



Bill: House File 2492
Committee: Education
Date: February 24, 2010
Ranking Member: Rep. Forristall
Staff: Ann McCarthy (1-3015)

Department of Education Statutory Revisions Bill

Unlike previous years, this Department of Education statutory revisions bill makes mostly technical and non-controversial changes to K-12 education laws.

One provision is worth special note: The bill requires inspection of all school vehicles twice each year. Under current law only school buses must be inspected twice each year. This bill expands the inspections to cars, vans or any other vehicle owned by a school district.

The fiscal note indicates this will cost districts an average of \$285 annually for a total of \$101,000 statewide.

Note: On February 23rd the Senate included language in their companion bill, SF 2288, to resolve the disagreements surrounding the administrative rules for the Home School Assistance Program. The language mirrors the Tymeson amendment listed below with the exception of the provisions pertaining to the use of funds for infrastructure.

Summary of Action

The House Education Committee **PASSED** House File 623 (now HF 2492) on February 11, 2010 by a vote of 17-5.

Section-by-Section Analysis

Sections 1 and 18: Civil Right Code repeated. Inserts “sexual orientation and gender identity” into two school law sections. This reflects current Iowa current civil rights law.

Section 2: Confidential records Clarifies that personal information relating to a student may be transferred electronically from one education institution to another.

Section 3: Student member on Board of Education Extends the student member's term from one to two years.

Section 4: School Laws to Districts Strikes duty of director to provide each school district a copy of Iowa's school laws.

Sections 5,7,9, 11, 12: Technical corrections.

Section 6: DE staff truly at will Allows at-will DE employees to be dismissed without having a meeting with the department director.

Section 7: Educational Expenses for American Indians Removes reporting requirement that is covered by the annual audit process.

Sections 8 and 10: Avoid double counting of enrollment Clarifies that school districts cannot "double-dip" when serving shared- and part-time students from accredited nonpublic schools by claiming state funds and federal funds for the same service provided those students.

Sections 11, 47 and 48: County Attorneys Removes school districts as "clients" of county attorneys. This reflects current practice as schools retain their own legal counsel. County attorneys agree with this change.

Section 13: Senior Year Plus Strikes requirement that parent provides transportation to Senior Year Plus college courses.

Section 14 -16, 29 - 36: GAAP accounting and electronic funds transfer This change reflects current practice for GAAP accounting procedures for a district's permanent fund. These sections also update language to allow for electronic fund transfers in lieu of a written check and modernize accounting references to reflect current practice.

Sections 20 & 21: Sibling Exception to Open Enrollment Requires the receiving district to approve a the open enrollment application of a sibling if the application is received after after March 1.

Sections 22 – 27 Evaluator Training and Administrative Mentoring Program: Clarifies the priority given to participants in the program and how funds are to be prorated if insufficient.

Section 28: Power and Duties of Area Board, Transportation Disputes Moves the initial appeal of transportation-related conflicts to the AEA to resolve. The initial attempt to resolve these conflicts is best done by people closer to the issue. There still is a possible Director appeal process after the AEA attempts to resolve the conflict.

Section 37: Competent Private Instruction Clarifies that name and address, as well as other identifying information, are considered confidential.

Sections 38 – 42 Definition of School Bus Requires all school vehicles to be inspected twice each year. Also clarifies that drivers of nine passenger or less vehicles used to transport students do not need CDL licenses or physicals.

Sections 43 - 46: Approval of DUI Courses Provided by Out-of-State Gives the DE the authority to approve out-of-state providers for DUI courses. The DE currently approves in-state courses. The Iowa Department of Transportation supports the DE in asking for this authority.

Section 49: Repeal of Year Around Schools – § 256.20; Administrative Advancement and Recruitment Program – § 256.23 Section 256.20 deals with a pilot program that is no longer funded. This action removes outdated language. Section 256.23 deals with a program that was never funded and consequently never implemented.

Section 50: State Mandate Language Required due to fiscal impact to school districts that will be required to have all their vehicles inspected twice each year.

The fiscal note indicates this will cost districts an average of \$285 annually for a total of \$101,000 statewide.

Amendments

H-8168 by Arnold Russell School District Fix Allows the now-dissolved Russell School District to pay its debts with funds available in order to avoid a \$300,000 property tax bill.

H-8181 by May School Start Date

H-8216 by Pettengill Market Factor Pay Allows school districts that have left over Market Factor Pay to use that money for the original purpose of the now repealed statute.

H-8214 by May New form of Charter School Repeats House Republican amendment from the Race – to – the – Top bill that creates a new form of charter schools that are not subject to chapter 20.

H-8211 by May Strikes MOU from Race to the Top Bill Strikes from House File 2033 the provision that requires a Memorandum of Understanding (MOU) between the district with a persistently lowest-achieving school and the union to be negotiated within 45 days of the district being notified of the school's status. The MOU must spell out the specific intervention to be implemented and state that the collective bargaining agreement remains in effect and unaltered except as agreed to under the MOU.

The amendment also strikes the provision that withholds the school building's federal school improvement Title I elementary education funds if the MOU goes to mediation and there is no resolution within 30 days.

H-8213 by Upmeyer K-12 Mandates Requires the DE to annually provide the legislature with a list of K-12 mandates and indicate whether those mandates are in federal or state law.

H-8215 by Tymeson HSAP rules corrected and inserted in Iowa law Resolves current administrative rules dispute between the proponents of the Home School Assistance Program (HSAP) and the Iowa Department of Education.

The DE rule lays out how a school district can spend their HSAP funds. HASP parents and teachers appeared several times throughout the rulemaking process to complain about what would and what would not be allowed. In response the Administrative Rules Review Committee (ARRC) voted to place a "session delay" on the rules. That means the ARRC gave the legislature one session to address the issue.

H-8221 by Schulte Management Levy as Early Retirement Incentive Current law allows the district to levy property taxes to pay health insurance costs for early retirees. This amendment prohibits the return to employment in that school district for the school employee who takes the property tax funded early retirement incentive.