

CHAPTER 126

EDUCATION

S. F. 101

AN ACT to provide for the distribution, to the several public school corporations of the state on a teacher unit basis, of certain federal funds now or hereafter made available by acts of congress to assist the states and territories in providing more effective programs of public education; to prescribe the powers and duties of the superintendent of public instruction, the treasurer of state, the state comptroller, and other officials with reference thereto; to require certain refunds to be made by school corporations receiving tuition; and to provide for the administration of this act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The following terms shall, for the purpose of this act,
2 have the following meanings:

3 1. "*Aggregate attendance*" means the sum determined by adding to-
4 gether the total number of school days during which each pupil in the
5 grades in question attended a regular day school conducted by the par-
6 ticular public school corporation during the regular school year, ex-
7 cluding summer school.

8 2. "*Average daily attendance*" means the quotient arising from di-
9 viding aggregate attendance by the total number of days school was
10 in session during the regular school year, excluding summer school.
11 Said quotient shall be carried to such number of decimal places, fixed
12 by the superintendent, as is reasonably necessary to secure equitable
13 distribution.

14 3. "*Superintendent*" means the superintendent of public instruction
15 of the state of Iowa.

1 SEC. 2. It shall be the duty of the superintendent to keep such rec-
2 ords and accounts, to cause such audits to be made, and to make such
3 applications and reports to the United States commissioner of educa-
4 tion, or other authorized federal officer, as shall be necessary to qualify
5 this state to receive, and to continue to receive, such federal funds as
6 may be allotted to this state under and by virtue of an act of the
7 Seventy-fifth congress of the United States, first session, now or here-
8 after enacted, entitled "A bill to promote the general welfare through
9 the appropriation of funds to assist the states and territories in pro-
10 viding more effective programs of public education", and such other
11 acts of congress, now or hereafter enacted, as may make federal funds
12 available to this state for the purpose of providing more effective pro-
13 grams of general public education. For such purposes, the superin-
14 tendent is hereby designated as the "chief educational authority" to
15 represent this state.

1 SEC. 3. There is hereby created in the treasury of the state of Iowa
2 a special fund, to which shall be credited such federal funds as are
3 received pursuant to the acts of congress designated in section two
4 hereof. The treasurer of state shall keep such accounts and records
5 of the expenditure of such funds as may be prescribed by the United
6 States commissioner of education, or other federal officer, pursuant
7 to the law authorizing such distribution of federal funds.

1 **SEC. 4.** The funds credited to such special fund shall be distributed
2 each school year, in October and April, to the several public school
3 corporations of the state in the proportion which the total number of
4 teacher units for each such school corporation for the preceding school
5 year bears to the total number of teacher units for the state for such
6 school year. Such teacher units shall be determined for each public
7 school corporation in the following manner:

8 1. Teacher units in grades one to eight inclusive, and kindergarten,
9 shall be fixed as follows: (a) For each school in which only one teacher
10 is employed, one teacher unit; and (b) if the total average daily at-
11 tendance does not exceed forty in all schools in which more than one
12 teacher is employed, two additional teacher units; or (c) if the total
13 average daily attendance exceeds forty in all such schools, one addi-
14 tional teacher unit for the first fifteen and one additional teacher unit
15 for each additional twenty-seven, or major fraction thereof, in average
16 daily attendance; provided that the teacher units so determined for
17 each school corporation shall not exceed the actual number of teachers
18 employed in grades one to eight inclusive, and kindergarten.

19 2. Teacher units in grades nine to twelve inclusive shall be deter-
20 mined by allowing one and one-half teacher units for each high school
21 unit, determined as follows: (a) If the total average daily attendance
22 in grades nine to twelve in all schools is less than sixteen, one high
23 school unit; or (b) if such total average daily attendance is more than
24 fifteen and less than twenty-six, two high school units; or (c) if such
25 total average daily attendance is more than twenty-five and less than
26 forty-one, three high school units; or (d) if such total average daily at-
27 tendance is more than forty, three high school units for the first forty
28 and one additional high school unit for each additional twenty-two, or
29 major fraction thereof, in average daily attendance; provided that the
30 high school units so determined for each school corporation shall not
31 exceed the actual number of teachers employed in teaching grades nine
32 to twelve inclusive.

33 3. Both residents and nonresident pupils shall be included in deter-
34 mining the number of teacher units allowed to each school corporation.

1 **SEC. 5.** The treasurer shall, upon request, certify to the superin-
2 tendent at any time the amount in the special fund created in section
3 three hereof. On the first day of October and the first day of April of
4 each year, or as soon thereafter as possible, the superintendent shall
5 determine the amount due each of the several school corporations in
6 the state under the provisions of this act, and shall file with the state
7 comptroller a requisition on which shall appear the amounts due each
8 of such school corporations.

1 **SEC. 6. Warrants drawn.** The state comptroller, upon receipt of
2 such requisition from the superintendent of public instruction, shall
3 draw a warrant or warrants on the treasurer of state, payable to the
4 school corporations entitled thereto in accordance with said requis-
5 ition, and shall deliver said warrant or warrants to the superintendent
6 of public instruction, who shall make a record thereof and transmit
7 the same to the secretary of each of said school corporations.

1 **SEC. 7. Deposit of funds.** Upon receipt of any such warrant, the
2 secretary of the school corporation shall cause it to be deposited to
3 the credit of the general fund of the said school corporation.

1 SEC. 8. Each public school corporation in the state which, pursuant
2 to statutory requirements, receives tuition from another public school
3 corporation for nonresident pupils shall, within thirty days after re-
4 ceiving such warrant on the treasurer of state, refund to the public
5 school corporation paying such tuition an amount for each such non-
6 resident pupil determined as follows:

7 a. The amount so received from the treasurer of state for teacher
8 units in grades one to eight inclusive, and kindergarten, shall be di-
9 vided by the total average daily attendance in such grades for the
10 school year for which such teacher units were fixed. The result so
11 obtained shall constitute the amount of refund for each pupil in such
12 grades for whom tuition was received for such school year.

13 b. The amount so received from the treasurer of state for teacher
14 units in grades nine to twelve inclusive shall be divided by the total
15 average daily attendance in such grades for the school year for which
16 such teacher units were fixed. The result so obtained shall constitute
17 the amount of refund for each pupil in such grades for whom tuition
18 was received for such school year.

19 c. Provided that if tuition was paid for any such pupil for less than
20 the full school year the amount of refund shall bear the same propor-
21 tion to the amount so determined as the period for which tuition was
22 paid bears to the full school year.

1 SEC. 9. The superintendent of public instruction is hereby author-
2 ized to adopt such rules and regulations, consistent with the provisions
3 of this act, as are necessary and proper for the administration thereof.

1 SEC. 10. **Constitutionality.** If any section, subsection, clause, sen-
2 tence, or phrase of this act is for any reason held to be unconstitutional
3 or invalid, such decision shall not affect the validity of the remaining
4 portions of this act. The legislature hereby declares that it would
5 have passed this act and each section, subsection, clause, sentence, or
6 phrase hereof, irrespective of whether any one or more of the sections,
7 subsections, clauses, sentences or phrases be declared unconstitutional
8 or invalid.

1 SEC. 11. This act, being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 the Herald-Patriot, a newspaper published at Chariton, Iowa, and in
4 the Humeston New Era, a newspaper published at Humeston, Iowa.

Senate File 101. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the Herald Patriot, May 20,
1937, and the Humeston New Era, May 26, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*