

upon final termination of employment or death as are afforded full-time state employees and the employees' surviving spouses excluded from collective bargaining as provided in chapter 20.

Sec. 4. **EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.** This Act, being deemed of immediate importance, takes effect upon enactment, and sections 1 and 2 apply retroactively to May 3, 1990.

Approved May 4, 1992

CHAPTER 1198

COMMUNITY-BASED WORKPLACE LEARNING PROGRAMS

H.F. 2287

AN ACT to establish a community-based workplace learning program, and providing an effective date.

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

Section 1. **BACKGROUND STATEMENT.** The changes which have taken place in national and global economic relationships have profoundly affected the skills that are needed in today's workplace. The typical high school student rarely possesses the requisite skills to permit the student to make the transition from the secondary education system to a high-skill, high-paying position. This is due in part to the fact that the skills that today's and tomorrow's workers need, and will continue to need, are not only the basic academic and appropriate job-specific skills that can be translated into a variety of workplace activities but also those high level technical skills that workers must have to perform complex workplace activities and that require not only in-depth knowledge but advanced occupational preparation or education. The failure to make the school-to-work transition is also due in part to the need of many students to recognize the benefit of acquisition of academic skills in real life settings before the acquisition of the skills has any meaning. Therefore, in order to provide students with opportunities to develop these kinds of skills and the environment or environments in which to acquire and reinforce these skills, the system of schooling must be encouraged to use all of the resources that are and may become available and must be provided with the appropriate amount of flexibility to create an opportunity for enhanced workplace learning experiences. A community-based workplace learning program, called "workstart", should therefore be established to provide these kinds of opportunities. The program is only a beginning and will require the support and active participation of the business community in order to allow schools to create programs which will meet the requirements of today's workplace. The goal of the program is to provide those students who are about to enter the workplace of today from the secondary education system with the skills necessary not only to enter the workplace, but also to be productive, flexible, and useful workers once they arrive. Districts are also encouraged to provide academic experiences which are articulated with and reinforce experiences of students in the workplace setting.

Sec. 2. Section 258.4, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Notwithstanding the accreditation standard and process contained in section 256.11 for vocational education for students in grades nine through twelve, provide a process that permits school districts to establish community-based workplace learning programs, called "workstart" programs, that provide students with competency-based learning experiences that reinforce basic academic skills and include, but are not limited to, new and

emerging technologies; job-seeking, job-adaptability, and other employment; and self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs. An approved workstart program may consist of two of the required sequential units in one of the six occupational service areas in grades nine through twelve, and shall be a priority for receipt of vocational education secondary funds.

Sec. 3. NEW SECTION. 258.17 COMMUNITY-BASED WORKPLACE LEARNING PROGRAM — WORKSTART.

1. A community-based workplace learning program, called "workstart", is established as a voluntary collaborative educational program between business and Iowa's secondary and postsecondary education system designed to provide the means by which students can be better prepared to enter the workforce. The program is to provide all participating high school students with academic skills and appropriate competency-based job-specific skills needed to enter high performance workplace employment through a jointly planned and supervised instructional and worksite-based training program that is articulated with postsecondary advanced programs of preparation, United States department of labor-approved apprenticeship programs, and other appropriate job training programs. Schools and school districts are encouraged to work with current employers of students attending instruction in the schools or school districts in order to articulate educational programming with the work experiences of the students. The workstart program is designed to prepare students for employment in occupations which not only require high skill levels but which also offer students opportunities within those occupations for career and personal advancement.

2. Each school or school district that desires to establish a workstart program shall appoint a local employment and training council, the members of which shall serve at the pleasure of the board of directors of the district or the authorities in charge of the nonpublic school. The majority of the council members shall be local secondary and postsecondary educators. Other council members shall include, but are not limited to, members of the business community and chamber of commerce, appropriate labor representatives, parents, and representatives from any local municipal, county, state, or federal job placement or training agencies. The council shall identify and assess all of the following:

a. The types of high performance workplace employment opportunities for individuals who live in the community.

b. The skills, knowledge, and attitudes required by employers for placement in entry level and advanced positions.

c. The private and institutional resources necessary and available to provide the appropriate high school training and advanced educational offerings for persons seeking to acquire job skills for the positions.

The council, in identifying and assessing high performance workplace employment opportunities, shall consult with local and regional job placement organizations and take into consideration possible job placement trends and opportunities that may become available to program participants. The council shall consult with the vocational regional planning board or consortia to determine what educational resources are available within the merged area and to ascertain the occupational needs of local students. The council shall summarize those jobs, skills, and resources identified and assessed and develop a proposed plan for utilization of available resources to permit the acquisition* of those skills in a workstart program. In addition to any agreements with local businesses, the proposed plan for a workstart program shall include an articulated, sequential plan that coordinates and complements the curricula and training available in a secondary education setting with the curricula and training available at the community or private college or other postsecondary training program level. The council shall forward the proposed plan for a workstart program to the board of directors of the school district, or the authorities in charge of the nonpublic school, for review, modification, and approval.

