

House Study Bill 243

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

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

A BILL FOR

1 An Act relating to the duties and responsibilities of school
2 districts, area education agencies, and the department of
3 education by expanding school district audit requirements,
4 requiring the department to submit an achievement gap report,
5 changing deadlines and adding reporting requirements related
6 to dropout and dropout prevention programs, eliminating an
7 early school start date penalty, eliminating certain
8 requirements for school district payments and settlements,
9 authorizing school site sale revenues to be used for physical
10 plant and equipment levy fund expenditures, allowing school
11 districts to establish nonprofit entities or organizations,
12 eliminating Code provisions related to extended school
13 programs and evening and part-time schools, providing for
14 changes to open enrollment requirements, deadlines, and
15 authorizations, repealing a school district lawful fence
16 requirement, expanding the penalties for school bus drivers in
17 violation of Code requirements, revising requirements for
18 prior authorization and a certificate of need for local option
19 and services tax for school infrastructure fund use, and
20 reinstating open enrollment eligibility under a certain
21 circumstance related to desegregation plans.

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

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1 1 Section 1. Section 11.6, subsection 1, paragraph a,
1 2 unnumbered paragraph 1, Code 2005, is amended to read as
1 3 follows:
1 4 The financial condition and transactions of all cities and
1 5 city offices, counties, county hospitals organized under
1 6 chapters 347 and 347A, memorial hospitals organized under
1 7 chapter 37, entities organized under chapter 28E having gross
1 8 receipts in excess of one hundred thousand dollars in a fiscal
1 9 year, merged areas, area education agencies, and all school
1 10 offices in school districts, shall be examined at least once
1 11 each year, except that cities having a population of seven
1 12 hundred or more but less than two thousand shall be examined
1 13 at least once every four years, and cities having a population
1 14 of less than seven hundred may be examined as otherwise
1 15 provided in this section. The examination shall cover the
1 16 fiscal year next preceding the year in which the audit is
1 17 conducted. The examination of school offices shall include an
1 18 audit of all school funds, the certified annual financial
1 19 report, ~~and~~ the certified enrollment as provided in section
1 20 257.6, ~~and the revenues and expenditures of any nonprofit~~
1 21 ~~school organization established pursuant to section 279.60.~~

1 22 Differences in certified enrollment shall be reported to the
1 23 department of management. The examination of a city that owns
1 24 or operates a municipal utility providing local exchange
1 25 services pursuant to chapter 476 shall include an audit of the
1 26 city's compliance with section 388.10. The examination of a
1 27 city that owns or operates a municipal utility providing
1 28 telecommunications services pursuant to section 388.10 shall
1 29 include an audit of the city's compliance with section 388.10.

1 30 Sec. 2. Section 22.7, subsection 1, Code 2005, is amended
1 31 to read as follows:

1 32 1. Personal information in records regarding a student
1 33 receiving competent private instruction pursuant to chapter
1 34 299A, or a student, prospective student, or former student,

1 35 maintained, created, collected or assembled by or for a school
2 1 corporation or educational institution maintaining such
2 2 records. This subsection shall not be construed to prohibit a
2 3 postsecondary education institution from disclosing to a
2 4 parent or guardian information regarding a violation of a
2 5 federal, state, or local law, or institutional rule or policy
2 6 governing the use or possession of alcohol or a controlled
2 7 substance if the child is under the age of twenty-one years
2 8 and the institution determines that the student committed a
2 9 disciplinary violation with respect to the use or possession
2 10 of alcohol or a controlled substance regardless of whether
2 11 that information is contained in the student's education
2 12 records.

2 13 Sec. 3. Section 256.9, Code 2005, is amended by adding the
2 14 following new subsection:

2 15 NEW SUBSECTION. 53. Prepare and submit to the
2 16 chairpersons and ranking members of the senate and house
2 17 education committees a report on the state's progress toward
2 18 closing the achievement gap, including student achievement for
2 19 minority subgroups, and state agency and local district
2 20 activities and practices taken in the past year to close the
2 21 achievement gap.

