

House Amendment 8457

Amendment Text

PAG LIN

1 1 Amend [Senate File 2366](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 "Section 1. DEPARTMENT OF EDUCATION. There is
1 6 appropriated from the general fund of the state to the
1 7 department of education for the fiscal year beginning
1 8 July 1, 1998, and ending June 30, 1999, the following
1 9 amount, or so much thereof as is necessary, to be used
1 10 for the purposes designated:
1 11 1. For frontier school or extended school year
1 12 grants:
1 13 \$ 500,000
1 14 By September 1, 1998, the department shall
1 15 establish criteria and a process for the awarding of
1 16 grants for planning or implementation purposes.
1 17 Grants shall be equitably distributed geographically
1 18 among rural and urban areas. Notwithstanding section
1 19 8.33, unencumbered or unobligated funds remaining on
1 20 June 30 of the fiscal year for which the funds were
1 21 appropriated shall not revert but shall be available
1 22 for expenditure for the following fiscal year for the
1 23 purposes of this subsection.
1 24 2. To the board of educational examiners, for
1 25 purposes of developing and implementing a multi-level
1 26 voluntary para-educator licensing system in accordance
1 27 with section 272.12, if enacted:
1 28 \$ 75,000
1 29 3. For deposit in the Iowa empowerment fund if
1 30 legislation providing for the creation of an Iowa
1 31 empowerment board, an Iowa empowerment fund, and for
1 32 the appropriation of moneys to be administered by a
1 33 community empowerment area, is enacted by the Seventy-
1 34 seventh General Assembly, 1998 Session:
1 35 \$ 5,200,000
1 36 Sec. 2. NEW SECTION. 256.44 NATIONAL BOARD
1 37 CERTIFICATION AWARD APPROPRIATION.
1 38 1. A teacher, as defined in section 272.1, who
1 39 registers for a national board for professional
1 40 teaching standards certificate and is employed by a
1 41 school district in Iowa shall be eligible for a
1 42 registration award as provided in subsection 2, and
1 43 upon achievement of a national board for professional
1 44 teaching standards certificate, is eligible for an
1 45 annual award of ten thousand dollars for each year the
1 46 certificate is valid as provided in this section.
1 47 2. To receive a partial registration award in the
1 48 amount of one-half of the registration fee charged by
1 49 the national board for professional teaching
1 50 standards, the teacher shall apply to the department
2 1 of education within one year of registration,
2 2 submitting to the department any documentation the
2 3 department requires. A teacher shall receive a final
2 4 registration award in the amount of the remaining
2 5 registration fee charged by the national board if the
2 6 teacher notifies the department of the teacher's
2 7 certification achievement and submits any

2 8 documentation requested by the department.
2 9 3. To receive a five-year annual award for
2 10 achieving certification by the national board of
2 11 professional teaching standards, a teacher shall apply
2 12 to the department within one year of eligibility.
2 13 Payment for awards shall be made only upon
2 14 departmental approval of an application or
2 15 recertification of eligibility. A nonrenewable term
2 16 of eligibility shall be for five years or for the
2 17 years the certificate is valid, whichever time period
2 18 is shorter. In order to continue receipt of payments,
2 19 a recipient shall annually recertify eligibility.
2 20 4. A national board for professional teaching
2 21 standards certification fund is established in the
2 22 office of treasurer of state to be administered by the
2 23 department. Moneys appropriated by the general
2 24 assembly for deposit in the fund shall be paid as
2 25 follows:
2 26 a. Upon receipt of award documentation as provided
2 27 in subsection 2.
2 28 b. On January 15 to teachers whose applications
2 29 and recertifications for annual awards as provided in
2 30 subsection 3 are approved by the department. The
2 31 treasurer of state shall act as custodian of the fund
2 32 and may invest the moneys deposited in the fund. The
2 33 income from any investment shall be credited to and
2 34 deposited in the fund. The director of revenue and
2 35 finance shall issue warrants upon the fund pursuant to
2 36 the order of the department and such warrants shall be
2 37 paid from the fund by the treasurer of state.
2 38 Notwithstanding section 8.33, unencumbered or
2 39 unobligated moneys remaining in the fund on June 30 of
2 40 the fiscal year for which the funds were appropriated
2 41 shall not revert but shall be available for subsequent
2 42 fiscal years for the purposes of this section.
2 43 5. An individual shall not qualify for a term of
2 44 annual award eligibility unless the individual
2 45 applies, certifying eligibility, to the department
2 46 prior to June 30, 2001.
2 47 Sec. 3. Section [256.45](#), unnumbered paragraphs 1,
2 48 3, and 4, Code 1997, are amended to read as follows:
2 49 The department of education shall establish

~~within~~

2 50

~~the department~~

~~and administer~~ the position of

3 1 ambassador to education. It shall be the function of
3 2 the ambassador to education to act as an education
3 3 liaison to primary and secondary schools in this
3 4 state. The ambassador to education position shall be
3 5 filled by the educator selected as teacher of the year
3 6 by the governor, but only if that person agrees to
3 7 fill the ambassador to education position.

3 8 The ambassador to education shall receive, in lieu
3 9 of compensation from the district in which the
3 10 ambassador is regularly employed, a salary

~~which is~~

3 11 equal to the amount of salary

~~received by~~

~~the person~~

3 12

~~during the previous~~

~~– would have received from the~~

3 13 district in the person's regular position during the
3 14 school year for which the person serves as ambassador.
3 15 or thirty thousand dollars, whichever amount is
3 16 greater. The ambassador shall also be compensated for
3 17 actual expenses incurred as a result of the
3 18 performance of duties under this section.
3 19 The

~~– district which~~

~~– department shall grant funds in~~

3 20 an amount equal to the salary and benefits the person
3 21 selected as ambassador to education would have
3 22 received from the district, or thirty thousand
3 23 dollars, whichever amount is greater, to the school
3 24 district that employs the person selected as the
3 25 ambassador

~~– to education~~

~~–. The department shall also~~

3 26 reimburse the school district for actual expenses
3 27 incurred as a result of the performance of duties
3 28 under this section. The school district shall grant
3 29 the person a one-year sabbatical in order to allow the
3 30 person to be the ambassador to education, and during
3 31 the sabbatical, shall pay the salary and benefits of
3 32 the ambassador with funds granted by the department.
3 33 The person selected as the ambassador to education
3 34 shall be entitled to return to the person's same or a
3 35 comparable position without loss of accrued benefits
3 36 or seniority.

