

Senate File 2288 - Introduced

SENATE FILE 2288
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3136)

A BILL FOR

1 An Act relating to the duties and operations of the department
2 of education and local school boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 19B.11, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. It is the policy of this state to provide equal
4 opportunity in school district, area education agency, and
5 community college employment to all persons. An individual
6 shall not be denied equal access to school district, area
7 education agency, or community college employment opportunities
8 because of race, creed, color, religion, national origin,
9 sex, sexual orientation, gender identity, age, or physical or
10 mental disability. It also is the policy of this state to
11 apply affirmative action measures to correct deficiencies in
12 school district, area education agency, and community college
13 employment systems where those remedies are appropriate. This
14 policy shall be construed broadly to effectuate its purposes.

15 Sec. 2. Section 22.7, subsection 1, Code Supplement 2009,
16 is amended to read as follows:

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

1 section 256.9, subsection 47.

2 Sec. 3. Section 256.5A, Code 2009, is amended to read as
3 follows:

4 **256.5A Nonvoting member.**

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

13 2. The department shall develop an application process that
14 requires the consent of the student's parent or guardian if
15 the student is a minor, initial application approval by the
16 school district in which the student applicant is enrolled, and
17 submission of approved applications by a school district to the
18 department.

19 3. The nonvoting student member's school district of
20 enrollment shall notify the student's parents if the student's
21 grade point average falls during the period in which the
22 student is a member of the state board.

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

1 guardian is unnecessary.

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

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

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

15 8. A vacancy in the membership of the nonvoting student
16 member shall not be filled until the expiration of the term.

17 Sec. 4. Section 256.9, subsections 25 and 26, Code
18 Supplement 2009, are amended by striking the subsections.

19 Sec. 5. Section 256.9, subsection 52, paragraph a, Code
20 Supplement 2009, is amended to read as follows:

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

1 measures requirement specified in section 256.7, subsection 21,
2 paragraph "c".

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

5 2. Appointments to the professional staff of the department
6 shall be made in accordance with section 216.6, subsection 1,
7 and shall be without reference to political party affiliation,
8 ~~religious affiliation, sex,~~ or marital status, but shall be
9 based solely upon fitness, ability, and proper qualifications
10 for the particular position. The professional staff shall
11 serve at the discretion of the director. A member of the
12 professional staff shall not be dismissed for cause without
13 ~~appropriate due process procedures including a hearing an~~
14 opportunity to meet with the director.

15 Sec. 7. Section 256.30, Code 2009, is amended to read as
16 follows:

17 **256.30 Educational expenses for American Indians.**

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

28 2. The tribal council shall administer moneys distributed
29 to it by the department of education as provided in subsection
30 1. The tribal council shall first use the moneys distributed
31 ~~to it by the department of education~~ for the purposes of this
32 section to pay the additional costs of salaries for licensed
33 instructional staff for educational attainment and full-time
34 equivalent years of experience to equal the salaries listed on
35 the proposed salary schedule for the school at the Sac and Fox

1 Indian settlement for that school year, but the salary for a
2 licensed instructional staff member employed on a full-time
3 basis shall not be less than eighteen thousand dollars.

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

8 Sec. 8. Section 257.6, subsection 1, paragraph a,
9 subparagraph (3), Code Supplement 2009, is amended to read as
10 follows:

11 (3) Shared-time and part-time pupils of school age enrolled
12 in public schools within the district, irrespective of the
13 districts in which the pupils reside, in the proportion that
14 the time for which they are enrolled or receive instruction for
15 the school year is to the time that full-time pupils carrying
16 a normal course schedule, at the same grade level, in the
17 same school district, for the same school year, are enrolled
18 and receive instruction. Tuition charges to the parent or
19 guardian of a shared-time or part-time nonresident pupil shall
20 be reduced by the amount of any increased state aid received by
21 the district by the counting of the pupil. This subparagraph
22 applies to pupils enrolled in grades nine through twelve under
23 section 299A.8 and to pupils from accredited nonpublic schools
24 accessing classes or services on the accredited nonpublic
25 school premises or the school district site, but excludes
26 accredited nonpublic school pupils receiving classes or
27 services funded by federal grants or allocations.

