

EDUCATIONAL EXCELLENCE PROGRAM TEACHERS

294A.1 Educational excellence program.

The purpose of this chapter is to promote excellence in education. In order to maintain and advance the educational excellence in the state of Iowa, this chapter establishes the Iowa educational excellence program. The program shall consist of two major phases addressing the following:

1. Phase I The recruitment of quality teachers.
2. Phase II The retention of quality teachers.

87 Acts, ch 224, §1; 2003 Acts, ch 180, §53, 54

294A.2 Definitions.

For the purposes of this chapter:

1. *"Certified enrollment in a school district"* for the school years beginning July 1, 1987, July 1, 1988, and July 1, 1989, means that district's basic enrollment for the budget year beginning July 1, 1987, as defined in section 442.4, Code 1989. For each school year thereafter, certified enrollment in a school district means that district's basic enrollment for the budget year as defined in section 442.4, Code 1989, or section 257.2.
2. *"Enrollment served"* for the fiscal years beginning July 1, 1987, July 1, 1988, and July 1, 1989, means that area education agency's enrollment served for the budget year beginning July 1, 1987. For each school year thereafter, enrollment served means that area education agency's enrollment served for the budget year. Enrollment served shall be determined under section 257.37.
3. *"General training requirements"* means requirements prescribed by a board of directors that provide for the acquisition of additional semester hours of graduate credit from an institution of higher education approved by the state board of education or the completion of staff development activities licensed by the board of educational examiners, except for programs developed by practitioner preparation institutions and area education agencies, for renewal of licenses issued under chapter 272.
4. *"Specialized training requirements"* means requirements prescribed by a board of directors to meet specific needs of the school district identified by the board of directors that provide for the acquisition of clearly defined skills through formal or informal education that are beyond the requirements necessary for initial licensing under chapter 272.
5. *"Teacher"* means an individual holding a practitioner's license issued under chapter 272, or a letter of authorization or statement of professional recognition issued by the board of educational examiners, who is employed in a nonadministrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position.

"Teacher" includes a licensed individual employed on less than a full-time basis by a school district through a contract between the school district and an institution of higher education with a practitioner preparation program in which the licensed teacher is enrolled in any practitioner preparation program.
6. *"Teacher's regular compensation"* means the annual salary specified in a teacher's contract pursuant to the salary schedule adopted by the board of directors or negotiated under chapter 20. It does not include pay earned by a teacher for performance of additional noninstructional duties and does not include the costs of the

employer's share of fringe benefits.

87 Acts, ch 224, §2; 88 Acts, ch 1266, §6; 89 Acts, ch 135, §96; 89 Acts, ch 265, §38; 90 Acts, ch 1249, §17, 18; 95 Acts, ch 4, §1

294A.3 Educational excellence fund.

An educational excellence fund is established in the office of treasurer of state to be administered by the department of education. Moneys appropriated by the general assembly for deposit in the fund shall be paid to school districts and area education agencies pursuant to the requirements of this chapter and shall be expended only to pay for increases in the regular compensation of teachers and other salary increases for teachers, to pay the costs of the employer's share of federal social security and Iowa public employees' retirement system, or a pension and annuity retirement system established under chapter 294, payments on the salary increases, and to pay costs associated with providing specialized or general training. Moneys received by school districts and area education agencies shall not be used for pay earned by a teacher for performance of additional noninstructional duties.

87 Acts, ch 224, §3; 2003 Acts, ch 180, §55

294A.4 Goal.

The goal of phase I is to provide for establishment of pay plans incorporating sufficient annual compensation to attract quality teachers to Iowa's public school system. This is accomplished by increasing the minimum salary. A beginning salary which is competitive with salaries paid to other professionals will provide incentive for top quality individuals to enter the teaching profession.

87 Acts, ch 224, §4

294A.5 Minimum salary supplement.

1. For the school year beginning July 1, 1998, and succeeding school years, the minimum annual salary paid to a full-time teacher as regular compensation shall be twenty-three thousand dollars.

2. The minimum salary supplement shall be the sum of the following, as applicable:

a. For the school year beginning July 1, 1998, for phase I, each school district and area education agency shall certify to the department of education by the third Friday in September the names of all teachers employed by the district or area education agency whose regular compensation is less than twenty-three thousand dollars per year for that year and the amounts needed as minimum salary supplements. The minimum salary supplement for each eligible teacher is the total of the difference between twenty-three thousand dollars and the teacher's regular compensation plus the amount required to pay the employer's share of the federal social security and Iowa public employees' retirement system, or a pension and annuity retirement system established under chapter 294, payments on the additional salary moneys. However, for purposes of this paragraph, a teacher's regular compensation for the school year beginning July 1, 1998, shall not be lower than eighteen thousand dollars.

b. The total minimum salary supplement paid to a school district under phase I for the school year beginning July 1, 1997.

3. The board of directors shall report the salaries of teachers employed on less than a full-time equivalent basis, and the amount of minimum salary supplement shall be prorated.

87 Acts, ch 224, §5; 98 Acts, ch 1216, §33

294A.6 Payments.