3 37 Sec. 4. NEW SECTION. 256D.1 TITLE.

3 38 This chapter shall be known and may be cited as the
3 39 "Frontier School Act".

3 40 Sec. 5. NEW SECTION. 256D.2 PURPOSES.

3 41 1. It is the purpose of this chapter to provide a
3 42 means to revitalize education and continually do all
3 43 of the following:

3 44 a. Improve student learning.

3 45 b. Increase learning opportunities for students.

3 46 c. Encourage the use of different and innovative
3 47 teaching methods.

3 48 d. Require the measurement of learning outcomes

3 49 and create different and innovative methods for

3 50 measuring outcomes and comparison of those outcomes

4 1 with other attendance centers within a school

4 2 district.

4 3 e. Establish new forms of accountability for

4 4 schools.

4 5 f. Create new professional opportunities for

4 6 teachers, including the opportunity to be responsible

4 7 for the learning program at the school site.

4 8 g. Create opportunities for community members to

4 9 enhance student learning experiences in the community

4 10 member's profession.

4 11 h. Encourage the development and use of an

4 12 innovative or extended school year.

4 13 2. This chapter does not provide a means to keep

4 14 open a school that otherwise would be closed. A

4 15 school board bears the burden of proving that

4 16 conversion to a frontier school fulfills a purpose

4 17 specified in this chapter and independent of the

4 18 school's closing.

4 19 Sec. 6. NEW SECTION. 256D.3 DEFINITIONS.

4 20 As used in this chapter unless the context

4 21 otherwise requires:

4 22 1. "Department" means the department of education.

4 23 2. "Director" means the director of the department
4 24 of education.

4 25 3. "School board" means the board of directors of
4 26 a public school district creating a frontier school
4 27 within the district.

4 28 4. "State board" means the state board of
4 29 education.

4 30 Sec. 7. NEW SECTION. 256D.4 APPLICABILITY.

4 31 This section applies only to frontier schools
4 32 formed and operated under this chapter.

4 33 Sec. 8. NEW SECTION. 256D.5 FORMATION OF SCHOOL.

4 34 1. A school board, upon approval by the state
4 35 board, may establish one or more frontier schools as
4 36 provided in this chapter.

4 37 2. A school board may authorize a licensed
4 38 administrator or teacher to operate a frontier school
4 39 subject to the approval of the state board. The
4 40 school shall be organized and operated as a nonprofit
4 41 cooperative association under chapter 498 or nonprofit
4 42 corporation under chapter 504A.

4 43 3. Before a school district may form and operate a
4 44 frontier school, the school board must file an
4 45 affidavit with the state board stating its intent to
4 46 establish a frontier school. The affidavit shall
4 47 state the terms and conditions under which the school
4 48 board pledges to establish a frontier school. The
4 49 state board shall approve or disapprove a school
4 50 board's proposed authorization within sixty days of
5 1 receipt of an affidavit. Failure to obtain state
5 2 board approval precludes a school board from
5 3 authorizing the frontier school that was the subject
5 4 of the affidavit.

5 5 4. A school board approved by the state board to
5 6 organize, establish, and operate a frontier school
5 7 shall appoint the members of the frontier school
5 8 board. The frontier school board shall consist of not
5 9 more than seven members, the majority of which shall
5 10 be parents or guardians of children enrolled in the
5 11 frontier school. One member of the school board shall
5 12 serve as a member of the frontier school board. The
5 13 provisions of chapters 21 and 22 shall apply to
5 14 meetings and records of the frontier school board.

5 15 5. The granting or renewal of an authorization for
5 16 a frontier school by a school board shall not be
5 17 conditioned upon the bargaining unit status of the
5 18 employees of the school.

5 19 Sec. 9. NEW SECTION. 256D.6 CONVERSION OF
5 20 EXISTING SCHOOLS.

5 21 The board of directors of a school district may
5 22 convert any one of its existing schools to frontier
5 23 schools or the entire district to a frontier school
5 24 under this chapter. The conversion must occur at the
5 25 beginning of an academic year.

5 26 Sec. 10. NEW SECTION. 256D.7 CONTRACT.

5 27 The school board's authorization for a frontier
5 28 school shall be in the form of a written contract
5 29 signed by the school board and the board of directors
5 30 of the frontier school. The contract for a frontier
5 31 school shall be in writing and contain, at a minimum,
5 32 the following:

5 33 1. A description of a program that carries out one
5 34 or more of the purposes enumerated in section 256D.2.

5 35 2. Specific outcomes students are to achieve under
5 36 section 256D.11.

5 37 3. Admission policies and procedures.

5 38 4. A description of the management and
5 39 administration of the frontier school.

5 40 5. Requirements and procedures for program and
5 41 financial audits.

5 42 6. A plan describing methods for complying with
5 43 sections 256D.9, 256D.14, 256D.17, and 256D.24.

5 44 7. Assurance of the assumption of liability by the
5 45 frontier school.

5 46 8. Types and amounts of insurance coverage to be
5 47 obtained by the frontier school.

5 48 Sec. 11. NEW SECTION. 256D.8 PUBLIC STATUS
5 49 EXEMPTION FROM STATUTES AND RULES.

5 50 A frontier school is a public school and is part of
6 1 the state's system of public education. Except as
6 2 provided in this chapter, a frontier school is exempt
6 3 from all statutes and rules applicable to a school, a
6 4 school board, or a school district, although it may
6 5 elect to comply with one or more provisions of
6 6 statutes or rules.

6 7 Sec. 12. NEW SECTION. 256D.9 REQUIREMENTS.

6 8 1. A frontier school shall meet all applicable
6 9 state and local health and safety requirements.

6 10 2. A frontier school shall be nonsectarian in its
6 11 programs, admission policies, employment practices,
6 12 and all other operations. A school board shall not
6 13 establish a frontier school or program that is
6 14 affiliated with an existing nonpublic school.

6 15 3. Frontier schools shall not be used as a method
6 16 of providing education or generating revenue for
6 17 students who are receiving competent private
6 18 instruction pursuant to chapter 299A.

