

House Study Bill 22

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 department of
2 education and local school boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1347XD 83
5 kh/nh/5

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1 1 Section 1. Section 22.7, subsection 1, Code 2009, is
1 2 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 2009,
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 2009, 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 256.9, subsection 57, paragraph a, Code
3 22 2009, is amended to read as follows:

3 23 a. Develop and distribute, in collaboration with the area
3 24 education agencies, core curriculum technical assistance and
3 25 implementation strategies that school districts and accredited
3 26 nonpublic schools shall utilize, including but not limited to
3 27 the development and delivery of formative and ~~end-of-course~~
3 28 model ~~end-of-course~~ and additional assessments classroom
3 29 teachers may use to measure student progress on the core
3 30 curriculum adopted pursuant to section 256.7, subsection 26.
3 31 The department shall, in collaboration with the advisory group
3 32 convened in accordance with paragraph "b" and educational
3 33 assessment providers, identify and make available to school
3 34 districts ~~model end-of-course and additional model~~
~~3 35 end-of-course~~ and additional assessments to align with the
4 1 expectations included in the Iowa core curriculum. The model
4 2 assessments shall be suitable to meet the multiple assessment
4 3 measures requirement specified in section 256.7, subsection
4 4 21, paragraph "c".

4 5 Sec. 5. Section 256.10, subsection 2, Code 2009, is
4 6 amended to read as follows:

4 7 2. Appointments to the professional staff of the
4 8 department shall be without reference to political party
4 9 affiliation, religious affiliation, sex, or marital status,
4 10 but shall be based solely upon fitness, ability, and proper
4 11 qualifications for the particular position. The professional
4 12 staff shall serve at the discretion of the director. A member
4 13 of the professional staff shall not be dismissed for cause
4 14 without ~~appropriate due process procedures including a hearing~~
4 15 ~~an opportunity to meet with the director.~~

4 16 Sec. 6. Section 256.11, subsection 9B, Code 2009, is
4 17 amended to read as follows:

4 18 9B. ~~Beginning July 1, 2007, each~~ Each school district
4 19 shall have a school nurse to provide health services to its
4 20 students. Each school district shall work toward the goal of
4 21 having one school nurse for every seven hundred fifty students
4 22 enrolled in the school district. ~~For purposes of this~~
~~4 23 subsection, "school nurse" means a person who holds an~~
~~4 24 endorsement or a statement of professional recognition for~~
~~4 25 school nurses issued by the board of educational examiners~~
~~4 26 under chapter 272. The scope of practice of a school nurse~~
4 27 shall be as established by rule by the board of nursing.

4 28 Sec. 7. Section 256.30, Code 2009, is amended to read as
4 29 follows:

4 30 256.30 EDUCATIONAL EXPENSES FOR AMERICAN INDIANS.

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

5 6 2. The tribal council shall administer moneys distributed
5 7 to it by the department of education as provided in subsection

5 8 1. The tribal council shall first use the moneys distributed
5 9 to it by the department of education for the purposes of this
5 10 section to pay the additional costs of salaries for licensed
5 11 instructional staff for educational attainment and full-time
5 12 equivalent years of experience to equal the salaries listed on
5 13 the proposed salary schedule for the school at the Sac and Fox
5 14 Indian settlement for that school year, but the salary for a
5 15 licensed instructional staff member employed on a full-time
5 16 basis shall not be less than eighteen thousand dollars.

5 17 3. The department of management shall approve allotments
5 18 of moneys appropriated in for purposes of this section when
~~5 19 the department of education certifies to the department of~~
~~5 20 management that the requirements of this section have been~~
~~5 21 met.~~

5 22 Sec. 8. Section 256B.2, subsection 1, Code 2009, is
5 23 amended to read as follows:

5 24 1. "Children requiring special education" means persons
5 25 under twenty-one years of age, including children under five
5 26 years of age, who have a disability in obtaining an education
5 27 because of a head injury, autism, behavioral disorder, or
5 28 physical, mental, communication, or learning disability, as
5 29 defined by the rules of the department of education. If a
5 30 child requiring special education reaches the age of
5 31 twenty-one during an academic year, the child may elect to
5 32 receive special education services until the end of the
5 33 academic year.

5 34 Sec. 9. Section 256B.6, Code 2009, is amended to read as
5 35 follows:

6 1 256B.6 PARENT'S OR GUARDIAN'S DUTIES == REVIEW.

6 2 1. When the school district or area education agency has
6 3 provided special education services and programs as provided
6 4 herein for any child requiring special education, either by
6 5 admission to a special class or by supportive services, it
6 6 shall be the duty of the parent or guardian to enroll ~~said the~~
6 7 child for instruction in such special classes or supportive
6 8 services as may be established, except in the event a doctor's
6 9 certificate is filed with the secretary of the school district
6 10 showing that it is inadvisable for medical reasons for the
6 11 child requiring special education to receive the special
6 12 education provided; all the provisions and conditions of
6 13 chapter 299 ~~and amendments thereto~~ shall be applicable to this
6 14 section, and any violations shall be punishable as provided in
6 15 ~~said~~ chapter 299.

6 16 2. A child, or the parent or guardian of the child, or the
6 17 school district in which the child resides, may obtain a
6 18 review of an action or omission of state or local authorities
6 19 pursuant to the procedures established by the state board of
6 20 education on the ground that the child has been or is about to
6 21 be:

6 22 1- a. Denied entry or continuance in a program of special
6 23 education appropriate to the child's condition and needs.

