

House File 2239 - Introduced

HOUSE FILE _____
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 578)

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

A BILL FOR

1 An Act relating to the duties and operations of the state board
2 of education, the department of education, and local school
3 boards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5310HV 82
6 kh/nh/5

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1 1 Section 1. Section 22.7, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. Personal information in records regarding a student,
1 4 prospective student, or former student maintained, created,
1 5 collected or assembled by or for a school corporation or
1 6 educational institution maintaining such records. This
1 7 subsection shall not be construed to prohibit a postsecondary
1 8 education institution from disclosing to a parent or guardian
1 9 information regarding a violation of a federal, state, or
1 10 local law, or institutional rule or policy governing the use
1 11 or possession of alcohol or a controlled substance if the
1 12 child is under the age of twenty-one years and the institution
1 13 determines that the student committed a disciplinary violation
1 14 with respect to the use or possession of alcohol or a
1 15 controlled substance regardless of whether that information is
1 16 contained in the student's education records. This subsection
1 17 shall not be construed to prohibit a school corporation or
1 18 educational institution from transferring student records
1 19 electronically to the department of education, an accredited
1 20 nonpublic school, an attendance center, a school district, or
1 21 an accredited postsecondary institution in accordance with
1 22 section 256.9, subsection 52.

1 23 Sec. 2. Section 73.1, unnumbered paragraph 1, Code 2007,
1 24 is amended to read as follows:
1 25 Every commission, board, committee, officer, or other
1 26 governing body of the state, or of any county, township,
1 27 school district, or city, and every person acting as
1 28 contracting or purchasing agent for any such commission,
1 29 board, committee, officer, or other governing body shall use
1 30 only those products and provisions grown and coal produced
1 31 within the state of Iowa, when they are found in marketable
1 32 quantities in the state and are of a quality reasonably suited
1 33 to the purpose intended, and can be secured without additional
1 34 cost over foreign products or products of other states. This
1 35 section shall apply to horticultural products grown in this
2 1 state even if the products are not in the stage of processing
2 2 that the agency usually purchases the product. However, this
2 3 section does not apply to a school district purchasing food
2 4 while the school district is participating in ~~the~~ a federal
2 5 school lunch or breakfast program.

2 6 Sec. 3. Section 256.5A, Code 2007, is amended to read as
2 7 follows:

2 8 256.5A NONVOTING MEMBER.

2 9 1. The governor shall appoint the one nonvoting student
2 10 member of the state board for a term of ~~one year~~ two years
2 11 beginning and ending as provided in section 69.19. The
2 12 nonvoting student member shall be appointed from a list of
2 13 names submitted by the state board of education. Students
2 14 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school may
2 15 apply to the state board to serve as a nonvoting student
2 16 member.

2 17 2. The department shall develop an application process

2 18 that requires the consent of the student's parent or guardian
2 19 if the student is a minor, initial application approval by the
2 20 school district in which the student applicant is enrolled,
2 21 and submission of approved applications by a school district
2 22 to the department.

2 23 3. The nonvoting student member's school district of
2 24 enrollment shall notify the student's parents if the student's
2 25 grade point average falls during the period in which the
2 26 student is a member of the state board.

2 27 4. The state board shall adopt rules under chapter 17A
2 28 specifying criteria for the selection of applicants whose
2 29 names shall be submitted to the governor. Criteria shall
2 30 include, but are not limited to, academic excellence,
2 31 participation in extracurricular and community activities, and
2 32 interest in serving on the board. Rules adopted by the state
2 33 board shall also require, if the student is a minor,
2 34 supervision of the student by the student's parent or guardian
2 35 while the student is engaged in authorized state board
3 1 business at a location other than the community in which the
3 2 student resides, unless the student's parent or guardian
3 3 submits to the state board a signed release indicating the
3 4 parent or guardian has determined that supervision of the
3 5 student by the parent or guardian is unnecessary.

3 6 5. The nonvoting student member appointment is not subject
3 7 to section 69.16 or 69.16A.

3 8 6. The nonvoting student member shall have been enrolled
3 9 in a public school in Iowa for at least one year prior to the
3 10 member's appointment. ~~A nonvoting student member who will not
3 11 graduate from high school prior to the end of a second term
3 12 may apply to the state board for submission of candidacy to
3 13 the governor for a second one-year term.~~

3 14 7. A nonvoting student member shall be paid a per diem as
3 15 provided in section 7E.6 and the student and the student's
3 16 parent or guardian shall be reimbursed for actual and
3 17 necessary expenses incurred in the performance of the
3 18 student's duties as a nonvoting member of the state board.

3 19 8. A vacancy in the membership of the nonvoting student
3 20 member shall not be filled until the expiration of the term.

3 21 Sec. 4. Section 256.10, subsection 2, Code 2007, is
3 22 amended to read as follows:

3 23 2. Appointments to the professional staff of the
3 24 department shall be without reference to political party
3 25 affiliation, religious affiliation, sex, or marital status,
3 26 but shall be based solely upon fitness, ability, and proper
3 27 qualifications for the particular position. The professional
3 28 staff shall serve at the discretion of the director. A member
3 29 of the professional staff shall not be dismissed for cause
3 30 without ~~appropriate due process procedures including a hearing
3 31 an opportunity to meet with the director.~~

3 32 Sec. 5. Section 256.11, subsection 9B, Code Supplement
3 33 2007, is amended to read as follows:

3 34 9B. Beginning July 1, 2007, each school district shall
3 35 have a school nurse to provide health services to its
4 1 students. Each school district shall work toward the goal of
4 2 having one school nurse for every seven hundred fifty students
4 3 enrolled in the school district. ~~For purposes of this
4 4 subsection, "school nurse" means a person who holds an
4 5 endorsement or a statement of professional recognition for
4 6 school nurses issued by the board of educational examiners
4 7 under chapter 272 The scope of practice of a school nurse
4 8 shall be as established by rule by the board of nursing.~~

4 9 Sec. 6. Section 256.30, Code 2007, is amended to read as
4 10 follows:

4 11 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

4 12 1. The department of education shall provide moneys to pay
4 13 the expense of educating American Indian children residing in
4 14 the Sac and Fox Indian settlement on land held in trust by the
4 15 secretary of the interior of the United States in excess of
4 16 federal moneys paid to the tribal council for educating the
4 17 American Indian children when moneys are appropriated for that
4 18 purpose. ~~The tribal council shall administer the moneys
4 19 distributed to it by the department and shall submit an annual
4 20 report and other reports as required by the department to the
4 21 department on the expenditure of the moneys.~~

4 22 2. The tribal council shall administer moneys distributed
4 23 to it by the department of education as provided in subsection

4 24 1. The tribal council shall first use the moneys distributed
4 25 to it by the department of education for the purposes of this
4 26 section to pay the additional costs of salaries for licensed
4 27 instructional staff for educational attainment and full-time
4 28 equivalent years of experience to equal the salaries listed on

4 29 the proposed salary schedule for the school at the Sac and Fox
4 30 Indian settlement for that school year, but the salary for a
4 31 licensed instructional staff member employed on a full-time
4 32 basis shall not be less than eighteen thousand dollars.

