

is ~~made upon filed with~~ the seizing agency within thirty days after the mailing of ~~from the date of receipt of the~~ notice, the property shall be deemed abandoned and disposed of accordingly. ~~In the event that there is more than one party who may assert a right to possession or ownership of the property, the~~ The seizing agency shall not release the property to any party until the expiration of the date for filing claims ~~unless all other claimants execute a written waiver.~~ In the event that there is more than one claim filed for the return of property under this section, at the expiration of the period for filing claims the seizing agency ~~or prosecuting attorney~~ shall file a copy of all such claims with the clerk of court and the clerk shall proceed as if such claims were filed by the parties under section 809.3. In the event that no owner can be located or no claim is filed under this section for property having a value of less than five hundred dollars, the property shall be deemed abandoned and the seizing agency shall become the owner of such property and may dispose of it in any reasonable manner. For unclaimed property having a value equal to or greater than five hundred dollars, forfeiture proceedings shall be initiated pursuant to the provisions of chapter 809A. If the court does not order the property forfeited to the state in the forfeiture proceedings pursuant to chapter 809A, the seizing agency shall become the owner of the property and may dispose of it in any reasonable manner. Unclaimed firearms and ammunition, if not forfeited pursuant to chapter 809A, shall be disposed of by the department of public safety or the department of natural resources pursuant to section 809.21.

Approved April 26, 2007

---

## CHAPTER 108

### EDUCATIONAL STANDARDS — PRACTITIONERS AND STAFF AND STUDENT ACHIEVEMENT

S.F. 277

†AN ACT relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date.

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

Section 1. Section 256.7, subsection 25, Code 2007, is amended to read as follows:

25. Adopt rules establishing standards for school district and area education agency ~~career~~ professional development programs and for individual teacher ~~career~~ professional development plans in accordance with section 284.6.

Sec. 2. Section 256.7, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 27. Adopt by rule the Iowa standards for school administrators, including the knowledge and skill criteria developed by the director in accordance with section 256.9, subsection 55.

Sec. 3. Section 256.9, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 55. Develop Iowa standards for school administrators, including knowledge and skill criteria, and develop, based on the Iowa standards for administrators, mentoring and induction, evaluation processes, and professional development plans pursuant

---

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

to chapter 284A. The criteria shall further define the characteristics of quality administrators as established by the Iowa standards for school administrators.

Sec. 4. Section 256.11, Code 2007, is amended by adding the following new subsections:  
NEW SUBSECTION. 9A. Beginning July 1, 2007, each school district shall have a qualified guidance counselor who shall be licensed by the board of educational examiners under chapter 272. Each school district shall work toward the goal of having one qualified guidance counselor for every three hundred fifty students enrolled in the school district. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve guidance and counseling program.

NEW SUBSECTION. 9B. Beginning July 1, 2007, each school district shall have a school nurse to provide health services to its students. Each school district shall work toward the goal of having one school nurse for every seven hundred fifty students enrolled in the school district. For purposes of this subsection, "school nurse" means a person who holds an endorsement or a statement of professional recognition for school nurses issued by the board of educational examiners under chapter 272.

Sec. 5. Section 256.11A, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

256.11A TEACHER LIBRARIAN — GUIDANCE COUNSELOR — SCHOOL NURSE — WAIVERS.

1. The board of directors of a school district may file a written request with the department of education that the department waive the following requirements adopted by the state board as follows:

a. By August 1, 2007, for the school year beginning July 1, 2007, apply for a one-year extension of a waiver granted for the previous school year beginning July 1, 2006, that the school district have a qualified teacher librarian.

b. By August 1, 2007, for the school year beginning July 1, 2007, that the school district have a qualified guidance counselor. The board of directors of the school district may, not later than August 1, 2008, for the school year beginning July 1, 2008, apply for a one-year extension of the waiver.

c. By August 1, 2007, for the school year beginning July 1, 2007, that the school district have a school nurse. The board of directors of the school district may, not later than August 1, 2008, for the school year beginning July 1, 2008, apply for a one-year extension of the waiver.

2. A request for a waiver filed by the board of directors of a school district pursuant to subsection 1 shall describe actions being taken by the district to meet the requirement for which the district has requested a waiver. A school district cannot request a waiver of a requirement under subsection 1 if it met the requirements of section 256.11, subsection 9, 9A, or 9B, as applicable, in the previous school year.

Sec. 6. Section 256.44, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. If a teacher registers for national board for professional teaching standards certification ~~prior to June 30 by December 31, 2007~~, a one-time initial reimbursement award in the amount of up to one-half of the registration fee paid by the teacher for registration for certification by the national board for professional teaching standards. The teacher shall apply to the department of education within one year of registration, submitting to the department any documentation the department requires. A teacher who receives an initial reimbursement award shall receive a one-time final registration award in the amount of the remaining national board registration fee paid by the teacher if the teacher notifies the department of the teacher's certification achievement and submits any documentation requested by the department.

Sec. 7. Section 256.44, subsection 1, paragraph b, subparagraph (2), unnumbered paragraph 1, Code 2007, is amended to read as follows:

If the teacher registers for national board for professional teaching standards certification

between January 1, 1999, and ~~January 1, 2006~~ December 31, 2007, and achieves certification within ~~three years from the date of initial score notification~~ the timelines and policies established by the national board for professional teaching standards, an annual award in the amount of two thousand five hundred dollars upon achieving certification by the national board of professional teaching standards.

Sec. 8. Section 257.31, subsection 5, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The addition of one or more teacher librarians pursuant to section 256.11, subsection 9, one or more guidance counselors pursuant to section 256.11, subsection 9A, or one or more school nurses pursuant to section 256.11, subsection 9B.

