

Senate Study Bill 3071

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

Passed Senate, Date _____ Passed House, 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 5310XD 82
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1 1 Section 1. Section 19B.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. It is the policy of this state to provide equal
1 4 opportunity in school district, area education agency, and
1 5 community college employment to all persons. An individual
1 6 shall not be denied equal access to school district, area
1 7 education agency, or community college employment
1 8 opportunities because of political party affiliation, race,
1 9 creed, color, religion, national origin, sex, sexual
1 10 orientation, gender identity, age, or physical or mental
1 11 disability, or marital status. It also is the policy of this
1 12 state to apply affirmative action measures to correct
1 13 deficiencies in school district, area education agency, and
1 14 community college employment systems where those remedies are
1 15 appropriate. This policy shall be construed broadly to
1 16 effectuate its purposes.

1 17 Sec. 2. Section 22.7, subsection 1, Code Supplement 2007,
1 18 is amended to read as follows:

1 19 1. Personal information in records regarding a student,
1 20 prospective student, or former student maintained, created,
1 21 collected or assembled by or for a school corporation or
1 22 educational institution maintaining such records. This
1 23 subsection shall not be construed to prohibit a postsecondary
1 24 education institution from disclosing to a parent or guardian
1 25 information regarding a violation of a federal, state, or
1 26 local law, or institutional rule or policy governing the use
1 27 or possession of alcohol or a controlled substance if the
1 28 child is under the age of twenty-one years and the institution
1 29 determines that the student committed a disciplinary violation
1 30 with respect to the use or possession of alcohol or a
1 31 controlled substance regardless of whether that information is
1 32 contained in the student's education records. This subsection
1 33 shall not be construed to prohibit a school corporation or
1 34 educational institution from transferring student records
1 35 electronically to the department of education, an accredited
2 1 nonpublic school, an attendance center, a school district, or
2 2 an accredited postsecondary institution in accordance with
2 3 section 256.9, subsection 52.

2 4 Sec. 3. Section 73.1, unnumbered paragraph 1, Code 2007,
2 5 is amended to read as follows:

2 6 Every commission, board, committee, officer, or other
2 7 governing body of the state, or of any county, township,
2 8 school district, or city, and every person acting as
2 9 contracting or purchasing agent for any such commission,
2 10 board, committee, officer, or other governing body shall use
2 11 only those products and provisions grown and coal produced
2 12 within the state of Iowa, when they are found in marketable
2 13 quantities in the state and are of a quality reasonably suited
2 14 to the purpose intended, and can be secured without additional
2 15 cost over foreign products or products of other states. This
2 16 section shall apply to horticultural products grown in this
2 17 state even if the products are not in the stage of processing
2 18 that the agency usually purchases the product. However, this

2 19 section does not apply to a school district purchasing food
2 20 while the school district is participating in ~~the a~~ federal
2 21 school lunch or breakfast program.

2 22 Sec. 4. Section 256.5A, Code 2007, is amended to read as
2 23 follows:

2 24 256.5A NONVOTING MEMBER.

2 25 1. The governor shall appoint the one nonvoting student
2 26 member of the state board for a term of ~~one year~~ two years
2 27 beginning and ending as provided in section 69.19. The
2 28 nonvoting student member shall be appointed from a list of
2 29 names submitted by the state board of education. Students
2 30 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school may
2 31 apply to the state board to serve as a nonvoting student
2 32 member.

2 33 2. The department shall develop an application process
2 34 that requires the consent of the student's parent or guardian
2 35 if the student is a minor, initial application approval by the
3 1 school district in which the student applicant is enrolled,
3 2 and submission of approved applications by a school district
3 3 to the department.

3 4 3. The nonvoting student member's school district of
3 5 enrollment shall notify the student's parents if the student's
3 6 grade point average falls during the period in which the
3 7 student is a member of the state board.

3 8 4. The state board shall adopt rules under chapter 17A
3 9 specifying criteria for the selection of applicants whose
3 10 names shall be submitted to the governor. Criteria shall
3 11 include, but are not limited to, academic excellence,
3 12 participation in extracurricular and community activities, and
3 13 interest in serving on the board. Rules adopted by the state
3 14 board shall also require, if the student is a minor,
3 15 supervision of the student by the student's parent or guardian
3 16 while the student is engaged in authorized state board
3 17 business at a location other than the community in which the
3 18 student resides, unless the student's parent or guardian
3 19 submits to the state board a signed release indicating the
3 20 parent or guardian has determined that supervision of the
3 21 student by the parent or guardian is unnecessary.

3 22 5. The nonvoting student member appointment is not subject
3 23 to section 69.16 or 69.16A.

3 24 6. The nonvoting student member shall have been enrolled
3 25 in a public school in Iowa for at least one year prior to the
3 26 member's appointment. ~~A nonvoting student member who will not~~
~~3 27 graduate from high school prior to the end of a second term~~
~~3 28 may apply to the state board for submission of candidacy to~~
~~3 29 the governor for a second one-year term.~~

3 30 7. A nonvoting student member shall be paid a per diem as
3 31 provided in section 7E.6 and the student and the student's
3 32 parent or guardian shall be reimbursed for actual and
3 33 necessary expenses incurred in the performance of the
3 34 student's duties as a nonvoting member of the state board.

3 35 8. A vacancy in the membership of the nonvoting student
4 1 member shall not be filled until the expiration of the term.

4 2 Sec. 5. Section 256.10, subsection 2, Code 2007, is
4 3 amended to read as follows:

4 4 2. Appointments to the professional staff of the
4 5 department shall be without reference to political party
4 6 affiliation, ~~religious affiliation race, creed, color,~~
4 7 ~~religion, national origin, sex, sexual orientation, gender~~
4 8 ~~identity, age, physical or mental disability, or marital~~
4 9 status, but shall be based solely upon fitness, ability, and
4 10 proper qualifications for the particular position. The
4 11 professional staff shall serve at the discretion of the
4 12 director. A member of the professional staff shall not be
4 13 dismissed for cause without ~~appropriate due process procedures~~
~~4 14 including a hearing an opportunity to meet with the director.~~

4 15 Sec. 6. Section 256.11, subsection 9B, Code Supplement
4 16 2007, is amended to read as follows:

4 17 9B. Beginning July 1, 2007, each school district shall
4 18 have a school nurse to provide health services to its
4 19 students. Each school district shall work toward the goal of
4 20 having one school nurse for every seven hundred fifty students
4 21 enrolled in the school district. ~~For purposes of this~~
~~4 22 subsection, "school nurse" means a person who holds an~~
~~4 23 endorsement or a statement of professional recognition for~~
~~4 24 school nurses issued by the board of educational examiners~~
~~4 25 under chapter 272 The scope of practice of a school nurse~~
4 26 shall be as established by rule by the board of nursing.

4 27 Sec. 7. Section 256.30, Code 2007, is amended to read as
4 28 follows:

4 29 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

4 30 1. The department of education shall provide moneys to pay
4 31 the expense of educating American Indian children residing in
4 32 the Sac and Fox Indian settlement on land held in trust by the
4 33 secretary of the interior of the United States in excess of
4 34 federal moneys paid to the tribal council for educating the
4 35 American Indian children when moneys are appropriated for that
5 1 purpose. ~~The tribal council shall administer the moneys~~
~~5 2 distributed to it by the department and shall submit an annual~~
~~5 3 report and other reports as required by the department to the~~
~~5 4 department on the expenditure of the moneys.~~

5 5 2. The tribal council shall administer moneys distributed
5 6 to it by the department of education as provided in subsection

5 7 1. The tribal council shall first use the moneys distributed
5 8 to it by the department of education for the purposes of this
5 9 section to pay the additional costs of salaries for licensed
5 10 instructional staff for educational attainment and full-time
5 11 equivalent years of experience to equal the salaries listed on
5 12 the proposed salary schedule for the school at the Sac and Fox
5 13 Indian settlement for that school year, but the salary for a
5 14 licensed instructional staff member employed on a full-time
5 15 basis shall not be less than eighteen thousand dollars.