6 24 2- b. Placed in a special education program which is
6 25 inappropriate to the child's condition and needs.

6 26 3- c. Denied educational services because no suitable
6 27 program of education or related services is maintained.

6 28 4- d. Provided with special education which is
6 29 insufficient in quantity to satisfy the requirements of law.

6 30 5- e. Assigned to a program of special education when the
6 31 child does not have a disability.

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

7 1 child except as provided in this subsection. Any notice

7 2 required by this chapter shall be provided to both the child
7 3 who has reached the age of majority or is incarcerated in an

7 4 adult or juvenile, state or local, correctional institution,

7 5 and the parent or guardian. If rights under this chapter have

7 6 transferred to a child and the child has been determined to be

~~7 7 incompetent by a court or determined unable to provide
7 8 informed educational consent by a court or other competent
7 9 authority, then rights under this chapter shall be exercised
7 10 by the person who has been appointed to represent the
7 11 educational interest of the child.~~

7 12 4. Notwithstanding section 17A.11, the state board of
7 13 education shall adopt rules for the appointment of an
7 14 impartial administrative law judge for special education
7 15 appeals. The rules shall comply with federal statutes and
7 16 regulations.

7 17 Sec. 10. Section 256B.8, unnumbered paragraph 2, Code
7 18 2009, is amended to read as follows:

7 19 An area education agency director of special education may
7 20 request approval from the department of education to continue
7 21 the special education program of a person beyond the ~~person's~~
~~7 22 twenty-first birthday period specified in section 256B.2,~~
7 23 ~~subsection 1,~~ if the person had an accident or prolonged
7 24 illness that resulted in delays in the initiation of or
7 25 interruptions in that person's special education program.
7 26 Approval may be granted by the department to continue the
7 27 special education program of that person for up to three years
7 28 or until the person's twenty-fourth birthday.

7 29 Sec. 11. Section 257.6, subsection 1, paragraph a,
7 30 subparagraph (3), Code 2009, is amended to read as follows:

7 31 (3) Shared-time and part-time pupils of school age
7 32 enrolled in public schools within the district, irrespective
7 33 of the districts in which the pupils reside, in the proportion
7 34 that the time for which they are enrolled or receive
7 35 instruction for the school year is to the time that full-time
8 1 pupils carrying a normal course schedule, at the same grade
8 2 level, in the same school district, for the same school year,
8 3 are enrolled and receive instruction. Tuition charges to the
8 4 parent or guardian of a shared-time or part-time nonresident
8 5 pupil shall be reduced by the amount of any increased state
8 6 aid received by the district by the counting of the pupil.
8 7 ~~This subparagraph applies to pupils from accredited nonpublic
8 8 schools accessing classes or services on the accredited
8 9 nonpublic school premises or the school district site, but
8 10 excludes accredited nonpublic school pupils receiving classes
8 11 or services funded by federal grants or allocations.~~

8 12 Sec. 12. Section 257.11, subsection 8, Code 2009, is
8 13 amended to read as follows:

8 14 8. PUPILS INELIGIBLE. A pupil eligible for the weighting
8 15 plan provided in section 256B.9 is not eligible for
8 16 supplementary weighting pursuant to this section ~~unless it is
8 17 determined that the course generating the supplemental~~

~~8 18 weighting has no relationship to the pupil's disability.~~ A
8 19 pupil attending an alternative program or an at-risk pupils'
8 20 program, including alternative high school programs, is not
8 21 eligible for supplementary weighting under subsection 2.

8 22 Sec. 13. Section 257.16, subsections 3 and 4, Code 2009,
8 23 are amended to read as follows:

8 24 3. All moneys received by a school district from the state
8 25 under this chapter shall be deposited in the general fund of
8 26 the school district, ~~and may be used for any school general
8 27 fund purpose.~~

8 28 4. Notwithstanding any provision to the contrary, if the
8 29 governor orders budget reductions in accordance with section
8 30 8.31, reductions in the appropriations provided in accordance
8 31 with this section shall be distributed on a per pupil basis
8 32 calculated with the weighted enrollment determined in
8 33 accordance with section 257.6, subsection 5, ~~except as
8 34 follows:~~

8 35 a. ~~Reductions in preschool foundation aid shall be
9 1 calculated with the preschool budget enrollment determined in
9 2 accordance with section 256C.5.~~

9 3 b. ~~Reductions in the teacher salary supplement,
9 4 professional development supplement, and early intervention
9 5 supplement shall be calculated with the budget enrollment.~~

9 6 c. ~~Reductions in the area education agency teacher salary
9 7 supplement and area education agency professional development
9 8 supplement shall be calculated with special education support
9 9 services weighted enrollment.~~

9 10 Sec. 14. Section 257.37, subsection 4, Code 2009, is
9 11 amended to read as follows:

9 12 4. "Enrollment served" means the basic enrollment plus the
9 13 number of nonpublic school pupils served with media services
9 14 or educational services, as applicable, except that if a
9 15 nonpublic school pupil or a pupil attending another district
9 16 under a whole grade sharing agreement or open enrollment
9 17 receives services through an area other than the area of the

9 18 pupil's residence, the pupil shall be deemed to be served by
9 19 the area of the pupil's residence, which shall by contractual
9 20 arrangement reimburse the area through which the pupil
9 21 actually receives services. Each school district shall
9 22 include in the enrollment report submitted pursuant to section
9 23 257.6, subsection 1, the number of nonpublic school pupils
9 24 within each school district for media and educational services
9 25 served by the area. However, the school district shall not
9 26 include in the enrollment report nonpublic school pupils
9 27 receiving classes or services funded by federal grants or
9 28 allocations.