28 Sec. 9. Section 257.31, subsection 2, Code Supplement 2009,
29 is amended to read as follows:

30 2. The committee shall specify the number of hearings held
31 annually, ~~the reasons for the committee's recommendations,~~ a
32 summary of decisions, information about the amounts of property
33 tax levied by school districts for a cash reserve, and other
34 information the committee deems advisable on the department of
35 education's internet ~~website~~ site.

1 Sec. 10. Section 257.37, subsection 4, Code 2009, is amended
2 to read as follows:

3 4. "*Enrollment served*" means the basic enrollment plus the
4 number of nonpublic school pupils served with media services
5 or educational services, as applicable, except that if a
6 nonpublic school pupil or a pupil attending another district
7 under a whole grade sharing agreement or open enrollment
8 receives services through an area other than the area of the
9 pupil's residence, the pupil shall be deemed to be served by
10 the area of the pupil's residence, which shall by contractual
11 arrangement reimburse the area through which the pupil actually
12 receives services. Each school district shall include in
13 the enrollment report submitted pursuant to section 257.6,
14 subsection 1, the number of nonpublic school pupils within each
15 school district for media and educational services served by
16 the area. However, the school district shall not include in
17 the enrollment report nonpublic school pupils receiving classes
18 or services funded by federal grants or allocations.

19 Sec. 11. Section 257B.33, Code 2009, is amended to read as
20 follows:

21 **257B.33 Suit — attorney fee.**

22 If the debtor does not comply with the notice, the auditor
23 shall report the noncompliance to the ~~county attorney,~~
24 ~~who shall~~ board of directors of the school district, which
25 may bring an action to recover the debt, and an injunction may
26 issue for cause, without bond when so petitioned, and there
27 shall be allowed in the judgment, entered and taxed as a part
28 of the costs in the case, a reasonable sum as compensation to
29 plaintiff's attorney, not exceeding the amount provided by law
30 for attorneys' fees.

31 Sec. 12. Section 259A.1, Code 2009, is amended to read as
32 follows:

33 **259A.1 Tests.**

34 The department of education shall cause to be made
35 available for qualified individuals a high school equivalency

1 diploma. The diploma shall be issued on the basis of
2 satisfactory competence as shown by tests covering all of the
3 following: ~~reading, arts, language arts, writing~~ language
4 arts-reading, language arts-writing, mathematics, science, and
5 social studies.

6 Sec. 13. Section 261E.8, subsection 5, Code Supplement
7 2009, is amended by striking the subsection.

8 Sec. 14. Section 273.3, subsection 12, Code Supplement
9 2009, is amended to read as follows:

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

35 Sec. 15. Section 273.23, subsection 5, Code 2009, is amended

1 to read as follows:

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

26 Sec. 16. Section 279.30, Code 2009, is amended to read as
27 follows:

28 **279.30 Exceptions.**

29 Each payment must be made payable to the person entitled to
30 receive the money or deposited directly into an account at a
31 financial institution, as defined in section 527.2, specified
32 by the person entitled to receive the money. The board of
33 directors of a school district or an area education agency may
34 by resolution authorize the secretary, upon approval of the
35 superintendent or designee, or administrator, in the case of

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

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

14 **279.42 Gifts to schools.**

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

20 Sec. 18. Section 280.3, subsection 2, Code 2009, is amended
21 to read as follows:

22 2. The minimum educational program shall be the curriculum
23 set forth in subsection 3 of this section and section 256.11,
24 except as otherwise provided by law. The board of directors of
25 a public school district shall not allow discrimination in any
26 educational program on the basis of race, color, creed, sex,
27 ~~marital status,~~ sexual orientation, gender identity, or place
28 of national origin.

29 Sec. 19. Section 282.9, subsection 1, Code Supplement 2009,
30 is amended to read as follows:

31 1. Notwithstanding this chapter and sections 275.55A~~7~~ and
32 256F.4, ~~and 282.187~~, or any other provision to the contrary,
33 prior to knowingly enrolling an individual who is required
34 to register as a sex offender under chapter 692A, but who is
35 otherwise eligible to enroll in a public school, the board of

1 directors of a school district shall determine the educational
2 placement of the individual. Upon receipt of notice that a
3 student who is enrolled in the district is required to register
4 as a sex offender under chapter 692A, the board shall determine
5 the educational placement of the student. The tentative agenda
6 for the meeting of the board of directors at which the board
7 will consider such enrollment or educational placement shall
8 specifically state that the board is considering the enrollment
9 or educational placement of an individual who is required
10 to register as a sex offender under chapter 692A. If the
11 individual is denied enrollment in a school district under this
12 section, the school district of residence shall provide the
13 individual with educational services in an alternative setting.