2 22 Sec. 4. Section 257.38, unnumbered paragraph 1, Code 2005,
2 23 is amended to read as follows:

2 24 Boards of school districts, individually or jointly with
2 25 boards of other school districts, requesting to use additional
2 26 allowable growth for programs for returning dropouts and
2 27 dropout prevention pursuant to section 257.40, shall annually
2 28 submit comprehensive program plans for the programs and budget
2 29 costs, including requests for additional allowable growth for
2 30 funding the programs, to the department of education as
2 31 provided in this chapter a component of the comprehensive
2 32 school improvement plan submitted to the department pursuant
2 33 to section 256.7, subsection 21. The program plans shall

2 34 include:

2 35 Sec. 5. Section 257.38, unnumbered paragraph 2, Code 2005,
3 1 is amended to read as follows:

3 2 Program plans shall identify the parts of the plan that
3 3 will be implemented first upon approval of the application
3 4 request. If a district is requesting to use additional
3 5 allowable growth to finance the program, it the district shall
3 6 not identify more than five percent of its budget enrollment
3 7 for the budget year as returning dropouts and potential
3 8 dropouts.

3 9 Sec. 6. Section 257.40, Code 2005, is amended to read as
3 10 follows:

3 11 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT
3 12 PREVENTION.

3 13 1. The board of directors of a school district requesting
3 14 to use additional allowable growth for programs for returning
3 15 dropouts and dropout prevention shall submit applications a
3 16 request for approval for the programs additional allowable
3 17 growth, including budget costs, to the department not later
3 18 than November 1 December 15 preceding the budget year during
3 19 which the program will be offered. The department shall
3 20 review the program plans request and shall prior to January 15
3 21 either grant approval for the program request or return the
3 22 request for approval with comments of the department included.
3 23 An unapproved request for a program may be resubmitted with
3 24 modifications to the department not later than February 1.
3 25 Not later than February 15, the department shall notify the
3 26 department of management and the school budget review
3 27 committee of the names of the school districts for which
3 28 programs using additional allowable growth for funding have
3 29 been approved and the approved budget of each program listed
3 30 separately for each school district having an approved program
3 31 request.

3 32 2. Beginning January 15, 2006, the department shall submit
3 33 an annual report to the chairpersons and ranking members of
3 34 the senate and house education committees that includes the
3 35 ways school districts are using additional allowable growth
4 1 approved under subsection 1; identifies, by grade level, age,
4 2 and district size, the students in the dropout and dropout
4 3 prevention programs for which the department approves a
4 4 request; describes school district progress toward increasing
4 5 student achievement and attendance for the students in the
4 6 programs; and describes how the school districts are using the
4 7 revenues from the additional allowable growth to improve
4 8 student achievement among minority subgroups.

4 9 Sec. 7. Section 279.30, Code 2005, is amended to read as
4 10 follows:

4 11 279.30 EXCEPTIONS.

4 12 Each ~~warrant payment~~ must be made payable to the person
4 13 entitled to receive the money. The board of directors of a
4 14 school district or an area education agency may by resolution
4 15 authorize the secretary or administrator, in the case of an
4 16 area education agency, to issue ~~warrants payments~~ when the
4 17 board of directors is not in session in payment of ~~freight,~~
4 18 ~~drayage, express, postage, printing, water, light, and~~
4 19 ~~telephone rents reasonable and necessary expenses,~~ but only
4 20 upon verified bills filed with the secretary or administrator,
4 21 and for the payment of salaries or wages pursuant to the terms
4 22 of a written contract, and the secretary or administrator
4 23 ~~shall either deliver in person or mail the warrants to the~~
4 24 ~~payees. In addition, the board of directors may by resolution~~
4 25 ~~authorize the secretary or administrator, upon approval of the~~
4 26 ~~president of the board, to issue warrants when the board of~~
4 27 ~~directors is not in session, but only upon verified bills~~
4 28 ~~filed with the secretary or administrator, and the secretary~~
4 29 ~~or administrator shall either deliver in person or mail the~~
4 30 ~~warrants to the payees employment. Each warrant payment must~~
4 31 be made payable only to the person performing the service or
4 32 presenting the verified bill, and must state the purpose for
4 33 which the warrant payment is issued. ~~All bills and salaries~~
4 34 ~~for which warrants are issued prior to audit and allowance by~~
4 35 ~~the board must be passed upon by the board of directors at the~~
5 1 ~~next meeting and be entered in the regular minutes of the~~
5 2 ~~secretary.~~