9 29 Sec. 15. Section 259A.1, Code 2009, is amended to read as
9 30 follows:

9 31 259A.1 TESTS.

9 32 The department of education shall cause to be made
9 33 available for qualified individuals a high school equivalency
9 34 diploma. The diploma shall be issued on the basis of
9 35 satisfactory competence as shown by tests covering all of the
10 1 following: ~~reading, arts, language arts, writing language~~
10 2 ~~arts=reading, language arts=writing, mathematics, science, and~~

10 3 social studies.

10 4 Sec. 16. Section 261E.8, subsection 5, Code 2009, is
10 5 amended by striking the subsection.

10 6 Sec. 17. Section 272.15, subsection 2, Code 2009, is
10 7 amended to read as follows:

10 8 2. If, in the course of performing official duties, an
10 9 employee of the department becomes aware of any alleged
10 10 misconduct by an individual licensed under this chapter, the
10 11 employee ~~shall~~ may report the alleged misconduct to the board
10 12 of educational examiners under rules adopted pursuant to
10 13 subsection 1.

10 14 Sec. 18. Section 273.3, subsection 12, Code 2009, is
10 15 amended to read as follows:

10 16 12. Prepare an annual budget estimating income and
10 17 expenditures for programs and services as provided in sections
10 18 273.1 to 273.9 and chapter 256B within the limits of funds
10 19 provided under section 256B.9 and chapter 257. The board
10 20 shall give notice of a public hearing on the proposed budget
10 21 by publication in an official county newspaper in each county
10 22 in the territory of the area education agency in which the
10 23 principal place of business of a school district that is a
10 24 part of the area education agency is located. The notice
10 25 shall specify the date, which shall be not later than March 1
10 26 of each year, the time, and the location of the public
10 27 hearing. The proposed budget as approved by the board shall
10 28 then be submitted to the state board of education, on forms
10 29 provided by the department, no later than March 15 preceding
10 30 the next fiscal year for approval. The state board shall
10 31 review the proposed budget of each area education agency and
10 32 shall before ~~April~~ May 1, either grant approval or return the
10 33 budget without approval with comments of the state board
10 34 included. An unapproved budget shall be resubmitted to the
10 35 state board for final approval not later than ~~April~~ May 15.

11 1 For the fiscal year beginning July 1, 1999, and each
11 2 succeeding fiscal year, the state board shall give final
11 3 approval only to budgets submitted by area education agencies
11 4 accredited by the state board or that have been given
11 5 conditional accreditation by the state board.

11 6 Sec. 19. Section 273.13, Code 2009, is amended to read as
11 7 follows:

11 8 273.13 ADMINISTRATIVE EXPENDITURES.

11 9 ~~During the budget year beginning July 1, 1989, and the~~
~~11 10 three succeeding budget years, the board of directors of an~~
~~11 11 area education agency in which the administrative expenditures~~
~~11 12 as a percent of the area education agency's operating fund for~~
~~11 13 a base year exceed five percent shall reduce its~~
~~11 14 administrative expenditures to five percent of the area~~
~~11 15 education agency's operating fund. During each of the four~~
~~11 16 years, the board of directors shall reduce administrative~~
~~11 17 expenditures by twenty-five percent of the reduction in~~
~~11 18 administrative expenditure required by this section.~~

11 19 Thereafter, the An area education agency's administrative
11 20 expenditures shall not exceed five percent of the operating
11 21 general fund. Annually, the board of directors of an area
11 22 education agency shall certify to the department of education
11 23 the amounts of the area education agency's expenditures and
11 24 its operating general fund. For the purposes of this section,
11 25 "base year" and "budget year" mean the same as defined in
~~11 26 section 442.6, Code 1989, and section 257.2, and~~
11 27 "administrative expenditures" means expenditures for executive
11 28 administration.

11 29 Sec. 20. Section 279.30, Code 2009, is amended to read as
11 30 follows:

11 31 279.30 EXCEPTIONS.

11 32 Each payment must be made payable to the person entitled to
11 33 receive the money or direct deposited to an account at a
11 34 financial institution, as defined in section 527.2, specified
11 35 by the person entitled to receive the money. The board of

12 1 directors of a school district or an area education agency may
12 2 by resolution authorize the secretary, upon approval of the
12 3 superintendent or designee, or administrator, in the case of
12 4 an area education agency, to issue payments when the board of
12 5 directors is not in session in payment of reasonable and
12 6 necessary expenses, but only upon verified bills filed with
12 7 the secretary or administrator, and for the payment of
12 8 salaries pursuant to the terms of a written contract. Each
12 9 payment must be made payable only to the person performing the
12 10 service or presenting the verified bill, and must state the
12 11 purpose for which the payment is issued. All bills and
12 12 salaries for which payments are issued prior to audit and
12 13 allowance by the board must be passed upon by the board of
12 14 directors at the next meeting and be entered in the regular
12 15 minutes of the secretary.

12 16 Sec. 21. Section 279.42, Code 2009, is amended to read as
12 17 follows:

12 18 279.42 GIFTS TO SCHOOLS.

12 19 The board of directors of a school district ~~which that~~
12 20 receives funds through ~~gifts, devises, and bequests a gift,~~
12 21 ~~devise, or bequest shall deposit these the funds in a trust~~
12 22 ~~and agency or permanent fund and shall use them the funds in~~
12 23 accordance with the terms of the gift, devise, or bequest.