4 33 3. The department of management shall approve allotments
4 34 of moneys appropriated in for purposes of this section when
~~4 35 the department of education certifies to the department of~~
~~5 1 management that the requirements of this section have been~~
~~5 2 met.~~

5 3 Sec. 7. Section 256B.2, subsection 1, Code 2007, is
5 4 amended to read as follows:

5 5 1. "Children requiring special education" means persons
5 6 under twenty-one years of age, including children under five
5 7 years of age, who have a disability in obtaining an education
5 8 because of a head injury, autism, behavioral disorder, or
5 9 physical, mental, communication, or learning disability, as
5 10 defined by the rules of the department of education. If a
~~5 11 child requiring special education reaches the age of~~
~~5 12 twenty-one during an academic year, the child may elect to~~
~~5 13 receive special education services until the end of the~~
~~5 14 academic year.~~

5 15 Sec. 8. Section 256B.6, Code 2007, is amended to read as
5 16 follows:

5 17 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.

5 18 1. When the school district or area education agency has
5 19 provided special education services and programs as provided
5 20 herein for any child requiring special education, either by
5 21 admission to a special class or by supportive services, it
5 22 shall be the duty of the parent or guardian to enroll said the
5 23 child for instruction in such special classes or supportive
5 24 services as may be established, except in the event a doctor's
5 25 certificate is filed with the secretary of the school district
5 26 showing that it is inadvisable for medical reasons for the
5 27 child requiring special education to receive the special
5 28 education provided; all the provisions and conditions of
5 29 chapter 299 and amendments thereto shall be applicable to this
5 30 section, and any violations shall be punishable as provided in
5 31 said chapter 299.

5 32 2. A child, or the parent or guardian of the child, or the
5 33 school district in which the child resides, may obtain a
5 34 review of an action or omission of state or local authorities
5 35 pursuant to the procedures established by the state board of
6 1 education on the ground that the child has been or is about to
6 2 be:

6 3 ~~1-~~ a. Denied entry or continuance in a program of special
6 4 education appropriate to the child's condition and needs.

6 5 ~~2-~~ b. Placed in a special education program which is
6 6 inappropriate to the child's condition and needs.

6 7 ~~3-~~ c. Denied educational services because no suitable
6 8 program of education or related services is maintained.

6 9 ~~4-~~ d. Provided with special education which is
6 10 insufficient in quantity to satisfy the requirements of law.

6 11 ~~5-~~ e. Assigned to a program of special education when the
6 12 child does not have a disability.

6 13 3. When a child requiring special education attains the
~~6 14 age of majority or is incarcerated in an adult or juvenile,~~
~~6 15 state or local, correctional institution, all rights accorded~~
~~6 16 to the parent or guardian under this chapter transfer to the~~
~~6 17 child except as provided in this subsection. Any notice~~
~~6 18 required by this chapter shall be provided to both the child~~
~~6 19 who has reached the age of majority or is incarcerated in an~~
~~6 20 adult or juvenile, state or local, correctional institution,~~
~~6 21 and the parent or guardian. If rights under this chapter have~~
~~6 22 transferred to a child and the child has been determined to be~~
~~6 23 incompetent by a court or determined unable to provide~~
~~6 24 informed educational consent by a court or other competent~~
~~6 25 authority, then rights under this chapter shall be exercised~~
~~6 26 by the person who has been appointed to represent the~~
~~6 27 educational interest of the child.~~

6 28 4. Notwithstanding section 17A.11, the state board of
6 29 education shall adopt rules for the appointment of an
6 30 impartial administrative law judge for special education
6 31 appeals. The rules shall comply with federal statutes and
6 32 regulations.

6 33 Sec. 9. Section 256B.8, unnumbered paragraph 2, Code 2007,
6 34 is amended to read as follows:

6 35 An area education agency director of special education may
7 1 request approval from the department of education to continue
7 2 the special education program of a person beyond the person's
~~7 3 twenty-first birthday period specified in section 256B.2,~~
~~7 4 subsection 1, if the person had an accident or prolonged~~

7 5 illness that resulted in delays in the initiation of or
7 6 interruptions in that person's special education program.
7 7 Approval may be granted by the department to continue the
7 8 special education program of that person for up to three years
7 9 or until the person's twenty-fourth birthday.

7 10 Sec. 10. Section 257.6, subsection 1, paragraph a,
7 11 subparagraph (3), Code Supplement 2007, is amended to read as
7 12 follows:

7 13 (3) Shared-time and part-time pupils of school age
7 14 enrolled in public schools within the district, irrespective
7 15 of the districts in which the pupils reside, in the proportion
7 16 that the time for which they are enrolled or receive
7 17 instruction for the school year is to the time that full-time
7 18 pupils carrying a normal course schedule, at the same grade
7 19 level, in the same school district, for the same school year,
7 20 are enrolled and receive instruction. Tuition charges to the
7 21 parent or guardian of a shared-time or part-time nonresident
7 22 pupil shall be reduced by the amount of any increased state
7 23 aid received by the district by the counting of the pupil.
7 24 This subparagraph applies to pupils from accredited nonpublic
7 25 schools accessing classes or services on the accredited
7 26 nonpublic school premises or the school district site, but
7 27 excludes accredited nonpublic pupils receiving classes or
7 28 services funded by federal grants or allocations.

7 29 Sec. 11. Section 257.11, subsection 5, paragraph a, Code
7 30 Supplement 2007, is amended to read as follows:

7 31 a. For the school budget year beginning July 1, 2002,
7 32 through the school budget year beginning July 1, ~~2007~~ 2008, in
7 33 order to provide additional funds for school districts in
7 34 which a regional academy is located, a supplementary weighting
7 35 plan for determining enrollment is adopted.

8 1 Sec. 12. Section 257.11, subsection 8, Code Supplement
8 2 2007, is amended to read as follows:

8 3 8. PUPILS INELIGIBLE. A pupil eligible for the weighting
8 4 plan provided in section 256B.9 is not eligible for
8 5 supplementary weighting pursuant to this section unless it is
8 6 determined that the course generating the supplemental
8 7 weighting has no relationship to the pupil's disability. A

8 8 pupil attending an alternative program or an at-risk pupils'
8 9 program, including alternative high school programs, is not
8 10 eligible for supplementary weighting under subsection 2.

8 11 Sec. 13. Section 257.13, subsection 2, Code 2007, is
8 12 amended to read as follows:

8 13 2. The board of directors of a school district that wishes
8 14 to receive an on-time funding budget adjustment shall adopt a
8 15 resolution to receive the adjustment and notify the school
8 16 budget review committee by November ± 15, annually. The
8 17 school budget review committee shall establish a modified
8 18 allowable growth in an amount determined pursuant to
8 19 subsection 1.