5 3 Sec. 8. Section 279.33, Code 2005, is amended to read as
5 4 follows:

5 5 279.33 ANNUAL SETTLEMENTS.

5 6 At a regular or special meeting held on or after August 31
5 7 and prior to the organizational meeting held after the regular
5 8 school election, the board of each school corporation shall
5 9 meet, examine the books of, and settle with the secretary and
5 10 treasurer for the year ending on the preceding June 30, and
5 11 transact other business as necessary. ~~The treasurer at the~~
5 12 ~~time of settlement shall furnish the board with a sworn~~
5 13 ~~statement from each depository showing the balance then on~~
5 14 ~~deposit in the depository. If the secretary or treasurer~~
5 15 ~~fails to make proper reports for the settlement, the board~~
5 16 ~~shall take action to obtain the balance information.~~

5 17 Sec. 9. Section 279.41, Code 2005, is amended to read as
5 18 follows:

5 19 279.41 SCHOOLHOUSES AND SITES SOLD == FUNDS.

5 20 Moneys received from the condemnation, sale, or other
5 21 disposition for public purposes of schoolhouses, school sites,
5 22 or both schoolhouses and school sites, shall be deposited in
5 23 the physical plant and equipment levy fund and may without a
5 24 vote of the electorate be used for ~~the purchase of school~~
5 25 ~~sites or the erection or repair of schoolhouses, or both~~
5 26 purposes authorized under section 298.3, as ordered by the
5 27 board of directors of the school district.

5 28 Sec. 10. NEW SECTION. 279.60 NONPROFIT SCHOOL
5 29 ORGANIZATIONS.

5 30 The board of directors of a school district may take action
5 31 to adopt a resolution to establish an entity or organization
5 32 for the sole benefit of the school district that is exempt
5 33 from federal income taxation under section 501(c)(3) of the
5 34 Internal Revenue Code. Prior to establishing such an entity
5 35 or organization, the board of directors shall hold a public
6 1 hearing on the proposal to establish such an entity or
6 2 organization. Such an entity or organization shall be
6 3 considered a government body and its records public records
6 4 subject to chapter 22. The board of directors of a school
6 5 district shall annually report to the department of education
6 6 and to the local community the administrative expenditures,
6 7 revenues, and activities of the entity or organization
6 8 established by the school district pursuant to this section.
6 9 The department shall include in its annual condition of
6 10 education report the revenues of each entity or organization
6 11 submitted in accordance with this section.

6 12 Sec. 11. Section 282.1, unnumbered paragraph 1, Code 2005,
6 13 is amended to read as follows:

6 14 Persons between five and twenty-one years of age are of
6 15 school age. ~~A board may establish and maintain evening~~
6 16 ~~schools or an educational program under section 282.1A for~~
6 17 ~~residents of the corporation regardless of age and for which~~
6 18 ~~no tuition need be charged.~~ Nonresident children shall be
6 19 charged the maximum tuition rate as determined in section
6 20 282.24, subsection 1, with the exception that those residing
6 21 temporarily in a school corporation may attend school in the

6 22 corporation upon terms prescribed by the board, and boards
6 23 discontinuing grades under section 282.7, subsection 1 or
6 24 subsections 1 and 3, shall be charged tuition as provided in
6 25 section 282.24, subsection 2.