12 24 Sec. 22. Section 279.45, Code 2009, is amended to read as
12 25 follows:

12 26 279.45 ADMINISTRATIVE EXPENDITURES.

12 27 ~~For the budget year beginning July 1, 1989, and each of the~~
12 28 ~~following three budget years, the board of directors of a~~
12 29 ~~school district in which the administrative expenditures as a~~
12 30 ~~percent of the school district's operating fund for a base~~
12 31 ~~year exceed five percent, shall reduce its administrative~~
12 32 ~~expenditures so that they are one-half percent less as a~~
12 33 ~~percent of the school district's operating fund than they were~~
12 34 ~~for the base year. However, a A school district is not~~
12 35 required to reduce its administrative expenditures below five
13 1 percent of its operating general fund. ~~Thereafter, a A school~~
13 2 district shall not increase the percent of its administrative
13 3 expenditures compared to its operating general fund.
13 4 Annually, the board of directors shall certify to the
13 5 department of education the amounts of the school district's
13 6 administrative expenditures and its operating general fund.
13 7 For the purposes of this section, ~~"base year" and "budget~~
13 8 ~~year" mean the same as defined in section 442.6, Code 1989,~~
13 9 ~~and section 257.2, and "administrative expenditures" means~~
13 10 expenditures for executive administration.

13 11 Sec. 23. Section 282.1, unnumbered paragraph 1, Code 2009,
13 12 is amended to read as follows:

13 13 Persons between five and twenty-one years of age are of
13 14 school age. Nonresident children shall be charged the maximum
13 15 tuition rate as determined in section 282.24, subsection 1,
13 16 with the exception that those residing temporarily in a school
13 17 corporation may attend school in the corporation upon terms
13 18 prescribed by the board, ~~and boards.~~ A school district
13 19 discontinuing grades under section 282.7, subsection 1 or
13 20 subsections 1 and 3, shall be charged tuition as provided in
13 21 section 282.24, subsection 2 1.

13 22 Sec. 24. Section 282.9, subsection 1, Code 2009, is
13 23 amended to read as follows:

13 24 1. Notwithstanding ~~chapter 282 and sections 275.55A, and~~
13 25 ~~256F.4, and 282.18,~~ or any other provision to the contrary,
13 26 prior to knowingly enrolling an individual who is required to
13 27 register as a sex offender under chapter 692A, but who is
13 28 otherwise eligible to enroll in a public school, the board of
13 29 directors of a school district shall determine the educational
13 30 placement of the individual. Upon receipt of notice that a
13 31 student who is enrolled in the district is required to
13 32 register as a sex offender under chapter 692A, the board shall
13 33 determine the educational placement of the student. The
13 34 tentative agenda for the meeting of the board of directors at
13 35 which the board will consider such enrollment or educational
14 1 placement shall specifically state that the board is
14 2 considering the enrollment or educational placement of an
14 3 individual who is required to register as a sex offender under
14 4 chapter 692A. If the individual is denied enrollment in a

14 5 school district under this section, the school district of
14 6 residence shall provide the individual with educational
14 7 services in an alternative setting.

14 8 Sec. 25. Section 282.18, subsection 4, Code 2009, is
14 9 amended by adding the following new paragraph:

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

14 15 Sec. 26. Section 282.18, subsection 5, Code 2009, is
14 16 amended to read as follows:

14 17 5. Open enrollment applications filed after March 1 of the
14 18 preceding school year that do not qualify for ~~good-cause~~
14 19 approval as provided in subsection 4 shall be subject to the
14 20 approval of the board of the resident district and the board
14 21 of the receiving district. The parent or guardian shall send
14 22 notification to the district of residence and the receiving
14 23 district that the parent or guardian seeks to enroll the
14 24 parent's or guardian's child in the receiving district. A
14 25 decision of either board to deny an application filed under
14 26 this subsection involving repeated acts of harassment of the
14 27 student or serious health condition of the student that the
14 28 resident district cannot adequately address is subject to
14 29 appeal under section 290.1. The state board shall exercise
14 30 broad discretion to achieve just and equitable results that
14 31 are in the best interest of the affected child or children.

14 32 Sec. 27. Section 284.10, subsection 2, Code 2009, is
14 33 amended to read as follows:

14 34 2. An administrator licensed under chapter 272 who
14 35 conducts evaluations of teachers for purposes of this chapter
15 1 shall complete the evaluator training program. A practitioner
15 2 licensed under chapter 272 who is not an administrator may
15 3 enroll in the evaluator training program. Enrollment
15 4 preference shall be given to administrators and to other
15 5 practitioners who are not beginning teachers. Upon successful
15 6 completion, the provider shall certify that the administrator
15 7 or other practitioner is qualified to conduct evaluations for
15 8 employment, make recommendations for licensure, and make
15 9 recommendations that a teacher is qualified to advance from
15 10 one career path level to the next career path level pursuant
15 11 to this chapter. Certification is for a period of five years
15 12 and may be renewed.

15 13 Sec. 28. Section 285.9, Code 2009, is amended by adding
15 14 the following new subsection:

15 15 NEW SUBSECTION. 5. Review all transportation disputes
15 16 between districts. If the affected districts are located in
15 17 more than one area education agency, the area education agency
15 18 in which the larger of the districts is located shall be the
15 19 reviewing agency. In resolving disputes between districts,
15 20 the reviewing agency board shall, after receiving all facts,
15 21 make such alterations or changes as necessary to make the
15 22 arrangements, designations, and contracts conform to the legal
15 23 and established requirements and shall notify each affected
15 24 local school board of such action. An affected district may
15 25 appeal the decision of the agency board to the director of the
15 26 department of education by following the timelines and
15 27 procedures in section 285.12.

