

products; and other fields of research and study as the board deems necessary. This information, as far as possible, shall consider both the encouragement of new industrial enterprises in the state and the expansion of industries now existing within the state, and allied fields to those industries. The information shall also consider the changing composition of the Iowa family, the level of poverty among different age groups and different family structures in Iowa society, and the changing composition of the Iowa work force and the impact of those changes on Iowa families. The department shall work with the division of children, youth and families of the department of human rights in developing the information relating to the family.

Sec. 2. Section 234.11, unnumbered paragraph 2, Code 1989, is amended by striking the paragraph.

Sec. 3. Section 601K.32, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 6. Cooperate with the department of economic development in connection with that department's collection, assembly, and dissemination of information on the changing composition of the Iowa family, the level of poverty among different age groups and different family structures in Iowa society, and the changing composition of the Iowa work force and the impact of those changes on Iowa families.

Sec. 4. REPEAL. Section 601K.40, Code 1989, is repealed.

Sec. 5. EFFECTIVE DATE. This Act takes effect June 29, 1989.

Approved May 23, 1989

CHAPTER 210

EDUCATIONAL STANDARDS AND REQUIREMENTS

S.F. 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 1, 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 1, 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 non-public 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 1, 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 1, 1989~~ June 30, 1990.

Approved May 23, 1989

CHAPTER 211

LICENSE REVOCATION FOR OWI CONVICTION

H.F. 782

AN ACT relating to the revocation of a motor vehicle license or nonresident operating privilege as the result of a conviction for certain vehicular homicide offenses.

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

Section 1. Section 707.6A, subsection 1, paragraph a, Code 1989, is amended to read as follows:

a. Operating a motor vehicle while under the influence of alcohol or a drug or a combination of such substances or while having an alcohol concentration of .10 or more, in violation of section 321J.2. Upon a plea or verdict of guilty of a violation of this paragraph, the court shall order the state department of transportation to revoke the defendant's motor vehicle license