8 20 Sec. 14. Section 257.37, subsection 4, Code 2007, is
8 21 amended to read as follows:

8 22 4. "Enrollment served" means the basic enrollment plus the
8 23 number of nonpublic school pupils served with media services
8 24 or educational services, as applicable, except that if a
8 25 nonpublic school pupil or a pupil attending another district
8 26 under a whole grade sharing agreement or open enrollment
8 27 receives services through an area other than the area of the
8 28 pupil's residence, the pupil shall be deemed to be served by
8 29 the area of the pupil's residence, which shall be contractual
8 30 arrangement reimburse the area through which the pupil
8 31 actually receives services. Each school district shall
8 32 include in the enrollment report submitted pursuant to section
8 33 257.6, subsection 1, the number of nonpublic school pupils
8 34 within each school district for media and educational services
8 35 served by the area. However, the school district shall not
9 1 include in the enrollment report nonpublic school pupils
9 2 receiving classes or services funded by federal grants or
9 3 allocations.

9 4 Sec. 15. Section 260C.35, unnumbered paragraph 2, Code
9 5 2007, is amended to read as follows:

9 6 With the approval of the director ~~of the department of~~
9 7 ~~education~~, the board of directors of a merged area at any one
9 8 time may sell any land in a single tract in excess of one
9 9 hundred sixty acres owned by the merged area, and an election
9 10 is not necessary in connection with the sale. The proceeds of
9 11 the sale may be used for any of the purposes stated in section
9 12 260C.22. This paragraph is in addition to any authority under
9 13 other provisions of law.

9 14 Sec. 16. Section 261C.4, Code 2007, is amended to read as
9 15 follows:

9 16 261C.4 AUTHORIZATION.

9 17 An eligible pupil may make application to an eligible
9 18 institution to allow the eligible pupil to enroll for academic
9 19 or vocational=technical credit in a nonsectarian course
9 20 offered at that eligible institution. A comparable course, as
9 21 defined in rules made by the board of directors of the public
9 22 school district, must not be offered by the school district or
9 23 accredited nonpublic school which the pupil attends. If an
9 24 eligible institution accepts an eligible pupil for enrollment
9 25 under this section, the institution shall send written notice
9 26 to the pupil, and the pupil's school district or accredited
9 27 nonpublic school or the school for the deaf or the Iowa
9 28 braille and sight saving school, ~~and the department of~~
~~9 29 education.~~ The notice shall list the course, the clock hours
9 30 the pupil will be attending the course, and the number of
9 31 hours of postsecondary academic or vocational=technical credit
9 32 that the eligible pupil will receive from the eligible
9 33 institution upon successful completion of the course.

9 34 Sec. 17. Section 273.3, subsection 12, Code 2007, is
9 35 amended to read as follows:

10 1 12. Prepare an annual budget estimating income and
10 2 expenditures for programs and services as provided in sections
10 3 273.1 to 273.9 and chapter 256B within the limits of funds
10 4 provided under section 256B.9 and chapter 257. The board
10 5 shall give notice of a public hearing on the proposed budget
10 6 by publication in an official county newspaper in each county
10 7 in the territory of the area education agency in which the
10 8 principal place of business of a school district that is a
10 9 part of the area education agency is located. The notice
10 10 shall specify the date, which shall be not later than March 1
10 11 of each year, the time, and the location of the public
10 12 hearing. The proposed budget as approved by the board shall
10 13 then be submitted to the state board of education, on forms
10 14 provided by the department, no later than March 15 preceding
10 15 the next fiscal year for approval. The state board shall
10 16 review the proposed budget of each area education agency and
10 17 shall before ~~April~~ May 1, either grant approval or return the
10 18 budget without approval with comments of the state board
10 19 included. An unapproved budget shall be resubmitted to the
10 20 state board for final approval not later than ~~April~~ May 15.
10 21 For the fiscal year beginning July 1, 1999, and each
10 22 succeeding fiscal year, the state board shall give final
10 23 approval only to budgets submitted by area education agencies
10 24 accredited by the state board or that have been given
10 25 conditional accreditation by the state board.

10 26 Sec. 18. Section 273.13, Code 2007, is amended to read as
10 27 follows:

10 28 273.13 ADMINISTRATIVE EXPENDITURES.

~~10 29 During the budget year beginning July 1, 1989, and the~~
~~10 30 three succeeding budget years, the board of directors of an~~
~~10 31 area education agency in which the administrative expenditures~~
~~10 32 as a percent of the area education agency's operating fund for~~
~~10 33 a base year exceed five percent shall reduce its~~
~~10 34 administrative expenditures to five percent of the area~~
~~10 35 education agency's operating fund. During each of the four~~
~~11 1 years, the board of directors shall reduce administrative~~
~~11 2 expenditures by twenty-five percent of the reduction in~~
~~11 3 administrative expenditure required by this section.~~
~~11 4 Thereafter, the An area education agency's administrative~~
11 5 expenditures shall not exceed five percent of the operating
11 6 general fund. Annually, the board of directors of an area
11 7 education agency shall certify to the department of education
11 8 the amounts of the area education agency's expenditures and
11 9 its operating general fund. For the purposes of this section,
11 10 "~~base year~~" and "~~budget year~~" mean the same as defined in
~~11 11 section 442.6, Code 1989, and section 257.2, and~~
11 12 "administrative expenditures" means expenditures for executive
11 13 administration.

11 14 Sec. 19. Section 275.31, unnumbered paragraph 1, Code
11 15 2007, is amended to read as follows:

11 16 If necessary to equalize the division and distribution, the
11 17 board or boards may provide for the levy of additional taxes,
11 18 which shall be sufficient to satisfy the mandatory levy
11 19 required in section 76.2 or other liabilities of the
11 20 districts, upon the property of a corporation or part of a
11 21 corporation and for the distribution of the tax revenues so as
11 22 to effect equalization. When the board or boards are
11 23 considering the equalization levy, the division and
11 24 distribution shall not impair the security for outstanding
11 25 obligations of each affected corporation. ~~Any owner of bonds~~
~~11 26 of an affected corporation may bring suit in equity for~~

~~11 27 adjustment of the division and distribution in compliance with
11 28 this section. If the property tax levy for the amount
11 29 estimated and certified to apply on principal and interest on
11 30 lawful bonded indebtedness for a newly formed community school
11 31 district is greater than the property tax levy for the amount
11 32 estimated and certified to apply on principal and interest in
11 33 the year preceding the reorganization or dissolution for a
11 34 school district that is a party to the reorganization or
11 35 dissolution, that had a certified enrollment of less than six
12 1 hundred for the year prior to the reorganization or
12 2 dissolution, and that approved the reorganization or
12 3 dissolution prior to July 1, 1989, the board of the newly
12 4 formed district shall inform the department of management.
12 5 The department of management shall pay debt service aid to the
12 6 newly formed district in an amount that reduces the rate of
12 7 the property tax levy for lawful bonded indebtedness in the
12 8 portion of the newly formed district where the new rate is
12 9 higher, to the rate that was levied in that portion of the
12 10 district during the year preceding the reorganization or
12 11 dissolution.~~

12 12 Sec. 20. Section 275.31, unnumbered paragraphs 2 and 3,
12 13 Code 2007, are amended by striking the unnumbered paragraphs.

12 14 Sec. 21. Section 275.53, Code 2007, is amended to read as
12 15 follows:

12 16 275.53 DISSOLUTION PROPOSAL.