15 28 Sec. 29. Section 291.1, Code 2009, is amended to read as
15 29 follows:

15 30 291.1 PRESIDENT == DUTIES.

15 31 The president of the board of directors shall preside at
15 32 all of its meetings, sign all contracts made by the board, and
15 33 appear ~~in~~ on behalf of the corporation in all actions brought
15 34 by or against it, unless individually a party, in which case
15 35 this duty shall be performed by the secretary. The president
16 1 or the president's designee shall sign, using an original or
16 2 facsimile signature, all school district ~~warrants~~ payments
16 3 drawn and authorize electronic funds transfers as provided by
16 4 law. The board of directors, by resolution, may designate an
16 5 individual, who shall not be the secretary, to sign ~~warrants~~
16 6 payments or authorize electronic funds transfers on behalf of
16 7 the president.

16 8 Sec. 30. Section 291.6, subsection 3, Code 2009, is
16 9 amended by striking the subsection and inserting in lieu
16 10 thereof the following:

16 11 3. ACCOUNTING RECORDS. Keep an accurate accounting record
16 12 of each payment or electronic funds transfer from each fund
16 13 which shall be provided monthly to the board of directors.
16 14 The secretary of the creditor district shall prepare and
16 15 deliver to debtor districts an itemized statement of tuition

16 16 fees charged in accordance with sections 275.55A and 282.11,
16 17 and section 282.24, subsection 1.

16 18 Sec. 31. Section 291.6, subsection 4, Code 2009, is
16 19 amended to read as follows:

16 20 4. CLAIMS. Keep an accurate ~~account~~ accounting of all
16 21 expenses incurred by the corporation, and present the same to
16 22 the board for audit and payment.

16 23 Sec. 32. Section 291.7, Code 2009, is amended to read as
16 24 follows:

16 25 291.7 MONTHLY RECEIPTS, DISBURSEMENTS, AND BALANCES.

16 26 The secretary of each district shall file monthly with the
16 27 board of directors a complete statement of all receipts and
16 28 disbursements from ~~the various funds~~ each individual fund
16 29 during the preceding month, and also the balance remaining on
16 30 hand in ~~the various funds~~ each individual fund at the close of
16 31 the period covered by the statement, which monthly statements
16 32 shall be open to public inspection.

16 33 Sec. 33. Section 291.8, Code 2009, is amended by striking
16 34 the section and inserting in lieu thereof the following:

16 35 291.8 PAYMENTS.

17 1 The secretary shall make each authorized payment,
17 2 countersign using an original or facsimile signature, and
17 3 maintain accounting records of the payments or electronic
17 4 funds transfers, showing the number, date, payee, originating
17 5 fund, the purpose, and the amount; and shall provide to the
17 6 board at each regular annual meeting a copy of the accounting
17 7 records maintained by the secretary.

17 8 Sec. 34. Section 291.12, Code 2009, is amended to read as
17 9 follows:

17 10 291.12 DUTIES OF TREASURER == ~~PAYMENT OF WARRANTS~~

17 11 PAYMENTS.

17 12 The treasurer shall receive all moneys belonging to the
17 13 corporation, pay the same out only upon the order of the
17 14 president countersigned by the secretary, ~~keeping and shall~~
17 15 ~~keep an accurate account accounting record~~ of all receipts and
17 16 ~~expenditures in a book provided for that purpose.~~ The
17 17 treasurer shall register all ~~orders drawn payments and~~
17 18 ~~electronic funds transfers made~~ and reported to the treasurer
17 19 by the secretary, showing the number, date, to whom drawn, the
17 20 fund ~~upon from which drawn~~ each payment and transfer was made,
17 21 the purpose and amount.

17 22 Sec. 35. Section 291.14, Code 2009, is amended to read as
17 23 follows:

17 24 291.14 FINANCIAL STATEMENT.

17 25 The treasurer shall render a statement of the finances of
17 26 the corporation whenever required by the board, and the
17 27 treasurer's ~~books~~ accounting records shall always be open for
17 28 inspection.

17 29 Sec. 36. Section 298.3, subsection 9, Code 2009, is
17 30 amended to read as follows:

17 31 9. Purchase of transportation equipment for transporting
17 32 students. For purposes of this subsection, "transportation
17 33 equipment" means any component of a school bus.

17 34 Sec. 37. 298A.13, Code 2009, is amended to read as
17 35 follows:

18 1 298A.13 TRUST, PERMANENT, OR AGENCY FUNDS.

18 2 Trust, permanent, or agency funds shall be established by
18 3 any school corporation to account for gifts it receives to be
18 4 used for a particular purpose or to account for money and
18 5 property received and administered by the district as trustee
18 6 or custodian or in the capacity of an agent. Boards may
18 7 establish trust ~~and, permanent, or~~ agency funds as necessary.

18 8 Sec. 38. Section 299.1, unnumbered paragraph 2, Code 2009,
18 9 is amended to read as follows:

18 10 The board of directors of a public school district or the
18 11 governing body of an accredited nonpublic school may, by
18 12 resolution, require attendance for the entire time when the
18 13 schools are in session in any school year and adopt a policy
18 14 or rules relating to the reasons considered to be valid or
18 15 acceptable excuses for absence from school.