14 Sec. 20. Section 282.18, subsection 4, Code Supplement
15 2009, is amended by adding the following new paragraph:

16 NEW PARAGRAPH. *Oc.* If a request for transfer is submitted
17 to the receiving district after March 1 of the preceding
18 school year on behalf of a pupil whose sibling is already
19 participating in open enrollment, the receiving district shall
20 take action to approve the request.

21 Sec. 21. Section 282.18, subsection 5, Code Supplement
22 2009, is amended to read as follows:

23 5. Open enrollment applications filed after March 1
24 of the preceding school year that do not qualify for ~~good~~
25 ~~cause~~ approval as provided in subsection 4 shall be subject
26 to the approval of the board of the resident district and
27 the board of the receiving district. The parent or guardian
28 shall send notification to the district of residence and the
29 receiving district that the parent or guardian seeks to enroll
30 the parent's or guardian's child in the receiving district. A
31 decision of either board to deny an application filed under
32 this subsection involving repeated acts of harassment of the
33 student or serious health condition of the student that the
34 resident district cannot adequately address is subject to
35 appeal under section 290.1. The state board shall exercise

1 broad discretion to achieve just and equitable results that are
2 in the best interest of the affected child or children.

3 Sec. 22. Section 284.10, subsection 2, Code 2009, is amended
4 to read as follows:

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

19 Sec. 23. Section 284A.2, subsection 2, Code Supplement
20 2009, is amended to read as follows:

21 2. "*Beginning administrator*" means an individual serving
22 under an ~~initial~~ administrator license, issued by the board
23 of educational examiners under chapter 272, who is assuming
24 a position as a school district ~~administrator~~ principal or
25 superintendent for the first time.

26 Sec. 24. Section 284A.5, subsections 3 and 5, Code 2009, are
27 amended to read as follows:

28 3. Each school board shall establish an administrator
29 mentoring program for all beginning administrators. The
30 school board may adopt the model program developed by the
31 department pursuant to subsection 2. Each school board's
32 beginning administrator mentoring and induction program
33 shall, at a minimum, provide for one year of programming to
34 support the Iowa standards for school administrators adopted
35 pursuant to section 256.7, subsection 27, and beginning

1 administrators' professional and personal needs. Each school
2 board shall develop ~~an initial~~ and implement a beginning
3 administrator mentoring and induction plan. The plan shall
4 describe the mentor selection process, describe supports for
5 beginning administrators, describe program organizational
6 and collaborative structures, provide a budget, provide
7 for sustainability of the program, and provide for program
8 evaluation. The school board employing an administrator shall
9 determine the conditions and requirements of an administrator
10 participating in a program established pursuant to this
11 section. A school board shall include its plan in the school
12 district's comprehensive school improvement plan submitted
13 pursuant to section 256.7, subsection 21.

14 5. By the end of a beginning administrator's first year of
15 employment, the beginning administrator may be comprehensively
16 evaluated to determine if the administrator meets expectations
17 to move to a ~~standard~~ professional administrator license,
18 where appropriate. The school district or area education
19 agency that employs a beginning administrator shall recommend
20 the beginning administrator for a ~~standard~~ professional
21 administrator license, where appropriate, if the beginning
22 administrator is determined through a comprehensive evaluation
23 to demonstrate competence in the Iowa standards for school
24 administrators adopted pursuant to section 256.7, subsection
25 27. A school district or area education agency may allow a
26 beginning administrator a second year to demonstrate competence
27 in the Iowa standards for school administrators if, after
28 conducting a comprehensive evaluation, the school district
29 or area education agency determines that the administrator
30 is likely to successfully demonstrate competence in the Iowa
31 standards for school administrators by the end of the second
32 year. Upon notification by the school district or area
33 education agency, the board of educational examiners shall
34 grant a beginning administrator who has been allowed a second
35 year to demonstrate competence a one-year extension of the

1 beginning administrator's initial license. An administrator
2 granted a second year to demonstrate competence shall undergo a
3 comprehensive evaluation at the end of the second year.

