

House Education

Amend & DO PASS/H-3909, 4-7-89 (p. 1405)
FILED MAR 15 1989

SENATE FILE 450
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 294)

Passed Senate, Date 3-27-89 (p. 1017) Passed House, Date 4-13-89 (p. 1554)
Vote: Ayes 45 Nays 3 Vote: Ayes 87 Nays 7

Approved May 23, 1989

Senate Repassed 4-27-89 (p. 1731) Repassed 5-5-89
Ayes 43 Nays 50 A BILL FOR (p. 1968) Senate
Ayes 50 Nays 0

1 An Act relating to educational standards, including flexible
2 scheduling within a school year, waivers of student
3 participation in physical education if the school has flexible
4 scheduling and the student is participating on an athletic
5 team, and making technical changes.

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

7 Conference Committee appointed -

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9 Senate Members -

10 Senator Horn, Chair

11 Senators - Murphy, Kibbie, Taylor,
12
13
14 Cerning

15 House members -

16 Reps - Grand, Chair; Ollie, Cochran, Miller,
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18 Kistler

19
20 Press For Conference Committee Report 5/5/89

21 Senate 50-0 (p. 1968)

House 92-0 (p. 2526)

SF 450

1 Section 1. Section 256.7, subsection 3, unnumbered
2 paragraph 2, Code 1989, is amended to read as follows:

3 By ~~January-17-1989~~ June 30, 1990, the state board shall
4 adopt rules under chapter 17A that prescribe a process for the
5 appointment and operation of evaluation panels for evaluating
6 the performance of teachers possessing initial certification
7 to determine whether the teachers meet the requirements
8 adopted by the board for progressing to the next certification
9 level.

10 Sec. 2. Section 256.7, subsection 6, Code 1989, is amended
11 to read as follows:

12 6. Hear appeals of persons aggrieved by decisions of
13 boards of directors of school corporations under chapter 290
14 and other appeals prescribed by law. The state board shall
15 may review the record and shall review the decision of the
16 director of the department of education or the administrative
17 law judge designated by the director in appeals heard and
18 decided by the director under chapter 290, and may affirm,
19 modify, or vacate the decision, or may direct a rehearing
20 before the director.

21 Sec. 3. Section 256.7, subsection 8, Code 1989, is amended
22 to read as follows:

23 8. Develop plans for the approval of teacher preparation
24 programs that incorporate the results of recently completed
25 research and national studies on teaching for the twenty-first
26 century and develop plans for providing assistance to newly
27 graduated teachers, including options for internships and
28 reduced teaching loads. The plans shall be submitted to the
29 general assembly not later than ~~October-17-1988~~ June 30, 1990.

30 Sec. 4. Section 256.11, subsection 5, paragraph g, Code
31 1989, is amended to read as follows:

32 ³¹¹⁷ g. All students physically able shall be required to
33 participate in physical education activities during each
34 semester they are enrolled in school except as otherwise
35 provided in this paragraph. A minimum of one-eighth unit each

1 semester is required. A twelfth grade student who meets the
2 requirements of this paragraph may be excused from the
3 physical education requirement by the principal of the school
4 in which the student is enrolled if the parent or guardian of
5 the student requests in writing that the student be excused
6 from the physical education requirement. A student who wishes
7 to be excused from the physical education requirement must be
8 enrolled in a cooperative or work-study program or other
9 educational program authorized by the school which requires
10 the student to leave the school premises for specified periods
11 of time during the school day. The student must seek to be
12 excused from the physical education requirement in order to
13 enroll in academic courses not otherwise available to the
14 student. If a school's instructional day consists of less
15 than seven class periods, and the school operates on a
16 trimester system, a student may be excused from participation
17 in physical education for a trimester if the student
18 participates in an organized and supervised athletic program
19 during that trimester which requires at least as much time of
20 participation per week as one-eighth unit of physical
21 education. The principal of the school shall inform the
22 superintendent of the school district or nonpublic school that
23 the student has been excused. Physical education activities
24 shall emphasize leisure time activities which will benefit the
25 student outside the school environment and after graduation
26 from high school.

