

**CHAPTER 159**

## EDUCATION — MISCELLANEOUS CHANGES

H.F. 643

**AN ACT** providing statutory revisions relating to the department of education, school districts, and the kindergarten through grade twelve educational program.

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

Section 1. Section 256.11, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, ~~nonsexist~~ gender fair approach is used by schools and school districts. The educational program shall be taught from a multicultural, ~~nonsexist~~ gender fair approach. Global perspectives shall be incorporated into all levels of the educational program.

Sec. 2. Section 256.11, subsection 7, paragraph c, Code 2001, is amended to read as follows:

c. ~~Programs for at risk~~ At-risk students. ~~Rules adopted by the state board to implement this paragraph shall be based upon the definition of at risk student developed by the child coordinating council established in section 256A.2 and the department of education, and the state board shall consider the recommendations of the child coordinating council and the department in developing the rules.~~

Sec. 3. Section 256.11, subsection 10, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Phase I shall consist of annual monitoring by the department of education of all accredited schools and school districts for compliance with accreditation standards adopted by the state board of education as provided in this section. The phase I monitoring requires that accredited schools and school districts annually complete accreditation compliance forms adopted by the state board and file them with the department of education. Phase I monitoring requires a comprehensive desk audit of all accredited schools and school districts including review of accreditation compliance forms, accreditation visit reports, methods of administration reports, and reports submitted in compliance with ~~sections~~ section 256.7, subsection 21, paragraph "a", and section 280.12 and 280.18.

Sec. 4. Section 256A.4, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

A family support program shall meet multicultural ~~nonsexist~~ gender fair guidelines. The program shall encourage parents to be aware of practices that may affect equitable development of children. The program shall include parents in the planning, implementation, and evaluation of the program. A program shall be designed to meet the needs of the residents of the participating district and may use unique approaches to provide for those needs. The goals of a family support program shall include, but are not limited to, the following:

Sec. 5. Section 256D.7, subsection 1, Code 2001, is amended to read as follows:

1. Commencing with the fiscal year beginning July 1, 2001, each school district shall include, ~~a technology plan~~ as a component of the annual report submitted to the department of education in accordance with section 256.7, subsection 21, paragraphs "a" and "c", a progress report on the use of technology. ~~The plan shall be developed by licensed~~ Licensed professional staff of the district, including both teachers and administrators, shall be responsible for implementation of technology integration throughout the district. ~~The plan~~ Technology integration in the classroom shall, at a minimum, focus on the attainment of

student achievement goals on academic and other core indicators, ~~consider~~ utilize the district's interconnectivity with the Iowa communications network, and demonstrate ~~how the board will utilize~~ use of technology to improve student achievement. ~~The technology plan shall be kept on file in the district and a copy of the plan, and any subsequent amendments to the plan, shall be sent to the appropriate area education agency.~~

Sec. 6. Section 257.6, subsection 3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A school district shall determine its additional enrollment because of special education, as defined in this section, on<sup>1</sup> ~~December~~ November 1 of each year and shall certify its additional enrollment because of special education to the department of education by ~~December~~ November 15 of each year, and the department shall promptly forward the information to the department of management.

Sec. 7. Section 257.6, subsection 5, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Weighted enrollment is the budget enrollment plus the district's additional enrollment because of special education calculated on<sup>2</sup> ~~December~~ November 1 of the base year plus additional pupils added due to the application of the supplementary weighting.

Sec. 8. Section 257.6, Code 2001, is amended by adding the following new subsection:  
NEW SUBSECTION. 6. For the school year beginning July 1, 2001, and each succeeding school year, a student shall not be included in a district's enrollment for purposes of this chapter, or considered an eligible pupil under chapter 261C if the student meets all of the following:

- a. Was eligible to receive a diploma with the class in which they were enrolled and that class graduated in the previous school year.
- b. Continues enrollment in the district to take courses either provided by the district, offered by community colleges under the provisions of section 257.11, or to take courses under the provisions of chapter 261C.

Sec. 9. Section 257.38, subsection 7, Code 2001, is amended to read as follows:

7. Qualifications required of personnel ~~administering~~ delivering the program.

Sec. 10. Section 279.13, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be signed by the president of the board, or by the superintendent if the board has adopted a policy authorizing the superintendent to sign teaching contracts, when tendered, and after it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

Sec. 11. NEW SECTION. 279.59 ACCESS BY ASSOCIATIONS.

The board of directors of a school district shall provide not-for-profit, professional education associations that offer membership to teachers or administrators equal access to teacher or administrator mailboxes for distribution of professional literature.

