education-agency.~~

12 Sec. 2. Section 285.1, subsection 16, paragraphs b and c,
13 Code 2003, are amended to read as follows:

14 b. As an alternative to paragraph "a" ~~of-this-subsection,~~
15 ~~subject-to-section-285-97-subsection-37~~ where practicable, and
16 at the option of the public school district in which a
17 nonpublic school pupil resides, the school district may
18 transport a nonpublic school pupil to a nonpublic school
19 located outside the boundary lines of the public school
20 district if the nonpublic school is located in a school
21 district contiguous to the school district which is
22 transporting the nonpublic school pupils, or may contract with
23 the contiguous public school district in which a nonpublic
24 school is located for the contiguous school district to
25 transport the nonpublic school pupils to the nonpublic school
26 of attendance within the boundary lines of the contiguous
27 school district.

28 c. If the nonpublic school designated for attendance of a
29 pupil is located outside the boundary line of the school
30 district of the pupil's residence and the district of
31 residence meets the requirements of subsections 14 to 16 ~~of~~
32 ~~this-section~~ by using subsection 17, paragraph "c", ~~of-this~~
33 ~~section~~ and the district in which the nonpublic school is
34 located is contiguous to the district of the pupil's residence
35 and is willing to provide transportation under subsection 17,

1 paragraph "a" or "b", ~~of this section~~, the district in which
2 the nonpublic school is located may provide transportation
3 services, ~~subject to section 285.97, subsection 3~~, and may make
4 the claim for reimbursement under section 285.2. The district
5 in which the nonpublic school is located shall notify the
6 district of the pupil's residence that it is making the claim
7 for reimbursement, and the district of the pupil's residence
8 shall be relieved of the requirement for providing
9 transportation and shall not make a claim for reimbursement
10 for those nonpublic school pupils for which a claim is filed
11 by the district in which the nonpublic school is located.

12 Sec. 3. Section 285.2, unnumbered paragraph 5, Code 2003,
13 is amended to read as follows:

14 Claims shall be accompanied by an affidavit of an officer
15 of the public school district affirming the accuracy of the
16 claim. By February 1 and on or about June 15 of each year,
17 the department shall certify to the department of revenue and
18 finance the amounts of approved claims to be paid, and the
19 department of revenue and finance shall draw warrants payable
20 to school districts which have established claims. Claims
21 shall be allowed where practical, and at the option of the
22 public school district of the pupil's residence, ~~subject to~~
23 ~~approval by the area education agency of the pupil's~~
24 ~~residence, under section 285.97, subsection 3~~, the public
25 school district of the pupil's residence may transport a pupil
26 to a school located in a contiguous public school district
27 outside the boundary lines of the public school district of
28 the pupil's residence. The public school district of the
29 pupil's residence may contract with the contiguous public
30 school district or with a private contractor under section
31 285.5 to transport the pupils to the school of attendance
32 within the boundary lines of the contiguous public school
33 district. The public school district in which the pupil
34 resides may contract with the contiguous public school
35 district or with a private contractor under section 285.5 to

1 transport the pupil from the pupil's residence or from
2 designated school bus collection locations to the school
3 located within the boundary lines of the contiguous public
4 school district, subject to the approval of the area education
5 agency of the pupil's residence. The public school district
6 of the pupil's residence may utilize the reimbursement
7 provisions of section 285.1, subsection 3.

8 Sec. 4. Section 285.4, Code 2003, is amended to read as
9 follows:

10 285.4 PUPILS SENT TO ANOTHER DISTRICT.

11 When a board closes its elementary school facilities for
12 lack of pupils or by action of the board, it shall, if there
13 is a school bus service available in the area, designate for
14 attendance the school operating the buses, provided the board
15 of such school is willing to receive them and the facilities
16 and curricular offerings are adequate. The board of the
17 district where the pupils reside may ~~with-the-approval-of-the~~
18 ~~area-education-agency-board~~, subject to legal limitations and
19 established uniform standards, designate another rural school
20 and provide their own transportation if the transportation
21 costs will be less than to use the established bus service.

22 ~~All-designations-must-be-submitted-to-the-area-education~~
23 ~~agency-board-on-or-before-July-15-for-review-and-approval.~~
24 ~~The-agency-board-shall-after-due-investigation-alter-or-change~~
25 ~~designations-to-make-them-conform-to-legal-requirements-and~~
26 ~~established-uniform-standards-for-making-designations-and-for~~
27 ~~locating-and-establishing-bus-routes.~~ After designations are
28 made, they will remain the same from year to year ~~except-that~~
29 ~~on-or-before-July-15-of-each-year, the-rural-board-or-parents~~
30 ~~may-petition-the-agency-board-for-a-change-of-designation-to~~
31 ~~another-school.~~ Appeals ~~from-the-decision-of-the-agency-board~~
32 ~~on-designations-may-be-made-by-either-the-parents-or-board-to~~
33 ~~the-director-of-the-department-of-education~~ Requests for
34 mediation and appeals on designations may be made as provided
35 in section sections 285.12 and section 285.13.

1 Sec. 5. Section 285.9, subsection 3, Code 2003, is amended
2 by striking the subsection.

3 Sec. 6. Section 285.13, Code 2003, is amended to read as
4 follows:

5 285.13 DISAGREEMENTS BETWEEN BOARDS.

6 In the event of a disagreement between ~~the board of a two~~
7 or more boards of directors of school district and the board
8 of an area education agency districts, ~~the board of the a~~
9 school district board involved in the dispute may submit a
10 written request to an area education agency to mediate the
11 dispute. If the school boards involved in the dispute waive
12 mediation, or if a mediation agreement is not reached within
13 thirty days of an area education agency's receipt of a written
14 request for mediation, a school board involved in the dispute
15 may appeal to the director of the department of education and
16 the procedure and times provided for in section 285.12 shall
17 prevail in any such case. The decision of the director shall
18 be subject to judicial review in accordance with the terms of
19 the Iowa administrative procedure Act.

20 EXPLANATION

21 This bill eliminates Code language requiring area education
22 agency approval of school bus transportation arrangements and
23 routes, but permits school boards involved in a school bus
24 transportation dispute to request mediation from an area
25 education agency. If mediation is waived or fails within 30
26 days of the agency's receipt of the request, the boards
27 involved in the dispute may appeal to the director of the
28 department of education. The bill eliminates related internal
29 references.

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