27 Sec. 5. Section 256.11A, subsection 5, Code 1989, is
28 amended to read as follows:

29 5. A request for a waiver filed by the board of directors
30 of a school district or authorities in charge of a nonpublic
31 school shall describe actions being taken by the district or
32 school to meet the requirement for which the district or
33 school has requested a waiver. The state board of education
34 shall adopt rules, by January 1, 1990, under chapter 17A to
35 implement a procedure and criteria for the department to use

1 in making a decision to approve a waiver under subsections 2,
2 3, and 4.

3 Sec. 6. Section 280.3, unnumbered paragraph 3, Code 1989,
4 is amended to read as follows:

5 The board of directors of each public school district and
6 the authorities in charge of each nonpublic school shall
7 establish and maintain attendance centers based upon the needs
8 of the school age pupils enrolled in the school district or
9 nonpublic school. Kindergarten programs shall and
10 prekindergarten programs may be provided. In addition, the
11 board of directors or governing authority may include in the
12 educational program of any school such additional courses,
13 subjects, or activities which it deems fit the needs of the
14 pupils.

15 Sec. 7. Section 282.1, Code 1989, is amended by adding the
16 following new unnumbered paragraph:

3704-17 NEW UNNUMBERED PARAGRAPH. For purposes of this section,
18 "resident" means children who live in a district and children
19 who are temporarily residing in a district and who do not have
20 any other place of legal residence.

21 Sec. 8. Section 282.3, subsection 1, Code 1989, is amended
22 to read as follows:

3109-23 1. The board may exclude from school children under the
24 age of six years when in its judgment such children are not
25 sufficiently mature to be benefited by regular instruction, or
26 ~~any-incorrigible-child or any child who in-its-judgment-is-so~~
27 ~~abnormal-that-regular-instruction-would-be-of-no-substantial~~
28 ~~benefit-or-any-child-whose-presence-in-school-may-be~~
29 ~~injurious-to-the-health-or-morals-of-other-pupils-or-to-the~~
30 ~~welfare-of-such-school~~ is found to be physically or mentally
31 unable to attend school under section 299.5, or is efficiently
32 taught for the scholastic year at a state institution.

33 However, the board shall provide special education programs
34 and services under the provisions of chapters 273, 281, and
35 442 for all children requiring special education.

1 Sec. 9. Section 282.4, Code 1989, is amended to read as
2 follows:

3 282.4 MAJORITY VOTE -- SUSPENSION.

4 The board may, by a majority vote, expel any scholar pupil
5 from school ~~for immorality,~~ or for a violation of the
6 regulations or rules established by the board, or when the
7 presence of the scholar pupil is detrimental to the best
8 interests of the school; and it may confer upon any teacher,
9 principal, or superintendent the power temporarily to dismiss
10 a scholar pupil, notice of such dismissal being at once given
11 in writing to the president of the board.

12 Sec. 10. Section 282.6, Code 1989, is amended by adding
13 the following new unnumbered paragraph:

304 14 NEW UNNUMBERED PARAGRAPH. For purposes of this section,
15 "resident" means persons who live in a district and persons
16 who are temporarily residing in a district and who do not have
17 any other place of legal residence.

18 Sec. 11. Section 290.5, Code 1989, is amended to read as
19 follows:

20 290.5 DECISION OF STATE BOARD.

21 The decision of the state board shall be final. The state
22 board may adopt rules of procedure for hearing appeals which
23 shall include the power to delegate the actual hearing of the
24 appeal to the director of the department of education or the
25 director's designee, and members of the director's staff
26 designated by the director. The record of appeal so heard
27 shall be ~~reviewed by~~ available to the state board and the
28 decision recommended by the director of the department of
29 education or the designated administrative law judge shall be
30 approved by the state board in the manner provided in section
31 256.7, subsection 6.

32 Sec. 12. Section 321.375, unnumbered paragraph 2, Code
33 1989, is amended by striking the paragraph and inserting in
34 lieu thereof the following:

35 Use of nonprescription controlled substances or alcoholic

1 beverages during working hours, operating a school bus while
2 under the influence of nonprescription controlled substances
3 or alcoholic beverages, fraud in the procurement or renewal of
4 a school bus driver's permit, the commission of or conviction
5 for a public offense as defined by the Iowa criminal code, if
6 the offense is relevant to and affects driving ability, or
7 sexual involvement with a minor student with the intent to
8 commit or the commission of acts and practices proscribed
9 under sections 709.2 through 709.4, section 709.8, and
10 sections 725.1 through 725.3 shall constitute grounds for the
11 driver's immediate suspension from duties, pending a
12 termination hearing by the board.