5 16 3. The department of management shall approve allotments
5 17 of moneys appropriated in for purposes of this section when
~~5 18 the department of education certifies to the department of~~
~~5 19 management that the requirements of this section have been~~
~~5 20 met.~~

5 21 Sec. 8. Section 256B.2, subsection 1, Code 2007, is
5 22 amended to read as follows:

5 23 1. "Children requiring special education" means persons
5 24 under twenty-one years of age, including children under five
5 25 years of age, who have a disability in obtaining an education
5 26 because of a head injury, autism, behavioral disorder, or
5 27 physical, mental, communication, or learning disability, as
5 28 defined by the rules of the department of education. If a
5 29 child requiring special education reaches the age of
5 30 twenty-one during an academic year, the child may elect to
5 31 receive special education services until the end of the
5 32 academic year.

5 33 Sec. 9. Section 256B.6, Code 2007, is amended to read as
5 34 follows:

5 35 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.

6 1 1. When the school district or area education agency has
6 2 provided special education services and programs as provided
6 3 herein for any child requiring special education, either by
6 4 admission to a special class or by supportive services, it
6 5 shall be the duty of the parent or guardian to enroll ~~said the~~
6 6 child for instruction in such special classes or supportive
6 7 services as may be established, except in the event a doctor's
6 8 certificate is filed with the secretary of the school district
6 9 showing that it is inadvisable for medical reasons for the
6 10 child requiring special education to receive the special
6 11 education provided; all the provisions and conditions of
6 12 chapter 299 ~~and amendments thereto~~ shall be applicable to this
6 13 section, and any violations shall be punishable as provided in
6 14 ~~said~~ chapter 299.

6 15 2. A child, or the parent or guardian of the child, or the
6 16 school district in which the child resides, may obtain a
6 17 review of an action or omission of state or local authorities
6 18 pursuant to the procedures established by the state board of
6 19 education on the ground that the child has been or is about to
6 20 be:

6 21 1- a. Denied entry or continuance in a program of special
6 22 education appropriate to the child's condition and needs.

6 23 2- b. Placed in a special education program which is
6 24 inappropriate to the child's condition and needs.

6 25 3- c. Denied educational services because no suitable
6 26 program of education or related services is maintained.

6 27 4- d. Provided with special education which is
6 28 insufficient in quantity to satisfy the requirements of law.

6 29 5- e. Assigned to a program of special education when the
6 30 child does not have a disability.

6 31 3. When a child requiring special education attains the
6 32 age of majority or is incarcerated in an adult or juvenile,
6 33 state or local, correctional institution, all rights accorded
6 34 to the parent or guardian under this chapter transfer to the
6 35 child except as provided in this subsection. Any notice

7 1 required by this chapter shall be provided to both the child
7 2 who has reached the age of majority or is incarcerated in an

7 3 adult or juvenile, state or local, correctional institution,

7 4 and the parent or guardian. If rights under this chapter have

7 5 transferred to a child and the child has been determined to be

7 6 incompetent by a court or determined unable to provide
7 7 informed educational consent by a court or other competent
7 8 authority, then rights under this chapter shall be exercised
7 9 by the person who has been appointed to represent the
7 10 educational interest of the child.

7 11 4. Notwithstanding section 17A.11, the state board of
7 12 education shall adopt rules for the appointment of an
7 13 impartial administrative law judge for special education
7 14 appeals. The rules shall comply with federal statutes and
7 15 regulations.

7 16 Sec. 10. Section 256B.8, unnumbered paragraph 2, Code
7 17 2007, is amended to read as follows:

7 18 An area education agency director of special education may
7 19 request approval from the department of education to continue
7 20 the special education program of a person beyond the ~~person's~~
~~7 21 twenty-first birthday~~ period specified in section 256B.2,
7 22 subsection 1, if the person had an accident or prolonged
7 23 illness that resulted in delays in the initiation of or
7 24 interruptions in that person's special education program.
7 25 Approval may be granted by the department to continue the
7 26 special education program of that person for up to three years
7 27 or until the person's ~~twenty-fourth~~ birthday.

7 28 Sec. 11. Section 256F.4, subsection 2, paragraph a, Code
7 29 2007, is amended to read as follows:

7 30 a. Meet all applicable federal, state, and local health
7 31 and safety requirements and laws prohibiting discrimination on
7 32 the basis of political party affiliation, race, creed, color,
7 33 age, marital status, sex, sexual orientation, gender identity,
7 34 national origin, religion, ~~ancestry,~~ or physical or mental
7 35 disability. A charter school shall be subject to any
8 1 court-ordered desegregation plan in effect for the school
8 2 district at the time the school's charter application is
8 3 approved.

8 4 Sec. 12. Section 257.6, subsection 1, paragraph a,
8 5 subparagraph (3), Code Supplement 2007, is amended to read as
8 6 follows:

8 7 (3) Shared-time and part-time pupils of school age
8 8 enrolled in public schools within the district, irrespective
8 9 of the districts in which the pupils reside, in the proportion
8 10 that the time for which they are enrolled or receive
8 11 instruction for the school year is to the time that full-time
8 12 pupils carrying a normal course schedule, at the same grade
8 13 level, in the same school district, for the same school year,
8 14 are enrolled and receive instruction. Tuition charges to the
8 15 parent or guardian of a shared-time or part-time nonresident
8 16 pupil shall be reduced by the amount of any increased state
8 17 aid received by the district by the counting of the pupil.
8 18 This subparagraph applies to pupils from accredited nonpublic
8 19 schools accessing classes or services on the accredited
8 20 nonpublic school premises or the school district site, but
8 21 excludes accredited nonpublic pupils receiving classes or
8 22 services funded by federal grants or allocations.

8 23 Sec. 13. Section 257.11, subsection 5, paragraph a, Code
8 24 Supplement 2007, is amended to read as follows:

8 25 a. For the school budget year beginning July 1, 2002,
8 26 through the school budget year beginning July 1, ~~2007~~ 2008, in
8 27 order to provide additional funds for school districts in
8 28 which a regional academy is located, a supplementary weighting
8 29 plan for determining enrollment is adopted.

8 30 Sec. 14. Section 257.11, subsection 8, Code Supplement
8 31 2007, is amended to read as follows:

8 32 8. PUPILS INELIGIBLE. A pupil eligible for the weighting
8 33 plan provided in section 256B.9 is not eligible for
8 34 supplementary weighting pursuant to this section unless it is
8 35 determined that the course generating the supplemental
9 1 weighting has no relationship to the pupil's disability. A

9 2 pupil attending an alternative program or an at-risk pupils'
9 3 program, including alternative high school programs, is not
9 4 eligible for supplementary weighting under subsection 2.

9 5 Sec. 15. Section 257.13, subsection 2, Code 2007, is
9 6 amended to read as follows:

9 7 2. The board of directors of a school district that wishes
9 8 to receive an on-time funding budget adjustment shall adopt a
9 9 resolution to receive the adjustment and notify the school
9 10 budget review committee by November \pm 15, annually. The
9 11 school budget review committee shall establish a modified
9 12 allowable growth in an amount determined pursuant to
9 13 subsection 1.