12 17 1. The commission shall send a copy of its dissolution
12 18 proposal or shall inform the board that it cannot agree upon a
12 19 dissolution proposal not later than one year following the
12 20 date of the organizational meeting of the commission. The
12 21 commission shall also send a copy of the dissolution proposal
12 22 ~~by registered mail~~ to the boards of directors of all school
12 23 districts to which area of the affected school district will
12 24 be attached. If the board of a district to which area of the
12 25 affected school district will be attached objects to the
12 26 attachment, within ten days following receipt of the
12 27 dissolution proposal the board shall send its objections in
12 28 writing to the commission using any method specified in
12 29 subsection 2. The commission may consider the objections and
12 30 may modify the dissolution proposal. If the dissolution
12 31 proposal is modified, the commission shall notify ~~by~~
12 32 ~~registered mail~~ the boards of directors of all school
12 33 districts to which area of the affected school district will
12 34 be attached.

12 35 2. The copy of the dissolution proposal, as well as any
13 1 modification, shall be sent to the boards by any of the
13 2 following methods:

13 3 a. Mail bearing a United States postal service postmark.

13 4 b. Hand delivery.

13 5 c. Facsimile transmission.

13 6 d. Electronic delivery.

13 7 3. If the commission cannot agree upon a dissolution
13 8 proposal prior to the expiration of its term, the board may
13 9 appoint a new commission.

13 10 Sec. 22. Section 275.54, Code 2007, is amended to read as
13 11 follows:

13 12 275.54 HEARING.

13 13 1. Within ten days following the filing of the dissolution
13 14 proposal with the board, the board shall fix a date for a
13 15 hearing on the proposal which shall not be more than sixty
13 16 days after the dissolution petition was filed with the board.
13 17 The board shall publish notice of the date, time, and location
13 18 of the hearing at least ten days prior to the date of the
13 19 hearing by one publication in a newspaper in general
13 20 circulation in the district. The notice shall include the
13 21 content of the dissolution proposal. A person residing or
13 22 owning land in the school district may present evidence and
13 23 arguments at the hearing. The president of the board shall
13 24 preside at the hearing. The board shall review testimony from
13 25 the hearing and shall adopt or amend and adopt the dissolution
13 26 proposal.

13 27 2. The board shall notify ~~by registered mail~~ the boards of
13 28 directors of all school districts to which area of the
13 29 affected school district will be attached and the director of
13 30 the department of education of the contents of the dissolution
13 31 proposal adopted by the board. The notification may be made
13 32 by any of the following methods:

13 33 a. Mail bearing a United States postal service postmark.

13 34 b. Hand delivery.

13 35 c. Facsimile transmission.

14 1 d. Electronic delivery.

14 2 3. If the board of a district to which area of the

14 3 affected school district will be attached objects to the
14 4 attachment, that portion of the dissolution proposal will not
14 5 be included in the proposal voted upon under section 275.55
14 6 and the director of the department of education shall attach
14 7 the area to a contiguous school district.

14 8 4. If the board of a district to which area of the
14 9 affected school district will be attached objects to the
14 10 division of assets and liabilities contained in the
14 11 dissolution proposal, ~~section 275.30 applies for the division~~
14 12 ~~of assets and liabilities to that district the matter shall be~~
14 13 ~~decided by a panel of disinterested arbitrators. The panel~~
14 14 ~~shall consist of one arbitrator selected by the objecting~~
14 15 ~~district or districts, one selected by the districts in favor~~
14 16 ~~of the provisions of the dissolution proposal, and one~~
14 17 ~~selected by the dissolving district. If the number of~~
14 18 ~~arbitrators selected is even, a disinterested arbitrator shall~~
14 19 ~~be selected by the administrator of the area education agency~~
14 20 ~~to which the dissolving district belongs. The decision of the~~
14 21 ~~arbitrators shall be made in writing and filed with the~~
14 22 ~~secretary of the new corporation, and a party to the~~
14 23 ~~proceedings may appeal the decision to the district court by~~
14 24 ~~serving notice on the secretary of the new corporation within~~
14 25 ~~twenty days after the decision is filed. The appeal shall be~~
14 26 ~~tried in equity and a decree entered determining the entire~~
14 27 ~~matter, including the levy, collection, and distribution of~~
14 28 ~~any necessary taxes.~~

14 29 5. If a dissolution proposal adopted by a board contains
14 30 provisions that ninety-five percent or more of the taxable
14 31 valuation of the dissolving district would be assumed and
14 32 attached to a single school district, the dissolving school
14 33 district shall cease further proceedings to dissolve and shall
14 34 comply with reorganization procedures specified in this
14 35 chapter.

15 1 Sec. 23. Section 275.55, unnumbered paragraph 1, Code
15 2 2007, is amended to read as follows:

15 3 The board of the school district shall call a special
15 4 election to be held not later than ~~forty~~ sixty days following
15 5 the date of the final hearing on the dissolution proposal.
15 6 The special election may be held at the same time as the
15 7 regular school election. The proposition submitted to the
15 8 voters residing in the school district at the special election
15 9 shall describe each separate area to be attached to a
15 10 contiguous school district and shall name the school district
15 11 to which it will be attached. In addition to the description,
15 12 a map may be included in the summary of the question on the
15 13 ballot.

15 14 Sec. 24. Section 279.30, Code 2007, is amended to read as
15 15 follows:

15 16 279.30 EXCEPTIONS.

15 17 Each payment must be made payable to the person entitled to
15 18 receive the money or direct deposited to an account at a
15 19 financial institution, as defined in section 527.2, specified
15 20 by the person entitled to receive the money. The board of
15 21 directors of a school district or an area education agency may
15 22 by resolution authorize the secretary, upon approval of the
15 23 superintendent or designee, or administrator, in the case of
15 24 an area education agency, to issue payments when the board of
15 25 directors is not in session in payment of reasonable and
15 26 necessary expenses, but only upon verified bills filed with
15 27 the secretary or administrator, and for the payment of
15 28 salaries pursuant to the terms of a written contract. Each
15 29 payment must be made payable only to the person performing the
15 30 service or presenting the verified bill, and must state the
15 31 purpose for which the payment is issued. All bills and
15 32 salaries for which payments are issued prior to audit and
15 33 allowance by the board must be passed upon by the board of
15 34 directors at the next meeting and be entered in the regular
15 35 minutes of the secretary.

16 1 Sec. 25. Section 279.42, Code 2007, is amended to read as
16 2 follows:

16 3 279.42 GIFTS TO SCHOOLS.

16 4 The board of directors of a school district ~~which that~~
16 5 ~~receives funds through gifts a gift, devises devise, and~~
16 6 ~~requests or bequest shall deposit these the funds in a trust~~
16 7 ~~and agency or permanent fund and shall use them the funds in~~
16 8 ~~accordance with the terms of the gift, devise, or bequest.~~

16 9 Sec. 26. Section 279.45, Code 2007, is amended to read as
16 10 follows:

16 11 279.45 ADMINISTRATIVE EXPENDITURES.

