

CHAPTER 101**DEPARTMENT OF EDUCATION — MISCELLANEOUS PROVISIONS****S.F. 206**

AN ACT relating to educational finances, activities, and procedures and providing effective and applicability date provisions.

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

DIVISION I

Section 101. Section 256.12, subsection 2, Code 1993, is amended to read as follows:

2. This section does not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting the specially enrolled students, each of the boards shall prescribe the terms of the special enrollment, including but not limited to scheduling of courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the department of its decision to permit the special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may waive the notice requirement. School districts and area education agency boards ~~may~~ shall make public school services, which ~~may~~ shall include ~~health services; special education programs and services; diagnostic services for speech, hearing, and psychological purposes; and may include health services;~~ services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. However, services that are made available shall be provided on neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and area education agencies providing the services, and not on nonpublic school property, except for health services and diagnostic services for speech, hearing, and psychological purposes, which may be provided on nonpublic school premises, with the permission of the lawful custodian.

Sec. 102. Section 256B.8, unnumbered paragraph 1, Code 1993, is amended to read as follows:

It is not incumbent upon the school districts to keep a child requiring special education in regular instruction when the child cannot sufficiently profit from the work of the regular classroom, nor to keep a child requiring special education in the special class or instruction for children requiring special education when it is determined by the ~~director of special education of an area education agency diagnostic educational team~~ that the child can no longer benefit from the instruction or needs more specialized instruction available in special schools. However, the school district shall count the child requiring special education in the enrollment as provided in sections 256B.9, 257.6, and 273.9 and shall ensure that appropriate educational provisions are made for the child requiring special education ~~within the limits of moneys available under this chapter and chapters 257 and 273.~~

DIVISION II

Sec. 201. Section 256.46, Code 1993, is amended to read as follows:

256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY CERTAIN CHILDREN.

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship; the child is ~~or has been~~ a foreign exchange student; the child

has been placed in a juvenile correctional facility; the child is a ward of the court or the state; the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district.

Sec. 202. Section 257.31, subsection 14, unnumbered paragraph 2, Code 1993, is amended by striking the unnumbered paragraph.

Sec. 203. Section 260C.1, Code 1993, is amended by adding the following new subsection: **NEW SUBSECTION. 12.** Developmental education for persons who are academically or personally underprepared to succeed in their program of study.

Sec. 204. Section 280.13, Code 1993, is amended to read as follows:

280.13 REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS.

A public school shall not participate in or allow students representing a public school to participate in any extracurricular interscholastic athletic contest or competition which is sponsored or administered by an organization as defined in this section, unless the organization is registered with the department of education, files financial statements with the department in the form and at the intervals prescribed by the director of the department of education, and is in compliance with rules which the state board of education adopts for the proper administration, supervision, operation, adoption of eligibility requirements, and scheduling of extracurricular interscholastic athletic contests and competitions and the organizations. For the purposes of this section "organization" means a corporation, association, or organization which has as one of its primary purposes the sponsoring or administration of extracurricular interscholastic athletic contests or competitions, but does not include an agency of this state, a public or private school or school board, or an athletic conference or other association whose interscholastic contests or competitions do not include more than ~~twenty~~ twenty-four schools.

Sec. 205. Section 294A.14, unnumbered paragraph 5, Code 1993, is amended to read as follows:

For school districts, a performance-based pay plan may provide for additional salary for individual teachers, for teachers assigned to a specific discipline, or for all teachers assigned to an attendance center. For area education agencies, a performance-based pay plan may provide for additional salary for individual teachers, for additional salary for all teachers assigned to a specific discipline within an area education agency, or for additional salary for individual teachers assigned to a multidisciplinary team within an area education agency. If the plan provides additional salary for all teachers assigned to an attendance center, specific discipline, or multidisciplinary team, the receipt of additional salary by those teachers shall be determined on the basis of whether that attendance center, specific discipline, or multidisciplinary team meets specific objectives adopted for that attendance center, specific discipline, or multidisciplinary team. For school districts, the objectives may include, but are not limited to, decreasing the dropout rate, increasing the attendance rate, or accelerating the achievement growth of students enrolled in that attendance center through the use of learning techniques that may include, but are not limited to, reading instruction in phonics or whole language techniques.

Sec. 206. Section 294A.16, unnumbered paragraph 1, Code 1993, is amended to read as follows:

A plan adopted by the board of directors of a school district or area education agency shall be submitted to the department of education not later than ~~April 15~~ May 31 of a school year for that school year for a school district, and not later than June 15 of a school year for that school year for an area education agency. Amendments to multiple year plans may be submitted annually.

Sec. 207. Section 299.3, Code 1993, is amended to read as follows:

299.3 REPORTS FROM ACCREDITED NONPUBLIC SCHOOLS.

Within ten days from receipt of notice from the secretary of the school district within which an accredited nonpublic school is conducted, the principal of the accredited nonpublic school shall, once during each school year, and at any time when requested in individual cases, furnish to the secretary of the public school district, within which the accredited nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names, and ages, and number of days attendance of each pupil of the accredited nonpublic school who is of compulsory attendance age and the course of study pursued by the grade level of each pupil, during the preceding year and from the time of the last preceding report to the time at which a report is required. In addition, the report shall identify all students of compulsory attendance age who were truant as defined by law or school policy and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school. The secretary shall retain one of the reports and file the other with the secretary of the area education agency.

Sec. 208. **COMMUNITY COLLEGE FUNDING FORMULA STUDY.** The department of education shall conduct a study of the current community college funding formula during the fiscal year beginning July 1, 1993. This study should examine the funding base year, current funding formula based on state needs, and propose recommendations for changes. The report of findings and recommendations shall be submitted to the general assembly by January 1995.

Sec. 209. Section 202 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992, for purposes of determining the balance of funds of a school district for the school budget year ending June 30, 1992.

Sec. 210. Section 206 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 5, 1993

CHAPTER 102**AGRICULTURAL COMMODITY PROMOTIONAL BOARDS***S.F. 278*

AN ACT to exclude agricultural commodity promotional boards, which are subject to a producer referendum, from the requirements applicable to state agencies.

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

Section 1. **NEW SECTION. 181.18A NOT A STATE AGENCY.**

The Iowa beef cattle producers association is not an agency of state government.

Sec. 2. **NEW SECTION. 182.13A NOT A STATE AGENCY.**

The Iowa sheep and wool promotion board is not an agency of state government.

Sec. 3. **NEW SECTION. 196A.14A NOT A STATE AGENCY.**

The Iowa egg council is not an agency of state government.

Approved May 5, 1993