6 19 4. The primary focus of a frontier school shall be
6 20 to provide a comprehensive program of instruction for
6 21 at least one grade or age group from five through
6 22 eighteen years of age. Instruction may be provided to
6 23 people younger than five years or older than eighteen
6 24 years of age.

6 25 5. A frontier school shall not charge tuition.

6 26 6. A frontier school is subject to and shall
6 27 comply with chapter 216 and 216A relating to civil and
6 28 human rights.

6 29 7. A frontier school is subject to and shall
6 30 comply with sections 275.55A, 279.9A, 280.17B,
6 31 280.21B, and 282.4, relating to suspension and
6 32 expulsion of a student.

6 33 8. A frontier school is subject to the same
6 34 financial audits, audit procedures, and audit
6 35 requirements as a school district. The audit shall be
6 36 consistent with the requirements of sections 11.6,
6 37 11.14, 11.19, 256.9, subsection 19, and section
6 38 279.29, except to the extent deviations are necessary
6 39 because of the program at the school. The department,
6 40 the auditor of state, or the legislative fiscal bureau
6 41 may conduct financial, program, or compliance audits.

6 42 9. A frontier school is a school district for the
6 43 purposes of tort liability under chapter 670.

6 44 Sec. 13. NEW SECTION. 256D.10 ADMISSION
6 45 REQUIREMENTS.

6 46 1. A frontier school may limit admission to any of
6 47 the following:

6 48 a. Students within an age group or grade level.

6 49 b. Individuals who are eligible to participate in
6 50 an alternative options education program under section
7 1 280.19A.

7 2 c. Residents of a specific geographic area where
7 3 the percentage of the population of non-Caucasian
7 4 people of that area is greater than the percentage of

7 5 the non-Caucasian population in the congressional
7 6 district in which the geographic area is located, and
7 7 as long as the school reflects the racial and ethnic
7 8 diversity of the specific area.

7 9 2. A frontier school shall enroll an eligible
7 10 student who submits a timely application, unless the
7 11 number of applications exceeds the capacity of a
7 12 program, class, grade level, or building. In this
7 13 case, students shall be accepted by lot.

7 14 3. A frontier school admission shall not be based
7 15 on intellectual ability, measures of achievement or
7 16 aptitude, or athletic ability.

7 17 Sec. 14. NEW SECTION. 256D.11 STUDENT
7 18 PERFORMANCE.

7 19 A frontier school shall design its programs to at
7 20 least meet any outcomes adopted by the state board for
7 21 public school students. In the absence of state board
7 22 requirements, the school shall meet the outcomes
7 23 contained in the contract with the school board. The
7 24 achievement levels of the outcomes contained in the
7 25 contract may exceed the achievement levels of any
7 26 outcomes adopted by the state board for public school
7 27 students.

7 28 Sec. 15. NEW SECTION. 256D.12 EMPLOYMENT AND
7 29 OTHER OPERATING MATTERS.

7 30 A frontier school shall employ or contract with
7 31 necessary teachers, as defined in section 272.1, who
7 32 hold a valid license with an endorsement for the type
7 33 of service for which the teacher is employed. The
7 34 school may employ necessary employees who are not
7 35 required to hold teaching licenses to perform duties
7 36 other than teaching and may contract for other
7 37 services. The school may discharge teachers and
7 38 nonlicensed employees.

7 39 The board of directors of the frontier school also
7 40 shall decide matters related to the operation of the
7 41 school, including budgeting, curriculum, and operating
7 42 procedures.

7 43 Sec. 16. NEW SECTION. 256D.13 STUDENTS WITH
7 44 SPECIAL EDUCATION NEEDS.

7 45 A frontier school shall comply with chapter 256B
7 46 and administrative rules adopted pursuant to that
7 47 chapter relating to the education of students with
7 48 special education needs, and receive state special
7 49 education aid, as though it were a school district.
7 50 However, the fiscal responsibility for children
8 1 requiring special education shall remain with the
8 2 school district creating the frontier school. A child
8 3 requiring special education under chapter 256B shall
8 4 be included in the weighted enrollment of the district
8 5 creating the frontier school and the district shall
8 6 pay to the frontier school the special education
8 7 district cost per pupil amount generated by the
8 8 weighting.

8 9 Sec. 17. NEW SECTION. 256D.14 LENGTH OF SCHOOL
8 10 YEAR.

8 11 A frontier school shall provide instruction each
8 12 year for at least the number of days required by
8 13 section 279.10, subsection 1, unless the school
8 14 provides instruction throughout the year according to
8 15 section 256.20 or 279.10, subsection 3.

8 16 Sec. 18. NEW SECTION. 256D.15 REPORTS.

8 17 A frontier school shall report at least annually to
8 18 its board of directors, the district school board, the
8 19 department, and the state board of education the
8 20 information required by the school board, the
8 21 department, or the state board. The reports are

8 22 public records subject to chapter 22. The department
8 23 shall collect and document the progress of the
8 24 frontier school toward increasing student's levels of
8 25 achievement.

8 26 Sec. 19. NEW SECTION. 256D.16 REVIEW AND
8 27 COMMENT.

8 28 The department shall review and comment on the
8 29 evaluation, by the school district creating the
8 30 frontier school, of the performance of a frontier
8 31 school before the frontier school's contract is
8 32 renewed. The information from the review and comment
8 33 shall be reported to the state board in a timely
8 34 manner. Annually, the state board shall report trends
8 35 or suggestions based on the evaluation of frontier
8 36 school contracts to the house and senate education
8 37 committees.

8 38 Sec. 20. NEW SECTION. 256D.17 TRANSPORTATION.

8 39 1. By July 1 of each year, a frontier school shall
8 40 notify the establishing district, the district in
8 41 which the school is located, if applicable, and the
8 42 department if it will provide transportation for
8 43 students enrolled at the school for the fiscal year.

8 44 2. If a frontier school elects to provide
8 45 transportation for students, the transportation shall
8 46 be provided by the frontier school within the district
8 47 in which the frontier school is located. In addition,
8 48 the frontier school shall provide transportation for
8 49 all resident pupils attending the frontier school in
8 50 accordance with chapter 285, unless otherwise provided
9 1 in this chapter.