16 12 ~~For the budget year beginning July 1, 1989, and each of the~~
16 13 ~~following three budget years, the board of directors of a~~

~~16 14 school district in which the administrative expenditures as a~~
~~16 15 percent of the school district's operating fund for a base~~
~~16 16 year exceed five percent, shall reduce its administrative~~
~~16 17 expenditures so that they are one-half percent less as a~~
~~16 18 percent of the school district's operating fund than they were~~
~~16 19 for the base year. However, a A school district is not~~
~~16 20 required to reduce its district's administrative expenditures~~
16 21 below shall not exceed five percent of its operating general
16 22 fund. ~~Thereafter, a A~~ school district shall not increase the
16 23 percent of its administrative expenditures compared to its
16 24 operating general fund. Annually, the board of directors
16 25 shall certify to the department of education the amounts of
16 26 the school district's administrative expenditures and its
16 27 operating general fund. For the purposes of this section,
16 28 "~~base year~~" and "~~budget year~~" mean the same as defined in
~~16 29 section 442.6, Code 1989, and section 257.2, and~~
16 30 "administrative expenditures" means expenditures for executive
16 31 administration.

16 32 Sec. 27. Section 282.1, unnumbered paragraph 1, Code 2007,
16 33 is amended to read as follows:

16 34 Persons between five and twenty-one years of age are of
16 35 school age. Nonresident children shall be charged the maximum
17 1 tuition rate as determined in section 282.24, subsection 1,
17 2 with the exception that those residing temporarily in a school
17 3 corporation may attend school in the corporation upon terms
17 4 prescribed by the board, ~~and boards.~~ A school district
17 5 discontinuing grades under section 282.7, subsection 1 or
17 6 subsections 1 and 3, shall be charged tuition as provided in
17 7 section 282.24, subsection ~~2~~ 1.

17 8 Sec. 28. Section 282.18, subsection 4, Code 2007, is
17 9 amended by adding the following new paragraph:

17 10 NEW PARAGRAPH. bb. If a transfer is requested after March
17 11 1 of the preceding school year on behalf of a pupil whose
17 12 sibling is already participating in open enrollment to the
17 13 receiving district, the receiving district shall take action
17 14 to approve the request.

17 15 Sec. 29. Section 282.18, subsection 5, Code 2007, is
17 16 amended to read as follows:

17 17 5. Open enrollment applications filed after March 1 of the
17 18 preceding school year that do not qualify for ~~good cause~~
17 19 approval as provided in subsection 4 shall be subject to the
17 20 approval of the board of the resident district and the board
17 21 of the receiving district. The parent or guardian shall send
17 22 notification to the district of residence and the receiving
17 23 district that the parent or guardian seeks to enroll the
17 24 parent's or guardian's child in the receiving district. A
17 25 decision of either board to deny an application filed under
17 26 this subsection involving repeated acts of harassment of the
17 27 student or serious health condition of the student that the
17 28 resident district cannot adequately address is subject to
17 29 appeal under section 290.1. The state board shall exercise
17 30 broad discretion to achieve just and equitable results that
17 31 are in the best interest of the affected child or children.

17 32 Sec. 30. Section 282.31, subsection 1, paragraph a, Code
17 33 Supplement 2007, is amended to read as follows:

17 34 a. A child who lives in a facility pursuant to section
17 35 282.30, subsection 1, paragraph "a", and who is not enrolled
18 1 in the educational program of the district of residence of the
18 2 child, shall receive appropriate educational services. The
18 3 area education agency shall submit a proposed program and
18 4 budget to the department of education by ~~January~~ February 1
18 5 for the next succeeding school year. The department of
18 6 education shall review and approve or modify the program and
18 7 proposed budget and shall notify the department of
18 8 administrative services and the area education agency of its
18 9 action by ~~February~~ April 1. The department of administrative
18 10 services shall pay the approved budget amount for an area
18 11 education agency in monthly installments beginning September
18 12 15 and ending June 15 of the next succeeding school year. The
18 13 installments shall be as nearly equal as possible as
18 14 determined by the department of management, taking into
18 15 consideration the relative budget and cash position of the
18 16 state's resources. The department of administrative services
18 17 shall transfer the approved budget amount for an area
18 18 education agency from the moneys appropriated under section
18 19 257.16 and make the payment to the area education agency. The
18 20 area education agency shall submit an accounting for the
18 21 actual cost of the program to the department of education by
18 22 ~~August~~ September 15 of the following school year. The
18 23 department shall review and approve or modify all expenditures
18 24 incurred in compliance with the guidelines pursuant to section

18 25 256.7, subsection 10, and shall notify the department of
18 26 administrative services of the approved accounting amount.
18 27 The approved accounting amount shall be compared with any
18 28 amounts paid by the department of administrative services to
18 29 the area education agency and any differences added to or
18 30 subtracted from the October payment made under this paragraph
18 31 for the next school year. Any amount paid by the department
18 32 of administrative services shall be deducted monthly from the
18 33 state foundation aid paid under section 257.16 to all school
18 34 districts in the state during the subsequent fiscal year. The
18 35 portion of the total amount of the approved budget that shall
19 1 be deducted from the state aid of a school district shall be
19 2 the same as the ratio that the budget enrollment for the
19 3 budget year of the school district bears to the total budget
19 4 enrollment in the state for that budget year in which the
19 5 deduction is made.

19 6 Sec. 31. Section 285.9, Code 2007, is amended by adding
19 7 the following new subsection:

19 8 NEW SUBSECTION. 5. Review all transportation disputes
19 9 between districts. If the affected districts are located in
19 10 more than one area education agency, the area education agency
19 11 in which the larger of the districts is located shall be the
19 12 reviewing agency. In resolving disputes between districts,
19 13 the reviewing agency board shall, after receiving all facts,
19 14 make such alterations or changes as necessary to make the
19 15 arrangements, designations, and contracts conform to the legal
19 16 and established requirements and shall notify each affected
19 17 local school board of such action. An affected district may
19 18 appeal the decision of the agency board to the director of the
19 19 department of education by following the timelines and
19 20 procedures in section 285.12.

19 21 Sec. 32. Section 291.1, Code 2007, is amended to read as
19 22 follows:

19 23 291.1 PRESIDENT == DUTIES.

19 24 The president of the board of directors shall preside at
19 25 all of its meetings, sign all contracts made by the board, and
19 26 appear ~~in~~ on behalf of the corporation in all actions brought
19 27 by or against it, unless individually a party, in which case
19 28 this duty shall be performed by the secretary. The president
19 29 or the president's designee shall sign, using an original or
19 30 facsimile signature, all school district ~~warrants payments~~
19 31 drawn and authorize electronic funds transfers as provided by
19 32 law. The board of directors, by resolution, may designate an
19 33 individual, who shall not be the secretary, to sign ~~warrants~~
19 34 payments or authorize electronic funds transfers on behalf of
19 35 the president.

20 1 Sec. 33. Section 291.6, subsection 3, Code 2007, is
20 2 amended by striking the subsection and inserting in lieu
20 3 thereof the following:

20 4 3. ACCOUNTING RECORDS. Keep an accurate accounting record
20 5 of each payment or electronic funds transfer from each fund
20 6 which shall be provided monthly to the board of directors.
20 7 The secretary of the creditor district shall prepare and
20 8 deliver to debtor districts an itemized statement of tuition
20 9 fees charged in accordance with sections 275.55A and 282.11,
20 10 and section 282.24, subsection 1.