3312

13 Sec. 13. 1987 Iowa Acts, chapter 207, section 3, is
14 amended to read as follows:

15 SEC. 3. The state board of education shall study options
16 for the coordination of school calendars and schedules for
17 purposes of facilitating the use of educational
18 telecommunications systems and services and shall report the
19 results of its study, together with any recommendations to the
20 general assembly not later than ~~January 15, 1989~~ January 1,
21 1990. The state board shall consult with areas of the state
22 utilizing educational telecommunications systems and services
23 in developing its recommendations.

24 Sec. 14. 1988 Iowa Acts, chapter 1266, section 5, is
25 amended to read as follows:

26 SEC. 5. DEPARTMENT OF EDUCATION STUDIES.

27 1. The department of education is directed to develop
28 recommendations concerning incentives that might be used to
29 encourage experienced teachers in elementary and secondary
30 schools to serve as cooperating teachers for student teachers
31 enrolled in approved teacher education programs.

32 The recommendations shall be submitted to the general
33 assembly not later than ~~February 1, 1989~~ June 30, 1990.

34 2. The department of education is directed to develop
35 recommendations for the establishment of programs that provide

1 for interaction between faculty members in colleges and
2 departments of education at approved teacher education
3 institutions and teachers and students at the elementary and
4 secondary schools.

5 The recommendations shall be submitted to the general
6 assembly not later than ~~February-17-1989~~ June 30, 1990.

7 Sec. 15. HOURS OF INSTRUCTION. The state board of
8 education shall adopt rules pursuant to chapter 17A which
9 permit a school that does not provide five and one-half hours
10 of instruction each school day, because of parent-teacher
11 conferences, to continue its programs of instruction if the
12 number of hours of instruction provided by the program per
13 year equals or exceeds the number of hours that would have
14 been provided if each school day contained five and one-half
15 hours of instruction.

16 The state board shall adopt rules pursuant to chapter 17A
17 which permit a school to provide less than five and one-half
18 hours of instruction for one hundred eighty days a school year
19 to students who have met the graduation requirements of the
20 district.

21 EXPLANATION

22 This bill permits a school on a trimester system, with an
23 instructional day that consists of less than seven class
24 periods to excuse student participation in physical education,
25 if a student participates in an organized and supervised
26 athletic program which requires at least as much time of
27 participation per week as one-eighth unit of physical
28 education.

29 This bill permits schools which do not provide five and
30 one-half hours of instruction each school day to continue
31 their programs provided that the number of hours of instruc-
32 tion provided per year in the program is the same or equiva-
33 lent to the number of hours that would have been provided if
34 each school day contained five and one-half hours of instruc-
35 tion.

1 The bill makes technical changes updating certain Code
2 provisions and extending deadlines for the adoption of certain
3 rules and procedures by the state board of education.

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SENATE FILE 450

S-3409

1 Amend Senate File 450 as follows:
2 1. Page 6, by inserting after line 6 the
3 following:
4 "Sec. ____ . DISPUTE RESOLUTION STUDY. The
5 department of education shall develop and establish a
6 conflict resolution program to assist teachers and
7 administrators in the management of disputes between
8 students. The department shall establish at least one
9 pilot project in a district within the state. The
10 department shall notify all districts of the
11 development of the program and make its selection on
12 the basis of interest and ability to implement the
13 program. In developing the conflict resolution
14 program and pilot projects, the department shall
15 consult with the Iowa peace institute office of
16 dispute resolution, representatives of the national
17 association for mediation in education, and other
18 persons and groups with expertise and experience in
19 the area of conflict resolution. The department shall
20 summarize the results of the conflict resolution
21 program and submit the summary, along with any
22 recommendations relating to statewide implementation
23 of conflict resolution programs, in a report to the
24 general assembly by January 1, 1991."