Sec. 9. Section 272.2, subsection 10, Code 2007, is amended to read as follows:

10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board.

Sec. 10. Section 272.9A, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

272.9A ADMINISTRATOR LICENSES.

1. Beginning July 1, 2007, requirements for administrator licensure beyond an initial license shall include completion of a beginning administrator mentoring and induction program provided by the department pursuant to section 284A.2, subsection 2, as amended in this Act,<sup>1</sup> and demonstration of competence on the administrator standards adopted pursuant to section 284A.3.

2. The board shall adopt rules for administrator licensure renewal that include credit for individual administrator professional development plans developed in accordance with section 284A.6.

3. An administrator formerly employed by an accredited nonpublic school or formerly employed as an administrator in another state or country is exempt from the mentoring and induction requirement under subsection 1 if the administrator can document two years of successful administrator experience and meet or exceed the requirements contained in rules adopted pursuant to this chapter for endorsement and licensure. However, if an administrator cannot document two years of successful administrator experience when hired by a school district, the administrator shall meet the requirements of subsection 1.

Sec. 11. Section 279.13, subsection 1, Code 2007, is amended to read as follows:

1. a. Contracts with teachers, which for the purpose of this section means all licensed employees of a school district and nurses employed by the board, excluding superintendents, assistant superintendents, principals, and assistant principals, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon. The contract may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

b. Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall request the division of criminal investigation of the department of public safety to conduct a background investigation of the applicant. The school district shall require the teacher to submit a completed fingerprint packet, which shall be used to facilitate a national criminal history check. The school district shall submit the packet to the division of criminal investigation of the department of public safety which shall conduct a thorough background investigation of the teacher. The superintendent of a school district or the superintendent's designee shall have access to and shall review the sex offender registry information under section 692A.13, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under sec-

<sup>1</sup> The phrase "pursuant to section 284A.2," probably intended

tion 235B.5 for information regarding applicants for employment as a teacher. The school district may charge the teacher a fee for the background investigation, which shall not exceed the fee charged by the division of criminal investigation for conducting the background investigation.<sup>2</sup>

c. 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. 12. Section 284.1, subsection 4, Code 2007, is amended by striking the subsection.

Sec. 13. Section 284.2, subsection 9, Code 2007, is amended to read as follows:

9. "School board" means the board of directors of a school district, ~~or a collaboration of boards of directors of school districts,~~ or the board of directors of an area education agency, as the context requires.

Sec. 14. Section 284.2, subsection 11, Code 2007, is amended to read as follows:

11. "Teacher" means an individual ~~holding who holds~~ a practitioner's license issued under chapter 272, or a statement of professional recognition issued under chapter 272 who is employed in a nonadministrative position as a teacher, teacher librarian, preschool teacher, or counselor by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position. "Teacher" includes a licensed individual employed on a less than full-time basis by a school district through a contract between the school district and an institution of higher education with a practitioner preparation program in which the licensed teacher is enrolled.

Sec. 15. Section 284.3, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. ~~By July 1, 2005, for~~ For purposes of performance reviews for teachers other than beginning teachers, evaluations that contain, at a minimum, the Iowa teaching standards specified in subsection 1, as well as the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 50. A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, additional teaching standards and criteria. A local school board and its certified bargaining representative ~~may~~ shall negotiate, pursuant to chapter 20, evaluation and grievance procedures for teachers other than beginning teachers that are not in conflict with this chapter.

Sec. 16. Section 284.4, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A school district or area education agency is eligible to receive moneys appropriated for purposes specified in this chapter if the school board<sup>3</sup> applies to the department to participate in the student achievement and teacher quality program and submits a written statement declaring the school district's or agency's willingness to do all of the following:

Sec. 17. Section 284.4, subsection 1, paragraph c, Code 2007, is amended by striking the paragraph and inserting in lieu thereof the following:

c. Create a teacher quality committee. The committee shall have equal representation of administrators and teachers. The teacher members shall be appointed by the certified employee organization if one exists, and if not, by the school district's or agency's administration. The administrator members shall be appointed by the school board. However, if a school district can demonstrate that an existing professional development, curriculum, or student improve-

<sup>2</sup> See chapter 215, §102 herein

<sup>3</sup> The phrase "school board or agency" probably intended

ment committee has significant stakeholder involvement and a leadership role in the school district, the appointing authorities may mutually agree to assign to the existing committee the responsibilities set forth in this paragraph “c”, to appoint members of the existing committee to the teacher quality committee, or to authorize the existing committee to serve in an advisory capacity to the teacher quality committee. The committee shall do all of the following:

(1) Monitor the implementation of the requirements of statutes and administrative code provisions relating to this chapter, including requirements that affect any agreement negotiated pursuant to chapter 20.

(2) Monitor the evaluation requirements of this chapter to ensure evaluations are conducted in a fair and consistent manner throughout the school district or agency. In addition to any negotiated evaluation procedures, develop model evidence for the Iowa teaching standards and criteria. The model evidence will minimize paperwork and focus on teacher improvement. The model evidence will determine which standards and criteria can be met with observation and which evidence meets multiple standards and criteria.

(3) Determine, following the adoption of the Iowa professional development model by the state board of education, the use and distribution of the professional development funds distributed to the school district or agency as provided in section 284.13, subsection 1, paragraph “d”, based upon school district or agency, attendance center, and individual teacher and professional development plans.

(4) Monitor the professional development in each attendance center to ensure that the professional development meets school district or agency, attendance center, and individual professional development plans.