20 11 Sec. 34. Section 291.6, subsection 4, Code 2007, is
20 12 amended to read as follows:

20 13 4. CLAIMS. Keep an accurate ~~account~~ accounting of all
20 14 expenses incurred by the corporation, and present the same to
20 15 the board for audit and payment.

20 16 Sec. 35. Section 291.7, Code 2007, is amended to read as
20 17 follows:

20 18 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

20 19 The secretary of each district shall file monthly with the
20 20 board of directors a complete statement of all receipts and
20 21 disbursements from ~~the various funds~~ each individual fund
20 22 during the preceding month, and also the balance remaining on
20 23 hand in ~~the various funds~~ each individual fund at the close of
20 24 the period covered by the statement, which monthly statements
20 25 shall be open to public inspection.

20 26 Sec. 36. Section 291.8, Code 2007, is amended by striking
20 27 the section and inserting in lieu thereof the following:

20 28 291.8 PAYMENTS.

20 29 The secretary shall make each authorized payment,
20 30 countersign using an original or facsimile signature, and
20 31 maintain accounting records of the payments or electronic
20 32 funds transfers, showing the number, date, payee, originating
20 33 fund, the purpose, and the amount; and shall provide to the
20 34 board at each regular annual meeting a copy of the accounting
20 35 records maintained by the secretary.

21 1 Sec. 37. Section 291.12, Code 2007, is amended to read as
21 2 follows:
21 3 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~
21 4 PAYMENTS.
21 5 The treasurer shall receive all moneys belonging to the
21 6 corporation, pay the same out only upon the order of the
21 7 president countersigned by the secretary, ~~keeping and shall~~
21 8 ~~keep an accurate account accounting record of all receipts and~~
21 9 ~~expenditures in a book provided for that purpose.~~ The
21 10 treasurer shall register all ~~orders drawn payments and~~
21 11 electronic funds transfers made and reported to the treasurer
21 12 by the secretary, showing the number, date, to whom drawn, the
21 13 fund ~~upon from~~ from which drawn each payment and transfer was made,
21 14 the purpose and amount.
21 15 Sec. 38. Section 291.14, Code 2007, is amended to read as
21 16 follows:
21 17 291.14 FINANCIAL STATEMENT.
21 18 The treasurer shall render a statement of the finances of
21 19 the corporation whenever required by the board, and the
21 20 treasurer's ~~books~~ accounting records shall always be open for
21 21 inspection.
21 22 Sec. 39. Section 298A.13, Code 2007, is amended to read as
21 23 follows:
21 24 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.
21 25 Trust, permanent, or agency funds shall be established by
21 26 any school corporation to account for gifts it receives to be
21 27 used for a particular purpose or to account for money and
21 28 property received and administered by the district as trustee
21 29 or custodian or in the capacity of an agent. Boards may
21 30 establish trust ~~and, permanent, or~~ agency funds as necessary.
21 31 Sec. 40. Section 299.1, unnumbered paragraph 2, Code 2007,
21 32 is amended to read as follows:
21 33 The board of directors of a public school district or the
21 34 governing body of an accredited nonpublic school may, by
21 35 resolution, require attendance for the entire time when the
22 1 schools are in session in any school year and adopt a policy
22 2 or rules relating to the reasons considered to be valid or
22 3 acceptable excuses for absence from school.
22 4 Sec. 41. Section 299A.11, Code 2007, is amended to read as
22 5 follows:
22 6 299A.11 STUDENT RECORDS CONFIDENTIAL.
22 7 Notwithstanding any provision of law or rule to the
22 8 contrary, personal information in records regarding a child
22 9 receiving competent private instruction pursuant to this
22 10 chapter, which are maintained, created, collected, or
22 11 assembled by or for a state agency, shall be kept confidential
22 12 in the same manner as personal information in student records
22 13 maintained, created, collected, or assembled by or for a
22 14 school corporation or educational institution in accordance
22 15 with section 22.7, subsection 1. For purposes of this
22 16 section, "personal information in records regarding a child
22 17 receiving competent private instruction" shall include the
22 18 child's name and home address, as well as all other
22 19 information that personally identifies the child.
22 20 Sec. 42. Section 301.28, Code 2007, is amended to read as
22 21 follows:
22 22 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND
22 23 SUPPLIES == ~~PENALTY.~~
22 24 ~~It shall be unlawful for any A school director, officer,~~
22 25 ~~area education director, or teacher to shall not act as an~~
22 26 ~~agent for any school textbooks or school supplies in any~~
22 27 ~~transaction with a director, officer, or other staff member of~~
22 28 ~~the school district or a director, officer, or other staff~~
22 29 ~~member of the area education agency in which the school~~
22 30 ~~district is located during such term of office or employment,~~
22 31 ~~and any school director, officer, area education director, or~~
22 32 ~~teacher, who shall act acts as an agent or dealer in school~~
22 33 ~~textbooks or school supplies, within the school district or~~
22 34 ~~area education agency in which the school district is located~~
22 35 ~~during the term of such office or employment, in violation of~~
23 1 this section shall be deemed guilty of a serious misdemeanor.
23 2 Sec. 43. Section 321.1, subsection 69, unnumbered
23 3 paragraph 1, Code 2007, is amended to read as follows:
23 4 "School bus" means every vehicle operated for the
23 5 transportation of children to or from school or school
23 6 activities, except vehicles which are:
23 7 Sec. 44. Section 321.1, subsection 69, paragraph d, Code
23 8 2007, is amended to read as follows:
23 9 d. Designed to carry not more than nine persons as
23 10 passengers, either school owned or privately owned, which are
23 11 ~~used to transport pupils to activity events in which the~~

~~23 12 pupils are participants or used to transport pupils to their~~
23 13 homes in case of illness or other emergency situations. The
23 14 vehicles operated under the provisions of this paragraph shall
23 15 be operated by employees of the school district who are
23 16 specifically approved by the local superintendent of schools
23 17 for the assignment.

23 18 Sec. 45. Section 321.373, subsection 1, Code 2007, is
23 19 amended to read as follows:

23 20 1. Every school bus ~~except private passenger vehicles used~~
~~23 21 as school buses as defined in section 321.1, subsection 69,~~
23 22 shall be constructed and equipped to meet safety standards
23 23 prescribed in rules adopted by the state board of education.
23 24 Such rules shall conform to safety standards set forth in
23 25 federal laws and regulations and shall conform, insofar as
23 26 practicable, to the minimum standards for school buses
23 27 recommended by the national conference on school
23 28 transportation administered by the national commission on
23 29 safety education and published by the national education
23 30 association.

23 31 Sec. 46. Section 321.376, Code 2007, is amended by adding
23 32 the following new subsection:

23 33 NEW SUBSECTION. 3. The provisions of this section
23 34 relating to a certificate of qualification and approved course
23 35 of instruction shall not apply to a person driving a vehicle
24 1 designed to carry not more than nine persons as passengers,
24 2 either school-owned or privately owned, used to transport
24 3 pupils to activity events.