25 2. By renumbering as necessary.
By JEAN LLOYD-JONES ROBERT CARR
LARRY MURPHY BEVERLY HANNON
RICHARD VARN CHARLES BRUNER

S-3409 FILED MARCH 23, 1989
out of order 3-27-89 (p.1017)

SENATE FILE 450

S-3372

1 Amend Senate File 450 as follows:
2 1. Page 5, by inserting after line 12 the
3 following:
4 "Sec. ____ . Section 808A.1, subsection 4, paragraph
5 d, Code 1989, is amended to read as follows:
6 d. A school locker, desk, or other facility or
7 space issued or assigned to, or chosen by, the student
8 for the storage of personal belongings of any kind,
9 which the student locks or is permitted to lock.
10 School officials may conduct periodic inspections of
11 all school lockers. However, ~~the school district~~
12 ~~shall provide notice to the students, at least twenty-~~
13 ~~four hours prior to the inspection, of the date and~~
14 ~~time of the inspection;~~
15 Sec. ____ . Section 808A.2, subsection 3, paragraph
16 c, Code 1989, is amended by striking the paragraph."
17 2. Title page, line 5, by striking the word
18 "and".
19 3. Title page, line 5, by inserting after the
20 word "changes" the following: "and providing for
21 student locker searches".

By MARK HAGERLA

S-3372 FILED MARCH 22, 1989
Out of order 3-27-89 (p.1016)

SENATE FILE 450

S-3417

- 1 Amend Senate File 450 as follows:
- 2 1. Page 2, by striking lines 14 through 21 and inserting
- 3 the following: "student. The principal of the school
- 4 shall inform the".

By JOY CORNING

S-3417 FILED MARCH 27, 1989
LOST 3-27-89 (p.1016)

SENATE FILE 450

S-3852

1 Amend the House amendment, S-3713, to Senate File
2 450, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 33, and
4 inserting the following:
5 "____. Page 3, line 9, by striking the word
6 "Kindergarten" and inserting the following:
7 "Kindergarten public school kindergarten".
8 _____. Page 3, line 10, by inserting before the
9 word "prekindergarten" the following: "public and
10 nonpublic school".
11 _____. Page 3, line 31, by inserting after the word
12 "school" the following: "or whose presence in school
13 has been found to be injurious to the health of other
14 pupils"."

By WALLY HORN

S-3852 FILED APRIL 21, 1989

Adopted 4-27-89 (p.173)

SENATE FILE 450

S-3958

1 Amend amendment, S-3852, to amendment, S-3713, to
2 Senate File 450, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 4, the
4 following:
5 "____. Page 1, by inserting after line 13, the
6 following:
7 "____. Page 2, by inserting after line 26, the
8 following:
9 "Sec. ____, Section 256.11, subsection 7, Code
10 1989, is amended to read as follows:
11 7. Programs that meet the needs of each of the
12 following:
13 a. Pupils requiring special education.
14 b. Gifted and talented pupils.
15 c. Programs for at-risk students.
16 Rules adopted by the state board to implement this
17 paragraph shall be based upon the definition of at-
18 risk student developed by the child coordinating
19 council established in section 256A.2 and the
20 department of education, and the state board shall
21 consider the recommendations of the child coordinating
22 council and the department in developing the rules."""

By LARRY MURPHY

S-3958 FILED APRIL 27, 1989

ADOPTED

4-27-89 (p.173)

HOUSE AMENDMENT TO
SENATE FILE 450

S-3713

1 Amend Senate File 450, as passed by the Senate, as
2 follows:

3852-3 1. Page 2, line 1, by inserting after the word
4 "required." the following: "If a student is
5 participating in an organized and supervised high
6 school athletic program which requires at least as
7 much time of participation per week as one-eighth
8 unit, the student may be excused from the physical
9 education course during the time of the student's
10 participation in the athletic program."

11 2. Page 2, by striking lines 14 through 21 and
12 inserting the following: "student. The principal of
13 the school shall inform the".

14 3. Page 3, by striking lines 3 through 14.

15 4. Page 3, by striking lines 18 through 20 and
16 inserting the following: "'resident" means a child
17 who is physically present in the district for the
18 purpose of making a home and not solely for school
19 purposes."

20 5. Page 3, line 26, by striking the word "who"
21 and inserting the following: "who".

22 6. Page 3, lines 28 through 30, by striking the
23 words ~~"whose-presence-in-school-may-be-injurious-to~~
24 ~~the-health-or-morals-of-other-pupils-or-to-the-welfare~~
25 ~~of-such-school"~~ and inserting the following: "whose
26 presence in school may be injurious to the health or
27 morals of other pupils or to the welfare of such the
28 school, who is found to be physically or mentally".

29 7. Page 4, by striking lines 15 through 17 and
30 inserting the following: "'resident" means a person
31 who is physically present in the district for the
32 purpose of making a home and not solely for school
33 purposes."