4 Sec. 25. Section 284A.6, subsection 2, Code 2009, is amended
5 to read as follows:

6 2. In cooperation with the administrator's evaluator, the
7 administrator who has a ~~standard administrator's professional~~
8 administrator license issued by the board of educational
9 examiners pursuant to chapter 272 and is employed by a
10 school district or area education agency in a school
11 district administrative position, shall develop an individual
12 administrator professional development plan. The purpose
13 of the plan is to promote individual and group professional
14 development. The individual plan shall be based, at a minimum,
15 on the needs of the administrator, the Iowa standards for
16 school administrators adopted pursuant to section 256.7,
17 subsection 27, and the student achievement goals of the
18 attendance center and the school district as outlined in the
19 comprehensive school improvement plan.

20 Sec. 26. Section 284A.7, Code 2009, is amended to read as
21 follows:

22 **284A.7 Evaluation requirements for administrators.**

23 A school district shall conduct an evaluation of
24 an administrator who holds a ~~standard~~ professional
25 administrator license issued under chapter 272 at least once
26 every three years for purposes of assisting the administrator
27 in making continuous improvement, documenting continued
28 competence in the Iowa standards for school administrators
29 adopted pursuant to section 256.7, subsection 27, or to
30 determine whether the administrator's practice meets school
31 district expectations. The review shall include, at a minimum,
32 an assessment of the administrator's competence in meeting
33 the Iowa standards for school administrators and the goals of
34 the administrator's individual professional development plan,
35 including supporting documentation or artifacts aligned to the

1 Iowa standards for school administrators and the individual
2 administrator's professional development plan.

3 Sec. 27. Section 284A.8, Code Supplement 2009, is amended
4 to read as follows:

5 **284A.8 Beginning administrator mentoring and induction**
6 **program — program funds.**

7 1. To the extent moneys are available, a school district
8 shall receive one thousand five hundred dollars per beginning
9 administrator participating in the program. ~~If the funds~~
10 ~~appropriated for the program are insufficient to pay mentors~~
11 ~~and school districts as provided in this section, the~~
12 ~~department shall prorate the amount distributed to school~~
13 ~~districts based upon the amount appropriated.~~ Moneys received
14 by a school district pursuant to this section shall be expended
15 to provide each mentor with an award of five hundred dollars
16 per semester, at a minimum, for participation in the school
17 district's beginning administrator mentoring and induction
18 program; to implement the plan; and to pay any applicable costs
19 of the employer's share of contributions to federal social
20 security and the Iowa public employees' retirement system or a
21 pension and annuity retirement system established under chapter
22 294, for such amounts paid by the district.

23 2. If the funds appropriated for the program are
24 insufficient to pay mentors and school districts as provided
25 in this section, the department shall prorate the amount
26 distributed to school districts based upon the amount
27 appropriated. A school district shall give priority to fully
28 funding the obligation to principal mentors. Remaining moneys,
29 if any, shall first be used to fund superintendent mentors and
30 then to fund other program costs and applicable costs described
31 in subsection 1.

32 Sec. 28. Section 285.9, Code 2009, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 5. Review all transportation disputes
35 between districts. If the affected districts are located in

1 more than one area education agency, the area education agency
2 in which the affected district with the greatest certified
3 enrollment is located shall be the reviewing agency. In
4 resolving disputes between districts, the reviewing agency
5 board shall, after receiving all facts, make such alterations
6 or changes as necessary to make the arrangements, designations,
7 and contracts conform to the legal and established requirements
8 and shall notify each affected local school board of such
9 action. An affected district may appeal the decision of the
10 agency board to the director of the department of education by
11 following the timelines and procedures in section 285.12.

12 Sec. 29. Section 291.1, Code 2009, is amended to read as
13 follows:

14 **291.1 President — duties.**

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

27 Sec. 30. Section 291.6, subsection 3, Code 2009, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 3. *Accounting records.* Keep an accurate accounting record
31 of each payment or electronic funds transfer from each fund
32 which shall be provided monthly to the board of directors. The
33 secretary of the creditor district shall prepare and deliver to
34 debtor districts an itemized statement of tuition fees charged
35 in accordance with sections 275.55A and 282.11, and section

1 282.24, subsection 1.

2 Sec. 31. Section 291.6, subsection 4, Code 2009, is amended
3 to read as follows:

4 4. *Claims.* Keep an accurate ~~account~~ accounting of all
5 expenses incurred by the corporation, and present the same to
6 the board for audit and payment.