18 16 Sec. 39. Section 299A.11, Code 2009, is amended to read as
18 17 follows:

18 18 299A.11 STUDENT RECORDS CONFIDENTIAL.

18 19 Notwithstanding any provision of law or rule to the
18 20 contrary, personal information in records regarding a child
18 21 receiving competent private instruction pursuant to this
18 22 chapter, which are maintained, created, collected, or
18 23 assembled by or for a state agency, shall be kept confidential
18 24 in the same manner as personal information in student records
18 25 maintained, created, collected, or assembled by or for a
18 26 school corporation or educational institution in accordance

18 27 with section 22.7, subsection 1. For purposes of this
18 28 section, "personal information in records regarding a child
18 29 receiving competent private instruction" shall include the
18 30 child's name and home address, as well as all other
18 31 information that personally identifies the child.

18 32 Sec. 40. Section 321.1, subsection 69, unnumbered
18 33 paragraph 1, Code 2009, is amended to read as follows:
18 34 "School bus" means every vehicle operated for the
18 35 transportation of children to or from school or school
19 1 activities, except vehicles which are:

19 2 Sec. 41. Section 321.1, subsection 69, paragraph d, Code
19 3 2009, is amended to read as follows:

19 4 d. Designed to carry not more than nine persons as
19 5 passengers, either school owned or privately owned, which are
19 6 ~~used to transport pupils to activity events in which the~~
19 7 ~~pupils are participants or used to transport pupils to their~~
19 8 homes in case of illness or other emergency situations. The
19 9 vehicles operated under the provisions of this paragraph shall
19 10 be operated by employees of the school district who are
19 11 specifically approved by the local superintendent of schools
19 12 for the assignment.

19 13 Sec. 42. Section 321.373, subsection 1, Code 2009, is
19 14 amended to read as follows:

19 15 1. Every school bus ~~except private passenger vehicles used~~
19 16 ~~as school buses as defined in section 321.1, subsection 69,~~
19 17 shall be constructed and equipped to meet safety standards
19 18 prescribed in rules adopted by the state board of education.
19 19 Such rules shall conform to safety standards set forth in
19 20 federal laws and regulations and shall conform, insofar as
19 21 practicable, to the minimum standards for school buses
19 22 recommended by the national conference on school
19 23 transportation administered by the national commission on
19 24 safety education and published by the national education
19 25 association.

19 26 Sec. 43. Section 321.376, Code 2009, is amended by adding
19 27 the following new subsection:

19 28 NEW SUBSECTION. 3. The provisions of this section
19 29 relating to a certificate of qualification and approved course
19 30 of instruction shall not apply to a person driving a vehicle
19 31 designed to carry not more than nine persons as passengers,
19 32 either school-owned or privately owned, used to transport
19 33 pupils to activity events.

19 34 Sec. 44. Section 321J.3, subsection 1, paragraph c, Code
19 35 2009, is amended to read as follows:

20 1 c. The court may prescribe the length of time for the
20 2 evaluation and treatment or it may request that the community
20 3 college or other approved provider conducting the course for
20 4 drinking drivers which the person is ordered to attend or the
20 5 treatment program to which the person is committed immediately
20 6 report to the court when the person has received maximum
20 7 benefit from the course for drinking drivers or treatment
20 8 program or has recovered from the person's addiction,
20 9 dependency, or tendency to chronically abuse alcohol or drugs.

20 10 Sec. 45. Section 321J.17, subsection 2, paragraph b, Code
20 11 2009, is amended to read as follows:

20 12 b. The court or department may request that the community
20 13 college or substance abuse treatment providers licensed under
20 14 chapter 125 or other approved provider conducting the course
20 15 for drinking drivers that the person is ordered to attend
20 16 immediately report to the court or department that the person
20 17 has successfully completed the course for drinking drivers.
20 18 The court or department may request that the treatment program
20 19 which the person attends periodically report on the
20 20 defendant's attendance and participation in the program, as
20 21 well as the status of treatment or rehabilitation.

20 22 Sec. 46. Section 321J.22, subsection 1, Code 2009, is
20 23 amended by adding the following new paragraph:

20 24 NEW PARAGRAPH. 0a. "Approved provider" means a provider
20 25 of a course offered out of state for drinking drivers which
20 26 has been approved by the department of education.

20 27 Sec. 47. Section 321J.22, subsection 2, Code 2009, is
20 28 amended by adding the following new paragraph:

20 29 NEW PARAGRAPH. cc. The department of education may
20 30 approve a provider of a course offered out of state for
20 31 drinking drivers upon proof to the department's satisfaction
20 32 that the course is comparable to those offered by community
20 33 colleges, substance abuse treatment programs licensed under
20 34 chapter 125, and state correctional facilities as provided in
20 35 this section. The department shall comply with the
21 1 requirements of subsection 5 regarding such approved
21 2 providers.

21 3 Sec. 48. Section 331.756, subsection 7, Code 2009, is
21 4 amended to read as follows:
21 5 7. Give advice or a written opinion, without compensation,
21 6 to the board and other county officers and to ~~school and~~
21 7 township officers, when requested by an officer, upon any
21 8 matters in which the state, county, ~~school~~, or township is
21 9 interested, or relating to the duty of the officer in any
21 10 matters in which the state, county, ~~school~~, or township may
21 11 have an interest, but the county attorney shall not appear
21 12 before the board at a hearing in which the state or county is
21 13 not interested.

21 14 Sec. 49. Sections 256.20, 256.23, 297.2, and 297.3, Code
21 15 2009, are repealed.