(5) Ensure the agreement negotiated pursuant to chapter 20 determines the compensation for teachers on the committee for work responsibilities required beyond the normal work day.

Sec. 18. Section 284.4, subsection 1, paragraphs d and e, Code 2007, are amended to read as follows:

d. Adopt school district, attendance center, and teacher ~~career~~ professional development plans in accordance with this chapter.

e. Adopt a teacher evaluation plan that, at minimum, requires a performance review of teachers in the district at least once every three years based upon the Iowa teaching standards and individual ~~career~~ professional development plans, and requires administrators to complete evaluator training in accordance with section 284.10.

Sec. 19. Section 284.4, subsection 1, paragraph g, Code 2007, is amended by striking the paragraph.

Sec. 20. Section 284.6, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department shall coordinate a statewide network of ~~career~~ professional development for Iowa teachers. A school district or ~~career~~ professional development provider that offers a ~~career~~ professional development program in accordance with section 256.9, subsection 50, shall demonstrate that the program contains the following:

Sec. 21. Section 284.6, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. Support that meets the ~~career~~ professional development needs of individual teachers and is aligned with the Iowa teaching standards.

Sec. 22. Section 284.6, subsections 2 through 6, Code 2007, are amended to read as follows:

2. The department shall identify models of ~~career~~ professional development practices that produce evidence of the link between teacher training and improved student learning.

3. A school district shall incorporate a district ~~career~~ professional development plan into the district’s comprehensive school improvement plan submitted to the department in accordance with section 256.7, subsection 21. The district ~~career~~ professional development plan shall in-

clude a description of the means by which the school district will provide access to all teachers in the district to ~~career professional~~ development programs or offerings that meet the requirements of subsection 1. The plan shall align all ~~career professional~~ development with the school district's long-range student learning goals and the Iowa teaching standards. The plan shall indicate the school district's approved ~~career professional~~ development provider or providers.

4. In cooperation with the teacher's evaluator, the career teacher employed by a school district shall develop an individual teacher ~~career professional~~ development plan. The evaluator shall consult with the teacher's supervisor on the development of the individual teacher ~~career professional~~ development plan. The purpose of the plan is to promote individual and group ~~career professional~~ development. The individual plan shall be based, at minimum, on the needs of the teacher, the Iowa teaching standards, and the student achievement goals of the attendance center and the school district as outlined in the comprehensive school improvement plan. The individual plan shall include goals for the individual which are beyond those required under the attendance center professional development plan developed pursuant to subsection 7.

5. The teacher's evaluator shall annually meet with the teacher to review progress in meeting the goals in the teacher's individual plan. The teacher shall present to the evaluator evidence of progress. The purpose of the meeting shall be to review the teacher's progress in meeting ~~career professional~~ development goals in the plan and to review collaborative work with other staff on student achievement goals and to modify as necessary the teacher's individual plan to reflect the individual teacher's and the school district's needs and the individual's progress in meeting the goals in the plan. The teacher's supervisor and the evaluator shall review, modify, or accept modifications made to the teacher's individual plan.

6. School districts, a consortium of school districts, area education agencies, higher education institutions, and other public or private entities including professional associations may be approved by the state board to provide teacher ~~career professional~~ development. The ~~career professional~~ development program or offering shall, at minimum, meet the requirements of subsection 1. The state board shall adopt rules for the approval of ~~career professional~~ development providers and standards for the district ~~career~~ development plan.

Sec. 23. Section 284.6, Code 2007, is amended by adding the following new subsections:  
NEW SUBSECTION. 7. Each attendance center shall develop an attendance center professional development plan. The purpose of the plan is to promote group professional development. The attendance center plan shall be based, at a minimum, on the needs of the teachers, the Iowa teaching standards, district professional development plans, and the student achievement goals of the attendance center and the school district as set forth in the comprehensive school improvement plan.

NEW SUBSECTION. 8. For each year in which a school district receives funds allocated for distribution to school districts for professional development pursuant to section 284.13, subsection 1, paragraph "d", the school district shall create quality professional development opportunities. The goal for the use of the funds is to provide one additional contract day or the equivalent thereof for professional development and use of the funds is limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

NEW SUBSECTION. 9. The distribution of funds allocated for professional development pursuant to section 284.13, subsection 1, paragraph "d", shall be made in one payment on or about October 15 of the fiscal year for which the appropriation is made, taking into consideration the relative budget and cash position of the state resources. Moneys received pursuant to section 284.13, subsection 1, paragraph "d", shall not be commingled with state aid payments made under section 257.16 to a school district, shall be accounted for by the local school

district separately from state aid payments, and are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for funds received and expenditures made pursuant to this subsection. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available.

**NEW SUBSECTION.** 10. If funds are allocated for purposes of professional development pursuant to section 284.13, subsection 1, paragraph "e", the department shall, in collaboration with the area education agencies, establish teacher development academies for school-based teams of teachers and instructional leaders. Each academy shall include an institute and shall provide follow-up training and coaching.

Sec. 24. Section 284.7, subsection 1, paragraph a, subparagraph (2), Code 2007, is amended to read as follows:

(2) Beginning July 1, ~~2006~~ 2007, the minimum salary for a beginning teacher shall be ~~twenty-five~~ twenty-six thousand five hundred dollars.

Sec. 25. Section 284.7, subsection 1, paragraph b, subparagraph (1), subparagraph subdivision (d), Code 2007, is amended to read as follows:

(d) Participates in teacher ~~career~~ professional development as set forth in this chapter and demonstrates continuous improvement in teaching.

