

House Study Bill 160 - Introduced

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

A BILL FOR

1 An Act relating to vehicular transportation for students and
2 making penalties applicable.

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

1 Section 1. Section 257.31, subsection 17, paragraph d, Code
2 2011, is amended to read as follows:

3 *d.* Funds transferred to the committee in accordance with
4 section 321.34, subsection 22, are appropriated to and may
5 be expended for the purposes of the committee, as described
6 in this section, and to contract for geospatial research on
7 transportation issues affecting school district reorganization
8 and school bus routing. ~~However, highest priority shall be~~
9 ~~given to districts that meet the conditions described in this~~
10 ~~subsection.~~ Notwithstanding any other provision of the Code,
11 unencumbered or unobligated funds transferred to the committee
12 pursuant to section 321.34, subsection 22, remaining on June
13 30 of the fiscal year for which the funds were transferred,
14 shall not revert but shall be available for expenditure for the
15 purposes of this subsection in subsequent fiscal years.

16 Sec. 2. Section 285.9, Code 2011, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 5. Review and resolve all transportation
19 disputes between districts as provided in section 285.12A.

20 Sec. 3. NEW SECTION. **285.12A Disputes between districts.**

21 In the event of a dispute between school districts regarding
22 transportation, the area education agency board shall review
23 and resolve the dispute. If the parties to the dispute are
24 located in more than one area education agency, the area
25 education agency in which the party to the dispute with the
26 greatest certified enrollment is located shall be the reviewing
27 agency. In resolving disputes between districts, the reviewing
28 agency board shall, after receiving all facts, make alterations
29 or changes as necessary to make the arrangements, designations,
30 and contracts conform to the legal and established requirements
31 and shall notify each affected local school board of the
32 decision. A party to the dispute may appeal the decision of
33 the agency board to the director of the department of education
34 in the manner provided in section 285.12 for appealing a
35 decision of an agency board. The decision of the director

1 shall be subject to judicial review in accordance with chapter
2 17A.

3 Sec. 4. Section 321.1, subsection 69, paragraph d, Code
4 2011, is amended to read as follows:

5 d. Designed to carry not more than nine persons as
6 passengers, either school owned or privately owned, which
7 are used to transport pupils to activity events in which the
8 pupils are participants or used to transport pupils to their
9 homes in case of illness or other emergency situations. The
10 vehicles operated under the provisions of this paragraph
11 shall be operated by employees of the school district who are
12 specifically approved by the local superintendent of schools
13 for the assignment and, if applicable, shall conform to the
14 minimum vehicle safety inspection standards for school buses,
15 as prescribed in rules adopted by the state board of education.

16 Sec. 5. Section 321.373, subsection 1, Code 2011, is amended
17 to read as follows:

18 1. Every school bus ~~except private passenger vehicles used~~
19 ~~as school buses~~ or other vehicle used to transport pupils
20 to activity events pursuant to section 321.1, subsection
21 69, paragraph "d", unless privately owned and not operated
22 for compensation, shall be constructed and equipped to meet
23 safety standards prescribed in rules adopted by the state
24 board of education. Such rules shall conform to safety
25 standards set forth in federal laws and regulations and shall
26 conform, insofar as practicable, to the minimum standards
27 for school buses recommended by the national conference on
28 school transportation administered by the national commission
29 on safety education and published by the national education
30 association.

31 Sec. 6. Section 321.373, subsection 3, Code 2011, is amended
32 to read as follows:

33 3. The rules prescribed for school buses shall include
34 special rules for passenger automobiles, and other vehicles
35 designed to carry eight or fewer pupils, when used as school

1 buses. This subsection shall not apply to vehicles governed by
2 subsection 1.

3 Sec. 7. Section 321.376, Code 2011, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 3. The provisions of this section relating
6 to a certificate of qualification and approved course of
7 instruction shall not apply to a person operating a vehicle
8 used to transport pupils to activity events pursuant to section
9 321.1, subsection 69, paragraph "d".

10 Sec. 8. Section 321.379, Code 2011, is amended to read as
11 follows:

12 **321.379 Violations.**

13 A school board, individual, or organization shall not
14 purchase, construct, or contract for use, to transport pupils
15 to or from school or school activities, any school bus or other
16 vehicle used to transport pupils to activity events pursuant
17 to section 321.1, subsection 69, paragraph "d", which does
18 not comply with the minimum requirements of section 321.373
19 pertaining to such bus or vehicle, and any individual, or any
20 member or officer of such board or organization who authorizes,
21 the purchase, construction, or contract for any such bus or
22 vehicle not complying with these minimum requirements commits a
23 simple misdemeanor.

24 EXPLANATION

25 This bill makes changes relating to vehicular transportation
26 for students.

27 Current law provides that the school budget review committee
28 may use transferred funds generated by fees for special
29 registration plates with an education emblem pursuant to Code
30 section 321.34(22) for the purposes of the committee. The bill
31 authorizes the committee to contract for geospatial research on
32 transportation issues affecting school district reorganization
33 and school bus routing and to use the funds for that purpose.
34 The bill strikes language requiring that the highest priority
35 for such funds be given to school districts that meet certain

1 conditions.

2 The bill assigns to area education agencies the duty of
3 initially reviewing transportation disputes between school
4 districts and the authority to resolve such disputes. The bill
5 requires the reviewing agency board to notify each affected
6 local school board of its decision, and allows an affected
7 school district to appeal a decision to the director of the
8 department of education.

9 The bill provides that school-owned vehicles designed to
10 carry not more than nine persons which are used to transport
11 pupils to activity events in which students are participating
12 must conform to minimum vehicle safety inspection standards for
13 school buses as far as practicable and as set out by the state
14 board of education by rule. The bill also provides that the
15 drivers of such vehicles, whether school-owned or privately
16 owned, are exempt from statutory requirements for a certificate
17 of qualification and an approved course of instruction that
18 apply to school bus drivers.

19 Current law provides that a school board, individual, or
20 organization must not purchase, construct, or contract for
21 use of a school bus that does not comply with minimum state
22 standards. Current law provides that any person who authorizes
23 such an action is guilty of a simple misdemeanor. The bill
24 adds certain other vehicles used to transport students to
25 school activities to those requirements. A simple misdemeanor
26 is punishable by confinement for no more than 30 days or a fine
27 of at least \$65 but not more than \$625 or by both.