6 26 Sec. 12. Section 282.18, subsection 2, Code 2005, is
6 27 amended to read as follows:

6 28 2. By ~~January~~ April 1 of the preceding school year for
6 29 students entering grades one through twelve, or by September 1

~~6 30 of the current school year for students entering kindergarten,~~
6 31 the parent or guardian shall send notification to the district
6 32 of residence and the receiving district, on forms prescribed
6 33 by the department of education, that the parent or guardian
6 34 intends to enroll the parent's or guardian's child in a public
6 35 school in another school district. If a parent or guardian
7 1 fails to file a notification that the parent intends to enroll
7 2 the parent's or guardian's child in a public school in another
7 3 district by the deadline of ~~January 1 of the previous year~~
7 4 specified in this subsection, and one of the criteria defined
7 5 in subsection 4 exists for the failure to meet the deadline ~~or~~
~~7 6 if the request is to enroll a child in kindergarten in a~~
~~7 7 public school in another district~~, the parent or guardian
7 8 shall be permitted to enroll the child in the other district
7 9 in the same manner as if the deadline had been met.

7 10 The board of the receiving district shall enroll the pupil
7 11 in a school in the receiving district for the following school
7 12 year unless the receiving district does not have classroom
7 13 space for the pupil. If the request is granted, the board
7 14 shall transmit a copy of the form to the parent or guardian
7 15 and the school district of residence within five days after
7 16 board action, but not later than ~~March~~ June 1 of the preceding
7 17 school year. The parent or guardian may withdraw the request
7 18 at any time prior to the start of the school year. A denial
7 19 of a request by the board of a receiving district is not
7 20 subject to appeal.

7 21 Sec. 13. Section 282.18, subsection 4, paragraphs a and b,
7 22 Code 2005, are amended to read as follows:

7 23 a. After ~~January~~ April 1 of the preceding school year and
7 24 until the third Friday in September of that calendar year, the
7 25 parent or guardian shall send notification to the district of
7 26 residence and the receiving district, on forms prescribed by
7 27 the department of education, that good cause, as defined in
7 28 paragraph "b", exists for failure to meet the ~~January~~ April 1
7 29 deadline. The board of directors of a school district may
7 30 adopt a policy granting the superintendent of the school
7 31 district authority to approve open enrollment applications
7 32 submitted after the April 1 deadline if good cause exists.

~~7 33 Upon approval of the resident district, the board of the~~
7 34 receiving district shall take action to approve the request if
7 35 good cause exists. If the request is granted, the board in
8 1 the resident district shall transmit a copy of the form to the
8 2 parent or guardian and the ~~school receiving~~ district ~~of~~
8 3 ~~residence~~ within five days after board action. A denial of a
8 4 request by the board of a receiving resident district is ~~not~~
8 5 subject to appeal under chapter 290.

8 6 b. For purposes of this section, "good cause" means a
8 7 change in a child's residence due to a change in family
8 8 residence, a change in the state in which the family residence
8 9 is located, a change in a child's parents' marital status, a
8 10 guardianship or custody proceeding, placement in foster care,
8 11 adoption, participation in a foreign exchange program, or
8 12 participation in a substance abuse or mental health treatment
8 13 program, or a similar set of circumstances consistent with the
8 14 definition of "good cause"; or a change in the status of a

8 15 child's resident district such as removal of accreditation by
8 16 the state board, surrender of accreditation, or permanent
8 17 closure of a nonpublic school, revocation of a charter school
8 18 contract as provided in section 256F.8, the failure of
8 19 negotiations for a whole-grade sharing, reorganization,
8 20 dissolution agreement or the rejection of a current whole=
8 21 grade sharing agreement, or reorganization plan, or a similar
8 22 set of circumstances consistent with the definition of "good
8 23 cause". If the good cause relates to a change in status of a
8 24 child's school district of residence, however, action by a
8 25 parent or guardian must be taken to file the notification
8 26 within forty-five days of the last board action or within
8 27 thirty days of the certification of the election, whichever is
8 28 applicable to the circumstances.