9 14 Sec. 16. Section 257.37, subsection 4, Code 2007, is
9 15 amended to read as follows:

9 16 4. "Enrollment served" means the basic enrollment plus the

9 17 number of nonpublic school pupils served with media services
9 18 or educational services, as applicable, except that if a
9 19 nonpublic school pupil or a pupil attending another district
9 20 under a whole grade sharing agreement or open enrollment
9 21 receives services through an area other than the area of the
9 22 pupil's residence, the pupil shall be deemed to be served by
9 23 the area of the pupil's residence, which shall by contractual
9 24 arrangement reimburse the area through which the pupil
9 25 actually receives services. Each school district shall
9 26 include in the enrollment report submitted pursuant to section
9 27 257.6, subsection 1, the number of nonpublic school pupils
9 28 within each school district for media and educational services
9 29 served by the area. However, the school district shall not
9 30 include in the enrollment report nonpublic school pupils
9 31 receiving classes or services funded by federal grants or
9 32 allocations.

9 33 Sec. 17. Section 260C.35, unnumbered paragraph 2, Code
9 34 2007, is amended to read as follows:

9 35 With the approval of the director ~~of the department of~~
10 1 ~~education~~, the board of directors of a merged area at any one
10 2 time may sell any land in a single tract in excess of one
10 3 hundred sixty acres owned by the merged area, and an election
10 4 is not necessary in connection with the sale. The proceeds of
10 5 the sale may be used for any of the purposes stated in section
10 6 260C.22. This paragraph is in addition to any authority under
10 7 other provisions of law.

10 8 Sec. 18. Section 261C.4, Code 2007, is amended to read as
10 9 follows:

10 10 261C.4 AUTHORIZATION.

10 11 An eligible pupil may make application to an eligible
10 12 institution to allow the eligible pupil to enroll for academic
10 13 or vocational=technical credit in a nonsectarian course
10 14 offered at that eligible institution. A comparable course, as
10 15 defined in rules made by the board of directors of the public
10 16 school district, must not be offered by the school district or
10 17 accredited nonpublic school which the pupil attends. If an
10 18 eligible institution accepts an eligible pupil for enrollment
10 19 under this section, the institution shall send written notice
10 20 to the pupil, and the pupil's school district or accredited
10 21 nonpublic school or the school for the deaf or the Iowa
10 22 braille and sight saving school, ~~and the department of~~
10 23 ~~education~~. The notice shall list the course, the clock hours
10 24 the pupil will be attending the course, and the number of
10 25 hours of postsecondary academic or vocational=technical credit
10 26 that the eligible pupil will receive from the eligible
10 27 institution upon successful completion of the course.

10 28 Sec. 19. Section 272.15, subsection 2, Code Supplement
10 29 2007, is amended to read as follows:

10 30 2. If, in the course of performing official duties, an
10 31 employee of the department becomes aware of any alleged
10 32 misconduct by an individual licensed under this chapter, the
10 33 employee ~~shall~~ may report the alleged misconduct to the board
10 34 of educational examiners under rules adopted pursuant to
10 35 subsection 1.

11 1 Sec. 20. Section 273.3, subsection 12, Code 2007, is
11 2 amended to read as follows:

11 3 12. Prepare an annual budget estimating income and
11 4 expenditures for programs and services as provided in sections
11 5 273.1 to 273.9 and chapter 256B within the limits of funds
11 6 provided under section 256B.9 and chapter 257. The board
11 7 shall give notice of a public hearing on the proposed budget
11 8 by publication in an official county newspaper in each county
11 9 in the territory of the area education agency in which the
11 10 principal place of business of a school district that is a
11 11 part of the area education agency is located. The notice
11 12 shall specify the date, which shall be not later than March 1
11 13 of each year, the time, and the location of the public
11 14 hearing. The proposed budget as approved by the board shall
11 15 then be submitted to the state board of education, on forms
11 16 provided by the department, no later than March 15 preceding
11 17 the next fiscal year for approval. The state board shall
11 18 review the proposed budget of each area education agency and
11 19 shall before ~~April~~ May 1, either grant approval or return the
11 20 budget without approval with comments of the state board
11 21 included. An unapproved budget shall be resubmitted to the
11 22 state board for final approval not later than ~~April~~ May 15.
11 23 For the fiscal year beginning July 1, 1999, and each
11 24 succeeding fiscal year, the state board shall give final
11 25 approval only to budgets submitted by area education agencies
11 26 accredited by the state board or that have been given
11 27 conditional accreditation by the state board.

11 28 Sec. 21. Section 273.13, Code 2007, is amended to read as
11 29 follows:

11 30 273.13 ADMINISTRATIVE EXPENDITURES.

~~11 31 During the budget year beginning July 1, 1989, and the
11 32 three succeeding budget years, the board of directors of an
11 33 area education agency in which the administrative expenditures
11 34 as a percent of the area education agency's operating fund for
11 35 a base year exceed five percent shall reduce its
12 1 administrative expenditures to five percent of the area
12 2 education agency's operating fund. During each of the four
12 3 years, the board of directors shall reduce administrative
12 4 expenditures by twenty-five percent of the reduction in
12 5 administrative expenditure required by this section.
12 6 Thereafter, the An area education agency's administrative
12 7 expenditures shall not exceed five percent of the operating
12 8 general fund. Annually, the board of directors of an area
12 9 education agency shall certify to the department of education
12 10 the amounts of the area education agency's expenditures and
12 11 its operating general fund. For the purposes of this section,
12 12 "base year" and "budget year" mean the same as defined in
12 13 section 442.6, Code 1989, and section 257.2, and
12 14 "administrative expenditures" means expenditures for executive
12 15 administration.~~

12 16 Sec. 22. Section 275.31, unnumbered paragraph 1, Code
12 17 2007, is amended to read as follows:

~~12 18 If necessary to equalize the division and distribution, the
12 19 board or boards may provide for the levy of additional taxes,
12 20 which shall be sufficient to satisfy the mandatory levy
12 21 required in section 76.2 or other liabilities of the
12 22 districts, upon the property of a corporation or part of a
12 23 corporation and for the distribution of the tax revenues so as
12 24 to effect equalization. When the board or boards are
12 25 considering the equalization levy, the division and
12 26 distribution shall not impair the security for outstanding
12 27 obligations of each affected corporation. Any owner of bonds
12 28 of an affected corporation may bring suit in equity for
12 29 adjustment of the division and distribution in compliance with
12 30 this section. If the property tax levy for the amount
12 31 estimated and certified to apply on principal and interest on
12 32 lawful bonded indebtedness for a newly formed community school
12 33 district is greater than the property tax levy for the amount
12 34 estimated and certified to apply on principal and interest in
12 35 the year preceding the reorganization or dissolution for a
13 1 school district that is a party to the reorganization or
13 2 dissolution, that had a certified enrollment of less than six
13 3 hundred for the year prior to the reorganization or
13 4 dissolution, and that approved the reorganization or
13 5 dissolution prior to July 1, 1989, the board of the newly
13 6 formed district shall inform the department of management.
13 7 The department of management shall pay debt service aid to the
13 8 newly formed district in an amount that reduces the rate of
13 9 the property tax levy for lawful bonded indebtedness in the
13 10 portion of the newly formed district where the new rate is
13 11 higher, to the rate that was levied in that portion of the
13 12 district during the year preceding the reorganization or
13 13 dissolution.~~

13 14 Sec. 23. Section 275.31, unnumbered paragraphs 2 and 3,
13 15 Code 2007, are amended by striking the unnumbered paragraphs.

13 16 Sec. 24. Section 275.53, Code 2007, is amended to read as
13 17 follows:

13 18 275.53 DISSOLUTION PROPOSAL.

