

JAN 3 1 2006
EDUCATION

HOUSE FILE 2184
BY WISE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to transportation by receiving school districts
2 of students participating in open enrollment and the approval
3 by area education agencies of public school bus routes outside
4 the boundary of such school districts.

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

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HF 2184

1 Section 1. Section 282.18, subsection 10, Code Supplement
2 2005, is amended to read as follows:

3 10. Notwithstanding section 285.1 relating to
4 transportation of nonresident pupils, the parent or guardian
5 is responsible for transporting the pupil without
6 reimbursement to and from a point on a regular school bus
7 route of the receiving district. However, a receiving
8 district may send school vehicles into the district of
9 residence of the pupil using the open enrollment option under
10 this section, for the purpose of transporting the pupil to and
11 from school in the receiving district, ~~if the boards of both~~
12 ~~the sending and receiving districts agree to this arrangement.~~
13 If the pupil meets the economic eligibility requirements
14 established by the department and state board of education,
15 the sending district is responsible for providing
16 transportation or paying the pro rata cost of the
17 transportation to a parent or guardian for transporting the
18 pupil to and from a point on a regular school bus route of a
19 contiguous receiving district unless the cost of providing
20 transportation or the pro rata cost of the transportation to a
21 parent or guardian exceeds the average transportation cost per
22 pupil transported for the previous school year in the
23 district. If the cost exceeds the average transportation cost
24 per pupil transported for the previous school year, the
25 sending district shall only be responsible for that average
26 per pupil amount. A sending district which provides
27 transportation for a pupil to a contiguous receiving district
28 under this subsection may withhold from the district cost per
29 pupil amount, that is to be paid to the receiving district, an
30 amount which represents the average or pro rata cost per pupil
31 for transportation, whichever is less.

32 Sec. 2. Section 285.1, subsection 16, paragraphs b and c,
33 Code 2005, are amended to read as follows:

34 b. As an alternative to paragraph "a" ~~of this subsection,~~
35 ~~subject to section 285.97, subsection 3,~~ where practicable, and

1 at the option of the public school district in which a
2 nonpublic school pupil resides, the school district may
3 transport a nonpublic school pupil to a nonpublic school
4 located outside the boundary lines of the public school
5 district if the nonpublic school is located in a school
6 district contiguous to the school district which is
7 transporting the nonpublic school pupils, or may contract with
8 the contiguous public school district in which a nonpublic
9 school is located for the contiguous school district to
10 transport the nonpublic school pupils to the nonpublic school
11 of attendance within the boundary lines of the contiguous
12 school district.

13 c. If the nonpublic school designated for attendance of a
14 pupil is located outside the boundary line of the school
15 district of the pupil's residence and the district of
16 residence meets the requirements of subsections 14 to 16 of
17 ~~this-section~~ by using subsection 17, paragraph "c", ~~of-this~~
18 ~~section~~ and the district in which the nonpublic school is
19 located is contiguous to the district of the pupil's residence
20 and is willing to provide transportation under subsection 17,
21 paragraph "a" or "b", ~~of-this-section~~, the district in which
22 the nonpublic school is located may provide transportation
23 ~~services, subject to section 285.9, subsection 3,~~ and may make
24 the claim for reimbursement under section 285.2. The district
25 in which the nonpublic school is located shall notify the
26 district of the pupil's residence that it is making the claim
27 for reimbursement, and the district of the pupil's residence
28 shall be relieved of the requirement for providing
29 transportation and shall not make a claim for reimbursement
30 for those nonpublic school pupils for which a claim is filed
31 by the district in which the nonpublic school is located.

32 Sec. 3. Section 285.2, unnumbered paragraph 5, Code 2005,
33 is amended to read as follows:

34 Claims shall be accompanied by an affidavit of an officer
35 of the public school district affirming the accuracy of the

1 claim. By February 1 and on or about June 15 of each year,
2 the department shall certify to the department of
3 administrative services the amounts of approved claims to be
4 paid, and the department of administrative services shall draw
5 warrants payable to school districts which have established
6 claims. Claims shall be allowed where practical, and at the
7 option of the public school district of the pupil's residence,
8 ~~subject to approval by the area education agency of the~~
9 ~~pupil's residence under section 285.9, subsection 3,~~ the
10 public school district of the pupil's residence may transport
11 a pupil to a school located in a contiguous public school
12 district outside the boundary lines of the public school
13 district of the pupil's residence. The public school district
14 of the pupil's residence may contract with the contiguous
15 public school district or with a private contractor under
16 section 285.5 to transport the pupils to the school of
17 attendance within the boundary lines of the contiguous public
18 school district. The public school district in which the
19 pupil resides may contract with the contiguous public school
20 district or with a private contractor under section 285.5 to
21 transport the pupil from the pupil's residence or from
22 designated school bus collection locations to the school
23 located within the boundary lines of the contiguous public
24 school district, subject to the approval of the area education
25 agency of the pupil's residence. The public school district
26 of the pupil's residence may utilize the reimbursement
27 provisions of section 285.1, subsection 3.

28 Sec. 4. Section 285.9, subsection 3, Code 2005, is amended
29 by striking the subsection.

30 EXPLANATION

31 This bill permits a receiving district to send a school
32 vehicle into the school district of residence to transport a
33 pupil participating in open enrollment to the receiving
34 district. The bill strikes a provision directing the area
35 education agencies to approve all bus routes outside the

1 boundary of the district of the school operating buses, and
2 makes conforming changes.

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