8 29 Sec. 14. Section 282.18, subsections 5 and 6, Code 2005,
8 30 are amended to read as follows:

8 31 5. Open enrollment applications filed after ~~January~~ April
8 32 1 of the preceding school year that do not qualify for good

8 33 cause as provided in subsection 4 shall be subject to the
8 34 approval of the board of the resident district and the board
8 35 of the receiving district. The parent or guardian shall send
9 1 notification to the district of residence and the receiving
9 2 district that the parent or guardian seeks to enroll the
9 3 parent's or guardian's child in the receiving district. A
9 4 decision of either board to deny an application filed under
9 5 this subsection involving repeated acts of harassment of the
9 6 student or serious health condition of the student that the
9 7 resident district cannot adequately address is subject to
9 8 appeal under section 290.1. The state board shall exercise
9 9 broad discretion to achieve just and equitable results that
9 10 are in the best interest of the affected child or children.
9 11 6. A request under this section is for a period of not
9 12 less than one year. If the request is for more than one year
9 13 and the parent or guardian desires to have the pupil enroll in
9 14 a different district, the parent or guardian may petition the
9 15 current receiving district by ~~January~~ April 1 of the previous
9 16 school year for permission to enroll the pupil in a different
9 17 district for a period of not less than one year. Upon receipt
9 18 of such a request, the current receiving district board may
9 19 act on the request to transfer to the other school district at
9 20 the next regularly scheduled board meeting after the receipt
9 21 of the request. The new receiving district shall enroll the
9 22 pupil in a school in the district unless there is insufficient
9 23 classroom space in the district or unless enrollment of the
9 24 pupil would adversely affect the court-ordered or voluntary
9 25 desegregation plan of the district. A denial of a request to
9 26 change district enrollment within the approved period is not
9 27 subject to appeal. However, a pupil who has been in
9 28 attendance in another district under this section may return
9 29 to the district of residence and enroll at any time, once the
9 30 parent or guardian has notified the district of residence and
9 31 the receiving district in writing of the decision to enroll
9 32 the pupil in the district of residence.

9 33 Sec. 15. Section 297.14, Code 2005, is amended to read as
9 34 follows:

9 35 297.14 BARBED WIRE.

10 1 No fence ~~provided for in section 297.13 built where the~~
10 2 ~~school grounds adjoin cultivated or improved lands~~ shall be
10 3 constructed of barbed wire, nor shall any barbed wire fence be
10 4 placed within ten feet of any school grounds. Any person
10 5 violating the provisions of this section shall be guilty of a
10 6 simple misdemeanor.

10 7 Sec. 16. Section 321.376, subsection 1, Code 2005, is
10 8 amended to read as follows:

10 9 1. The driver of a school bus shall hold a driver's
10 10 license issued by the department of transportation valid for
10 11 the operation of the school bus and a certificate of
10 12 qualification for operation of a commercial motor vehicle
10 13 issued by a physician licensed pursuant to chapter 148 or
10 14 150A, physician's assistant, advanced registered nurse
10 15 practitioner, or chiropractor or any other person identified
10 16 by federal and state law as authorized to perform physical
10 17 examinations, and shall successfully complete an approved
10 18 course of instruction in accordance with subsection 2. A
10 19 person holding a temporary restricted license issued under
10 20 chapter 321J shall be prohibited from operating a school bus.
10 21 The department of education shall ~~revoke or~~ refuse to issue an
10 22 authorization to operate a school bus to any person who, after
10 23 notice and opportunity for hearing, is determined to have
10 24 committed any of the acts proscribed under section 321.375,
10 25 subsection 2. The department of education shall take adverse
10 26 action against any person who, after notice and opportunity
10 27 for hearing, is determined to have committed any of the acts
10 28 proscribed under section 321.375, subsection 2, paragraphs "a"
10 29 through "d", or is determined not to be physically or mentally
10 30 competent under section 321.375, subsection 2, paragraph "e",
10 31 unless the person was qualified to operate a school bus as
10 32 provided in section 321.375, subsection 3. Notwithstanding
10 33 section 321.375, subsection 2, such action may include a
10 34 reprimand or warning to the person or the suspension or
10 35 revocation of the person's authorization to operate a school
11 1 bus. The department of education shall recommend, and the
11 2 state board of education shall adopt under chapter 17A, rules
11 3 and procedures for issuing, suspending, and revoking
11 4 authorization to operate a school bus in this state. Rules
11 5 and procedures adopted shall include, but are not limited to,
11 6 provisions for the suspension or revocation of, or refusal to
11 7 issue, authorization to persons who are determined to have
11 8 committed any of the acts proscribed under section 321.375,