~~13 19 1. The commission shall send a copy of its dissolution
13 20 proposal or shall inform the board that it cannot agree upon a
13 21 dissolution proposal not later than one year following the
13 22 date of the organizational meeting of the commission. The
13 23 commission shall also send a copy of the dissolution proposal
13 24 by registered mail to the boards of directors of all school
13 25 districts to which area of the affected school district will
13 26 be attached. If the board of a district to which area of the
13 27 affected school district will be attached objects to the
13 28 attachment, within ten days following receipt of the
13 29 dissolution proposal the board shall send its objections in
13 30 writing to the commission using any method specified in
13 31 subsection 2. The commission may consider the objections and
13 32 may modify the dissolution proposal. If the dissolution
13 33 proposal is modified, the commission shall notify by
13 34 registered mail the boards of directors of all school
13 35 districts to which area of the affected school district will
14 1 be attached.
14 2 2. The copy of the dissolution proposal, as well as any
14 3 modification, shall be sent to the boards by any of the~~

14 4 following methods:

14 5 a. Mail bearing a United States postal service postmark.

14 6 b. Hand delivery.

14 7 c. Facsimile transmission.

14 8 d. Electronic delivery.

14 9 3. If the commission cannot agree upon a dissolution
14 10 proposal prior to the expiration of its term, the board may
14 11 appoint a new commission.

14 12 Sec. 25. Section 275.54, Code 2007, is amended to read as
14 13 follows:

14 14 275.54 HEARING.

14 15 1. Within ten days following the filing of the dissolution
14 16 proposal with the board, the board shall fix a date for a
14 17 hearing on the proposal which shall not be more than sixty
14 18 days after the dissolution petition was filed with the board.
14 19 The board shall publish notice of the date, time, and location
14 20 of the hearing at least ten days prior to the date of the
14 21 hearing by one publication in a newspaper in general
14 22 circulation in the district. The notice shall include the
14 23 content of the dissolution proposal. A person residing or
14 24 owning land in the school district may present evidence and
14 25 arguments at the hearing. The president of the board shall
14 26 preside at the hearing. The board shall review testimony from
14 27 the hearing and shall adopt or amend and adopt the dissolution
14 28 proposal.

14 29 2. The board shall notify ~~by registered mail~~ the boards of
14 30 directors of all school districts to which area of the
14 31 affected school district will be attached and the director of
14 32 the department of education of the contents of the dissolution
14 33 proposal adopted by the board. The notification may be made
14 34 by any of the following methods:

14 35 a. Mail bearing a United States postal service postmark.

15 1 b. Hand delivery.

15 2 c. Facsimile transmission.

15 3 d. Electronic delivery.

15 4 3. If the board of a district to which area of the
15 5 affected school district will be attached objects to the
15 6 attachment, that portion of the dissolution proposal will not
15 7 be included in the proposal voted upon under section 275.55
15 8 and the director of the department of education shall attach
15 9 the area to a contiguous school district.

15 10 4. If the board of a district to which area of the
15 11 affected school district will be attached objects to the
15 12 division of assets and liabilities contained in the
15 13 dissolution proposal, ~~section 275.30 applies for the division~~
15 14 ~~of assets and liabilities to that district the matter shall be~~
15 15 ~~decided by a panel of disinterested arbitrators. The panel~~
15 16 ~~shall consist of one arbitrator selected by the objecting~~
15 17 ~~district or districts, one selected by the districts in favor~~
15 18 ~~of the provisions of the dissolution proposal, and one~~
15 19 ~~selected by the dissolving district. If the number of~~
15 20 ~~arbitrators selected is even, a disinterested arbitrator shall~~
15 21 ~~be selected by the administrator of the area education agency~~
15 22 ~~to which the dissolving district belongs. The decision of the~~
15 23 ~~arbitrators shall be made in writing and filed with the~~
15 24 ~~secretary of the new corporation, and a party to the~~
15 25 ~~proceedings may appeal the decision to the district court by~~
15 26 ~~-serving notice on the secretary of the new corporation within~~
15 27 ~~twenty days after the decision is filed. The appeal shall be~~
15 28 ~~tried in equity and a decree entered determining the entire~~
15 29 ~~matter, including the levy, collection, and distribution of~~
15 30 ~~any necessary taxes.~~

15 31 5. If a dissolution proposal adopted by a board contains
15 32 provisions that ninety-five percent or more of the taxable
15 33 valuation of the dissolving district would be assumed and
15 34 attached to a single school district, the dissolving school
15 35 district shall cease further proceedings to dissolve and shall
16 1 comply with reorganization procedures specified in this
16 2 chapter.

16 3 Sec. 26. Section 275.55, unnumbered paragraph 1, Code
16 4 2007, is amended to read as follows:

16 5 The board of the school district shall call a special
16 6 election to be held not later than ~~forty~~ sixty days following
16 7 the date of the final hearing on the dissolution proposal.
16 8 The special election may be held at the same time as the
16 9 regular school election. The proposition submitted to the
16 10 voters residing in the school district at the special election
16 11 shall describe each separate area to be attached to a
16 12 contiguous school district and shall name the school district
16 13 to which it will be attached. In addition to the description,
16 14 a map may be included in the summary of the question on the

16 15 ballot.

16 16 Sec. 27. Section 279.30, Code 2007, is amended to read as
16 17 follows:

16 18 279.30 EXCEPTIONS.

16 19 Each payment must be made payable to the person entitled to
16 20 receive the money ~~or direct deposited to an account at a~~
16 21 ~~financial institution, as defined in section 527.2, specified~~
16 22 ~~by the person entitled to receive the money.~~ The board of
16 23 directors of a school district or an area education agency may
16 24 by resolution authorize the secretary, upon approval of the
16 25 superintendent or designee, or administrator, in the case of
16 26 an area education agency, to issue payments when the board of
16 27 directors is not in session in payment of reasonable and
16 28 necessary expenses, but only upon verified bills filed with
16 29 the secretary or administrator, and for the payment of
16 30 salaries pursuant to the terms of a written contract. Each
16 31 payment must be made payable only to the person performing the
16 32 service or presenting the verified bill, and must state the
16 33 purpose for which the payment is issued. All bills and
16 34 salaries for which payments are issued prior to audit and
16 35 allowance by the board must be passed upon by the board of
17 1 directors at the next meeting and be entered in the regular
17 2 minutes of the secretary.

17 3 Sec. 28. Section 279.42, Code 2007, is amended to read as
17 4 follows:

17 5 279.42 GIFTS TO SCHOOLS.

17 6 The board of directors of a school district ~~which that~~
17 7 receives funds through ~~gifts a gift, devises devise, and~~
17 8 ~~requests or bequest shall deposit these the funds in a trust~~
17 9 ~~and agency or permanent fund and shall use them the funds in~~
17 10 accordance with the terms of the gift, devise, or bequest.

17 11 Sec. 29. Section 279.45, Code 2007, is amended to read as
17 12 follows:

17 13 279.45 ADMINISTRATIVE EXPENDITURES.