Sec. 12. Section 280.9, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The board of directors of each local public school district and the authorities in charge of each nonpublic school shall incorporate into the educational program, in accordance with section 256.7, subsection 21, paragraph "a", the total concept of career education to enable students to become familiar with the values of a work-oriented society. Curricular and

<sup>1</sup> See chapter 176, §32 herein

<sup>2</sup> See chapter 176, §33 herein

cocurricular teaching-learning experiences from the prekindergarten level through grade twelve shall be provided for all students currently enrolled in order to develop an understanding that employment may be meaningful and satisfying. However, career education does not mean a separate vocational-technical program is required. A vocational-technical program includes units or partial units in subjects which have as their purpose to equip students with marketable skills.

Sec. 13. Section 280.12, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

**280.12 SCHOOL IMPROVEMENT ADVISORY COMMITTEE.**

The board of directors of each public school district and the authorities in charge of each nonpublic school shall do the following:

1. Appoint a school improvement advisory committee to make recommendations to the board or authorities. The advisory committee shall consist of members representing students, parents, teachers, administrators, and representatives from the local community, which may include representatives of business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall have balanced representation with regard to race, gender, national origin, and disability.

2. Utilize the recommendations from the school improvement advisory committee to determine the following:

- a. Major educational needs.
- b. Student learning goals.
- c. Long-range and annual improvement goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement.
- d. Desired levels of student performance.
- e. Progress toward meeting the goals set out in paragraphs "b" through "d".

Sec. 14. Section 280.19, Code 2001, is amended to read as follows:

**280.19 PLANS FOR AT-RISK CHILDREN.**

The board of directors of each public school district shall incorporate, into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs. This incorporation shall be part of the comprehensive school improvement plan developed and implemented in accordance with section 256.7, subsection 21, paragraphs "a" and "c".

Sec. 15. Section 285.12, Code 2001, is amended to read as follows:

**285.12 DISPUTES — HEARINGS AND APPEALS.**

In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal the same to the area education agency board, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the agency board within the ten-day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the agency board which shall hear the appeal within ten days of the receipt of the papers and decide it within three days of the conclusion of the hearing and shall immediately notify all parties of its decision. Either party may appeal the decision of the agency board to the director of the department of education by notifying the opposite party and the agency administrator in writing within five days after receipt of notice of the decision of the agency board and shall file by filing with the director of the department of education an affidavit of appeal, reasons for appeal, and the facts involved in the disagreement within five days after receipt of notice of the decision of the agency board. The agency administrator shall, within ten days of said notice, file with the director all records and papers pertaining to the case, including action of the agency board. The director shall hear the appeal within fifteen days of the filing of the records in the director's office, notifying all

parties and the agency administrator of the time of hearing. The director shall forthwith decide the same and notify all parties of the decision and return all papers with a copy of the decision to the agency administrator. The decision of the director shall be subject to judicial review in accordance with the terms of the Iowa administrative procedure Act. Pending final order made by the director, upon any appeal prosecuted to such director, the order of the agency board from which the appeal is taken shall be operative and be in full force and effect.

Sec. 16. Section 299A.8, Code 2001, is amended to read as follows:  
299A.8 DUAL ENROLLMENT.

If a parent, guardian, or legal custodian of a child who is receiving competent private instruction under this chapter submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6.<sup>3</sup> A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph "c".

Sec. 17. Section 321.194, subsection 1, paragraph b, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Each application shall be accompanied by a statement from the school board, superintendent, or principal, if authorized by the superintendent, of the applicant's school. The statement shall be upon a form provided by the department. The school board, superintendent, or principal, if authorized by the superintendent, shall certify that a need exists for the license and that the board, superintendent, ~~and a~~ or principal authorized by the superintendent are not responsible for actions of the applicant which pertain to the use of the driver's license. ~~The department of education shall adopt rules establishing criteria for issuing a statement of necessity.~~ Upon receipt of a statement of necessity, the department shall issue the driver's license. The fact that the applicant resides at a distance less than one mile from the applicant's ~~schools school~~ of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. The school board shall develop and adopt a policy establishing the criteria that shall be used by a school district administrator to approve or deny certification that a need exists for a license. The student may appeal to the school board the decision of a school district administrator to deny certification. The decision of the school board is final. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

Sec. 18. Sections 256.40 through 256.43, 258.7, 258.8, and 280.18, Code 2001, are repealed:

Approved May 22, 2001

<sup>3</sup> See chapter 176, §38 herein