

CHAPTER 1036

SCHOOLS AND SCHOOL DISTRICTS — OVERSIGHT, FINANCING, AND PROGRAMS

H.F. 2336

AN ACT relating to the duties and authority of the state board of education, the department of education, and local school districts and to the programs and activities under the purview of the state board and the department.

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

Section 1. Section 256.7, subsection 15, Code 2016, is amended by striking the subsection.

Sec. 2. Section 256.9, subsections 26, 27, 36, 40, 54, and 59, Code 2016, are amended by striking the subsections.

Sec. 3. Section 257.1, subsection 2, paragraph c, Code 2016, is amended by striking the paragraph.

Sec. 4. Section 257.14, subsections 1 and 2, Code 2016, are amended to read as follows:

1. For the budget year commencing July 1, ~~2001~~ 2016, if the department of management determines that the regular program district cost of and succeeding budget years, a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under [this section](#) for the base year for that school district, the school district shall be eligible to receive for a budget adjustment for that district for that budget year up to in an amount equal to the difference between the regular program district cost for the budget year and one hundred one percent of the regular program district cost for the base year. The board of directors of a school district that wishes to receive a budget adjustment pursuant to [this subsection](#) shall, notwithstanding the public notice and hearing provisions of [chapter 24](#) or any other provision to the contrary, within thirty days following May 9, 2001, adopt a resolution to receive the budget adjustment and immediately notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

2. For the budget years commencing July 1, 2002, and July 1, 2003, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under [this section](#) for the base year for that school district, the school district shall be eligible to receive a budget adjustment for that district for that budget year up to an amount equal to the difference. The board of directors of a school district that wishes to receive a budget adjustment for a budget year pursuant to [this subsection section](#) shall adopt by May 15 of the base year for which the budget adjustment is sought, a resolution to receive the budget adjustment by May 15, annually, and shall notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec. 5. Section 257.14, subsection 3, Code 2016, is amended by striking the subsection.

Sec. 6. Section 282.8, Code 2016, is amended to read as follows:

282.8 Attending school outside state.

1. The boards of directors of school districts located near the state boundaries may designate schools of equivalent standing across the state line for attendance of both elementary and high secondary school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the chief state school officers of the respective states. Notwithstanding [section 282.1](#), arrangements between districts pursuant to the reciprocal agreements made under [this section](#) shall establish tuition and transportation fees in an amount acceptable to the affected boards, but the tuition and transportation fees fee established shall not be less than the lower average cost per pupil of the tuition fee

established pursuant to [section 282.24](#) for the school district or the equivalent tuition rate for the non-Iowa school district for the previous school year, and the transportation fee established shall not be less than the lower average transportation cost per mile for yellow school buses as described in [section 321.373](#) for the previous school year of the two affected school districts. For the purpose of [this section](#) average cost per pupil for the previous school year is determined by dividing the district's operating expenditures for the previous school year by the number of children enrolled in the district in the previous school year on the date specified in [section 257.6, subsection 1](#). The agreement shall provide that if the tuition fee for the school district in the adjoining state is a variable rate, the test of which tuition fee is lower shall be determined for each student by the affected boards.

2. A person attending school in another state pursuant to [this section](#) shall continue to be treated as a pupil of the district of residence in the apportionment of the current school fund and the payment of state aid for state school foundation aid purposes under [section 257.6](#).

3. Notwithstanding the tuition provisions of [subsection 1](#), the tuition fee established for a child requiring special education under [chapter 256B](#) shall be equal to the actual cost of the special education instructional program provided to that child under the child's individualized education program.

4. If the chief state school officers of the respective states have not entered into a reciprocal agreement under [this section](#), or the agreement has expired or been terminated, or the distance to the public school in the adjoining state is not nearer than an appropriate public school in the pupil's district of residence or an appropriate public school in Iowa, the pupil attending school outside the state shall be considered a nonresident child for purposes of tuition payments to the receiving district and shall not be treated as a pupil of the district of residence for state school foundation aid purposes under [section 257.6](#).

5. The whole grade sharing provisions of [sections 282.10 through 282.12](#) and the open enrollment provisions of [section 282.18](#) shall not apply to agreements made between districts under [this section](#).