Sec. 26. Section 284.7, subsection 1, paragraph b, subparagraph (2), Code 2007, is amended to read as follows:

(2) Beginning July 1, ~~2006~~ 2007, the minimum salary for a first-year career teacher shall be ~~twenty-six~~ twenty-seven thousand five hundred dollars and the minimum salary for all other career teachers shall be ~~twenty-seven~~ twenty-eight thousand five hundred dollars.

Sec. 27. Section 284.7, subsection 2, paragraph b, subparagraph (1), subparagraph subdivision (c), Code 2007, is amended to read as follows:

(c) Participates in teacher ~~career~~ professional development as outlined in this chapter and demonstrates continuous improvement in teaching.

Sec. 28. Section 284.7, subsection 4, Code 2007, is amended by striking the subsection.

Sec. 29. Section 284.7, subsection 6, paragraphs a and b, Code 2007, are amended to read as follows:

a. If the licensed employees of a school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "h" or "i", for purposes of this section, are organized under chapter 20 for collective bargaining purposes, the board of directors and the certified bargaining representative for the licensed employees shall mutually agree upon a formula for distributing the funds among the teachers employed by the school district or area education agency. However, the school district must comply with the salary minimums provided for in this section. The parties shall follow the negotiation and bargaining procedures specified in chapter 20 except that if the parties reach an impasse, neither impasse procedures agreed to by the parties nor sections 20.20 through 20.22 shall apply and the funds shall be paid as provided in paragraph "b". Negotiations under this section are subject to the scope of negotiations specified in section 20.9. If a board of directors and the certified bargaining representative for licensed employees have not reached mutual agreement for the distribution of funds received pursuant to section 284.13, subsection 1, paragraph "h" or "i", by ~~July~~ September 15 of the fiscal year for which the funds are distributed, paragraph "b" of this subsection shall apply.

b. If, once the minimum salary requirements of this section have been met by the school district or area education agency, and the school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "h" or "i", for purposes of this section, and

the certified bargaining representative for the licensed employees have not reached an agreement for distribution of the funds remaining, in accordance with paragraph "a", the board of directors shall divide the funds remaining among full-time teachers employed by the district or area education agency whose regular compensation is equal to or greater than the minimum ~~career teacher~~ salary specified in this section. The payment amount for teachers employed on less than a full-time basis shall be prorated.

Sec. 30. Section 284.7, subsection 6, Code 2007, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** d. For the school year beginning July 1, 2008, and each succeeding school year, if the licensed employees of a school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "h" or "i", for purposes of this section, are organized under chapter 20 for collective bargaining purposes, the school board and the certified bargaining representative for the licensed employees shall negotiate a formula for distributing the funds among the teachers employed by the school district or area education agency according to chapter 20. Paragraphs "a" and "b" shall apply to any increases in the funds provided above the base year.

Sec. 31. Section 284.8, subsections 1 and 2, Code 2007, are amended to read as follows:

1. A school district shall review a teacher's performance at least once every three years for purposes of assisting teachers in making continuous improvement, documenting continued competence in the Iowa teaching standards, identifying teachers in need of improvement, or to determine whether the teacher's practice meets school district expectations for career advancement in accordance with section 284.7. The review shall include, at minimum, classroom observation of the teacher, the teacher's progress, and implementation of the teacher's individual ~~career professional~~ development plan, subject to the level of funding provided to implement the plan; and shall include supporting documentation from other evaluators, teachers, parents, and students; ~~and may include video portfolios as evidence of teaching practices.~~

2. If a supervisor or an evaluator determines, at any time, as a result of a teacher's performance that the teacher is not meeting district expectations under the Iowa teaching standards specified in section 284.3, subsection 1, paragraphs "a" through "g" ~~"h"~~, the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 50, and any other standards or criteria established in the collective bargaining agreement, the evaluator shall, at the direction of the teacher's supervisor, recommend to the district that the teacher participate in an intensive assistance program. The intensive assistance program and its implementation are ~~not subject to negotiation or~~ and grievance procedures established pursuant to chapter 20. ~~By July 1, 2005, all~~ All school districts ~~must~~ shall be prepared to offer an intensive assistance program.

Sec. 32. Section 284.8, Code 2007, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. A teacher who is not meeting the applicable standards and criteria based on a determination made pursuant to subsection 3<sup>4</sup> shall participate in an intensive assistance program.

Sec. 33. Section 284.11, Code 2007, is amended to read as follows:

284.11 MARKET FACTOR TEACHER SALARIES INCENTIVES.

1. The general assembly finds that Iowa school districts need to be more competitive in recruiting and retaining talented professionals into the teaching profession. To ensure that school districts in all areas of the state have the ability to attract highly qualified teachers, it is the intent of the general assembly to encourage school districts to ~~establish teacher compensation opportunities that recognize the need for geographic or other locally determined wage differentials and~~ provide incentives for traditionally hard-to-staff schools and subject-area shortages. This section provides for state assistance to allow school districts to add a market factor to ~~teacher salaries~~ incentive paid by the school districts.