17 14 ~~For the budget year beginning July 1, 1989, and each of the~~
17 15 ~~following three budget years, the board of directors of a~~
17 16 ~~school district in which the administrative expenditures as a~~
17 17 ~~percent of the school district's operating fund for a base~~
17 18 ~~year exceed five percent, shall reduce its administrative~~
17 19 ~~expenditures so that they are one-half percent less as a~~
17 20 ~~percent of the school district's operating fund than they were~~
17 21 ~~for the base year. However, a A school district is not~~
17 22 ~~required to reduce its district's administrative expenditures~~
17 23 ~~below shall not exceed five percent of its operating general~~
17 24 ~~fund. Thereafter, a A school district shall not increase the~~
17 25 ~~percent of its administrative expenditures compared to its~~
17 26 ~~operating general fund. Annually, the board of directors~~
17 27 ~~shall certify to the department of education the amounts of~~
17 28 ~~the school district's administrative expenditures and its~~
17 29 ~~operating general fund. For the purposes of this section,~~
17 30 ~~"base year" and "budget year" mean the same as defined in~~
17 31 ~~section 442.6, Code 1989, and section 257.2, and~~
17 32 ~~"administrative expenditures" means expenditures for executive~~
17 33 ~~administration.~~

17 34 Sec. 30. Section 280.3, unnumbered paragraph 1, Code 2007,
17 35 is amended to read as follows:

18 1 The board of directors of each public school district and
18 2 the authorities in charge of each nonpublic school shall
18 3 prescribe the minimum educational program and an attendance
18 4 policy which shall require each child to attend school for at
18 5 least one hundred forty-eight days, to be met by attendance
18 6 for at least thirty-seven days each school quarter, for the
18 7 schools under their jurisdictions. The minimum educational
18 8 program shall be the curriculum set forth in section 256.11,
18 9 except as otherwise provided by law. The board of directors
18 10 of a public school district shall not allow discrimination in
18 11 any educational program on the basis of race, color, creed,
18 12 age, religion, national origin, physical or mental disability,
18 13 sex, sexual orientation, gender identity, or marital status or
18 14 ~~place of national origin.~~

18 15 Sec. 31. Section 282.1, unnumbered paragraph 1, Code 2007,
18 16 is amended to read as follows:

18 17 Persons between five and twenty-one years of age are of
18 18 school age. Nonresident children shall be charged the maximum
18 19 tuition rate as determined in section 282.24, subsection 1,
18 20 with the exception that those residing temporarily in a school
18 21 corporation may attend school in the corporation upon terms
18 22 prescribed by the board, ~~and boards.~~ A school district
18 23 ~~discontinuing grades under section 282.7, subsection 1 or~~
18 24 ~~subsections 1 and 3, shall be charged tuition as provided in~~
18 25 ~~section 282.24, subsection 2 1.~~

18 26 Sec. 32. Section 282.18, subsection 4, Code 2007, is
18 27 amended by adding the following new paragraph:
18 28 NEW PARAGRAPH. bb. If a transfer is requested after March
18 29 1 of the preceding school year on behalf of a pupil whose
18 30 sibling is already participating in open enrollment to the
18 31 receiving district, the receiving district shall take action
18 32 to approve the request.

18 33 Sec. 33. Section 282.18, subsection 5, Code 2007, is
18 34 amended to read as follows:

18 35 5. Open enrollment applications filed after March 1 of the
19 1 preceding school year that do not qualify for ~~good cause~~
19 2 approval as provided in subsection 4 shall be subject to the
19 3 approval of the board of the resident district and the board
19 4 of the receiving district. The parent or guardian shall send
19 5 notification to the district of residence and the receiving
19 6 district that the parent or guardian seeks to enroll the
19 7 parent's or guardian's child in the receiving district. A
19 8 decision of either board to deny an application filed under
19 9 this subsection involving repeated acts of harassment of the
19 10 student or serious health condition of the student that the
19 11 resident district cannot adequately address is subject to
19 12 appeal under section 290.1. The state board shall exercise
19 13 broad discretion to achieve just and equitable results that
19 14 are in the best interest of the affected child or children.

19 15 Sec. 34. Section 282.31, subsection 1, paragraph a, Code
19 16 Supplement 2007, is amended to read as follows:

19 17 a. A child who lives in a facility pursuant to section
19 18 282.30, subsection 1, paragraph "a", and who is not enrolled
19 19 in the educational program of the district of residence of the
19 20 child, shall receive appropriate educational services. The
19 21 area education agency shall submit a proposed program and
19 22 budget to the department of education by ~~January~~ February 1
19 23 for the next succeeding school year. The department of
19 24 education shall review and approve or modify the program and
19 25 proposed budget and shall notify the department of
19 26 administrative services and the area education agency of its
19 27 action by ~~February~~ April 1. The department of administrative
19 28 services shall pay the approved budget amount for an area
19 29 education agency in monthly installments beginning September
19 30 15 and ending June 15 of the next succeeding school year. The
19 31 installments shall be as nearly equal as possible as
19 32 determined by the department of management, taking into
19 33 consideration the relative budget and cash position of the
19 34 state's resources. The department of administrative services
19 35 shall transfer the approved budget amount for an area
20 1 education agency from the moneys appropriated under section
20 2 257.16 and make the payment to the area education agency. The
20 3 area education agency shall submit an accounting for the
20 4 actual cost of the program to the department of education by
20 5 ~~August 1~~ September 15 of the following school year. The
20 6 department shall review and approve or modify all expenditures
20 7 incurred in compliance with the guidelines pursuant to section
20 8 256.7, subsection 10, and shall notify the department of
20 9 administrative services of the approved accounting amount.
20 10 The approved accounting amount shall be compared with any
20 11 amounts paid by the department of administrative services to
20 12 the area education agency and any differences added to or
20 13 subtracted from the October payment made under this paragraph
20 14 for the next school year. Any amount paid by the department
20 15 of administrative services shall be deducted monthly from the
20 16 state foundation aid paid under section 257.16 to all school
20 17 districts in the state during the subsequent fiscal year. The
20 18 portion of the total amount of the approved budget that shall
20 19 be deducted from the state aid of a school district shall be
20 20 the same as the ratio that the budget enrollment for the
20 21 budget year of the school district bears to the total budget
20 22 enrollment in the state for that budget year in which the
20 23 deduction is made.

20 24 Sec. 35. Section 285.9, Code 2007, is amended by adding
20 25 the following new subsection:

20 26 NEW SUBSECTION. 5. Review all transportation disputes
20 27 between districts. If the affected districts are located in
20 28 more than one area education agency, the area education agency
20 29 in which the larger of the districts is located shall be the
20 30 reviewing agency. In resolving disputes between districts,
20 31 the reviewing agency board shall, after receiving all facts,
20 32 make such alterations or changes as necessary to make the
20 33 arrangements, designations, and contracts conform to the legal
20 34 and established requirements and shall notify each affected
20 35 local school board of such action. An affected district may
21 1 appeal the decision of the agency board to the director of the

21 2 department of education by following the timelines and
21 3 procedures in section 285.12.

21 4 Sec. 36. Section 291.1, Code 2007, is amended to read as
21 5 follows:

21 6 291.1 PRESIDENT == DUTIES.

21 7 The president of the board of directors shall preside at
21 8 all of its meetings, sign all contracts made by the board, and
21 9 appear ~~in~~ on behalf of the corporation in all actions brought
21 10 by or against it, unless individually a party, in which case
21 11 this duty shall be performed by the secretary. The president
21 12 or the president's designee shall sign, using an original or
21 13 facsimile signature, all school district ~~warrants payments~~
21 14 drawn and authorize electronic funds transfers as provided by
21 15 law. The board of directors, by resolution, may designate an
21 16 individual, who shall not be the secretary, to sign ~~warrants~~
21 17 payments or authorize electronic funds transfers on behalf of
21 18 the president.

21 19 Sec. 37. Section 291.6, subsection 3, Code 2007, is
21 20 amended by striking the subsection and inserting in lieu
21 21 thereof the following:

21 22 3. ACCOUNTING RECORDS. Keep an accurate accounting record
21 23 of each payment or electronic funds transfer from each fund
21 24 which shall be provided monthly to the board of directors.
21 25 The secretary of the creditor district shall prepare and
21 26 deliver to debtor districts an itemized statement of tuition
21 27 fees charged in accordance with sections 275.55A and 282.11,
21 28 and section 282.24, subsection 1.