7 Sec. 32. Section 291.7, Code 2009, is amended to read as
8 follows:

9 **291.7 Monthly receipts, disbursements, and balances.**

10 The secretary of each district shall file monthly with
11 the board of directors a complete statement of all receipts
12 and disbursements from ~~the various funds~~ each individual
13 fund during the preceding month, and also the balance remaining
14 on hand in ~~the various funds~~ each individual fund at the
15 close of the period covered by the statement, which monthly
16 statements shall be open to public inspection.

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

19 **291.8 Payments.**

20 The secretary shall make each authorized payment,
21 countersign using an original or facsimile signature, and
22 maintain accounting records of the payments or electronic funds
23 transfers, showing the number, date, payee, originating fund,
24 the purpose, and the amount, and shall provide to the board at
25 each regular annual meeting a copy of the accounting records
26 maintained by the secretary.

27 Sec. 34. Section 291.12, Code 2009, is amended to read as
28 follows:

29 **291.12 Duties of treasurer — ~~payment of warrants~~ payments.**

30 The treasurer shall receive all moneys belonging to the
31 corporation, pay the same out only upon the order of the
32 president countersigned by the secretary, keeping and shall
33 keep an accurate account accounting record of all receipts
34 and expenditures ~~in a book provided for that purpose~~. The
35 treasurer shall register all ~~orders drawn~~ payments and

1 electronic funds transfers made and reported to the treasurer
2 by the secretary, showing the number, date, to whom drawn, the
3 fund upon from which drawn each payment and transfer was made,
4 the purpose and amount.

5 Sec. 35. Section 291.14, Code 2009, is amended to read as
6 follows:

7 **291.14 Financial statement.**

8 The treasurer shall render a statement of the finances of the
9 corporation whenever required by the board, and the treasurer's
10 ~~books~~ accounting records shall always be open for inspection.

11 Sec. 36. Section 298A.13, Code 2009, is amended to read as
12 follows:

13 **298A.13 Trust, permanent, or agency funds.**

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

20 Sec. 37. Section 299A.11, Code 2009, is amended to read as
21 follows:

22 **299A.11 Student records confidential.**

23 Notwithstanding any provision of law or rule to the
24 contrary, personal information in records regarding a child
25 receiving competent private instruction pursuant to this
26 chapter, which are maintained, created, collected, or assembled
27 by or for a state agency, shall be kept confidential in
28 the same manner as personal information in student records
29 maintained, created, collected, or assembled by or for a school
30 corporation or educational institution in accordance with
31 section 22.7, subsection 1. For purposes of this section,
32 "personal information in records regarding a child receiving
33 competent private instruction" shall include the child's
34 name and home address as well as all other information that
35 personally identifies the child.

1 Sec. 38. Section 321.1, subsection 69, unnumbered paragraph
2 1, Code Supplement 2009, is amended to read as follows:

3 “*School bus*” means every vehicle operated for the
4 transportation of children to or from school or school
5 activities, except vehicles which are:

6 Sec. 39. Section 321.1, subsection 69, paragraph d, Code
7 Supplement 2009, is amended to read as follows:

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

17 Sec. 40. Section 321.373, subsection 1, Code 2009, is
18 amended to read as follows:

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

29 Sec. 41. Section 321.376, Code Supplement 2009, is amended
30 by adding the following new subsection:

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

1 pupils to school activities or events.

2 Sec. 42. Section 321.379, Code 2009, is amended to read as
3 follows:

4 **321.379 Violations.**

5 No school board, individual, or organization shall purchase,
6 construct, or contract for use, to transport pupils to or
7 from school or school activities, any school bus which does
8 not comply with the minimum requirements of section 321.373
9 and any individual, or any member or officer of such board or
10 organization who authorizes, the purchase, construction, or
11 contract for any such bus not complying with these minimum
12 requirements shall be guilty of a misdemeanor punishable as
13 provided in section 321.482.

14 Sec. 43. Section 321J.3, subsection 1, paragraph c, Code
15 2009, is amended to read as follows:

16 c. The court may prescribe the length of time for the
17 evaluation and treatment or it may request that the community
18 college or other approved provider conducting the course
19 for drinking drivers which the person is ordered to attend
20 or the treatment program to which the person is committed
21 immediately report to the court when the person has received
22 maximum benefit from the course for drinking drivers or
23 treatment program or has recovered from the person's addiction,
24 dependency, or tendency to chronically abuse alcohol or drugs.