2. A school district shall be paid annually, from moneys allocated for market factor ~~salaries~~

<sup>4</sup> See chapter 215, §253 herein



incentives pursuant to section 284.13, subsection 1, paragraph "f", an amount of state assistance to create market factor incentives for classroom teachers in the school district. Market factor incentives may include but are not limited to improving salaries due to geographic differences, educational opportunities and support, moving expenses, and housing expenses for the recruitment and retention needs of the school district in such areas as hard-to-staff schools, and subject-area shortages, or improving the racial or ethnic diversity on local teaching staffs, funding to prepare a teacher to attain a license or endorsement in a shortage area, or funds to support educational support personnel in pursuing a license in a shortage area. The school district shall have the sole discretion to award funds received by the school district in accordance with section 284.13, subsection 1, paragraph "f", to classroom teachers on an annual basis. The funds shall supplement, but not supplant, wages and salaries paid as a result of a collective bargaining agreement reached pursuant to chapter 20 or as a result of funds appropriated elsewhere in this chapter, in chapter 256D, or in chapter 294A. The teacher quality committee established pursuant to section 284.4, subsection 1, paragraph "c", shall make recommendations to the school board and the certified bargaining representative regarding the expenditures of market factor incentives.

3. The allocations to each school district shall be made in one payment on or about October 15 of the fiscal year for which the appropriation is made, taking into consideration the relative budget and cash position of the state resources. Moneys received under this section shall not be commingled with state aid payments made under section 257.16 to a school district and shall be accounted for by the local school district separately from state aid payments. Payments made to school districts under this section are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this section. A school district shall certify to the department of education how the school district allocated the funds and that how the moneys received under this section were used to supplement, not supplant, the salary the school district would otherwise pay the teacher.

4. The department shall include market factor salaries incentives when reporting teacher salaries in the annual condition of education report on the use of funds allocated for purposes of this section. The department shall review the use and effectiveness of the use of funds allocated for purposes of this section and shall submit its findings and recommendations in a report to the general assembly by January 15, 2008. It is the intent of the general assembly to reevaluate the fiscal year allocations made pursuant to section 284.13, subsection 1, paragraph "f", subparagraphs (2) and (3), based upon this report.

Sec. 34. Section 284.12, subsection 1, paragraph c, Code 2007, is amended by striking the paragraph.

Sec. 35. Section 284.12, subsection 3, Code 2007, is amended by striking the subsection.

Sec. 36. Section 284.13, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. For each fiscal year of the fiscal period beginning July 1, 2006 2007, and ending June 30, 2009, to the department of education, the amount of two one million two hundred fifty eighty-seven thousand five hundred dollars for the issuance of national board certification awards in accordance with section 256.44.

(1) Of the amount allocated under this paragraph "a", up to two hundred fifty thousand dollars may be used to support the implementation of a national board certification support program, and not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

(2) Of the amount allocated under this paragraph "a", for the fiscal year beginning July 1, 2007, and ending June 30, 2008, not less than one million dollars shall be used to supplement the allocation of funds for market factor teacher incentives made pursuant to paragraph "f", subparagraph (1).

Sec. 37. Section 284.13, subsection 1, paragraphs c and d, Code 2007, are amended to read as follows:

c. For each fiscal year of the fiscal period beginning July 1, ~~2006~~ 2007, and ending June 30, 2009, up to six hundred ninety-five thousand dollars to the department of education for purposes of implementing the career professional development program requirements of section 284.6, the review panel requirements of section 284.9 assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph "c", and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

d. For the fiscal year beginning July 1, ~~2006~~ 2007, and ending June 30, ~~2007~~ 2008, up to ~~ten~~ twenty million dollars to the department of education for use by school districts to add one additional teacher contract day to the school calendar for professional development as provided in section 284.6. The department shall distribute funds allocated for the purpose of this paragraph based on the average per diem contract salary for each district as reported to the department for the school year beginning July 1, ~~2005~~ 2006, multiplied by the total number of full-time equivalent teachers in the base year. The department shall adjust each district's average per diem salary by the allowable growth rate established under section 257.8 for the fiscal year beginning July 1, ~~2006~~ 2007. The contract salary amount shall be the amount paid for their regular responsibilities but shall not include pay for extracurricular activities. ~~School districts shall distribute funds to teachers based on individual teacher per diem amounts.~~ These funds shall not supplant existing funding for professional development activities. Notwithstanding any provision to the contrary, moneys received by a school district under this paragraph shall not revert but shall remain available for the same purpose in the succeeding fiscal year. A school district shall submit a report to the department in a manner determined by the department describing its use of the funds received under this paragraph. The department shall submit a report on school district use of the moneys distributed pursuant to this paragraph to the ~~chairpersons and ranking members of the house and senate standing committees on education, the joint appropriations subcommittee on education, general assembly and the legislative services agency not later than January 15, 2007~~ of the fiscal year for which moneys are allocated for purposes of this paragraph.<sup>5</sup>

Sec. 38. Section 284.13, subsection 1, paragraph e, Code 2007, is amended by striking the paragraph and inserting in lieu thereof the following:

e. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, an amount up to one million eight hundred forty-five thousand dollars to the department for the establishment of teacher development academies in accordance with section 284.6, subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

Sec. 39. Section 284.13, subsection 1, paragraph f, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For purposes of market factor teacher ~~salaries~~ incentives pursuant to section 284.11, the following amounts are allocated to the department for the following fiscal years:

Sec. 40. Section 284.13, subsection 1, paragraph f, subparagraphs (1), (2), and (3), Code 2007, are amended to read as follows:

(1) ~~(a)~~ For ~~the each~~ each fiscal year ~~of the fiscal period~~ beginning July 1, 2006, and ending June 30, ~~2007~~ 2008, the sum of three million three hundred ninety thousand dollars.