34 8. Page 6, by striking lines 7 through 20.

RECEIVED FROM THE HOUSE

S-3713 FILED APRIL 17, 1989

Senate Concurred 5-1-89 (p.1731)

SENATE FILE 450

H-3909

1 Amend Senate File 450, as passed by the Senate, as follows:

- 140-3 1. Page 2, line 1, by inserting after the word
- 4 "required." the following: "If a student is
- 5 participating in an organized and supervised high
- 6 school athletic program which requires at least as
- 7 much time of participation per week as one-eighth
- 8 unit, the student may be excused from the physical
- 9 education course during the time of the student's
- 10 participation in the athletic program."
- 11 2. Page 2, by striking lines 14 through 21 and
- 12 inserting the following: "student. The principal of
- 105-13 the school shall inform the".
- 14 3. Page 3, by striking lines 18 through 20 and
- 15 inserting the following: "'resident" means a child
- 16 who is physically present in the district for the
- 17 purpose of making a home and not solely for school
- 18 purposes."
- 19 4. Page 3, line 26, by striking the word "who"
- 20 and inserting the following: "who".
- 21 5. Page 3, lines 28 through 30, by striking the
- 22 words ~~"whose-presence-in-school-may-be-injurious-to~~
- 23 ~~the-health-or-morals-of-other-pupils-or-to-the-welfare~~
- 24 ~~of-such-school"~~ and inserting the following: "whose
- 25 presence in school may be injurious to the health or
- morals of other pupils or to the welfare of such the
- school, who is found to be physically or mentally".
- 28 6. Page 4, by striking lines 15 through 17 and
- 29 inserting the following: "'resident" means a person
- 30 who is physically present in the district for the
- 31 purpose of making a home and not solely for school
- 32 purposes."
- 33 7. Page 6, by striking lines 7 through 20.

By COMMITTEE ON EDUCATION

OLLIE of Clinton, Chairperson

H-3909 FILED APRIL 7, 1989

Adopted 4-13-89 (p.1553)

SENATE FILE 450

H-3946

- 1 Amend amendment, H-3909, to Senate File 450, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 10.
- 4 2. By renumbering as necessary.

By WISE of Lee

H-3946 FILED APRIL 10, 1989

ADOPT 4-13-89 (p.1553)

SENATE FILE 450

H-4015

- 1 Amend amendment H-3909 to Senate File 450, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 13, the
- 4 following:
- 5 "Page 3, by striking lines 3 through 14."

By DAGGETT of Adams

H-4015 FILED APRIL 13, 1989

ADOPTED *4-13-89 (p.1553)*

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 450
H-4320

1 Amend the House amendment, S-3713, to Senate File
2 450, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 33, and
4 inserting the following:
5 " _____. Page 2, by inserting after line 26, the
6 following:
7 "Sec. _____. Section 256.11, subsection 7, Code
8 1989, is amended to read as follows:
9 7. Programs that meet the needs of each of the
10 following:
11 a. Pupils requiring special education.
12 b. Gifted and talented pupils.
13 c. Programs for at-risk students.
14 Rules adopted by the state board to implement this
15 paragraph shall be based upon the definition of at-
16 risk student developed by the child coordinating
17 council established in section 256A.2 and the
18 department of education, and the state board shall
19 consider the recommendations of the child coordinating
20 council and the department in developing the rules.""
21 " _____. Page 3, line 9, by striking the word
22 "Kindergarten" and inserting the following:
23 "Kindergarten Public school kindergarten".
24 " _____. Page 3, line 10, by inserting before the
25 word "prekindergarten" the following: "public and
26 nonpublic school".
27 " _____. Page 3, line 31, by inserting after the word
28 "school" the following: "or whose presence in school
29 has been found to be injurious to the health of other
30 pupils"."

RECEIVED FROM THE SENATE

H-4320 FILED APRIL 27, 1989

House Refused to Concur 5-1-89 (p. 2258)
Senate Insisted 5-1-89 (p. 1872)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 450

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 450, a bill for An Act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4320.

2. That the House amendment, S-3713, to Senate File 450, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 33, and inserting the following:

"____. Page 2, by striking line 11, and inserting the following: "of time during the school day or be seeking to be excused in order to enroll in academic courses not otherwise

available to the student.