21 16 EXPLANATION

21 17 This bill makes miscellaneous education-related changes to
21 18 Code provisions as follows:

21 19 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
21 20 amended to establish that the provision does not prohibit a
21 21 school corporation or educational institution from
21 22 transferring student records electronically to other school
21 23 corporations or educational institutions in accordance with
21 24 the department of education's comprehensive management
21 25 information system and uniform coding and reporting system.

21 26 Code section 299A.11 is amended to provide that "personal
21 27 information in records regarding a child receiving competent
21 28 private instruction" includes the child's name and home
21 29 address, and any other information that personally identifies
21 30 the child.

21 31 PREFERENCES. Code section 73.1 is amended to include
21 32 school districts participating in a federal school breakfast
21 33 program within an exemption from a provision that requires
21 34 governing bodies in the state to use only those products and
21 35 provisions grown and coal produced within the state of Iowa
22 1 when they are found in marketable quantities, are of a
22 2 suitable quality, and are no more costly than products from
22 3 other states and countries. Currently, school districts
22 4 participating in the federal school lunch program are exempt.

22 5 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
22 6 256.5A is amended to increase the term of the nonvoting
22 7 student member of the state board of education from one year
22 8 to two years, and provides that the student must be enrolled
22 9 in grade 10 when applying for the appointment. Currently, a
22 10 student may be enrolled in grade 10 or 11 at the time the
22 11 student applies.

22 12 DEPARTMENTAL EMPLOYMENT OF PROFESSIONAL STAFF. Code
22 13 section 256.10, subsection 2, is amended by striking a
22 14 provision that prohibits the dismissal of a member of the
22 15 professional staff for cause without appropriate due process
22 16 procedures, but adds that the person must not be dismissed
22 17 without an opportunity to meet with the director of education.
22 18 The bill also adds that appointments to the professional staff
22 19 must be made without reference to sexual orientation or gender
22 20 identity.

22 21 SCHOOL NURSE DEFINITION AND SCOPE OF RESPONSIBILITIES.
22 22 Code section 256.11 is amended to replace language defining
22 23 "school nurse" with language providing that the scope of
22 24 practice of a school nurse shall be as established by the
22 25 board of nursing.

22 26 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
22 27 provides for the distribution and administration of moneys in
22 28 excess of federal moneys to pay the expense of educating
22 29 American Indian children residing in the Sac and Fox Indian
22 30 settlement. The bill eliminates language that requires the
22 31 tribal council to submit an annual report to the department of
22 32 education accounting for expenditure of the moneys and
22 33 requires the department of education to certify compliance
22 34 before the department of management can approve allotment of
22 35 the moneys.

23 1 SPECIAL EDUCATION RIGHTS AND DUTIES. Code section 256B.2
23 2 is amended to add to the definition of "children requiring
23 3 special education" a provision allowing such a child who
23 4 reaches age 21 during an academic year to elect to continue to
23 5 receive special education services until the academic year
23 6 ends. A conforming change is made to Code section 256B.8.

23 7 Code section 256B.6 is amended to provide that when a child
23 8 requiring special education attains the age of majority or is
23 9 incarcerated in a correctional institution, the rights of the
23 10 child's parent or guardian transfers to the child, and any
23 11 notice to that child's parent or guardian must also be
23 12 provided to the child. If the child is determined to be
23 13 incompetent, these rights shall be exercised by the person

23 14 appointed to represent the educational interest of the child.
23 15 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
23 16 257.6 is amended to specify that accredited nonpublic school
23 17 pupils receiving classes or services funded by federal grants
23 18 or allocations shall not be counted in a school district's
23 19 enrollment as shared-time or part-time pupils. The bill makes
23 20 a conforming change to Code section 257.37, subsection 4.
23 21 SUPPLEMENTARY WEIGHTING. Code section 257.11 is amended to
23 22 provide that a pupil who is eligible for special education
23 23 weighting is not also eligible for supplementary weighting
23 24 unless the course generating the supplementary weighting has
23 25 no relationship to the pupil's disability.
23 26 SCHOOL AID APPROPRIATIONS ADJUSTMENTS. Code section
23 27 257.16, subsection 3, is amended to strike language permitting
23 28 school districts to use all moneys received under Code chapter
23 29 257 and deposited in the general fund of the school district
23 30 to be used for any school general fund purpose. Code section
23 31 257.16, subsection 4, is amended to provide that if the
23 32 governor orders budget reductions, reductions in the
23 33 appropriations provided in the Code section for preschool
23 34 foundation aid will be calculated with the preschool budget
23 35 determined in accordance with the funding formula in Code
24 1 section 256C.5; for the teacher salary supplement,
24 2 professional development supplement, and the early
24 3 intervention supplement will be calculated with the budget
24 4 enrollment; and for the area education agency (AEA) teacher
24 5 salary supplement and AEA professional development supplement
24 6 will be calculated with special education support services
24 7 weighted enrollment.
24 8 REPORTING ALLEGED MISCONDUCT. Code section 272.15,
24 9 subsection 2, is amended to allow, rather than require, an
24 10 employee of the department of education to report alleged
24 11 misconduct by an individual licensed by the board of
24 12 educational examiners, that the employee becomes aware of in
24 13 the course of performing official duties.
24 14 AEA BUDGET DEADLINES. Code section 273.3 is amended to
24 15 extend the dates by which area education agency proposed
24 16 budgets must be reviewed, approved, or returned by the state
24 17 board and resubmitted to the state board if not approved.
24 18 ADMINISTRATIVE EXPENSES. Code sections 273.13 and 279.45
24 19 are amended by striking obsolete language, including replacing
24 20 the word "operating" with the word "general" to refer to the
24 21 fund an AEA can use for administrative expenditures.
24 22 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
24 23 279.30 is amended to allow the board of directors of a school
24 24 district or of an AEA to direct deposit a payment at a
24 25 financial institution specified by the person entitled to the
24 26 money. Code section 291.1; Code section 291.6, subsections 3
24 27 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14 are
24 28 amended to replace references to "books", "registers", and
24 29 "warrants" with references to payments, electronic funds
24 30 transfers, and "accounting records" and to make related
24 31 changes.
24 32 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13
24 33 are amended to give school districts the option of
24 34 establishing a permanent fund for gifts received and to allow
24 35 school districts to deposit funds received from gifts,
25 1 devises, and bequests into a trust or permanent fund; and to
25 2 strike the word "agency" from Code section 279.42 as agency
25 3 funds are not used for deposit of gifts.
25 4 CODE CORRECTIONS. The bill makes corrections to Code
25 5 section 256.9 to change references to model end-of-course
25 6 assessments, to Code section 259A.1 to change references to
25 7 subjects covered by high school equivalency diploma tests, to
25 8 Code section 282.1 to change a reference, and to Code section
25 9 299.1 to refer to the board of directors of a public school
25 10 district.
25 11 ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY. Code
25 12 section 282.9, subsection 1, is amended to notwithstanding Code
25 13 chapter 282, relating to school attendance and tuition, rather
25 14 than notwithstanding only Code section 282.18, the Code
25 15 section relating to open enrollment. The language of Code
25 16 section 282.9, subsection 1, provides that prior to knowingly
25 17 enrolling a student who is required to register as a sex
25 18 offender, the school district's board of directors must
25 19 determine the educational placement of the individual and
25 20 place notice of that consideration on the board's tentative
25 21 meeting agenda. If the board denies enrollment to the
25 22 individual, the school district of residence must provide the
25 23 individual with educational services in an alternative
25 24 setting.