25 Sec. 44. Section 321J.17, subsection 2, paragraph b, Code
26 2009, is amended to read as follows:

27 b. The court or department may request that the community
28 college or substance abuse treatment providers licensed under
29 chapter 125 or other approved provider conducting the course
30 for drinking drivers that the person is ordered to attend
31 immediately report to the court or department that the person
32 has successfully completed the course for drinking drivers.
33 The court or department may request that the treatment program
34 which the person attends periodically report on the defendant's
35 attendance and participation in the program, as well as the

1 status of treatment or rehabilitation.

2 Sec. 45. Section 321J.22, subsection 1, Code 2009, is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. *Oa.* "Approved provider" means a provider of
5 a course offered outside this state for drinking drivers which
6 has been approved by the department of education.

7 Sec. 46. Section 321J.22, subsection 2, Code 2009, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *Od.* The department of education may approve
10 a provider of a course offered outside this state for drinking
11 drivers upon proof to the department's satisfaction that the
12 course is comparable to those offered by community colleges,
13 substance abuse treatment programs licensed under chapter 125,
14 and state correctional facilities as provided in this section.
15 The department shall comply with the requirements of subsection
16 5 regarding such approved providers.

17 Sec. 47. Section 331.756, subsection 7, Code 2009, is
18 amended to read as follows:

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

28 Sec. 48. Section 331.756, subsection 54, Code 2009, is
29 amended by striking the subsection.

30 Sec. 49. REPEAL. Sections 256.20 and 256.23, Code 2009,
31 are repealed.

32 Sec. 50. STATE MANDATE FUNDING SPECIFIED. In accordance
33 with section 25B.2, subsection 3, the state cost of requiring
34 compliance with any state mandate included in this Act shall
35 be paid by a school district from state school foundation aid

1 received by the school district under section 257.16. This
2 specification of the payment of the state cost shall be deemed
3 to meet all of the state funding-related requirements of
4 section 25B.2, subsection 3, and no additional state funding
5 shall be necessary for the full implementation of this Act
6 by and enforcement of this Act against all affected school
7 districts.

8

EXPLANATION

9 This bill makes miscellaneous changes to Code provisions
10 relating to education as follows:

11 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is
12 amended to establish that the provision does not prohibit a
13 school corporation or educational institution from transferring
14 student records electronically to other school corporations or
15 educational institutions in accordance with the department of
16 education's comprehensive management information system and
17 uniform coding and reporting system.

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

23 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
24 256.5A is amended to increase the term of the nonvoting student
25 member of the state board of education from one year to two
26 years, and provides that the student must be enrolled in grade
27 10 when applying for the appointment. Currently, a student may
28 be enrolled in grade 10 or 11 at the time the student applies.

29 SCHOOL LAW PRINTING REQUIREMENT. Code section 256.9,
30 subsections 25 and 26, are stricken. The provisions require
31 the director of the department of education to cause to
32 be printed in book form, every four years since 1987, all
33 school laws, and changes to school laws, with forms, rulings,
34 decisions, notes, and suggestions which may aid school officers
35 in the proper discharge of their duties. The book must be

1 furnished to school and area officers and administrators,
2 members of the general assembly, and others as reasonably
3 requested.

4 EMPLOYMENT PRACTICES. Code section 256.10, subsection 2, is
5 amended by striking a provision that prohibits the dismissal
6 of a member of the professional staff for cause without
7 appropriate due process procedures, but adds that the person
8 must not be dismissed without an opportunity to meet with the
9 director of education. The bill also adds that appointments
10 to the professional staff must be made in accordance with Code
11 section 216.6, subsection 1, which prohibits discriminatory
12 employment practices. Code sections 19B.11 and 280.3 are
13 amended to conform them to Code section 216.6.

14 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
15 provides for the distribution and administration of moneys
16 in excess of federal moneys to pay the expense of educating
17 American Indian children residing in the Sac and Fox Indian
18 settlement. The bill eliminates language that requires the
19 tribal council to submit an annual report to the department of
20 education accounting for expenditure of the moneys and requires
21 the department of education to certify compliance before the
22 department of management can approve allotment of the moneys.