PARAGRAPH DIVIDED. ~~The student must seek to be~~ Students in grades nine through eleven may be".

____. Page 2, by striking lines 14 through 21, and inserting the following: "student if the board of directors of the school district in which the school is located, or the authorities in charge of the school, if the school is a nonpublic school, determine that students from the school may be permitted to be excused from the physical education requirement. A student may be excused by the principal of the school in which the student is enrolled, in consultation with the student's counselor, for up to one semester, trimester, or the equivalent of a semester or trimester, per year if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. The student seeking to be excused from the physical education requirement must, at some time during the period for which the excuse is sought, be a participant in an organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.

PARAGRAPH DIVIDED. The principal of the school shall inform the".

____. Page 2, by inserting after line 25, the following:

"Sec. ____ . Section 256.11, subsection 7, Code 1989, is amended to read as follows:

7. Programs that meet the needs of each of the following:
 - a. Pupils requiring special education.
 - b. Gifted and talented pupils.
 - c. Programs for 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 one

department in developing the rules."

____. Page 3, line 9, by striking the word "Kindergarten" and inserting the following: "~~Kindergarten~~ Public school kindergarten".

____. Page 3, line 10, by inserting before the word "prekindergarten" the following: "public and nonpublic school".

____. Page 3, by striking lines 18 through 20 and inserting the following: ""resident" means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.

2. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. § 11302(a) and (c).

3. Lives in a juvenile detention center, foster care facility, or residential facility in the district."

____. Page 3, line 31, by inserting after the figure "299.5," the following: "or whose presence in school has been found to be injurious to the health of other pupils".

____. Page 4, by striking lines 15 through 17 and inserting the following: ""resident" means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.

2. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. § 11302(a) and (c).

3. Lives in a residential correctional facility in the district.""

2. Page 1, by inserting after line 34, the following:

"____. Title page, by striking lines 1 through 4, and inserting the following: "An Act relating to educational

standards, permitting waiver of student participation in physical education under certain circumstances if the student is participating on an athletic".

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

WALLY HORN, Chairperson
JOHN P. KIBBIE
LARRY MURPHY
RAY TAYLOR

WILLIAM BRAND, Chairperson
DENNIS COHOON
ROBERT L. KISTLER
TOM MILLER
ARTHUR OLLIE

Adopted 5-5-89 (p. 1968)

Adopted 5-5-89 (p. 2535)

HORN, CH.
VARN
CORNING

SSB 294
EDUCATION

SENATE FILE 450
BY (PROPOSED COMMITTEE ON
EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to educational standards, including flexible
2 scheduling within a school year and waivers of student
3 participation in physical education if the school has flexible
4 scheduling and the student is participating on an athletic
5 team.

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

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1 Section 1. Section 256.11, subsection 5, paragraph g, Code
2 1989, is amended to read as follows:

3 g. All students physically able shall be required to
4 participate in physical education activities during each
5 semester they are enrolled in school except as otherwise
6 provided in this paragraph. A minimum of one-eighth unit each
7 semester is required. A twelfth grade student who meets the
8 requirements of this paragraph may be excused from the
9 physical education requirement by the principal of the school
10 in which the student is enrolled if the parent or guardian of
11 the student requests in writing that the student be excused
12 from the physical education requirement. A student who wishes
13 to be excused from the physical education requirement must be
14 enrolled in a cooperative or work-study program or other
15 educational program authorized by the school which requires
16 the student to leave the school premises for specified periods
17 of time during the school day. The student must seek to be
18 excused from the physical education requirement in order to
19 enroll in academic courses not otherwise available to the
20 student. If a school's instructional day consists of less
21 than seven class periods, and the school operates on a
22 trimester system, a student may be excused from participation
23 in physical education for a trimester if the student
24 participates in an organized and supervised athletic program
25 during that trimester which requires at least as much time of
26 participation per week as one-eighth unit of physical
27 education. The principal of the school shall inform the
28 superintendent of the school district or nonpublic school that
29 the student has been excused. Physical education activities
30 shall emphasize leisure time activities which will benefit the
31 student outside the school environment and after graduation
32 from high school.