9 2 3. For students who reside outside the district in
9 3 which the frontier school is located, the frontier
9 4 school is not required to provide or pay for
9 5 transportation between the student's residence and the
9 6 border of the district in which the frontier school is
9 7 located. A parent may be reimbursed by the frontier
9 8 school for costs of transportation from the student's
9 9 residence to the border of the district in which the
9 10 frontier school is located if the student is from a
9 11 family whose income is at or below the poverty level,
9 12 as determined by the most recently revised poverty
9 13 income guidelines published by the United States
9 14 department of health and human services.

9 15 4. At the time a student enrolls in a frontier
9 16 school, the frontier school shall provide the parent
9 17 or guardian with information regarding the
9 18 transportation.

9 19 5. If a frontier school does not elect to provide
9 20 transportation, transportation for students enrolled
9 21 at the school shall be provided by the district in
9 22 which the school is located, in the manner provided in
9 23 section 285.1, subsection 15, for a student residing
9 24 in the same district in which a nonpublic school
9 25 designated for attendance is located. Transportation
9 26 may be provided by the district in which the frontier
9 27 school is located for a student residing in a
9 28 different district, in the same manner provided for in
9 29 section 285.1, subsection 16, for students whose
9 30 nonpublic school designated for attendance is located
9 31 outside the boundary line of the school district of
9 32 the student's residence.

9 33 Sec. 21. NEW SECTION. 256D.18 LEASED SPACE.

9 34 A frontier school may lease space from a school
9 35 board or other public or private nonprofit,
9 36 nonsectarian organization. If a frontier school is
9 37 unable to lease appropriate space from a school board
9 38 or other public or private nonprofit, nonsectarian

9 39 organization, the frontier school may lease space from
9 40 another nonsectarian organization if the department,
9 41 in consultation with the department of management,
9 42 approves the lease. If the frontier school is unable
9 43 to lease appropriate space from public or private
9 44 nonsectarian organizations, the frontier school may
9 45 lease space from a sectarian organization if the
9 46 leased space is constructed as a school facility and
9 47 the department, in consultation with the department of
9 48 management, approves the lease.

9 49 Sec. 22. NEW SECTION. 256D.19 INITIAL COSTS.

9 50 A school board may establish a frontier school
10 1 before the applicant has secured its space, equipment,
10 2 facilities, and personnel if the school board
10 3 indicates the establishment is necessary for it to
10 4 raise working capital. A school board may not
10 5 establish a school before the state board of education
10 6 has approved the authorization.

10 7 Sec. 23. NEW SECTION. 256D.20 DISSEMINATION OF
10 8 INFORMATION.

10 9 The school board, the operators, and the department
10 10 shall disseminate information to the public on how to
10 11 form and operate a frontier school and how to utilize
10 12 the offerings of a frontier school. Particular groups
10 13 to be targeted include low-income families and
10 14 communities and minority students.

10 15 Sec. 24. NEW SECTION. 256D.21 LEAVE TO TEACH IN
10 16 A FRONTIER SCHOOL.

10 17 If a teacher employed by a school district is
10 18 qualified for a vacant teaching position that exists
10 19 at a frontier school, and the frontier school has
10 20 accepted the teacher for the position, the teacher may
10 21 request in writing an extended leave of absence to
10 22 teach at the frontier school, and the school district
10 23 shall grant the leave for any number of years
10 24 requested by the teacher, and must extend the leave at
10 25 the teacher's request. The school district may
10 26 require that the request for a leave or extension of
10 27 leave be made up to ninety days before the teacher
10 28 would otherwise have to report for duty. Once
10 29 granted, a leave is valid only while the teacher is
10 30 employed by the frontier school.

10 31 This section shall not apply to a school district
10 32 experiencing three consecutive years or more of
10 33 declining enrollment.

10 34 Sec. 25. NEW SECTION. 256D.22 COLLECTIVE
10 35 BARGAINING.

10 36 The provisions of chapter 20 shall not apply to the
10 37 board of directors of a frontier school or its
10 38 employees unless the employees and the frontier school
10 39 board agree to abide by the provisions of chapter 20
10 40 in the contract established pursuant to section
10 41 256D.7.

10 42 Sec. 26. NEW SECTION. 256D.23 TEACHER AND OTHER
10 43 EMPLOYEE RETIREMENT.

10 44 Teachers in a frontier school shall be public
10 45 school teachers for the purposes of retirement under
10 46 chapter 97B.

10 47 Sec. 27. NEW SECTION. 256D.24 CAUSES FOR
10 48 NONRENEWAL OR TERMINATION.

10 49 1. The duration of a frontier school contract with
10 50 a school board shall be for five years. The school
11 1 board may or may not renew a contract at the end of
11 2 the term for any ground listed in subsection 2. A
11 3 school board may unilaterally terminate a contract
11 4 during the term of the contract for any ground listed
11 5 in subsection 2. At least sixty days before not

11 6 renewing or terminating a contract, the school board
11 7 shall notify the board of directors of the frontier
11 8 school of the proposed action in writing. The notice
11 9 shall state the grounds for the proposed action in
11 10 reasonable detail and that the frontier school's board
11 11 of directors may request in writing an informal
11 12 hearing before the school board within fourteen days
11 13 of receiving notice of nonrenewal or termination of
11 14 the contract. Failure by the board of directors to
11 15 make a timely written request for a hearing shall be
11 16 treated as acquiescence to the proposed action. Upon
11 17 receiving a timely written request for a hearing, the
11 18 school board shall give reasonable notice to the
11 19 frontier school's board of directors of the hearing
11 20 date. The school board shall conduct an informal
11 21 hearing before taking final action. The school board
11 22 shall take final action to renew or not renew a
11 23 contract by the last day of classes in the school
11 24 year. The frontier school's board of directors may
11 25 appeal the school board's decision to the state board.

11 26 2. A contract may be terminated or not renewed
11 27 upon any of the following grounds:

11 28 a. Failure to meet the requirements for student
11 29 performance contained in the contract.

11 30 b. Failure to meet generally accepted standards of
11 31 fiscal management.

11 32 c. For violations of law or other good cause
11 33 shown.