21 29 Sec. 38. Section 291.6, subsection 4, Code 2007, is
21 30 amended to read as follows:

21 31 4. CLAIMS. Keep an accurate ~~account~~ accounting of all
21 32 expenses incurred by the corporation, and present the same to
21 33 the board for audit and payment.

21 34 Sec. 39. Section 291.7, Code 2007, is amended to read as
21 35 follows:

22 1 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

22 2 The secretary of each district shall file monthly with the
22 3 board of directors a complete statement of all receipts and
22 4 disbursements from ~~the various funds~~ each individual fund
22 5 during the preceding month, and also the balance remaining on
22 6 hand in ~~the various funds~~ each individual fund at the close of
22 7 the period covered by the statement, which monthly statements
22 8 shall be open to public inspection.

22 9 Sec. 40. Section 291.8, Code 2007, is amended by striking
22 10 the section and inserting in lieu thereof the following:

22 11 291.8 PAYMENTS.

22 12 The secretary shall make each authorized payment,
22 13 countersign using an original or facsimile signature, and
22 14 maintain accounting records of the payments or electronic
22 15 funds transfers, showing the number, date, payee, originating
22 16 fund, the purpose, and the amount; and shall provide to the
22 17 board at each regular annual meeting a copy of the accounting
22 18 records maintained by the secretary.

22 19 Sec. 41. Section 291.12, Code 2007, is amended to read as
22 20 follows:

22 21 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~
22 22 PAYMENTS.

22 23 The treasurer shall receive all moneys belonging to the
22 24 corporation, pay the same out only upon the order of the
22 25 president countersigned by the secretary, ~~keeping and shall~~
22 26 keep an accurate account accounting record of all receipts and
22 27 ~~expenditures in a book provided for that purpose.~~ The
22 28 treasurer shall register all ~~orders drawn payments and~~
22 29 electronic funds transfers made and reported to the treasurer
22 30 by the secretary, showing the number, date, to whom drawn, the
22 31 fund ~~upon from~~ from which drawn each payment and transfer was made,
22 32 the purpose and amount.

22 33 Sec. 42. Section 291.14, Code 2007, is amended to read as
22 34 follows:

22 35 291.14 FINANCIAL STATEMENT.

23 1 The treasurer shall render a statement of the finances of
23 2 the corporation whenever required by the board, and the
23 3 treasurer's ~~books~~ accounting records shall always be open for
23 4 inspection.

23 5 Sec. 43. Section 298A.13, Code 2007, is amended to read as
23 6 follows:

23 7 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.

23 8 Trust, permanent, or agency funds shall be established by
23 9 any school corporation to account for gifts it receives to be
23 10 used for a particular purpose or to account for money and
23 11 property received and administered by the district as trustee
23 12 or custodian or in the capacity of an agent. Boards may

23 13 establish trust ~~and, permanent, or~~ agency funds as necessary.
23 14 Sec. 44. Section 299.1, unnumbered paragraph 2, Code 2007,
23 15 is amended to read as follows:
23 16 The board of directors of a public school district or the
23 17 governing body of an accredited nonpublic school may, by
23 18 resolution, require attendance for the entire time when the
23 19 schools are in session in any school year and adopt a policy
23 20 or rules relating to the reasons considered to be valid or
23 21 acceptable excuses for absence from school.
23 22 Sec. 45. Section 299A.11, Code 2007, is amended to read as
23 23 follows:
23 24 299A.11 STUDENT RECORDS CONFIDENTIAL.
23 25 Notwithstanding any provision of law or rule to the
23 26 contrary, personal information in records regarding a child
23 27 receiving competent private instruction pursuant to this
23 28 chapter, which are maintained, created, collected, or
23 29 assembled by or for a state agency, shall be kept confidential
23 30 in the same manner as personal information in student records
23 31 maintained, created, collected, or assembled by or for a
23 32 school corporation or educational institution in accordance
23 33 with section 22.7, subsection 1. For purposes of this
23 34 section, "personal information in records regarding a child
23 35 receiving competent private instruction" shall include the
24 1 child's name and home address, as well as all other
24 2 information that personally identifies the child.
24 3 Sec. 46. Section 301.28, Code 2007, is amended to read as
24 4 follows:
24 5 301.28 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND
24 6 SUPPLIES == PENALTY.
24 7 ~~it shall be unlawful for any~~ A school director, officer,
24 8 area education director, or teacher ~~to shall not~~ act as an
24 9 agent for ~~any~~ school textbooks or school supplies in any
24 10 transaction with a director, officer, or other staff member of
24 11 the school district or a director, officer, or other staff
24 12 member of the area education agency in which the school
24 13 district is located during such term of office or employment,
24 14 and any school director, officer, area education director, or
24 15 teacher, who ~~shall act~~ acts as an agent or dealer in school
24 16 textbooks or school supplies, within the school district or
24 17 area education agency in which the school district is located
24 18 during the term of such office or employment, in violation of
24 19 this section shall be deemed guilty of a serious misdemeanor.
24 20 Sec. 47. Section 321.1, subsection 69, unnumbered
24 21 paragraph 1, Code 2007, is amended to read as follows:
24 22 "School bus" means every vehicle operated for the
24 23 transportation of children to or from school or school
24 24 activities, except vehicles which are:
24 25 Sec. 48. Section 321.1, subsection 69, paragraph d, Code
24 26 2007, is amended to read as follows:
24 27 d. Designed to carry not more than nine persons as
24 28 passengers, either school owned or privately owned, which are
24 29 used to ~~transport pupils to activity events in which the~~
24 30 ~~pupils are participants or used to transport pupils to their~~
24 31 homes in case of illness or other emergency situations. The
24 32 vehicles operated under the provisions of this paragraph shall
24 33 be operated by employees of the school district who are
24 34 specifically approved by the local superintendent of schools
24 35 for the assignment.
25 1 Sec. 49. Section 321.373, subsection 1, Code 2007, is
25 2 amended to read as follows:
25 3 1. Every school bus ~~except private passenger vehicles used~~
25 4 ~~as school buses as defined in section 321.1, subsection 69,~~
25 5 shall be constructed and equipped to meet safety standards
25 6 prescribed in rules adopted by the state board of education.
25 7 Such rules shall conform to safety standards set forth in
25 8 federal laws and regulations and shall conform, insofar as
25 9 practicable, to the minimum standards for school buses
25 10 recommended by the national conference on school
25 11 transportation administered by the national commission on
25 12 safety education and published by the national education
25 13 association.
25 14 Sec. 50. Section 321.376, Code 2007, is amended by adding
25 15 the following new subsection:
25 16 NEW SUBSECTION. 3. The provisions of this section
25 17 relating to a certificate of qualification and approved course
25 18 of instruction shall not apply to a person driving a vehicle
25 19 designed to carry not more than nine persons as passengers,
25 20 either school-owned or privately owned, used to transport
25 21 pupils to activity events.
25 22 Sec. 51. Section 321J.3, subsection 1, paragraph c, Code
25 23 2007, is amended to read as follows:

25 24 c. The court may prescribe the length of time for the
25 25 evaluation and treatment or it may request that the community
25 26 college or other approved provider conducting the course for
25 27 drinking drivers which the person is ordered to attend or the
25 28 treatment program to which the person is committed immediately
25 29 report to the court when the person has received maximum
25 30 benefit from the course for drinking drivers or treatment
25 31 program or has recovered from the person's addiction,
25 32 dependency, or tendency to chronically abuse alcohol or drugs.