25 25 OPEN ENROLLMENT BY SIBLING. Code section 282.18,
25 26 subsection 4, is amended to require that a receiving district
25 27 approve a transfer request submitted after March 1 of the
25 28 preceding school year if the sibling of the pupil for whom the
25 29 request is made is already participating in open enrollment to
25 30 the receiving district. The bill makes a conforming change to
25 31 Code section 282.18, subsection 5.

25 32 EVALUATOR TRAINING PROGRAM. Code section 284.10,
25 33 subsection 2, is amended to give program enrollment preference
25 34 to other practitioners who are not beginning teachers.
25 35 Currently, only school administrators are given preference.

26 1 AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new
26 2 provision to Code section 285.9 to assign the duty of
26 3 reviewing and resolving all transportation disputes between
26 4 districts to the AEA boards.

26 5 SCHOOL BUS AND TRANSPORTATION EQUIPMENT DEFINITIONS. Code
26 6 section 298.3, subsection 9, is amended to define
26 7 "transportation equipment" to mean any component of a school
26 8 bus. Code section 321.1, subsection 69, is amended to strike
26 9 from an exemption to the definition of "school bus", language
26 10 that includes a vehicle operated for the transportation of
26 11 children to or from school activities. Currently, the
26 12 definition is limited to transportation of children to or from
26 13 school. The bill makes a conforming amendment to Code section
26 14 321.373 to provide that every school bus, including those used
26 15 to transport students to school activities, must be
26 16 constructed and equipped to meet specified safety standards.
26 17 However, the bill amends Code section 321.376 to provide that
26 18 certificate of qualification and approved course of
26 19 instruction requirements do not apply to persons driving
26 20 pupils to activities in nine-passenger vehicles.

26 21 APPROVED COURSES FOR DRINKING DRIVERS. Code sections
26 22 321J.3 and 321J.17 are amended to expand the providers of
26 23 drinking driver courses supervised and approved by the
26 24 department of education to include "other approved providers",
26 25 which the bill defines in Code section 321J.22, as providers
26 26 of courses offered out of state. The out-of-state providers
26 27 must prove to the department's satisfaction that the course is
26 28 comparable to those offered by community colleges and
26 29 substance abuse treatment programs. The bill establishes that
26 30 other approved providers may be requested to meet the same
26 31 reporting requirements as the community colleges and substance
26 32 abuse treatment programs.

26 33 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code
26 34 section 331.756, subsection 7, which specifies the duties of
26 35 county attorneys, to eliminate a requirement that county
27 1 attorneys give advice or a written opinion, without
27 2 compensation, to school officers upon request.

27 3 CODE SECTIONS REPEALED. The bill repeals the following:
27 4 1. Code section 256.20, which permits school districts to
27 5 request approval from the state board of education for a pilot
27 6 project for a year-around three-semester school year.
27 7 2. Code section 256.23, which establishes a recruitment
27 8 and advancement program to provide for the allocation of
27 9 grants to school corporations for pilot projects that
27 10 encourage the advancement of women and minorities to
27 11 administrative positions.
27 12 3. Code section 297.2, which permits school districts to
27 13 take and hold so much real estate as may be required for the
27 14 location or construction of schoolhouses, up to a limit of 10
27 15 acres.
27 16 4. Code section 297.3, which permits any school district,
27 17 including a city or village, to take and hold an area equal to
27 18 two blocks for a schoolhouse site, up to a limit of 30 acres,
27 19 for a school playground, stadium, or field house, or other
27 20 purposes.

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