11 34 3. If a contract is terminated or not renewed, the
11 35 school shall be dissolved according to the applicable
11 36 provisions of chapter 498 or 504A.

11 37 Sec. 28. NEW SECTION. 256D.25 STUDENT
11 38 ENROLLMENT.

11 39 If a frontier school contract is not renewed or is
11 40 terminated according to section 256D.24, a student who
11 41 attended the school may enroll in the resident
11 42 district or may submit an application to a nonresident
11 43 district according to section 282.18 at any time.
11 44 Applications and notices required by section 282.18
11 45 shall be processed and provided in a prompt manner.
11 46 The application and notice deadlines in section 282.18
11 47 do not apply under these circumstances.

11 48 A student enrolled in a frontier school is
11 49 ineligible to participate in dual enrollment under
11 50 section 299A.8.

12 1 Sec. 29. NEW SECTION. 256D.26 GENERAL AUTHORITY.

12 2 The board of directors of a frontier school may sue
12 3 and be sued. The board may not levy taxes or issue
12 4 bonds.

12 5 Sec. 30. NEW SECTION. 256D.27 IMMUNITY.

12 6 1. The state board, members of the state board, a
12 7 school board, members of a school board in their
12 8 official capacity, and employees of a school board are
12 9 immune from civil or criminal liability with respect
12 10 to all activities related to a frontier school they
12 11 approve or establish.

12 12 2. The board of directors of the frontier school
12 13 shall obtain at least the amount of and types of
12 14 insurance required by the contract, according to
12 15 section 256D.7.

12 16 Sec. 31. NEW SECTION. 256D.28 STATE SCHOOL
12 17 FOUNDATION AID FOR A FRONTIER SCHOOL.

12 18 1. A student residing in Iowa who is enrolled in a
12 19 frontier school shall be counted, for state school
12 20 foundation aid purposes, in the student's district of
12 21 residence. A student's residence, for purposes of
12 22 this section, shall be as established under section

12 23 282.1. The board of directors of the district of
12 24 residence shall pay to the frontier school the
12 25 district cost per pupil, or the frontier school's cost
12 26 per pupil as determined by the department based upon
12 27 information supplied by the frontier school, whichever
12 28 is lowest, plus any moneys received for the student as
12 29 a result of non-English-speaking weighting under
12 30 section 280.4, subsection 3, for each school year.
12 31 The district of residence shall also transmit the
12 32 phase III moneys allocated to the district for the
12 33 full-time equivalent attendance of the student to the
12 34 frontier school as provided according to any agreement
12 35 reached by the frontier school and the school district
12 36 of residence.

12 37 2. If a parent or guardian of a child enrolled in
12 38 a frontier school under this chapter moves to a
12 39 different school district during the course of either
12 40 district's academic year, the child's first district
12 41 of residence shall be responsible for payment of the
12 42 cost per pupil plus weightings or special education
12 43 costs to the frontier school for the balance of the
12 44 school year in which the move took place. The new
12 45 district of residence shall be responsible for the
12 46 payments during the succeeding years.

12 47 Sec. 32. NEW SECTION. 256D.29 AUTHORIZED
12 48 EXPENDITURES.

12 49 A frontier school is a public school for purposes
12 50 of section 257.7.

13 1 Sec. 33. NEW SECTION. 256D.30 OTHER AID
13 2 GRANTS REVENUE.

13 3 1. A frontier school is eligible to receive other
13 4 aid, grants, and revenue according to Title VII,
13 5 subtitle 1, as though it were a school district. The
13 6 frontier school may receive aid levied by the school
13 7 district for the purposes of the frontier school. For
13 8 purposes of receiving federal aid, the actual
13 9 enrollment of the frontier school shall be included in
13 10 the actual enrollment of the school district, and the
13 11 school district shall pay to the frontier school the
13 12 federal aid generated by the frontier school's actual
13 13 enrollment.

13 14 2. Except as provided in section 256D.32, a
13 15 frontier school may receive money from any source for
13 16 facilities needs. In the year-end report to the state
13 17 board of education, the frontier school shall report
13 18 the total amount of funds received from grants and
13 19 other outside sources.

13 20 Sec. 34. NEW SECTION. 256D.31 USE OF STATE
13 21 MONEY.

13 22 Money received from the state may not be used to
13 23 purchase land or buildings. The school may own land
13 24 and buildings if obtained through nonstate sources.

13 25 Sec. 35. NEW SECTION. 256E.1 BEGINNING TEACHER
13 26 INDUCTION PROGRAM ESTABLISHED GRANTS.

13 27 If the general assembly appropriates moneys for
13 28 purposes of teacher induction, the department of
13 29 education shall coordinate a beginning teacher
13 30 induction program to promote excellence in teaching,
13 31 to build a supportive environment within school
13 32 districts, to increase the retention of promising
13 33 beginning teachers, and to promote the personal and
13 34 professional well-being of teachers. The department
13 35 of education shall develop a process for awarding
13 36 beginning teacher induction grants to school
13 37 districts, and shall adopt rules pursuant to chapter
13 38 17A relating to the equitable distribution of grants
13 39 to school districts to reflect diversity

13 40 geographically and by population.

13 41 Sec. 36. NEW SECTION. 256E.2 DEFINITIONS.

13 42 As used in this chapter, unless the context
13 43 otherwise requires:

13 44 1. "Beginning teacher" means an individual serving
13 45 under an initial provisional or conditional license,
13 46 issued by the board of educational examiners under
13 47 chapter 272, who is assuming a position as a classroom
13 48 teacher.

13 49 2. "Board of directors" means the board of
13 50 directors of a school district or a collaboration of
14 1 boards of directors of school districts.

14 2 3. "Classroom teacher" means an individual who
14 3 holds a valid practitioner's license and who is
14 4 employed by a school district under sections 279.13
14 5 through 279.19 in a school district or area education
14 6 agency in this state to provide instruction to
14 7 students.

14 8 4. "Department" means the department of education.

14 9 5. "Director" means the director of the department
14 10 of education.

14 11 6. "District facilitator" means a licensed
14 12 professional pursuant to chapter 272 who is appointed
14 13 by the board of directors, or a collaboration of
14 14 districts, to serve as the liaison between the board
14 15 of directors and the department for the beginning
14 16 teacher induction program.