~~(b) Of the amount allocated under subparagraph subdivision (a), for the fiscal year beginning July 1, 2007, and ending June 30, 2008, not less than one million dollars shall be used by the department to assist school districts to recruit, employ, and retain qualified teacher librarians, guidance counselors, and school nurses and to meet the goals established in section 256.11, subsections 9A and 9B. To be eligible for assistance, a school district shall submit an application to the department by September 1, 2007. The department shall distribute assis-~~

<sup>5</sup> See chapter 215, §103 herein

tance under this subparagraph subdivision by November 1, 2007. Moneys received by a school district pursuant to this subparagraph subdivision shall be used only to comply with section 256.11, subsection 9, 9A, or 9B.

(2) For the fiscal year beginning July 1, 2007 ~~2008~~, and ending June 30, 2008 ~~2009~~, the sum of seven million five hundred thousand dollars.

(3) For the fiscal year beginning July 1, ~~2008~~ 2009, and ending June 30, ~~2009~~ 2010, the sum of ~~ten~~ six million six hundred ten thousand dollars.

Sec. 41. Section 284.13, subsection 1, paragraph g, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For purposes of the pay-for-performance program and career ladder pilots established pursuant to ~~section 284.14~~ sections 284.14 and 284.14A, the following amounts are allocated to the department of ~~management~~ education for the following fiscal years:

Sec. 42. Section 284.13, subsection 1, paragraph g, subparagraphs (2) and (3), Code 2007, are amended to read as follows:

(2) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of ~~two one million five hundred thousand~~ one million five hundred thousand dollars. From the amount allocated under this subparagraph, an amount up to ten thousand dollars shall be used for purposes of the pay-for-performance commission's expenses, an amount up to one hundred thousand dollars shall be used by the department for oversight and administration of the planning pilots as provided in sections 284.14 and 284.14A, and an amount up to two hundred thousand dollars shall be used for the employment of an external evaluator.

(3) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of ~~five two million five hundred thousand~~ two million five hundred thousand dollars. From the amount allocated for the fiscal year under this subparagraph, an amount up to ten thousand dollars shall be used for purposes of the pay-for-performance commission's expenses, an amount up to one hundred thousand dollars shall be used by the department for oversight and administration of the implementation pilots as provided in sections 284.14 and 284.14A, and an amount up to two hundred thousand dollars shall be used for the employment of an external evaluator.

Sec. 43. Section 284.13, subsection 1, paragraph h, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For each fiscal year in which funds are appropriated for purposes of this chapter, the moneys remaining after distribution as provided in paragraphs "a" through "g" shall be allocated to school districts for salaries ~~and career development~~ in accordance with the following formula:

Sec. 44. Section 284.13, subsection 1, paragraph i, Code 2007, is amended to read as follows:

i. From moneys available under paragraph "h", the department shall allocate to area education agencies an amount per ~~classroom~~ teacher employed by an area education agency that is approximately equivalent to the average per teacher amount allocated to the districts. The average per teacher amount shall be calculated by dividing the total number of ~~classroom~~ teachers employed by school districts and the ~~classroom~~ teachers employed by area education agencies into the total amount of moneys available under paragraph "h".

Sec. 45. Section 284.13, subsection 1, paragraph j, Code 2007, is amended to read as follows:

j. Notwithstanding section 8.33, any moneys remaining unencumbered or unobligated from the moneys allocated for purposes of paragraph "a", "b", ~~or "c"~~ or "g" shall not revert but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The provisions of section 8.39 shall not apply to the funds appropriated pursuant to this subsection.

Sec. 46. Section 284.14, Code 2007, is amended by adding the following new subsection: NEWSUBSECTION. 0A. INTENT. The intent of this section is to create a process by which

select Iowa school districts research, develop, and implement projects designed to identify promising practices related to enhanced teacher compensation career ladders and performance pay models.

Sec. 47. Section 284.14, subsections 1, 2, and 3, Code 2007, are amended to read as follows:

1. COMMISSION. A pay-for-performance commission is established to design and implement a pay-for-performance ~~program pilot project~~ and provide a study relating to teacher and staff compensation containing a pay-for-performance component. The study shall measure the cost and effectiveness in raising student achievement of a compensation system that provides financial incentives based on student performance. The commission is part of the executive branch of government.

2. DEVELOPMENT OF PROGRAM. Beginning July 1, 2006, the commission shall gather sufficient information to identify a pay-for-performance program based upon student achievement gains and global content standards where student achievement gains cannot be easily measured. The commission shall review pay-for-performance programs in both the public and private sector. ~~Based on this information, the commission shall design a program utilizing both individual and group incentive components. At least half of any available funding identified by the commission shall be designated for individual incentives.~~

a. Commencing with the school year beginning July 1, 2007, the commission shall initiate ~~demonstration projects~~ planning pilots, in selected kindergarten through grade twelve schools, to test the effectiveness of the pay-for-performance program. The purpose of the ~~demonstration projects~~ planning pilots is to identify the strengths and weaknesses of the ~~various~~ pay-for-performance program design, evaluate cost effectiveness, analyze student achievement gains ~~needs, select formative and summative student achievement measures that align to identify needs, consider necessary supports related to the student achievement goals in the school district's comprehensive school improvement plan, test assessments review assessment needs, identify mechanisms to account for existing teacher contract provisions within the proposed career ladder salary increments,~~ allow thorough review of data, and make necessary adjustments before ~~implementing~~ proposing implementation of the pay-for-performance program statewide.

b. ~~The~~ Commencing with the school year beginning July 1, 2007, the commission shall select ~~ten~~ two school districts as ~~demonstration projects~~ planning pilots. ~~To the extent practicable, participants shall represent geographically distinct rural, urban, and suburban areas of the state.~~ Participants shall provide reports or other information as required by the commission.

c. Commencing with the school year beginning July 1, 2008, the commission shall ~~select~~ twenty additional ~~administer two implementation pilots in the school districts as demonstration projects selected for planning pilots under paragraph "b".~~

3. REPORTS AND FINAL STUDY. Based on the information generated by the ~~demonstration projects~~ planning and implementation pilots, the commission shall prepare an interim report by January ~~15~~ 14, 2007 ~~2008~~, followed by interim progress reports annually, followed by a final study report analyzing the effectiveness of pay-for-performance in raising student achievement levels. The final study report shall be completed no later than six months after the completion of the ~~demonstration projects~~ planning and implementation pilots. The commission shall provide copies of the final study report to the department of education and to the ~~chairpersons and ranking members of the senate and house standing committees on education~~ general assembly.