24 4 Sec. 47. Section 321J.3, subsection 1, paragraph c, Code
24 5 2007, is amended to read as follows:

24 6 c. The court may prescribe the length of time for the
24 7 evaluation and treatment or it may request that the community
24 8 college or other approved provider conducting the course for
24 9 drinking drivers which the person is ordered to attend or the
24 10 treatment program to which the person is committed immediately
24 11 report to the court when the person has received maximum
24 12 benefit from the course for drinking drivers or treatment
24 13 program or has recovered from the person's addiction,
24 14 dependency, or tendency to chronically abuse alcohol or drugs.

24 15 Sec. 48. Section 321J.17, subsection 2, unnumbered
24 16 paragraph 2, Code 2007, is amended to read as follows:

24 17 The court or department may request that the community
24 18 college or substance abuse treatment providers licensed under
24 19 chapter 125 or other approved provider conducting the course
24 20 for drinking drivers that the person is ordered to attend,
24 21 immediately report to the court or department that the person
24 22 has successfully completed the course for drinking drivers.
24 23 The court or department may request that the treatment program
24 24 which the person attends periodically report on the
24 25 defendant's attendance and participation in the program, as
24 26 well as the status of treatment or rehabilitation.

24 27 Sec. 49. Section 321J.22, subsection 1, Code 2007, is
24 28 amended by adding the following new paragraph:

24 29 NEW PARAGRAPH. 0a. "Approved provider" means a provider
24 30 of a course offered out of state for drinking drivers which
24 31 has been approved by the department of education.

24 32 Sec. 50. Section 321J.22, subsection 2, Code 2007, is
24 33 amended by adding the following new paragraph:

24 34 NEW PARAGRAPH. cc. The department of education may
24 35 approve a provider of a course offered out of state for
25 1 drinking drivers upon proof to the department's satisfaction
25 2 that the course is comparable to those offered by community
25 3 colleges and substance abuse treatment programs licensed under
25 4 chapter 125. The department shall comply with the
25 5 requirements of subsection 5 regarding such approved
25 6 providers.

25 7 Sec. 51. Section 331.756, subsection 7, Code Supplement
25 8 2007, is amended to read as follows:

25 9 7. Give advice or a written opinion, without compensation,
25 10 to the board and other county officers and to ~~school and~~
25 11 township officers, when requested by an officer, upon any
25 12 matters in which the state, county, ~~school,~~ or township is
25 13 interested, or relating to the duty of the officer in any
25 14 matters in which the state, county, ~~school,~~ or township may
25 15 have an interest, but the county attorney shall not appear
25 16 before the board at a hearing in which the state or county is
25 17 not interested.

25 18 Sec. 52. Sections 256.20, 256.23, 297.2, and 297.3, Code
25 19 2007, are repealed.

25 20 EXPLANATION

25 21 This bill makes changes to Code provisions as follows:

25 22 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is

25 23 amended to establish that the provision does not prohibit a
25 24 school corporation or educational institution from
25 25 transferring student records electronically to other school
25 26 corporations or educational institutions in accordance with
25 27 the department of education's comprehensive management
25 28 information system and uniform coding and reporting system.
25 29 Code section 299A.11 is amended to provide that "personal
25 30 information in records regarding a child receiving competent
25 31 private instruction" includes the child's name and home
25 32 address, and any other information that personally identifies
25 33 the child.

25 34 PREFERENCES. Code section 73.1 is amended to include
25 35 school districts participating in a federal school breakfast
26 1 program within an exemption from a provision that requires
26 2 governing bodies in the state to use only those products and
26 3 provisions grown and coal produced within the state of Iowa
26 4 when they are found in marketable quantities, are of a
26 5 suitable quality, and are no more costly than products from
26 6 other states and countries. Currently, school districts
26 7 participating in the federal school lunch program are exempt.

26 8 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
26 9 256.5A is amended to increase the term of the nonvoting
26 10 student member of the state board of education from one year
26 11 to two years, and provides that the student must be enrolled
26 12 in grade 10 when applying for the appointment. Currently, a
26 13 student may be enrolled in grade 10 or 11 at the time the
26 14 student applies.

26 15 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code
26 16 section 256.10, subsection 2, is amended by striking a
26 17 provision that prohibits the dismissal of a member of the
26 18 professional staff for cause without appropriate due process
26 19 procedures, but adds that the person must not be dismissed
26 20 without an opportunity to meet with the director of education.
26 21 The bill also adds that appointments to the professional staff
26 22 must be made without reference to sexual orientation or gender
26 23 identity.

26 24 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES.
26 25 Code section 256.11 is amended to replace language defining
26 26 "school nurse" with language providing that the scope of
26 27 practice of a school nurse shall be as established by the
26 28 board of nursing.

26 29 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
26 30 provides for the distribution and administration of moneys in
26 31 excess of federal moneys to pay the expense of educating
26 32 American Indian children residing in the Sac and Fox Indian
26 33 settlement. The bill eliminates language that requires the
26 34 tribal council to submit an annual report to the department of
26 35 education accounting for expenditure of the moneys and
27 1 requires the department of education to certify compliance
27 2 before the department of management can approve allotment of
27 3 the moneys.

27 4 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.2
27 5 is amended to add to the definition of "children requiring
27 6 special education" a provision allowing such a child who
27 7 reaches age 21 during an academic year to elect to continue to
27 8 receive special education services until the academic year
27 9 ends. A conforming change is made to Code section 256B.8.

27 10 Code section 256B.6 is amended to provide that when a child
27 11 requiring special education attains the age of majority or is
27 12 incarcerated in a correctional institution, the rights of the
27 13 child's parent or guardian transfers to the child, and any
27 14 notice to that child's parent or guardian must also be
27 15 provided to the child. If the child is determined to be
27 16 incompetent, these rights shall be exercised by the person
27 17 appointed to represent the educational interest of the child.

27 18 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
27 19 257.6 is amended to specify that accredited nonpublic school
27 20 pupils receiving classes or services funded by federal grants
27 21 or allocations shall not be counted in a school district's
27 22 enrollment as shared-time or part-time pupils. The bill makes
27 23 a conforming change to Code section 257.37, subsection 4.

27 24 SUPPLEMENTARY WEIGHTING. Code section 257.11 is amended to
27 25 extend funding for another year, to FY 2008=2009, for
27 26 supplementary weighting for regional academies, and to provide
27 27 that a pupil who is eligible for special education weighting
27 28 is not also eligible for supplementary weighting unless the
27 29 course generating the supplementary weighting has no
27 30 relationship to the pupil's disability.