25 33 Sec. 52. Section 321J.17, subsection 2, unnumbered
25 34 paragraph 2, Code 2007, is amended to read as follows:

25 35 The court or department may request that the community
26 1 college or substance abuse treatment providers licensed under
26 2 chapter 125 or other approved provider conducting the course
26 3 for drinking drivers that the person is ordered to attend,
26 4 immediately report to the court or department that the person
26 5 has successfully completed the course for drinking drivers.
26 6 The court or department may request that the treatment program
26 7 which the person attends periodically report on the
26 8 defendant's attendance and participation in the program, as
26 9 well as the status of treatment or rehabilitation.

26 10 Sec. 53. Section 321J.22, subsection 1, Code 2007, is
26 11 amended by adding the following new paragraphs:

26 12 NEW PARAGRAPH. 0a. "Approved provider" means a provider
26 13 of a course offered out of state for drinking drivers which
26 14 has been approved by the department of education.

26 15 NEW PARAGRAPH. cc. The department of education may
26 16 approve a provider of a course offered out of state for
26 17 drinking drivers upon proof to the department's satisfaction
26 18 that the course is comparable to those offered by community
26 19 colleges and substance abuse treatment programs licensed under
26 20 chapter 125. The department shall comply with the
26 21 requirements of subsection 5 regarding such approved
26 22 providers.

26 23 Sec. 54. Section 331.756, subsection 7, Code Supplement
26 24 2007, is amended to read as follows:

26 25 7. Give advice or a written opinion, without compensation,
26 26 to the board and other county officers and to ~~school and~~
26 27 township officers, when requested by an officer, upon any
26 28 matters in which the state, county, ~~school~~, or township is
26 29 interested, or relating to the duty of the officer in any
26 30 matters in which the state, county, ~~school~~, or township may
26 31 have an interest, but the county attorney shall not appear
26 32 before the board at a hearing in which the state or county is
26 33 not interested.

26 34 Sec. 55. Section 473.20, subsection 2, unnumbered
26 35 paragraph 2, Code 2007, is amended to read as follows:

27 1 School districts and community colleges may enter into
27 2 financing arrangements with the department or its duly
27 3 authorized agents or representatives obligating the school
27 4 district or community college to make payments on the loans
27 5 beyond the current budget year of the school district or
27 6 community college, but in no event longer than ten years.
27 7 Chapter 75 shall not be applicable. School districts shall
27 8 repay the loans from moneys in either their general fund or
27 9 debt service fund. Community colleges shall repay the loans
27 10 from their general fund. Other entities receiving loans under
27 11 this section shall repay the loans from any moneys available
27 12 to them.

27 13 Sec. 56. Sections 256.20, 256.23, 297.2, and 297.3, Code
27 14 2007, are repealed.

27 15 EXPLANATION

27 16 This bill makes changes to Code provisions as follows:

27 17 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
27 18 amended to establish that the provision does not prohibit a
27 19 school corporation or educational institution from
27 20 transferring student records electronically to other school
27 21 corporations or educational institutions in accordance with
27 22 the department of education's comprehensive management
27 23 information system and uniform coding and reporting system.
27 24 Code section 299A.11 is amended to provide that "personal
27 25 information in records regarding a child receiving competent
27 26 private instruction" includes the child's name and home
27 27 address, and any other information that personally identifies
27 28 the child.

27 29 PREFERENCES. Code section 73.1 is amended to include
27 30 school districts participating in a federal school breakfast
27 31 program within an exemption from a provision that requires
27 32 governing bodies in the state to use only those products and
27 33 provisions grown and coal produced within the state of Iowa
27 34 when they are found in marketable quantities, are of a

27 35 suitable quality, and are no more costly than products from
28 1 other states and countries. Currently, school districts
28 2 participating in the federal school lunch program are exempt.
28 3 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
28 4 256.5A is amended to increase the term of the nonvoting
28 5 student member of the state board of education from one year
28 6 to two years, and provides that the student must be enrolled
28 7 in grade 10 when applying for the appointment. Currently, a
28 8 student may be enrolled in grade 10 or 11 at the time the
28 9 student applies.

28 10 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code
28 11 section 256.10, subsection 2, is amended by striking a
28 12 provision that prohibits the dismissal of a member of the
28 13 professional staff for cause without appropriate due process
28 14 procedures, but adds that the person must not be dismissed
28 15 without an opportunity to meet with the director of education.
28 16 The bill also adds that appointments to the professional staff
28 17 must be made without reference to sexual orientation or gender
28 18 identity.

28 19 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES.
28 20 Code section 256.11 is amended to replace language defining
28 21 "school nurse" with language providing that the scope of
28 22 practice of a school nurse shall be as established by the
28 23 board of nursing.

28 24 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
28 25 provides for the distribution and administration of moneys in
28 26 excess of federal moneys to pay the expense of educating
28 27 American Indian children residing in the Sac and Fox Indian
28 28 settlement. The bill eliminates language that requires the
28 29 tribal council to submit an annual report to the department of
28 30 education accounting for expenditure of the moneys and
28 31 requires the department of education to certify compliance
28 32 before the department of management can approve allotment of
28 33 the moneys.

28 34 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.2
28 35 is amended to add to the definition of "children requiring
29 1 special education" a provision allowing such a child who
29 2 reaches age 21 during an academic year to elect to continue to
29 3 receive special education services until the academic year
29 4 ends. A conforming change is made to Code section 256B.8.
29 5 Code section 256B.6 is amended to provide that when a child
29 6 requiring special education attains the age of majority or is
29 7 incarcerated in a correctional institution, the rights of the
29 8 child's parent or guardian transfers to the child, and any
29 9 notice to that child's parent or guardian must also be
29 10 provided to the child. If the child is determined to be
29 11 incompetent, these rights shall be exercised by the person
29 12 appointed to represent the educational interest of the child.

29 13 DISCRIMINATION PROHIBITIONS. Code sections 19B.11,
29 14 relating to equal opportunity and affirmative action; 256F.4,
29 15 relating to charter schools; 256.10, relating to employment of
29 16 professional staff by the department of education; and 280.3,
29 17 relating to the duties of school boards, are amended to expand
29 18 the list of prohibited discrimination practices to include
29 19 discrimination on the basis of sexual orientation and gender
29 20 identity and to standardize the lists.

29 21 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
29 22 257.6 is amended to specify that accredited nonpublic school
29 23 pupils receiving classes or services funded by federal grants
29 24 or allocations shall not be counted in a school district's
29 25 enrollment as shared-time or part-time pupils. The bill makes
29 26 a conforming change to Code section 257.37, subsection 4.

29 27 SUPPLEMENTARY WEIGHTING. Code section 257.11 is amended to
29 28 extend funding for another year, to FY 2008=2009, for
29 29 supplementary weighting for regional academies, and to provide
29 30 that a pupil who is eligible for special education weighting
29 31 is not also eligible for supplementary weighting unless the
29 32 course generating the supplementary weighting has no
29 33 relationship to the pupil's disability.

29 34 ON-TIME BUDGET ADJUSTMENT. Code section 257.13 is amended
29 35 to extend to November 15 the annual date by which the board of
30 1 directors of a school district that wishes to receive an
30 2 on-time funding budget adjustment must adopt a resolution to
30 3 receive the adjustment and notify the school budget review
30 4 committee. The current date is November 1.

30 5 LIMITATION ON LAND. The bill amends Code section 260C.35
30 6 to specify that the board of directors of a community college
30 7 may, at any one time and with the approval of the director of
30 8 the department of education, sell any land in a single tract
30 9 in excess of 160 acres without an election.

30 10 POSTSECONDARY ENROLLMENT OPTIONS REPORT. Code section

30 11 261C.4 is amended to eliminate a requirement that an eligible
30 12 postsecondary institution send written notice to the
30 13 department of education when the institution accepts an
30 14 eligible pupil for enrollment under the postsecondary
30 15 enrollment options Act.