3. Each workstart program shall consist of two phases, each of which shall be supervised by an appropriately licensed education practitioner: the preparation phase and the workplace phase.

*According to enrolled Act

a. The preparation phase of a workstart program is a school-based program that provides students with basic and advanced academic skills that will be necessary to perform in a vocational service area chosen by the student. The preparation phase shall also include instruction in skills that are necessary to succeed in high performance workplace employment. The preparation phase of a workstart program shall be directed by education practitioners possessing the appropriate licensing and endorsements for the vocational service area.

b. The workplace phase of a workstart program shall consist of an intensive workplace-specific training program that may be conducted at a worksite or both at a worksite and in the school setting. The workplace phase of a workstart program shall be coordinated by an education practitioner possessing the appropriate license and endorsements for the vocational service area, and may be directed at the worksite by persons employed in the occupational training area which has been selected by the student.

Both the preparation and workplace phases shall be articulated with United States department of labor-approved apprenticeship programs and other postsecondary educational and training offerings that permit participating students to obtain advanced training and education that may be necessary upon graduation from the workstart secondary education program or to obtain an advancement in an occupational field chosen by the student during the student's participation in a workstart secondary education program.

4. Each workstart program shall include a written agreement by the school or school district with one or more businesses from the surrounding community to provide workplace-specific training and learning programs which are related to the skills needed to succeed in those occupational areas. The proposed plan for implementation of the workstart program shall include a copy of the written agreement between the school or school district and the business or businesses and a business support component, which shall consist of financial or in-kind support, or both financial and in-kind support, from the businesses that have entered into the agreement with the school or school district. The plan may provide for the utilization of phase III and other available school funds in the establishment of the program. A workstart program is a comprehensive school transformation program under section 294A.14.

5. The state board of education shall adopt rules pursuant to chapter 17A to provide for the implementation of this section.

6. The department of education shall adopt guidelines for the establishment of workstart programs. Guidelines may include, but are not limited to acceptable levels of business financial participation in a workstart program, maximum hour and workload guidelines for education practitioners working in or supervising a workstart program, and maximum and minimum class size guidelines for the preparation and workplace phases of a workstart program.

7. A school or local school district that implements a workstart program shall annually conduct a survey which counts the number of students who participate in, or graduate from, the program that are actually employed in an occupational area for which they received training. The school or school district shall disseminate the results of the surveys to the local employment and training councils for the school or school district and the department of education.

Sec. 4. For the school year beginning July 1, 1992, and ending June 30, 1993, a school or school district that wishes to establish a workstart program may meet the requirements contained in this Act, relating to the designation of occupational service areas and sequential units as being within a workstart program, by submitting a letter of intent to participate in a workstart program to the department of education by July 1, 1992. The letter shall indicate the school or school district's intent to participate and designate the units of instruction and occupational service areas for which the school or school district intends to provide a workstart program.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

CHAPTER 1199**SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A COUNSELOR OR THERAPIST***H.F. 2476*

AN ACT relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalties applicable.

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

Section 1. Section 614.1, subsection 12, Code Supplement 1991, is amended to read as follows:

12. Sexual abuse or sexual exploitation by a counselor or therapist. An action for damages for injury suffered as a result of sexual abuse, as defined in section 709.1, by a counselor or therapist, as defined in section 709.15, or as a result of sexual exploitation by a counselor or therapist, shall be brought within five years of the date the victim was last treated by the counselor or therapist.

Sec. 2. Section 709.15, subsection 1, paragraph b, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

For the purposes of paragraph "f", a former patient or former client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.

Sec. 3. Section 709.15, subsection 1, paragraph f, Code Supplement 1991, is amended to read as follows:

f. "Sexual abuse exploitation by a counselor or therapist" occurs when either or both any of the following are found:

(1) A pattern or practice or scheme of conduct to engage in any of the conduct described in subparagraph (2) or (3).

(2) Any sexual conduct, with a an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client, which includes but is not limited to the following: kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act as defined in section 702.17.

(3) Any sexual conduct with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client which includes but is not limited to the following: kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act as defined in section 702.17.

"Sexual abuse exploitation by a counselor or therapist" does not include touching which is part of a necessary examination or treatment provided a patient or client by a counselor or therapist acting within the scope of the practice or employment in which the counselor or therapist is engaged.

Sec. 4. Section 709.15, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A counselor or therapist who commits sexual abuse exploitation in violation of subsection 1, paragraph "f", subparagraph (1), commits a class "D" felony.

Sec. 5. Section 709.15, subsection 3, Code Supplement 1991, is amended to read as follows:

3. A counselor or therapist who commits sexual abuse exploitation in violation of subsection 1, paragraph "f", subparagraph (2), commits an aggravated misdemeanor.

Sec. 6. Section 709.15, subsection 4, Code Supplement 1991, is amended to read as follows:

4. A counselor or therapist who commits sexual abuse exploitation in violation of subsection 1, paragraph "f", subparagraph (3), commits a serious misdemeanor. In lieu of the sentence provided for under section 903.1, subsection 1, paragraph "b", the offender may be required to attend a sexual abuser treatment program.