For the school year beginning July 1, 1998, the department of education shall notify the department of administrative services of the total minimum salary supplement, as described in section 294A.5, subsection 2, paragraphs "a" and "b", to be paid to each school district and area education agency under phase I and the department of administrative services shall make the payments. For school years after the school year beginning July 1, 2001, if a school district or area education agency reduces the number of its full-time equivalent teachers in the base year below the number employed during the school year beginning July 1, 1998, the department of administrative services shall reduce the total minimum salary supplement payable to that school district or area education agency in the budget year so that the amount paid is equal to the ratio of the number of full-time equivalent teachers employed in the school district or area education agency for the base year divided by the number of full-time equivalent teachers employed in the school district or area education agency for the school year beginning July 1, 1998, and multiplying that fraction by the total minimum salary supplement paid to that school district or area education agency for the school year beginning July 1, 1998. For purposes of this section, "*base year*" and "*budget year*" mean the same as defined in section 257.2.

If the moneys allocated for phase I for a school year exceed the moneys required to pay the total minimum salary supplements to all school districts and area education agencies, the board of directors of a school district that has employed one or more additional teachers as a result of a whole grade sharing agreement completed under section 282.7 may request approval from the department of education for additional funding for its minimum salary supplement for that school year and succeeding school years if the other school district or districts that are parties to the sharing agreement have correspondingly reduced their number of teachers. If the department of education approves the payment of the additional salary supplement to a district, the department shall certify to the department of administrative services that the additional payment be made. The payment shall be equal to the amount of the difference between eighteen thousand dollars and the teacher's regular compensation, plus the amount required to make the payments on the additional salary moneys for the employer's share of the federal social security and Iowa public employees' retirement system, or a pension and annuity retirement system established under chapter 294. If the phase I moneys remaining are insufficient to pay the entire amount approved by the department of education, the department of administrative services shall prorate the payments to school districts.

87 Acts, ch 224, §6; 89 Acts, ch 5, §1; 98 Acts, ch 1216, § 34; 2002 Acts, ch 1129, §6; 2003 Acts, ch 145, §286

294A.7 Reserved.

294A.8 Goal.

The goal of phase II is to keep Iowa's best educators in the profession and assist in their development by providing general salary increases.

87 Acts, ch 224, §7

294A.9 Phase II program.

Phase II is established to improve the salaries of teachers. For each fiscal year beginning on or after July 1, 1992, the per pupil amount upon which the phase II moneys are based is equal to the per pupil allocation plus supplemental allocations for the immediately preceding fiscal year.

The department of education shall certify the amounts of the allocations for each school district and area education agency to the department of administrative services and the department of administrative services shall make the payments to school districts and area education agencies.

If a school district has discontinued grades under section 282.7, subsection 1, or students attend school in another school district, under an agreement with the board of the other school district, the board of directors of the district of residence either shall transmit the phase II moneys allocated to the district for those students based upon the full-time equivalent attendance of those students to the board of the school district of attendance of the students or shall transmit to the board of the school district of attendance of the students a portion of the phase II moneys allocated to the district of residence based upon an agreement between the board of the resident district and the board of the district of attendance.

If a school district uses teachers under a contract between the district and the area education agency in which the district is located, the school district shall transmit to the employing area education agency a portion of its phase II allocation based upon the portion that the salaries of teachers employed by the area education agency and assigned to the school district for a school year bears to the total teacher salaries paid in the district for that school year, including the salaries of the teachers employed by the area education agency.

If the school district or area education agency is organized under chapter 20 for collective bargaining purposes, the board of directors and certified bargaining representative for the licensed employees shall mutually agree upon a formula for distributing the phase II allocation among the teachers. For the school year beginning July 1, 1987 only, the parties shall follow the procedures specified in chapter 20 except that if the parties reach an impasse, neither impasse procedures agreed to by the parties nor sections 20.20 through 20.22 shall apply and the phase II allocation shall be divided as provided in section 294A.10. Negotiations under this section are subject to the scope of negotiations specified in section 20.9. If a board of directors and certified bargaining representative for licensed employees have not reached mutual agreement by July 15, 1987 for the distribution of the phase II payment, section 294A.10 will apply.

If the school district or area education agency is not organized for collective bargaining purposes, the board of directors shall determine the method of distribution.

87 Acts, ch 224, §8; 89 Acts, ch 135, §97; 89 Acts, ch 265, § 40; 92 Acts, ch 1135, § 6; 92 Acts, ch 1227, § 23; 2003 Acts, ch 145, §286

294A.10 Failure to agree on distribution.

For the school year beginning July 1, 1987 only, if the board of directors and certified bargaining representative for the licensed employees have not reached agreement under section 294A.9, the board of directors shall divide the payment among the teachers employed by the district or area education agency as follows:

1. All full-time teachers whose regular compensation is equal to or more than the minimum salary for phase I will receive an equal amount from the phase II allocation.
2. A teacher who will receive a minimum salary supplement under section 294A.5 will receive moneys equal to the difference between the amount from the phase II allocation and the minimum salary supplement paid to that teacher.
3. The amount from the phase II allocation will be prorated for a teacher employed on less than a full-time basis.
4. An amount from the phase II allocation includes the amount required to pay the employers' share of the federal social security and Iowa public employees' retirement system, or a pension and annuity retirement system established under chapter 294, payments on the additional salary.