30 16 ALLEGED MISCONDUCT REPORT TO THE BOARD OF EDUCATIONAL
30 17 EXAMINERS. Code section 272.15 is amended to allow, rather
30 18 than require, an employee of the department of education to
30 19 report alleged misconduct to the board of educational
30 20 examiners when the employee, in the course of performing
30 21 official duties, becomes aware of any alleged misconduct by an
30 22 individual licensed by the board.

30 23 AREA EDUCATION AGENCY BUDGET DEADLINES. Code section 273.3
30 24 is amended to extend the dates by which area education agency
30 25 proposed budgets must be reviewed, approved, or returned by
30 26 the state board and resubmitted to the state board if not
30 27 approved.

30 28 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45
30 29 are amended by striking obsolete language, including replacing
30 30 the word "operating" with the word "general" to refer to the
30 31 fund an area education agency (AEA) or school district can use
30 32 for administrative expenditures.

30 33 REORGANIZATION OF SCHOOL DISTRICTS. Code section 275.31 is
30 34 amended by striking obsolete language which allows any owner
30 35 of bonds of an affected school corporation, reorganized or
31 1 dissolved prior to 1989, to bring suit in equity for
31 2 adjustment of the division and distribution in the case of a
31 3 reorganized district. The language also provided for the
31 4 payment of debt service by the department of management to the
31 5 newly formed district in an amount that reduces the rate of
31 6 the property tax levy for lawful bonded indebtedness in the
31 7 portion of the newly formed district where the new rate is
31 8 higher, to the rate that was levied in that portion of the
31 9 district during the year preceding the reorganization or
31 10 dissolution.

31 11 Code sections 275.53 and 275.54 are amended to replace a
31 12 requirement that notification of a dissolution proposal be
31 13 sent by registered mail with a number of options for making
31 14 the required notification. The bill also amends Code section
31 15 275.54 to establish an arbitration process for use when a
31 16 board of a district to which area of the affected school
31 17 district will be attached objects to the division of assets
31 18 and liabilities contained in the dissolution proposal. Under
31 19 the process, the objecting district selects a disinterested
31 20 arbitrator, the district in favor of the dissolution proposal
31 21 selects a disinterested arbitrator, and the administrator of
31 22 the AEA to which the dissolving district belongs selects a
31 23 disinterested arbitrator.

31 24 Code section 275.55 is amended to extend the amount of time
31 25 a school board has to call a special election on a dissolution
31 26 proposal from 40 to 60 days.

31 27 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
31 28 279.30 is amended to allow the board of directors of a school
31 29 district or of an AEA to direct deposit a payment at a
31 30 financial institution specified by the person entitled to the
31 31 money. Code section 291.1; Code section 291.6, subsections 3
31 32 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14 are
31 33 amended to replace references to "books", "registers", and
31 34 "warrants" with references to payments, electronic funds
31 35 transfers, and "accounting records" and to make related
32 1 changes.

32 2 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13
32 3 are amended to give school districts the option of
32 4 establishing a permanent fund for gifts received and to allow
32 5 school districts to deposit funds received from gifts,
32 6 devises, and bequests into a trust or permanent fund; and to
32 7 strike the word "agency" from Code section 279.42 as agency
32 8 funds are not used for deposit of gifts.

32 9 CODE CORRECTION. The bill makes corrections to Code
32 10 section 282.1 to change a reference, and to Code section
32 11 299.1, to refer to the board of directors of a public school
32 12 district.

32 13 OPEN ENROLLMENT BY SIBLING. Code section 282.18,
32 14 subsection 4, is amended to require that a receiving district
32 15 approve a transfer request submitted after March 1 of the
32 16 preceding school year if the sibling of the pupil for whom the
32 17 request is made is already participating in open enrollment to
32 18 the receiving district. The bill makes a conforming change to
32 19 Code section 282.18, subsection 5.

32 20 AEA FUNDING FOR SPECIAL PROGRAM DEADLINES. Code section
32 21 282.31 is amended to change the date by which an AEA must

32 22 submit a proposed special program and budget to the department
32 23 of education for children living in shelter care or juvenile
32 24 detention homes, the date by which the department must take
32 25 action, and the date by which the AEA must submit actual
32 26 costs.

32 27 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
32 28 provision to Code section 285.9 to assign the duty of
32 29 reviewing and resolving all transportation disputes between
32 30 districts to the AEA boards.

32 31 OFFICERS AND TEACHERS AS AGENTS FOR BOOKS AND SUPPLIES.
32 32 Code section 301.28 is amended to prohibit a school director,
32 33 officer, area education director, or teacher from acting as an
32 34 agent for school textbooks or school supplies in any
32 35 transaction with a director, officer, or staff member of the
33 1 school district or the AEA in which the school district is
33 2 located. Currently, such persons are prohibited from acting
33 3 as an agent for any school textbooks or school supplies,
33 4 rather than as an agent for school textbooks or school
33 5 supplies in any transaction with the school district or AEA.

33 6 SCHOOL BUS DEFINITION. Code section 321.1, subsection 69,
33 7 is amended to strike from an exemption to the definition of
33 8 "school bus", language that includes a vehicle operated for
33 9 the transportation of children to or from school activities.
33 10 Currently, the definition is limited to transportation of
33 11 children to or from school. The bill makes a conforming
33 12 amendment to Code section 321.373 to provide that every school
33 13 bus, including those used to transport students to school
33 14 activities, must be constructed and equipped to meet specified
33 15 safety standards. However, the bill amends Code section
33 16 321.376 to provide that certificate of qualification and
33 17 approved course of instruction requirements do not apply to
33 18 persons driving pupils to activities in nine-passenger
33 19 vehicles.

33 20 APPROVED COURSES FOR DRINKING DRIVERS. Code sections
33 21 321J.3 and 321J.17 are amended to expand the providers of
33 22 drinking driver courses supervised and approved by the
33 23 department of education to include "other approved providers",
33 24 which the bill defines in Code section 321J.22, as providers
33 25 of courses offered out of state. The out-of-state providers
33 26 must prove to the department's satisfaction that the course is
33 27 comparable to those offered by community colleges and
33 28 substance abuse treatment programs. The bill establishes that
33 29 other approved providers may be requested to meet the same
33 30 reporting requirements as the community colleges and substance
33 31 abuse treatment programs.

33 32 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code
33 33 section 331.756, subsection 7, which specifies the duties of
33 34 county attorneys, to eliminate a requirement that county
33 35 attorneys give advice or a written opinion, without
34 1 compensation, to school officers upon request.

34 2 ENERGY LOAN FUND LIMITATION. Code section 473.20 is
34 3 amended to set a limit of 10 years on energy loan fund
34 4 financing arrangements a school or community college may enter
34 5 into with the department of natural resources or its duly
34 6 authorized agents or representatives.

34 7 CODE SECTIONS REPEALED. The bill repeals the following:
34 8 1. Code section 256.20, which permits school districts to
34 9 request approval from the state board of education for a pilot
34 10 project for a year around three-semester school year.
34 11 2. Code section 256.23, which establishes a recruitment
34 12 and advancement program to provide for the allocation of
34 13 grants to school corporations for pilot projects that
34 14 encourage the advancement of women and minorities to
34 15 administrative positions.
34 16 3. Code section 297.2, which permits school districts to
34 17 take and hold so much real estate as may be required for the
34 18 location or construction of schoolhouses, up to a limit of 10
34 19 acres.
34 20 4. Code section 297.3, which permits any school district,
34 21 including a city or village, to take and hold an area equal to
34 22 two blocks for a schoolhouse site, up to a limit of 30 acres,
34 23 for a school playground, stadium, or field house, or other
34 24 purposes.

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