11 9 subsection 2.

11 10 Sec. 17. Section 423E.4, subsection 6, unnumbered

11 11 paragraph 1, Code 2005, is amended to read as follows:

11 12 A school district with a certified enrollment of fewer than

11 13 two hundred fifty pupils in the entire district or certified

11 14 enrollment of fewer than one hundred pupils in high school

11 15 shall not expend the supplemental school infrastructure amount

11 16 received for new construction or for payments for bonds issued

11 17 for new construction against the supplemental school

11 18 infrastructure amount without prior application to the

11 19 department of education and receipt of a certificate of need

11 20 pursuant to this subsection. However, a certificate of need

11 21 is not required for the payment of outstanding bonds issued

11 22 for new construction pursuant to section 296.1, before April

11 23 1, 2003. A certificate of need is also not required for

11 24 repairing schoolhouses or buildings, equipment, technology, or

11 25 transportation equipment for transporting students as provided

11 26 in section 298.3, or for construction necessary for compliance

11 27 with the federal Americans With Disabilities Act pursuant to

11 28 42 U.S.C. } 12101==12117. In determining whether a

11 29 certificate of need shall be issued or denied, the department

11 30 shall consider all of the following:

11 31 Sec. 18. REINSTATEMENT OF OPEN ENROLLMENT ELIGIBILITY ==

11 32 DESEGREGATION PLAN. Notwithstanding section 282.18, a child

11 33 who participated in open enrollment prior to 1997 and prior to

11 34 the adoption of a voluntary desegregation plan on December 10,

11 35 2001, by the child's school district of residence and who

12 1 returns to the district of residence shall be eligible to

12 2 participate in open enrollment in a district other than the

12 3 district of residence once the parent or guardian has notified

12 4 the district of residence and the receiving district in

12 5 writing of the decision to enroll the pupil in a district

12 6 other than the district of residence. The request submitted

12 7 shall be for at least one year, but may be for more than one

12 8 year.

12 9 Sec. 19. Sections 257.17, 282.1A, and 297.13, Code 2005,

12 10 are repealed.

12 11 Sec. 20. Chapters 288 and 289, Code 2005, are repealed.

12 12 EXPLANATION

12 13 This bill amends numerous Code sections relating to school

12 14 districts, including the contents of school district annual

12 15 audits, the confidentiality of personal information in records

12 16 regarding students receiving competent private instruction,

12 17 school aid reduction for early school starts, payments the

12 18 board of directors of a school district or an area education

12 19 agency authorizes the secretary or administrator to issue when

12 20 the board of directors is not in session, the annual

12 21 examination by a school board of district books, the books of

12 22 the school district's secretary and treasurer, the purposes

12 23 for which moneys deposited in the physical plant and equipment

12 24 levy fund may be used, authorizing school boards to establish

12 25 entities or organizations for the support of the school

12 26 district, open enrollment applications, deadlines, and

12 27 appeals, expanding the department of education's options when

12 28 a school bus driver is found to have violated certain Code

12 29 provisions, and providing that a restriction on local option

12 30 sales tax revenues for school infrastructure purposes applies

12 31 only to districts with fewer than 250 students in the

12 32 elementary and secondary schools or fewer than 100 students in

12 33 a high school.