33 Sec. 2. HOURS OF INSTRUCTION. The state board of
34 education shall adopt rules pursuant to chapter 17A which
35 permit a school that does not provide five and one-half hours

1 of instruction each school day, because of staff development,
2 curriculum coordination, improvement of instruction, parent-
3 teacher conferences, or other educational programs, to
4 continue its programs of instruction if the number of hours of
5 instruction provided by the program per year equals or exceeds
6 the number of hours that would have been provided if each
7 school day contained five and one-half hours of instruction.

8 EXPLANATION

9 This bill permits a school on a trimester system, with an
10 instructional day that consists of less than seven class
11 periods to excuse student participation in physical education,
12 if a student participates in an organized and supervised
13 athletic program which requires at least as much time of
14 participation per week as one-eighth unit of physical
15 education.

16 This bill permits schools which do not provide five and
17 one-half hours of instruction each school day to continue
18 their programs provided that the number of hours of instruc-
19 tion provided per year in the program is the same or equiva-
20 lent to the number of hours that would have been provided if
21 each school day contained five and one-half hours of instruc-
22 tion.

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SENATE FILE 450

AN ACT

RELATING TO EDUCATIONAL STANDARDS, PERMITTING WAIVER OF STUDENT PARTICIPATION IN PHYSICAL EDUCATION UNDER CERTAIN CIRCUMSTANCES IF THE STUDENT IS PARTICIPATING ON AN ATHLETIC TEAM, AND MAKING TECHNICAL CHANGES.

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

Section 1. Section 256.7, subsection 3, unnumbered paragraph 2, Code 1989, is amended to read as follows:

By ~~January 17, 1989~~ June 30, 1990, the state board shall adopt rules under chapter 17A that prescribe a process for the appointment and operation of evaluation panels for evaluating the performance of teachers possessing initial certification to determine whether the teachers meet the requirements adopted by the board for progressing to the next certification level.

Sec. 2. Section 256.7, subsection 6, Code 1989, is amended to read as follows:

6. Hear appeals of persons aggrieved by decisions of boards of directors of school corporations under chapter 290 and other appeals prescribed by law. The state board ~~shall~~ may review the record and ~~shall review the~~ decision of the director of the department of education or the administrative law judge designated by the director in appeals heard and decided by the director under chapter 290, and may affirm, modify, or vacate the decision, or may direct a rehearing before the director.

Sec. 3. Section 256.7, subsection 8, Code 1989, is amended to read as follows:

8. Develop plans for the approval of teacher preparation programs that incorporate the results of recently completed research and national studies on teaching for the twenty-first century and develop plans for providing assistance to newly

graduated teachers, including options for internships and reduced teaching loads. The plans shall be submitted to the general assembly not later than ~~October 17, 1988~~ June 30, 1990.

Sec. 4. Section 256.11, subsection 5, paragraph g, Code 1989, is amended to read as follows:

g. All students physically able shall be required to participate in physical education activities during each semester they are enrolled in school except as otherwise provided in this paragraph. A minimum of one-eighth unit each semester is required. A twelfth grade student who meets the requirements of this paragraph may be excused from the physical education requirement by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be enrolled in a cooperative or work-study program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day or be seeking to be excused in order to enroll in academic courses not otherwise available to the student.

PARAGRAPH DIVIDED. The student must seek to be Students in grades nine through eleven may be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student if the board of directors of the school district in which the school is located, or the authorities in charge of the school, if the school is a nonpublic school, determine that students from the school may be permitted to be excused from the physical education requirement. A student may be excused by the principal of the school in which the student is enrolled, in consultation with the student's counselor, for up to one semester, trimester, or the equivalent of a semester or trimester, per year if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. The student seeking to be

excused from the physical education requirement must, at some time during the period for which the excuse is sought, be a participant in an organized and supervised athletic program which requires at least as much time of participation per week as one-eighth unit of physical education.

PARAGRAPH DIVIDED. The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused. Physical education activities shall emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.

Sec. 5. Section 256.11, subsection 7, Code 1989, is amended to read as follows:

7. Programs that meet the needs of each of the following:
 - a. Pupils requiring special education.
 - b. Gifted and talented pupils.
 - c. Programs for 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. 6. Section 256.11A, subsection 5, Code 1989, is amended to read as follows:

5. A request for a waiver filed by the board of directors of a school district or authorities in charge of a nonpublic school shall describe actions being taken by the district or school to meet the requirement for which the district or school has requested a waiver. The state board of education shall adopt rules, by January 1, 1990, under chapter 17A to implement a procedure and criteria for the department to use in making a decision to approve a waiver under subsections 2, 3, and 4.