14 17 7. "Mentor" means an individual employed by a
14 18 school district or area education agency as a
14 19 classroom teacher and who holds a valid license to
14 20 teach issued under chapter 272.

14 21 Sec. 37. NEW SECTION. 256E.3 DISTRICT PLAN.

14 22 1. A board of directors of a school district or
14 23 the boards of directors of a collaboration of school
14 24 districts participating in the beginning teacher
14 25 induction program shall appoint a district
14 26 facilitator, whose duties shall include, but are not
14 27 limited to, overseeing the development of a plan for
14 28 meeting the goals of the program as set forth in
14 29 section 256E.1, and composing a district committee
14 30 pursuant to subsection 2.

14 31 2. The membership of the district committee
14 32 composed by the district facilitator shall include,
14 33 but is not limited to, licensed practitioners and an
14 34 area education agency staff development professional.

14 35 3. The district committee shall adopt a plan and
14 36 written procedures for a mentor program consistent
14 37 with this chapter. The plan and the written
14 38 procedures shall, at a minimum, provide the process
14 39 for the selection of and the number of mentors; the
14 40 mentor training process; the timetable by which the
14 41 plan shall be implemented; placement of mentors and
14 42 beginning teachers; the minimum amount of contact time
14 43 between mentors and beginning teachers; the minimum
14 44 amount of release time for mentors and beginning
14 45 teachers for meetings for planning, demonstration,
14 46 observation, feedback, and workshops; the process for
14 47 dissolving mentoring partnerships; and the process for
14 48 measuring the results of the program. The district
14 49 committee shall recommend to the board of directors or
14 50 boards of directors of a collaboration the names of
15 1 classroom teachers eligible to be mentors.

15 2 4. The district facilitator shall submit the plan,
15 3 and the proposed costs of implementing the plan, to
15 4 the board of directors or boards of directors of a
15 5 collaboration, which shall consider the plan and, once
15 6 approved, submit the plan and a reasonable cost

15 7 proposal to the department of education, which shall
15 8 award grants as equitably as possible based on the
15 9 geographic and population diversity of the school
15 10 districts submitting plans. Grants may be awarded in
15 11 subsequent years based upon the most recent plan on
15 12 file with the department.

15 13 5. The district committee is encouraged to work
15 14 with area education agencies and postsecondary
15 15 institutions in the preparation and implementation of
15 16 a plan.

15 17 Sec. 38. NEW SECTION. 256E.4 BEGINNING TEACHER
15 18 AND MENTOR SELECTION AND PLACEMENT.

15 19 1. To be eligible to be a mentor, a licensed
15 20 practitioner shall, at a minimum, be employed by a
15 21 school district as a classroom teacher, have a record
15 22 of at least four years of effective practice, have
15 23 been employed for one full year in the district on a
15 24 nonprobationary basis, and demonstrate professional
15 25 commitment to the improvement of teaching and
15 26 learning, and the development of beginning teachers.

15 27 2. The district facilitator shall place beginning
15 28 teachers in a manner that provides the greatest
15 29 opportunity to participate with the largest number of
15 30 mentors.

15 31 Sec. 39. NEW SECTION. 256E.5 BEGINNING TEACHER
15 32 INDUCTION STATE SUBSIDY FUND.

15 33 1. A teacher who is enrolled as a mentor in an
15 34 approved beginning teacher induction program shall be
15 35 eligible for an award of five hundred dollars per
15 36 semester of participation in the program, which shall
15 37 be paid from moneys received pursuant to this section
15 38 by the school district employing the mentor.

15 39 2. Moneys received by a school district pursuant
15 40 to this chapter shall be expended to provide mentors
15 41 with awards in accordance with subsection 1, to
15 42 implement the plan, to pay the costs of the employer's
15 43 share of contributions to federal social security and
15 44 the Iowa public employees' retirement system or a
15 45 pension and annuity retirement system established
15 46 under chapter 294, for such amounts paid by the
15 47 district.

15 48 3. Moneys received by a school district under this
15 49 chapter are miscellaneous income for purposes of
15 50 chapter 257 or are considered encumbered. Each local
16 1 school district shall maintain a separate listing
16 2 within their budget for payments received and
16 3 expenditures made pursuant to this section.

16 4 4. Moneys received for purposes of this chapter
16 5 shall not be used for payment of any collective
16 6 bargaining agreement or arbitrator's decision
16 7 negotiated or awarded under chapter 20.

16 8 5. A beginning teacher induction fund is
16 9 established in the office of the treasurer of state to
16 10 be administered by the department. Moneys
16 11 appropriated by the general assembly for deposit in
16 12 the fund shall be used to provide funding to school
16 13 districts pursuant to the requirements of this
16 14 section.

16 15 6. Notwithstanding section 8.33, unencumbered or
16 16 unobligated funds remaining on June 30 of the fiscal
16 17 year for which the funds were appropriated shall not
16 18 revert but shall be available for expenditure in the
16 19 following fiscal year for the purposes of this
16 20 section.

16 21 Sec. 40. NEW SECTION. 256E.6 REPORTS.

16 22 The board of directors of a school district or the
16 23 boards of directors of a collaboration of school

16 24 districts implementing an approved beginning teacher
16 25 induction program as provided in this chapter shall
16 26 submit an assessment of the program's results by July
16 27 1 of the fiscal year succeeding the year in which the
16 28 school district or the collaboration of school
16 29 districts received moneys under this chapter. The
16 30 department shall annually report the statewide results
16 31 of the program to the chairpersons and the ranking
16 32 members of the house and senate education committees
16 33 by January 1.

16 34 Sec. 41. NEW SECTION. 256F.1 LEGISLATIVE
16 35 FINDINGS AND INTENT.

16 36 The general assembly finds that early childhood
16 37 education programs provide benefits in the areas of
16 38 economic development, education, workforce
16 39 preparation, health costs, welfare costs, and juvenile
16 40 justice. The general assembly further finds that it
16 41 is in the best interest of the state to encourage and
16 42 equitably fund early childhood education programs in
16 43 the public school districts. The goal of these
16 44 programs shall be, at a minimum, to produce children
16 45 who are self-confident and trusting, intellectually
16 46 inquisitive, able to use language to communicate,
16 47 physically and mentally healthy, able to relate well
16 48 to others, and empathetic to others. Toward that
16 49 goal, it is the intent of this chapter to establish
16 50 and fund an early childhood education imperatives
17 1 program.