Sec. 48. Section 284.14, subsection 4, Code 2007, is amended by striking the subsection.

Sec. 49. NEW SECTION. 284.14A CAREER LADDER PILOTS.

1. INTENT. The intent of this section is to create a process by which select Iowa school districts research, develop, and implement pilots designed to identify promising practices related to enhanced teacher compensation career ladder models.

2. PILOT ESTABLISHED. A career ladder pilot is established to be designed, implemented,

and administered by the department. The department shall gather sufficient information to identify a career ladder pilot.

a. For the school year beginning July 1, 2007, and ending June 30, 2008, the department shall select up to eight school districts as planning pilots. Participants shall provide reports or other information as required by the department.

b. For the school year beginning July 1, 2008, and ending June 30, 2009, the department shall administer up to eight implementation pilots in the school districts selected for planning pilots under paragraph "a".

3. INTERIM AND FINAL REPORTS. Based on the information generated by the planning and implementation pilots, the department shall submit an interim report to the general assembly by January 14 annually, and shall submit a final report summarizing the effectiveness of the pilots in raising student achievement levels to the general assembly no later than six months after the completion of the planning and implementation pilots. *\*Upon completion of the career ladder planning and implementation pilots, subject to the sufficiency of funds, the state board of education shall adopt rules requiring implementation of the successful components of the pilots by school districts statewide.\**

Sec. 50. Section 284A.1, Code 2007, is amended by adding the following new subsections:  
NEW SUBSECTION. 2A. "Comprehensive evaluation" means a summative evaluation of a beginning administrator conducted by an evaluator in accordance with section 284A.3 for purposes of determining a beginning administrator's level of competency for recommendation for licensure based on the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27.

NEW SUBSECTION. 3A. "Director" means the director of the department of education.

NEW SUBSECTION. 3B. "Evaluation" means a summative evaluation of an administrator used to determine whether the administrator's practice meets school district expectations and the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27.

Sec. 51. Section 284A.2, subsection 3, Code 2007, is amended to read as follows:

3. Each school board shall establish an administrator mentoring program for all beginning administrators. The school board may adopt the model program developed by the department pursuant to subsection 2. Each school board's beginning administrator mentoring and induction program shall, at a minimum, provide for one year of programming to support the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and beginning administrators' professional and personal needs. Each school board shall develop an initial beginning administrator mentoring and induction plan. The plan shall describe the mentor selection process, describe supports for beginning administrators, describe program organizational and collaborative structures, provide a budget, provide for sustainability of the program, and provide for program evaluation. The school board employing an administrator shall determine the conditions and requirements of an administrator participating in a program established pursuant to this section. A school board shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21.

Sec. 52. Section 284A.2, Code 2007, is amended by adding the following new subsection:  
NEW SUBSECTION. 3A. A beginning administrator shall be informed by the school district or the area education agency, prior to the beginning administrator's participation in a mentoring and induction program, of the criteria upon which the administrator will be evaluated and of the evaluation process utilized by the school district or area education agency.

Sec. 53. Section 284A.2, subsection 4, Code 2007, is amended to read as follows:

4. By the end of a beginning administrator's ~~second~~ first year of employment, the beginning administrator may be comprehensively evaluated ~~at the discretion of the school board to determine if the administrator meets expectations to move to a standard administrator license. The school district or area education agency that employs a beginning administrator shall recom-~~

\* Item veto; see message at end of the Act

mend the beginning administrator for a standard license if the beginning administrator is determined through a comprehensive evaluation to demonstrate competence in the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27. A school district or area education agency may allow a beginning administrator a second year to demonstrate competence in the Iowa standards for school administrators if, after conducting a comprehensive evaluation, the school district or area education agency determines that the administrator is likely to successfully demonstrate competence in the Iowa standards for school administrators by the end of the second year. Upon notification by the school district or area education agency, the board of educational examiners shall grant a beginning administrator who has been allowed a second year to demonstrate competence a one-year extension of the beginning administrator's initial license. An administrator granted a second year to demonstrate competence shall undergo a comprehensive evaluation at the end of the second year.

Sec. 54. NEW SECTION. 284A.1 ADMINISTRATOR QUALITY PROGRAM.

An administrator quality program is established to promote high student achievement and enhanced educator quality. The program shall consist of the following three major components:

1. Mentoring and induction programs that provide support for administrators in accordance with section 284A.2, as amended in this Act.
2. Professional development designed to directly support best practices for leadership.
3. Evaluation of administrators against the Iowa standards for school administrators.

Sec. 55. NEW SECTION. 284A.3 IOWA STANDARDS FOR SCHOOL ADMINISTRATORS EVALUATIONS.

By July 1, 2008, each school board shall provide for evaluations for administrators under individual professional development plans developed in accordance with section 279.23A, and the Iowa standards for school administrators and related criteria adopted by the state board in accordance with section 256.7, subsection 27. A local school board may establish additional administrator standards and related criteria.