12 34 SCHOOL DISTRICT AUDITS. The bill requires that an

12 35 examination of school offices shall include the revenues and

13 1 expenditures of any organized nonprofit school organization

13 2 that exists for the sole benefit of the school district.

13 3 CONFIDENTIAL STUDENT RECORDS. The bill exempts from the

13 4 open records law the personal information in records regarding

13 5 a student receiving competent private instruction that are

13 6 maintained, created, collected, or assembled by or for a

13 7 school corporation or educational institution maintaining such

13 8 records.

13 9 DEPARTMENT OF EDUCATION ACHIEVEMENT GAP REPORT. The

13 10 department is directed to prepare and submit to the

13 11 chairpersons and ranking members of the senate and house

13 12 education committees a report on the state's progress toward

13 13 closing the achievement gap.

13 14 DROPOUT AND DROPOUT PREVENTION PROGRAMS. The bill provides

13 15 that plans and budgets for dropout and dropout prevention

13 16 programs, for which school districts are seeking additional

13 17 allowable growth authority from the school budget review

13 18 committee, must be submitted to the department of education as

13 19 a component of the comprehensive school improvement plan that

13 20 school districts must annually submit to the department. The
13 21 bill also delays the date by which requests for additional
13 22 allowable growth for those programs must be submitted from
13 23 November 1 to December 15. Beginning January 15, 2006, the
13 24 department must submit an annual report to the chairpersons
13 25 and ranking members of the senate and house education
13 26 committees that includes the ways school districts are using
13 27 such additional allowable growth approved; identifies, by
13 28 grade level, age, and district size, the students in the
13 29 dropout and dropout prevention programs; describes school
13 30 district progress toward increasing student achievement and
13 31 attendance for those students; and describes how the school
13 32 districts are using the revenues from the additional allowable
13 33 growth to improve student achievement among minority
13 34 subgroups.

13 35 ELIMINATION OF PENALTY FOR EARLY SCHOOL START. The bill
14 1 repeals language that requires a reduction in school aid to
14 2 school districts that start their school calendar prior to the
14 3 day during the calendar week in which September 1 falls.

14 4 SCHOOL DISTRICT PAYMENTS AND SETTLEMENTS. Currently, the
14 5 Code lists the purposes for which a secretary or administrator
14 6 of a school district may make payments while the school board
14 7 is not in session. This bill replaces the list with general
14 8 permission to issue payments for reasonable and necessary
14 9 expenses. The bill strikes a requirement that the school
14 10 board pass at, and enter into the minutes of, its next meeting
14 11 the bills and salaries paid while the board was not in
14 12 session.

14 13 The bill also strikes language that requires the school
14 14 district's treasurer to furnish the board with a sworn
14 15 statement showing each depository balance and providing that
14 16 if the secretary or treasurer fails to make proper reports for
14 17 a settlement, the board must take action to obtain balance
14 18 information.

14 19 AUTHORIZED PPEL EXPENDITURES. The bill permits moneys
14 20 received from the sale of school sites that are deposited in
14 21 the physical plant and equipment levy (PPEL) fund to be used
14 22 for the same purposes for which revenues from the PPEL levies
14 23 may be used.

14 24 NONPROFIT SCHOOL ORGANIZATIONS. The bill allows school
14 25 boards to establish a nonprofit entity or organization for the
14 26 sole benefit of the school district after holding a public
14 27 hearing on the proposal. Such an entity or organization shall
14 28 be considered a government body and its records public records
14 29 subject to Code chapter 22. The school district must annually
14 30 report to the department of education and the local community
14 31 the administrative expenditures, revenues, and activities of
14 32 the entity or organization. The department must include the
14 33 revenues in its annual condition of education report.