27 31 ON=TIME BUDGET ADJUSTMENT. Code section 257.13 is amended
27 32 to extend to November 15 the annual date by which the board of
27 33 directors of a school district that wishes to receive an

27 34 on-time funding budget adjustment must adopt a resolution to
27 35 receive the adjustment and notify the school budget review
28 1 committee. The current date is November 1.
28 2 LIMITATION ON LAND. The bill amends Code section 260C.35
28 3 to specify that the board of directors of a community college
28 4 may, at any one time and with the approval of the director of
28 5 the department of education, sell any land in a single tract
28 6 in excess of 160 acres without an election.
28 7 POSTSECONDARY ENROLLMENT OPTIONS REPORT. Code section
28 8 261C.4 is amended to eliminate a requirement that an eligible
28 9 postsecondary institution send written notice to the
28 10 department of education when the institution accepts an
28 11 eligible pupil for enrollment under the postsecondary
28 12 enrollment options Act.
28 13 AREA EDUCATION AGENCY BUDGET DEADLINES. Code section 273.3
28 14 is amended to extend the dates by which area education agency
28 15 proposed budgets must be reviewed, approved, or returned by
28 16 the state board and resubmitted to the state board if not
28 17 approved.
28 18 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45
28 19 are amended by striking obsolete language, including replacing
28 20 the word "operating" with the word "general" to refer to the
28 21 fund an area education agency (AEA) or school district can use
28 22 for administrative expenditures.
28 23 REORGANIZATION OF SCHOOL DISTRICTS. Code section 275.31 is
28 24 amended by striking obsolete language which allows any owner
28 25 of bonds of an affected school corporation, reorganized or
28 26 dissolved prior to 1989, to bring suit in equity for
28 27 adjustment of the division and distribution in the case of a
28 28 reorganized district. The language also provided for the
28 29 payment of debt service by the department of management to the
28 30 newly formed district in an amount that reduces the rate of
28 31 the property tax levy for lawful bonded indebtedness in the
28 32 portion of the newly formed district where the new rate is
28 33 higher, to the rate that was levied in that portion of the
28 34 district during the year preceding the reorganization or
28 35 dissolution.
29 1 Code sections 275.53 and 275.54 are amended to replace a
29 2 requirement that notification of a dissolution proposal be
29 3 sent by registered mail with a number of options for making
29 4 the required notification. The bill also amends Code section
29 5 275.54 to establish an arbitration process for use when a
29 6 board of a district to which area of the affected school
29 7 district will be attached objects to the division of assets
29 8 and liabilities contained in the dissolution proposal. Under
29 9 the process, the objecting district selects a disinterested
29 10 arbitrator, the district in favor of the dissolution proposal
29 11 selects a disinterested arbitrator, and the administrator of
29 12 the AEA to which the dissolving district belongs selects a
29 13 disinterested arbitrator.
29 14 Code section 275.55 is amended to extend the amount of time
29 15 a school board has to call a special election on a dissolution
29 16 proposal from 40 to 60 days.
29 17 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
29 18 279.30 is amended to allow the board of directors of a school
29 19 district or of an AEA to direct deposit a payment at a
29 20 financial institution specified by the person entitled to the
29 21 money. Code section 291.1; Code section 291.6, subsections 3
29 22 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14 are
29 23 amended to replace references to "books", "registers", and
29 24 "warrants" with references to payments, electronic funds
29 25 transfers, and "accounting records" and to make related
29 26 changes.
29 27 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13
29 28 are amended to give school districts the option of
29 29 establishing a permanent fund for gifts received and to allow
29 30 school districts to deposit funds received from gifts,
29 31 devise, and bequests into a trust or permanent fund; and to
29 32 strike the word "agency" from Code section 279.42 as agency
29 33 funds are not used for deposit of gifts.
29 34 CODE CORRECTION. The bill makes corrections to Code
29 35 section 282.1 to change a reference, and to Code section
30 1 299.1, to refer to the board of directors of a public school
30 2 district.
30 3 OPEN ENROLLMENT BY SIBLING. Code section 282.18,
30 4 subsection 4, is amended to require that a receiving district
30 5 approve a transfer request submitted after March 1 of the
30 6 preceding school year if the sibling of the pupil for whom the
30 7 request is made is already participating in open enrollment to
30 8 the receiving district. The bill makes a conforming change to
30 9 Code section 282.18, subsection 5.

30 10 AEA FUNDING FOR SPECIAL PROGRAM DEADLINES. Code section
30 11 282.31 is amended to change the date by which an AEA must
30 12 submit a proposed special program and budget to the department
30 13 of education for children living in shelter care or juvenile
30 14 detention homes, the date by which the department must take
30 15 action, and the date by which the AEA must submit actual
30 16 costs.

30 17 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
30 18 provision to Code section 285.9 to assign the duty of
30 19 reviewing and resolving all transportation disputes between
30 20 districts to the AEA boards.

30 21 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES.
30 22 Code section 301.28 is amended to prohibit a school director,
30 23 officer, area education director, or teacher from acting as an
30 24 agent for school textbooks or school supplies in any
30 25 transaction with a director, officer, or staff member of the
30 26 school district or the AEA in which the school district is
30 27 located. Currently, such persons are prohibited from acting
30 28 as an agent for any school textbooks or school supplies,
30 29 rather than as an agent for school textbooks or school
30 30 supplies in any transaction with the school district or AEA.

30 31 SCHOOL BUS DEFINITION. Code section 321.1, subsection 69,
30 32 is amended to strike from an exemption to the definition of
30 33 "school bus", language that includes a vehicle operated for
30 34 the transportation of children to or from school activities.
30 35 Currently, the definition is limited to transportation of
31 1 children to or from school. The bill makes a conforming
31 2 amendment to Code section 321.373 to provide that every school
31 3 bus, including those used to transport students to school
31 4 activities, must be constructed and equipped to meet specified
31 5 safety standards. However, the bill amends Code section
31 6 321.376 to provide that certificate of qualification and
31 7 approved course of instruction requirements do not apply to
31 8 persons driving pupils to activities in nine-passenger
31 9 vehicles.

31 10 APPROVED COURSES FOR DRINKING DRIVERS. Code sections
31 11 321J.3 and 321J.17 are amended to expand the providers of
31 12 drinking driver courses supervised and approved by the
31 13 department of education to include "other approved providers",
31 14 which the bill defines in Code section 321J.22, as providers
31 15 of courses offered out of state. The out-of-state providers
31 16 must prove to the department's satisfaction that the course is
31 17 comparable to those offered by community colleges and
31 18 substance abuse treatment programs. The bill establishes that
31 19 other approved providers may be requested to meet the same
31 20 reporting requirements as the community colleges and substance
31 21 abuse treatment programs.

31 22 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code
31 23 section 331.756, subsection 7, which specifies the duties of
31 24 county attorneys, to eliminate a requirement that county
31 25 attorneys give advice or a written opinion, without
31 26 compensation, to school officers upon request.

31 27 CODE SECTIONS REPEALED. The bill repeals the following:
31 28 1. Code section 256.20, which permits school districts to
31 29 request approval from the state board of education for a pilot
31 30 project for a year around three-semester school year.
31 31 2. Code section 256.23, which establishes a recruitment
31 32 and advancement program to provide for the allocation of
31 33 grants to school corporations for pilot projects that
31 34 encourage the advancement of women and minorities to
31 35 administrative positions.

32 1 3. Code section 297.2, which permits school districts to
32 2 take and hold so much real estate as may be required for the
32 3 location or construction of schoolhouses, up to a limit of 10
32 4 acres.
32 5 4. Code section 297.3, which permits any school district,
32 6 including a city or village, to take and hold an area equal to
32 7 two blocks for a schoolhouse site, up to a limit of 30 acres,
32 8 for a school playground, stadium, or field house, or other
32 9 purposes.

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32 11 kh/nh/5