Sec. 56. NEW SECTION. 284A.4 PARTICIPATION.

Effective July 1, 2007, each school district shall participate in the administrator quality program, and the board of directors of each school district shall do all of the following:

1. Implement a beginning administrator mentoring and induction program as provided in this chapter.
2. Adopt individual administrator professional development plans in accordance with this chapter.
3. Adopt an administrator evaluation plan that, at a minimum, requires an evaluation of administrators in the school district annually pursuant to section 279.23A and based upon the Iowa standards for school administrators and individual administrator professional development plans.

Sec. 57. NEW SECTION. 284A.6 ADMINISTRATOR PROFESSIONAL DEVELOPMENT.

1. Each school district shall be responsible for the provision of professional growth programming for individuals employed in a school district administrative position by the school district or area education agency as deemed appropriate by the board of directors of the school district or area education agency. School districts may collaborate with other educational stakeholders including other school districts, area education agencies, professional organizations, higher education institutions, and private providers, regarding the provision of professional development for school district administrators. Professional development programming for school district administrators may include support that meets the professional development needs of individual administrators aligned to the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and meets individual administrator professional development plans.

2. In cooperation with the administrator's evaluator, the administrator who has a standard administrator's license issued by the board of educational examiners pursuant to chapter 272 and is employed by a school district or area education agency in a school district administrative position, shall develop an individual administrator professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at a minimum, on the needs of the administrator, the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and the student achievement goals of the attendance center and the school district as outlined in the comprehensive school improvement plan.

3. The administrator's evaluator shall meet annually as provided in section 279.23A with the administrator to review progress in meeting the goals in the administrator's individual plan. The purpose of the meeting shall be to review collaborative work with other staff on student achievement goals and to modify as necessary the administrator's individual plan to reflect the individual administrator's and the school district's needs and the individual's progress in meeting the goals in the plan. The administrator shall present to the evaluator evidence of progress. The administrator's supervisor and the evaluator shall review and the supervisor may modify the administrator's individual plan.

Sec. 58. NEW SECTION. 284A.7 EVALUATION REQUIREMENTS FOR ADMINISTRATORS.

A school district shall conduct an evaluation of an administrator who holds a standard license issued under chapter 272 at least once every three years for purposes of assisting the administrator in making continuous improvement, documenting continued competence in the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, or to determine whether the administrator's practice meets school district expectations. The review shall include, at a minimum, an assessment of the administrator's competence in meeting the Iowa standards for school administrators and the goals of the administrator's individual professional development plan, including supporting documentation or artifacts aligned to the Iowa standards for school administrators and the individual administrator's professional development plan.

Sec. 59. 2006 Iowa Acts, chapter 1182, section 1, unnumbered paragraph 2, is amended to read as follows:

For purposes, as provided in law, of the student achievement and teacher quality program established pursuant to chapter 284:

FY 2006-2007 .....	\$	104,343,894
FY 2007-2008 .....	\$	139,343,894
		<u>173,943,894</u>
FY 2008-2009 .....	\$	174,343,894
		<u>248,943,894</u>

Sec. 60. Section 284A.1, Code 2007, is transferred to section 284A.2.

Sec. 61. Section 284A.2, Code 2007, is transferred to section 284A.5.

Sec. 62. Section 284A.3, Code 2007, is transferred to section 284A.8.

Sec. 63. CODE EDITOR DIRECTIVE. The Code editor is directed to correct internal references in the Code as necessary due to enactment of the sections of this Act that relocate sections 284A.1, 284A.2, and 284A.3.

Sec. 64. EFFECTIVE DATE. The section of this Act amending section 284.13, subsection 1, paragraph "j", relating to the nonreversion of funds, being deemed of immediate importance, takes effect upon enactment.

Sec. 65. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this

Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16 and moneys appropriated in this Act. This specification of the payment of the state cost shall be deemed to meet all the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

*Approved April 26, 2007, with exception noted.*

CHESTER J. CULVER, *Governor*

Dear President Kibbie:

I hereby transmit Senate File 277, an Act relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date.

I am unable to approve the designated portion of Section 49, subsection 3. The designated portion of this subsection requires that the state board of education shall adopt rules requiring implementation of the successful components of the pilots by school districts statewide upon completion of the career ladder planning and implementation pilots, subject to the sufficiency of funds. I am unable to approve this designated portion because I do not believe these pilot projects should automatically be mandated statewide.

The bill calls for 10 pilot projects, which I support. Eight of these projects are centered on implementing the last two parts of the career ladder system. We have already put the first two parts of this ladder into place and need to take a close look at whether implementing the rest of this system will result in improved student achievement and will help to recruit and retain the best and brightest teachers. The other two projects are to test pay-for-performance compensation methods. While I generally do not agree that pay-for-performance is the right method to improve our education system, I think it is important to test this out at the local level before we make a final decision.

While I support these pilot projects, I do not support that they be mandated statewide at the end of them. The goal of the projects is to allow us to better assess whether these methods are the right ones for this state to improve education for our students. Another goal of the projects is to allow us to assess whether these methods will attract more people to the teaching profession and make sure they want to work in Iowa. We cannot make that determination now, prior to beginning the projects, and it would be irresponsible to mandate that as a part of this bill. I look forward to working with the Legislature and other education partners throughout the state to take a close look at the models developed in these projects and make a determination about statewide implementation upon their completion.

For the above reasons, I respectfully disapprove this item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 277 are hereby approved as of this date.

Sincerely,  
CHESTER J. CULVER, *Governor*