Sec. 7. Section 282.10, subsection 4, Code 2016, is amended to read as follows:

4. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of funding provided under [chapter 284](#), including the following:

a. Funding for the beginning teacher mentoring and induction programs pursuant to [section 284.13, subsection 1](#), paragraph "b".

b. The teacher leadership supplement state cost per pupil as provided in [section 257.9](#), unless all of the districts subject to the agreement are receiving such funding.

c. Teacher leadership supplemental aid payments as provided in [section 284.13, subsection 1](#), paragraph "e", unless all of the districts subject to the agreement are receiving such payments. This paragraph "c" is repealed June 30, 2018.

Sec. 8. Section 282.12, subsection 4, Code 2016, is amended to read as follows:

4. The number of pupils participating in a whole grade sharing agreement shall be determined on the date specified in [section 257.6, subsection 1](#), and on the ~~third~~ second Friday of ~~February~~ January of each year.

Sec. 9. Section 282.18, subsection 7, Code 2016, 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 sum of the state cost per pupil for the previous school year, and plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in [section 257.9](#), or the teacher leadership supplement foundation aid for the previous fiscal year as provided in [section 284.13, subsection 1](#), paragraph "e", if both the district of residence and the receiving district are receiving such supplements, 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. If the pupil participating in open enrollment is also an eligible pupil under [section 261E.6](#), the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in [section 261E.7](#).

Sec. 10. Section 282.18, subsection 9, paragraph c, Code 2016, is amended to read as follows:

c. ~~Quarterly payments~~ The receiving district shall bill the first resident district according to the timeline in [section 282.20, subsection 3](#). Payments shall be made to the receiving district in a timely manner.

Sec. 11. Section 282.24, subsection 1, paragraph a, Code 2016, is amended to read as follows:

a. The maximum tuition fee that may be charged for elementary and ~~high secondary~~ school students residing within another school district or corporation except students attending school in another district under [section 282.7, subsection 1 or 3](#), is the district cost per pupil of the receiving district as computed in [section 257.10](#).

Sec. 12. Section 282.24, subsection 2, Code 2016, is amended by striking the subsection.

Sec. 13. Section 284.12, Code 2016, is amended to read as follows:

284.12 Reports—rules Rules.

1. The department shall annually report the statewide progress on the following:

a. ~~Student achievement scores in mathematics and reading at the fourth and eighth grade levels on a district-by-district basis as reported to the local communities pursuant to [section 256.7, subsection 21](#), paragraph “c”.~~

b. ~~Evaluator training program.~~

c. ~~Changes and improvements in the evaluation of teachers under the Iowa teaching standards.~~

2. ~~The report shall be made available to the chairpersons and ranking members of the senate and house committees on education, the deans of the colleges of education at approved practitioner preparation institutions in this state, the state board, the governor, and school districts by January 1. School districts shall provide information as required by the department for the compilation of the report and for accounting and auditing purposes.~~

3. In developing administrative rules for consideration by the state board, the department shall consult with stakeholders who might reasonably be affected by the proposed rule, including persons representing teachers, administrators, school boards, approved practitioner preparation institutions, and other appropriate education stakeholders.

Sec. 14. Section 284.15, subsection 6, paragraphs a and c, Code 2016, are amended to read as follows:

a. A school district may apply to the department for approval to implement the career paths, leadership roles, and compensation framework specified in [subsection 2](#), or a comparable system of career paths and compensation for teachers that contains differentiated multiple leadership roles. The director shall consider the recommendations of the commission established pursuant to [subsection 12](#) when approving or disapproving applications submitted pursuant to [this section](#). A school district may modify an approved framework or comparable system if the director or the director’s designee approves the modification. A school district may appeal the director’s or the director’s designee’s decision to the state board and the state board’s decision is final.

c. A school district approved to implement the framework or a comparable system pursuant to [this subsection](#) shall submit to the ~~department~~ director or the director’s designee for approval any proposed change modification to the framework or comparable system.

Sec. 15. REPEAL. Sections 256.19, 279.55, 279.56, and 279.57, Code 2016, are repealed.