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

29 SCHOOL BUDGET REVIEW COMMITTEE INTERNET SITE INFORMATION.
30 Code section 257.31, subsection 2, is amended to eliminate a
31 requirement that the school budget review committee specify on
32 its internet site annually the reasons for its recommendations,
33 and instead require that it specify a summary of decisions.
34 The reference to recommendations was tied to a requirement that
35 the committee report to the general assembly any recommended

1 changes in laws relating to school districts, but that
2 requirement was stricken by legislation enacted in 2009.

3 ACTION AGAINST DEBTOR. Code section 257B.33 is amended and
4 Code section 331.756(54) is stricken to eliminate a provision
5 requiring the county attorney to commence legal proceedings to
6 recover school funds and instead allow the school district to
7 bring action to recover debt.

8 DISTRICT-TO-COMMUNITY COLLEGE SHARING OR CONCURRENT
9 ENROLLMENT PROGRAM — TRANSPORTATION. Code section 261E.8,
10 which provides for the district-to-community college sharing
11 or concurrent enrollment program, is amended to strike a
12 requirement that the parent or legal guardian of a student who
13 has enrolled in and is attending a community college under
14 the program furnish transportation to and from the community
15 college for the student.

16 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23 are
17 amended to extend the dates by which area education agency
18 proposed budgets must be reviewed, approved, or returned by the
19 state board and resubmitted to the state board if the first
20 submission is not approved.

21 BEGINNING ADMINISTRATOR MENTORING PROGRAM. Code sections
22 284A.2, subsection 2; 284A.5, subsections 3 and 5; 284A.6,
23 subsection 2; 284A.7 and 284A.8 are amended to broaden the
24 definition of beginning administrator to include those who
25 hold a professional administrator license, and to change
26 references to the standard administrator license to the
27 professional administrator license. If funds are insufficient,
28 the bill gives priority to fully fund principal mentors, then
29 superintendent mentors, then the remaining program costs.

30 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
31 279.30 is amended to allow the board of directors of a
32 school district or of an AEA to direct deposit a payment at a
33 financial institution specified by the person entitled to the
34 money. Code section 291.1; Code section 291.6, subsections
35 3 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14

1 are amended to replace references to "books", "registers",
2 and "warrants" with references to payments, electronic funds
3 transfers, and accounting records and to make related changes.

4 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are
5 amended to give school districts the option of establishing a
6 permanent fund for gifts received and to allow school districts
7 to deposit funds received from gifts, devises, and bequests
8 into a trust, permanent, or agency fund.

9 CODE CORRECTIONS. The bill makes corrections to Code
10 section 256.9 to change references to model end-of-course
11 assessments and to Code section 259A.1 to change references to
12 subjects covered by high school equivalency diploma tests.

13 ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY.
14 Code section 282.9, subsection 1, is amended to notwithstanding
15 Code chapter 282, relating to school attendance and tuition,
16 rather than notwithstanding only Code section 282.18, the
17 Code section relating to open enrollment. The language of
18 Code section 282.9, subsection 1, provides that prior to
19 knowingly enrolling a student who is required to register as
20 a sex offender, the school district's board of directors must
21 determine the educational placement of the individual and place
22 notice of that consideration on the board's tentative meeting
23 agenda. If the board denies enrollment to the individual, the
24 school district of residence must provide the individual with
25 educational services in an alternative setting.

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

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

1 school administrators are given preference.

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

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

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

32 DUTIES OF THE COUNTY ATTORNEY. The bill amends Code section
33 331.756, subsection 7, which specifies the duties of county
34 attorneys, to eliminate a requirement that county attorneys
35 give advice or a written opinion to school officers upon

1 request.

2 CODE SECTIONS REPEALED. The bill repeals the following:

3 1. Code section 256.20, which permits school districts to
4 request approval from the state board of education for a pilot
5 project for a year-around three-semester school year.

6 2. Code section 256.23, which establishes a recruitment and
7 advancement program to provide for the allocation of grants
8 to school corporations for pilot projects that encourage
9 the advancement of women and minorities to administrative
10 positions.

11 STATE MANDATE. The bill may include a state mandate as
12 defined in Code section 25B.3. The bill requires that the
13 state cost of any state mandate included in the bill be
14 paid by a school district from state school foundation aid
15 received by the school district under Code section 257.16. The
16 specification is deemed to constitute state compliance with
17 any state mandate funding-related requirements of Code section
18 25B.2. The inclusion of this specification is intended to
19 reinstate the requirement of political subdivisions to comply
20 with any state mandates included in the bill.