14 34 EXTENDED SCHOOL PROGRAMS == EVENING AND PART-TIME SCHOOLS
14 35 REPEAL. The bill repeals a provision related to extended
15 1 school programs, which are identified in the Code as programs
15 2 school districts may voluntarily establish for residents of
15 3 the school district who are over 21 years of age, do not
15 4 possess a high school diploma or a high school equivalency
15 5 diploma under Code chapter 259A, and are enrolled in an
15 6 education program in the district. Residents attending such a
15 7 program are counted in the district's basic enrollment and
15 8 attend on a tuition-free basis. The bill also repeals two
15 9 Code chapters that authorize evening and part-time schools.
15 10 The Code chapters require school districts to establish an
15 11 evening school when 10 or more persons over age 16 express a
15 12 desire for instruction at an evening school for not less than
15 13 two hours each evening for at least two evenings each week for
15 14 not less than three months of each school year; and, in cities
15 15 of 12,000 or more, to establish and maintain part-time schools
15 16 when 15 or more children residing in the district who are
15 17 between 14 and 16 years of age cease to attend the full-time
15 18 day school. The bill includes a conforming amendment.

15 19 OPEN ENROLLMENT. The bill moves the application deadline
15 20 for open enrollment from January 1 to April 1 of the preceding
15 21 school year for students entering grades 1 through 12, and to
15 22 September 1 of the current school year for students entering
15 23 kindergarten. The bill expands the exception that allows
15 24 parents to miss the deadline, by allowing "good cause" to
15 25 include a similar set of circumstances consistent with the
15 26 definition of "good cause". The bill also allows a school
15 27 board to grant a superintendent the authority to approve "good
15 28 cause" applications. The bill requires the resident district
15 29 to approve a good cause application before the receiving
15 30 district takes action on the request, and permits a denial by

15 31 the resident district to be appealed to the state board of
15 32 education.

15 33 FENCING NEAR SCHOOL GROUNDS. The bill repeals a provision
15 34 that requires school boards to maintain a lawful fence between
15 35 school grounds and adjoining cultivated or improved lands.
16 1 However, the bill maintains language that prohibits such land
16 2 to be fenced using barbed wire.

16 3 GROUNDS FOR SCHOOL BUS DRIVER SUSPENSION. The bill expands
16 4 the department of education's options when a school bus driver
16 5 is found to have violated certain Code provisions, by allowing
16 6 the department to take adverse action, which may include a
16 7 reprimand or warning, rather than an immediate suspension.

16 8 LOCAL OPTION AND SERVICES TAX FOR SCHOOL INFRASTRUCTURE
16 9 PURPOSES == FUND USE PROHIBITION. Revenues collected under
16 10 the local sales and services tax for school infrastructure are
16 11 deposited in the secure an advanced vision for education fund
16 12 for school infrastructure purposes or property tax relief.
16 13 The Code requires that a school district receive prior
16 14 authorization and a certificate of need from the department of
16 15 education before expending the supplemental school
16 16 infrastructure amount received for new construction or for
16 17 payments for bonds issued for new construction against the
16 18 amount. Under the bill, only a school district with a
16 19 certified enrollment of fewer than 250 pupils in the entire
16 20 school district, or fewer than 100 high school pupils, need
16 21 meet these requirements.

16 22 REINSTATEMENT OF OPEN ENROLLMENT ELIGIBILITY ==
16 23 DESEGREGATION PLAN. The bill provides that under a very
16 24 limited circumstance, a student who once participated in open
16 25 enrollment prior to 1997, from a school district that on
16 26 December 10, 2001, adopted a voluntary desegregation plan, may
16 27 have their open enrollment status reinstated to allow the
16 28 student to open enroll to a district other than their district
16 29 of residence.

16 30 LSB 2925YC 81

16 31 kh:nh/sh/8.1