17 2 Sec. 42. NEW SECTION. 256F.2 EARLY CHILDHOOD
17 3 EDUCATION IMPERATIVES PROGRAM APPROPRIATION.

17 4 1. There is appropriated from the general fund of
17 5 the state to the department of education for the
17 6 fiscal year beginning July 1, 1998, and for each
17 7 succeeding fiscal year, the sum of ten million dollars
17 8 for the early childhood education imperatives program.

17 9 2. For each fiscal year for which moneys are
17 10 appropriated in subsection 1, the amount of moneys
17 11 allocated to school districts shall be in the
17 12 proportion that the basic enrollment of a district
17 13 bears to the sum of the basic enrollments of all
17 14 school districts in the state for the budget year.
17 15 However, a district shall not receive less than seven
17 16 thousand five hundred dollars in a fiscal year.

17 17 3. For each year for which an appropriation is
17 18 made to the early childhood education imperatives
17 19 program, the department of education shall notify the
17 20 department of revenue and finance of the amount to be
17 21 paid to each school district based upon the
17 22 distribution plan set forth for the appropriation made
17 23 pursuant to this section. The allocation to each
17 24 school district under this section shall be made in
17 25 one payment on or about October 15 of the fiscal year
17 26 for which the appropriation is made, taking into
17 27 consideration the relative budget and cash position of
17 28 the state resources. Prior to the receipt of moneys,
17 29 school districts shall provide to the department of
17 30 education adequate assurance that they have developed
17 31 or are developing an early childhood education plan as
17 32 required by section 256F.3 and that moneys received
17 33 under this section will be used in accordance with the
17 34 required early childhood education plan.

17 35 4. Moneys received under this section shall not be
17 36 commingled with state aid payments made under sections
17 37 257.16 to a school district and shall be accounted for
17 38 by the school district separately from state aid
17 39 payments.

17 40 5. Payments made to school districts under this

17 41 section are miscellaneous income for purposes of
17 42 chapter 257 or are considered encumbered. Each school
17 43 district shall maintain a separate listing within
17 44 their budgets for payments received and expenditures
17 45 made pursuant to this section.

17 46 6. Moneys received under this section shall not be
17 47 used for payment of any collective bargaining
17 48 agreement or arbitrator's decision negotiated or
17 49 awarded under chapter 20.

17 50 Sec. 43. NEW SECTION. 256F.3 EARLY CHILDHOOD
18 1 EDUCATION IMPERATIVES PROGRAM PLANNING.

18 2 Prior to receiving moneys under this chapter, the
18 3 board of directors of a school district shall adopt an
18 4 initial early childhood education plan that supports
18 5 early childhood education efforts and includes an
18 6 evaluation component. The plan shall be developed by
18 7 licensed professional staff of the district, including
18 8 both teachers and administrators. The plan shall, at
18 9 a minimum, focus on preparing children to attain or
18 10 surpass student achievement goals identified pursuant
18 11 to sections 280.12 and 280.18. The initial plan shall
18 12 be amended or adopted anew at least once every five
18 13 years. The early childhood education plan shall be
18 14 kept on file in the district and a copy of the initial
18 15 plan, subsequent amendments to the plan, and copies of
18 16 subsequent plans adopted shall be sent to the
18 17 appropriate area education agency and the department
18 18 of education. Progress as determined by the school
18 19 district, but including progress in preparing children
18 20 to attain or surpass student achievement goals, shall
18 21 be included as part of the annual report submitted to
18 22 the department of education in compliance with
18 23 sections 280.12 and 280.18.

18 24 Sec. 44. NEW SECTION. 256F.4 EARLY CHILDHOOD
18 25 EDUCATION IMPERATIVES PROGRAM EXPENDITURES.

18 26 School districts shall expend funds received
18 27 pursuant to section 256F.2 to support reading
18 28 instruction in phonics, and other education practices,
18 29 programs, or assistance for kindergarten through grade
18 30 three that may include, but are not limited to, the
18 31 following: reducing adult to student ratios through
18 32 the hiring of teachers, former teachers, and para-
18 33 educator teaching assistants; talented and gifted
18 34 programs; and implementation of instructional programs
18 35 designed to improve student achievement in the areas
18 36 of reading, language arts, and mathematics.

18 37 Sec. 45. NEW SECTION. 257.13 ON-TIME FUNDING FOR
18 38 NEW STUDENTS.

18 39 1. If a district's actual enrollment for the
18 40 budget year, determined under section 257.6, is
18 41 greater than its budget enrollment for the budget
18 42 year, the district may submit a request to the school
18 43 budget review committee for on-time funding for new
18 44 students. The school budget review committee shall
18 45 consider the relative increase in enrollment on a
18 46 district-by-district basis, in determining whether to
18 47 approve the request, and shall determine the amount of
18 48 additional funding to be provided if the request is
18 49 granted. An application for on-time funding must be
18 50 received by the department of education by October 1.
19 1 Written notice of the committee's decision shall be
19 2 given through the department of education to the
19 3 school board for a district.

19 4 2. If the school budget review committee approves
19 5 a request for on-time funding for new students, the
19 6 funding shall be in an amount up to the product of
19 7 one-third of the state cost per pupil for the budget

19 8 year multiplied by the difference between the actual
19 9 enrollment for the budget year and the budget
19 10 enrollment for the budget year. The additional
19 11 funding received under this section is miscellaneous
19 12 income to the district.

19 13 3. There is appropriated each fiscal year from the
19 14 general fund of the state to the department of
19 15 education up to four million dollars to pay additional
19 16 funding authorized under this section, which shall be
19 17 paid to school districts in one lump-sum payment
19 18 within thirty days of notification by the school
19 19 budget review committee of approval for on-time
19 20 funding for new students for a budget year. If the
19 21 requests approved by the school budget review
19 22 committee exceed the appropriation in this subsection,
19 23 the payments to school districts receiving approval
19 24 for on-time funding shall be prorated such that each
19 25 school district approved for on-time funding shall
19 26 receive an amount of on-time funding equal to the
19 27 percentage that the on-time funding to be provided to
19 28 the district bears to the total amount of on-time
19 29 funding to be provided to all districts receiving
19 30 approval.

