

for the costs of providing motorcycle education courses approved and established by the department of education. The department of education shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the costs of providing the education courses.

Sec. 4. Section 321.191, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The fee for an operator's license shall be seven dollars if issued for a period of two years, and twenty dollars if issued for a period of six years. If a motor vehicle license issued is valid for the operation of a motorcycle, an additional fee of one dollar per year of license validity shall be charged. The fee for a chauffeur's license shall be fourteen dollars if issued for a period of two years, and forty dollars if issued for a period of six years. The fee for an instruction permit shall be six dollars, for a chauffeur's instruction permit, twelve dollars, for a temporary driver's permit, ten dollars and for a motorized bicycle license, ten dollars.

Approved June 5, 1987

CHAPTER 207

TELECOMMUNICATIONS USE BY SCHOOLS, AREA SCHOOLS, AND REGENTS' INSTITUTIONS

S.F. 333

AN ACT relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date.

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

Section 1. Section 256.7, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 8. Adopt rules under chapter 17A for the use of telecommunications as an instructional tool for students enrolled in kindergarten through grade twelve and served by local school districts, accredited or approved nonpublic schools, area education agencies, merged area schools, institutions of higher education under the state board of regents, and independent colleges and universities in elementary and secondary school classes and courses. The rules shall include but need not be limited to rules relating to programs, educational policy, instructional practices, staff development, use of pilot projects, curriculum monitoring, and the accessibility of certificated teachers.

When curriculum is provided by means of telecommunications, it shall be taught by a certificated teacher who is properly endorsed or approved. The teacher shall either be present in the classroom, or be present at the location at which the curriculum delivered by means of telecommunications originates.

The rules shall provide that when the curriculum is taught by a certificated and properly endorsed or approved teacher at the location at which the telecommunications originates, the curriculum received shall be under the supervision of a certificated teacher. For the purposes of this subsection, "supervision" means that the curriculum is monitored by a certificated teacher and the certificated teacher is accessible to the students receiving the curriculum by means of telecommunications.

The rules shall provide that telecommunications shall not be used by school districts as the exclusive means to provide curriculum which is required by the minimum educational standards for approval or accreditation. However, for curriculum which is not required by the minimum educational standards, the rules shall not require that a certificated teacher must be present in the classroom when the curriculum is being received by means of telecommunications.

The state board shall establish an advisory committee to make recommendations for rules required under this subsection on the use of telecommunications as an instructional tool. The

committee shall be composed of representatives from merged area schools, area education agencies, accredited or approved nonpublic schools, and local school districts from various enrollment categories. The representatives shall include board members, school administrators, teachers, parents, students, and associations interested in education.

For the purpose of the rules adopted by the state board, telecommunications means narrow-cast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications.

NEW SUBSECTION. 9. Develop evaluation procedures that will measure the effects of instruction by means of telecommunications on student achievement, socialization, intellectual growth, motivation, and other related factors deemed relevant by the state board, for the development of an educational data base. The state board shall consult with the state board of regents and the teacher education departments at its institutions, other approved teacher education departments located within private colleges and universities, educational research agencies or facilities, and other agencies deemed appropriate by the state board, in developing these procedures.

Sec. 2. NEW SECTION. 279.46 PARTICIPATION BY SCHOOL DISTRICTS IN DATA BASE DEVELOPMENT.

The board of directors of each school district utilizing telecommunications as an instructional tool shall participate in procedures adopted by the state board of education under section 256.7, subsection 9.

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. The state board shall consult with areas of the state utilizing educational telecommunications systems and services in developing its recommendations.

Sec. 4. By July 1, 1989, each area education agency shall file a report with the department of education of the results of a needs assessment relating to the use of telecommunications as an instructional tool for education in the school districts located in the area education agency. The assessment shall include both technological needs and educational needs and shall include both short-range and long-range plans for achieving goals.

Sec. 5. The department of education shall establish a program for awarding grants to school districts, area education agencies, merged area schools, and institutions of higher education under the state board of regents, or a combination of these, for staff development programs that will assist teachers and administrators to acquire methodology for assisting students to learn when telecommunications is used as an instructional tool for education. Grants shall be awarded from moneys appropriated for that purpose to the department of education to be distributed to school districts, area education agencies, merged area schools, and institutions of higher education under the state board of regents, or a combination of these, submitting approved staff development plans. The department shall give priority in awarding grants under this section to applications submitted jointly by eligible recipients of grants.

Sec. 6. Section 262.9, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 17. Adopt policies and procedures for the use of telecommunications as an instructional tool at its institutions. The policies and procedures shall include but not be limited to policies and procedures relating to programs, educational policy, practices, staff development, use of pilot projects, and the instructional application of the technology.

Sec. 7. Section 280A.23, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Adopt policies and procedures for the use of telecommunications as an instructional tool at the area school. The policies and procedures shall include but not be limited to policies and procedures relating to programs, educational policy, practices, staff development, use of pilot projects, and the instructional application of the technology.

Sec. 8. This Act, being deemed of immediate importance, takes effect upon its enactment.

Approved June 5, 1987

CHAPTER 208

DRUG TESTING OF EMPLOYEES AND APPLICANTS

H.F. 469

AN ACT to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty.

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

Section 1. NEW SECTION. 730.5 DRUG TESTING OF EMPLOYEES OR APPLICANTS REGULATED.

1. As used in this section, "drug test" means any blood, urine, saliva, chemical, or skin tissue test conducted for the purpose of detecting the presence of a chemical substance in an individual.

2. Except as provided in subsection 7, an employer shall not require or request employees or applicants for employment to submit to a drug test as a condition of employment, preemployment, promotion, or change in status of employment. An employer shall not request, require, or conduct random or blanket drug testing of employees. However, this section does not apply to preemployment drug tests authorized for peace officers or correctional officers of the state, or to drug tests required under federal statutes, or to drug tests conducted pursuant to a nuclear regulatory commission policy statement, or to drug tests conducted to determine if an employee is ineligible to receive workers' compensation under section 85.16, subsection 2.

3. This section does not prohibit an employer from requiring a specific employee to submit to a drug test if all of the following conditions are met:

a. The employer has probable cause to believe that an employee's faculties are impaired on the job.

b. The employee is in a position where such impairment presents a danger to the safety of the employee, another employee, a member of the public, or the property of the employer, or when impairment due to the effects of a controlled substance is a violation of a known rule of the employer.

c. The test sample withdrawn from the employee is analyzed by a laboratory or testing facility that has been approved under rules adopted by the department of public health.

d. If a test is conducted and the results indicate that the employee is under the influence of alcohol or a controlled substance or indicate the presence of alcohol or a controlled substance, a second test using an alternative method of analysis shall be conducted. When possible and practical, the second test shall use a portion of the same test sample withdrawn from the employee for use in the first test.

e. An employee shall be accorded a reasonable opportunity to rebut or explain the results of a drug test.

f. The employer shall provide substance abuse evaluation, and treatment if recommended by the evaluation, with costs apportioned as provided under the employee benefit plan or at employer expense, if there is no employee benefit plan, the first time an employee's drug test