

issued pursuant to this chapter shall not be considered a teacher or administrator license for any purpose specified by law, including the purposes specified under this chapter or chapter 279.

Sec. 3. Section 272.6, Code 2001, is repealed.

Approved April 26, 2002

---

## CHAPTER 1129

### EDUCATION REGULATION AND FUNDING — MISCELLANEOUS PROVISIONS

*S.F. 2259*

**AN ACT** amending Code provisions administered by the department of education, including provisions related to participation in extracurricular activities, tuition reimbursement payment by school districts under the postsecondary enrollment options Act, interscholastic activities agreements, school infrastructure program calculations, phase I payment calculations, and the use of phase III balances by school districts and area education agencies.

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

Section 1. Section 256.46, Code 2001, is amended to read as follows:

256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY CERTAIN CHILDREN.

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship, or pursuant to other court-ordered decree or order of custody; the child is a foreign exchange student; the child has been placed in a juvenile correctional facility; the child is a ward of the court or the state; the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district.

Sec. 2. Section 261C.6, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to an eligible postsecondary institution that has enrolled its resident eligible pupils under this chapter, unless the eligible pupil is participating in open enrollment under section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the third Friday in September or the district in which the child was counted under section 257.6, subsection 1, paragraph "f". For pupils en-

rolled at the school for the deaf and the Iowa braille and sight saving school, the state board of regents shall pay a tuition reimbursement amount by June 30 of each year. The amount of tuition reimbursement for each separate course shall equal the lesser of:

Sec. 3. Section 280.13A, unnumbered paragraph 1, Code 2001, is amended to read as follows:

If a school district or nonpublic school does not provide an interscholastic activity for its students, the board of directors of that school district or the authorities in charge of the nonpublic school may complete an agreement with another school district or nonpublic school to provide for the eligibility of its students in interscholastic activities provided by that other school district or nonpublic school. A copy of each agreement completed under this section shall be filed with the appropriate organization as organization is defined in section 280.13 not later than April 30 of the school year preceding the school year in which the agreement takes effect, unless an exception is granted by the organization for good cause. An agreement completed under this section shall be deemed approved unless denied by the governing organization within ten days after its receipt. A governing organization shall determine whether an agreement would substantially prejudice the interscholastic activities of other schools. An agreement denied by a governing organization under this section may be appealed to the state board of education under chapter 290.

Sec. 4. Section 282.18, subsection 7, Code 2001, is amended to read as follows:

7. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1. The board of directors of the district of residence shall pay to the receiving district the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. The district of residence shall also transmit the phase III moneys allocated to the district for the previous year for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer. If the pupil participating in open enrollment is also an eligible pupil under chapter 261C, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261C.6.

Sec. 5. Section 292.2, subsection 1, paragraph d, Code 2001, is amended to read as follows:

d. The department of education, in consultation with the department of revenue and finance and the department of management, shall annually compute capacity per pupil and the local match percentage for each school district in the state. The ~~initial~~ calculations shall be released not later than ~~January 1, 2001~~. ~~For all calculations thereafter, the calculations shall be released not later than July~~ September 1 of each year.

Sec. 6. Section 294A.6, unnumbered paragraph 1, Code 2001, is amended to read as follows:

For the school year beginning July 1, 1998, the department of education shall notify the department of revenue and finance of the total minimum salary supplement, as described in section 294A.5, subsection 2, paragraphs "a" and "b", to be paid to each school district and area education agency under phase I and the department of revenue and finance shall make the payments. For school years after the school year beginning July 1, ~~1998~~ 2001, if a school district or area education agency reduces the number of its full-time equivalent teachers in the base year below the number employed during the school year beginning July 1, 1998, the department of revenue and finance shall reduce the total minimum salary supplement payable to that school district or area education agency in the budget year so that the amount paid is equal to the ratio of the number of full-time equivalent teachers employed in the school district or area education agency for ~~that school~~ the base year divided by the number of full-time equivalent teachers employed in the school district or area education agency for the school

year beginning July 1, 1998, and multiplying that fraction by the total minimum salary supplement paid to that school district or area education agency for the school year beginning July 1, 1998. For purposes of this section, "base year" and "budget year" mean the same as defined in section 257.2.

Sec. 7. Section 294A.16, unnumbered paragraphs 4 and 5, Code 2001, are amended to read as follows:

~~A school district or area education agency, which receives money for a school year for an approved phase III plan, may retain up to fifty percent of the moneys allocated to the district or area education agency for the next succeeding school year, in order to continue the approved plan. Any of the retained phase III moneys remaining in the district or area education agency account after at the second end of the fiscal year of the plan shall revert to the general fund of the state as provided in section 8.33 remain available for expenditure for purposes of this division by the school district or area education agency in succeeding fiscal years.~~

Any moneys allocated ~~or retained~~ for an approved phase III plan, and any interest accrued on the moneys, are miscellaneous income for purposes of chapter 257, shall not be commingled with state aid payments made, under sections 257.16 and 257.35, to a school district or area education agency, and shall be accounted for by the school district or area education agency separately from state aid payment accounts.

Approved April 26, 2002

---

## CHAPTER 1130

### REGULATION, PROTECTION, AND DISPOSITION OF ANIMALS

S.F. 2268

**AN ACT** relating to animals other than livestock, including the taking of such animals, providing for their disposition, providing for the reimbursement of dispositional expenses, providing for the protection of animals from injury or torment, and providing penalties.

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

Section 1. Section 351.37, Code 2001, is amended to read as follows:

351.37 RUNNING AT LARGE — APPREHENSION AND IMPOUNDAGE.

~~Any A dog found shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag and for which no or a rabies vaccination certificate can be produced shall be apprehended and impounded is not presented to the local board of health or law enforcement official.~~

When such dog has been apprehended and impounded, the The local board of health or law enforcement official shall give provide written notice in not less than two days to the owner, if known the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. If The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days of from the date of that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of this section, notice is delivered when the local board of health or law enforcement official mails the notice which may be by regular mail. An owner