87 Acts, ch 224, §9; 89 Acts, ch 265, §40

294A.11 Reports. Repealed by 89 Acts, ch 135, §136.

294A.12 through 294A.20 Repealed by 2003 Acts, ch 180, § 70.

294A.21 Rules.

The state board of education shall adopt rules under chapter 17A for the administration of this chapter.

87 Acts, ch 224, §20

294A.22 Payments.

Payments for each phase of the educational excellence program shall be made by the department of administrative services on a monthly basis commencing on October 15 and ending on June 15 of each fiscal year, taking into consideration the relative budget and cash position of the state resources. The payments shall be separate from state aid payments made pursuant to sections 257.16 and 257.35. The payments made under this section to a school district or area education agency may be combined and a separate accounting of the amount paid for each program shall be included.

Any payments made to school districts or area education agencies under this chapter are miscellaneous income for purposes of chapter 257.

Payments made to a teacher by a school district or area education agency under this chapter are wages for the purposes of chapter 91A.

If funds appropriated are insufficient to pay phase II allocations in full, the department of administrative services shall prorate payments to school districts and area education agencies.

87 Acts, ch 224, §21; 89 Acts, ch 5, §8, 9; 89 Acts, ch 135, § 100; 2003 Acts, ch 145, §286; 2003 Acts, ch 180, §56; 2004 Acts, ch 1175, §99

294A.23 Multiple salary payments. Repealed by 2003 Acts, ch 180, § 70.

294A.24 Collective bargaining. Repealed by 89 Acts, ch 135, §136.

294A.25 Appropriation.

1. For the fiscal year beginning July 1, 2003, and for each succeeding year, there is appropriated from the general fund of the state to the department of education the amount of fifty-six million eight hundred ninety-one thousand three hundred thirty-six dollars to be used to improve teacher salaries. The moneys shall be distributed as provided in this section.

2. The amount of one hundred fifteen thousand five hundred dollars to be paid to the department of human services for distribution to its licensed classroom teachers at institutions under the control of the department of human services for payments for phase II based upon the average student yearly enrollment at each institution as determined by the department of human services.

3. The amount of ninety-four thousand six hundred dollars to be paid to the state board of regents for distribution to licensed classroom teachers at the Iowa braille and sight saving school and the Iowa school for the deaf for payments of minimum salary supplements for phase I and payments for phase II based upon the average yearly enrollment at each school as determined by the state board of regents.

4. Commencing with the fiscal year beginning July 1, 1988, the amount of one hundred thousand dollars to

be paid to the department of education for distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys allocated under this subsection shall be used for the purposes specified in section 256.30.

5. For the fiscal year beginning July 1, 2002, and ending June 30, 2003, the amount of fifty thousand dollars to be paid to the department of education for participation in a state and national project, the national assessment of education progress, to determine the academic achievement of Iowa students in math, reading, science, United States history, or geography.

6. Except as otherwise provided in this section, for the fiscal year beginning July 1, 2003, and succeeding fiscal years, the remainder of moneys appropriated in subsection 1 to the department of education shall be deposited in the educational excellence fund to be allocated in an amount to meet the requirements of this chapter for phase I and phase II.

7. Commencing with the fiscal year beginning July 1, 2003, the amount of two hundred thirty thousand dollars for a kindergarten to grade twelve management information system.

8. For the fiscal year beginning July 1, 2003, and for each succeeding fiscal year, the amount of one hundred seventy thousand dollars to the state board of regents for distribution in the amount of sixty-eight thousand dollars to the Iowa braille and sight saving school and in the amount of one hundred two thousand dollars to the Iowa state school for the deaf.

9. For each fiscal year, to the department of education the amount of forty-seven thousand dollars for the Iowa mathematics and science coalition.

87 Acts, ch 233, §491; 88 Acts, ch 1284, § 50; 89 Acts, ch 135, § 101, 102; 89 Acts, ch 265, §40; 90 Acts, ch 1272, § 73; 92 Acts, ch 1227, § 27; 92 Acts, ch 1246, § 49; 93 Acts, ch 179, § 2628, 34; 94 Acts, ch 1023, §101; 94 Acts, ch 1193, §32; 95 Acts, ch 209, §2; 95 Acts, ch 218, §29; 96 Acts, ch 1215, §53; 97 Acts, ch 212, § 30, 31; 98 Acts, ch 1215, §5052; 98 Acts, ch 1216, § 35, 36; 99 Acts, ch 205, §42, 43; 2000 Acts, ch 1214, §27, 58; 2000 Acts, ch 1223, §33, 34; 2000 Acts, ch 1232, §18; 2001 Acts, ch 181, §2124; 2003 Acts, ch 179, §9, 36, 118, 119; 2003 Acts, ch 182, §21, 22