Sec. 7. Section 280.3, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The board of directors of each public school district and the authorities in charge of each nonpublic school shall establish and maintain attendance centers based upon the needs of the school age pupils enrolled in the school district or nonpublic school. Kindergarten Public school kindergarten programs shall and public and nonpublic school prekindergarten programs may be provided. In addition, the board of directors or governing authority may include in the educational program of any school such additional courses, subjects, or activities which it deems fit the needs of the pupils.

Sec. 8. Section 282.1, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, "resident" means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.
2. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. § 11302(a) and (c).
3. Lives in a juvenile detention center, foster care facility, or residential facility in the district.

Sec. 9. Section 282.3, subsection 1, Code 1989, is amended to read as follows:

1. The board may exclude from school children under the age of six years when in its judgment such children are not sufficiently mature to be benefited by regular instruction, or ~~any incorrigible child or any child who in its judgment is so abnormal that regular instruction would be of no substantial benefit or any child whose presence in school may be injurious to the health or morals of other pupils or to the welfare of such school~~ is found to be physically or mentally unable to attend school under section 299.5, or whose presence in school has been found to be injurious to the health of other pupils or is efficiently taught for the scholastic year at a state institution. However, the board shall provide

special education programs and services under the provisions of chapters 273, 281, and 442 for all children requiring special education.

Sec. 10. Section 282.4, Code 1989, is amended to read as follows:

282.4 MAJORITY VOTE -- SUSPENSION.

The board may, by a majority vote, expel any scholar pupil from school ~~for immorality~~ or for a violation of the regulations or rules established by the board, or when the presence of the scholar pupil is detrimental to the best interests of the school; and it may confer upon any teacher, principal, or superintendent the power temporarily to dismiss a scholar pupil, notice of such dismissal being at once given in writing to the president of the board.

Sec. 11. Section 282.6, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this section, "resident" means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.
2. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. § 11302(a) and (c).
3. Lives in a residential correctional facility in the district.

Sec. 12. Section 290.5, Code 1989, is amended to read as follows:

290.5 DECISION OF STATE BOARD.

The decision of the state board shall be final. The state board may adopt rules of procedure for hearing appeals which shall include the power to delegate the actual hearing of the appeal to the director of the department of education or the director's designee, and members of the director's staff designated by the director. The record of appeal so heard shall be ~~reviewed by~~ available to the state board and the

decision recommended by the director of the department of education or the designated administrative law judge shall be approved by the state board in the manner provided in section 256.7, subsection 6.

Sec. 13. Section 321.375, unnumbered paragraph 2, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

Use of nonprescription controlled substances or alcoholic beverages during working hours, operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages, fraud in the procurement or renewal of a school bus driver's permit, the commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or sexual involvement with a minor student with the intent to commit or the commission of acts and practices proscribed under sections 709.2 through 709.4, section 709.8, and sections 725.1 through 725.3 shall constitute grounds for the driver's immediate suspension from duties, pending a termination hearing by the board.

Sec. 14. 1987 Iowa Acts, chapter 207, section 3, is amended to read as follows:

SEC. 3. The state board of education shall study options for the coordination of school calendars and schedules for purposes of facilitating the use of educational telecommunications systems and services and shall report the results of its study, together with any recommendations to the general assembly not later than ~~January 15, 1989~~ January 1, 1990. The state board shall consult with areas of the state utilizing educational telecommunications systems and services in developing its recommendations.

Sec. 15. 1988 Iowa Acts, chapter 1266, section 5, is amended to read as follows:

SEC. 5. DEPARTMENT OF EDUCATION STUDIES.

1. The department of education is directed to develop recommendations concerning incentives that might be used to encourage experienced teachers in elementary and secondary

schools to serve as cooperating teachers for student teachers enrolled in approved teacher education programs.

The recommendations shall be submitted to the general assembly not later than ~~February 17, 1989~~ June 30, 1990.

2. The department of education is directed to develop recommendations for the establishment of programs that provide for interaction between faculty members in colleges and departments of education at approved teacher education institutions and teachers and students at the elementary and secondary schools.

The recommendations shall be submitted to the general assembly not later than ~~February 17, 1989~~ June 30, 1990.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 450, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 23, 1989

TERRY E. BRANSTAD
Governor