19 31 4. If the board of directors of a school district
19 32 determines that a need exists for additional funds
19 33 exceeding the amount provided in this section, a
19 34 request for supplemental aid based upon increased
19 35 enrollment may be submitted to the school budget
19 36 review committee as provided in section 257.31.

19 37 5. A school district which is receiving a budget
19 38 adjustment for a budget year pursuant to section
19 39 257.14 shall receive on-time funding for new students,
19 40 reduced by the amount of the budget adjustment for
19 41 that budget year.

19 42 Sec. 46. Section [272.1](#), Code 1997, is amended by
19 43 adding the following new subsection:

19 44 NEW SUBSECTION. 4A. "Para-educator" means a
19 45 person who is licensed to assist a teacher in the
19 46 performance of instructional tasks to support and
19 47 assist classroom instruction and related school
19 48 activities.

19 49 Sec. 47. NEW SECTION. 272.12 PARA-EDUCATOR
19 50 LICENSES.

20 1 1. The board of educational examiners shall adopt
20 2 rules pursuant to chapter 17A relating to a multi-
20 3 level voluntary licensing system ranging from para-
20 4 educator generalist to para-educator specialist. The
20 5 rules shall outline the instructional and other school
20 6 activity tasks the individuals licensed under this
20 7 section may perform. The board shall determine
20 8 whether an applicant is qualified to perform the
20 9 duties for which a para-educator license is sought.

20 10 2. Applicants for a para-educator license as a
20 11 generalist must hold a high school diploma from an
20 12 accredited secondary school or a high school
20 13 equivalency diploma issued in accordance with chapter
20 14 259A. The applicant must also have completed
20 15 additional in-service training in at least all of the
20 16 following areas:

- 20 17 a. Behavior management.
- 20 18 b. Ethical responsibilities and behavior.
- 20 19 c. Exceptional child and at-risk child behavior.
- 20 20 d. Collaboration skills and interpersonal
20 21 relations.
- 20 22 e. Child and youth development.

20 23 3. Applicants for a para-educator license as a
20 24 specialist must meet the requirements of subsection 2

20 25 and additional requirements as prescribed by rule.

20 26 4. A public school district, area education
20 27 agency, community college, institution of higher
20 28 education under the state board of regents, or an
20 29 accredited private institution as defined in section
20 30 261.9, subsection 1, with a program approved by the
20 31 state board of education, may train and recommend
20 32 individuals for board licensure.

20 33 5. Applicants shall be disqualified for any of the
20 34 following reasons:

20 35 a. The applicant is less than eighteen years of
20 36 age.

20 37 b. The applicant has a record of founded child
20 38 abuse.

20 39 c. The applicant has been convicted of a felony.

20 40 d. The applicant's application is fraudulent.

20 41 e. The applicant's license or certification from
20 42 another state is suspended or revoked.

20 43 f. The applicant fails to meet board standards for
20 44 application for an initial or renewed license.

20 45 6. Qualifications or criteria for the granting or
20 46 revocation of a license or the determination of an
20 47 individual's professional standing shall not include
20 48 membership or nonmembership in any teachers'
20 49 organization.

20 50 Sec. 48. NEW SECTION. 279.14A PRACTITIONER
21 1 PERFORMANCE IMPROVEMENT PROGRAM.

21 2 1. The department of education shall establish and
21 3 implement a voluntary practitioner performance
21 4 improvement program that shall provide technical
21 5 assistance to teachers and administrators from each
21 6 public school district and area education agency. The
21 7 department shall consult with the Iowa state education
21 8 association, the Iowa association of school boards,
21 9 the school administrators of Iowa, and, as
21 10 practicable, other entities providing similar
21 11 programs, in developing the program. The program
21 12 shall do the following:

21 13 a. At a minimum, the program shall provide
21 14 administrators with training, including but not
21 15 limited to, seminars and written materials, relating
21 16 to the areas of employment policies and procedures,
21 17 employment documentation, performance evaluations,
21 18 corrective performance techniques, discipline,
21 19 termination, and support by qualified individuals for
21 20 implementation of the program. Training received by
21 21 an administrator in accordance with this section shall
21 22 apply toward an administrator's evaluator approval
21 23 renewal. The program shall not be used to provide
21 24 consultation or assistance on specific employment
21 25 situations.

21 26 b. The program shall include the establishment and
21 27 implementation of a regional system to provide
21 28 technical assistance to teachers and administrators
21 29 who are performing inadequately.

21 30 2. The department shall submit an annual report to
21 31 the chairpersons and ranking members of the house and
21 32 senate standing education committees summarizing
21 33 program activities and describing the department's
21 34 plans for improving or changing the program.

21 35 3. There is appropriated from the general fund of
21 36 the state to the department of education for each
21 37 fiscal year the sum of three hundred thousand dollars
21 38 for purposes of the practitioner performance
21 39 improvement program.

21 40 Of the funds appropriated, the sum of one hundred
21 41 thousand dollars shall be used for purposes of

21 42 subsection 1, paragraph "a", and the sum of two
21 43 hundred thousand dollars shall be used for purposes of
21 44 subsection 1, paragraph "b".
21 45 Sec. 49. Section 279.15, Code 1997, is amended to
21 46 read as follows:
21 47 279.15 NOTICE OF TERMINATION REQUEST FOR
21 48 HEARING.
21 49 1. The superintendent or the superintendent's
21 50 designee and the board of director's of the school
22 1 district shall notify the teacher not later than

~~April~~

22 2

~~30 that the superintendent will recommend in writing~~

22 3

~~to the board at a regular or special meeting of the~~

22 4

~~board, held not later than May 15,~~

~~March 15~~ that the

22 5 teacher's continuing contract be terminated effective
22 6 at the end of the current school year. However, if
22 7 the district is subject to reorganization under
22 8 chapter 275, the notification shall not occur until
22 9 after the first organizational meeting of the board of
22 10 the newly formed district.

22 11 2. Notification of

~~recommendation of~~

~~termination~~

22 12 of a teacher's contract shall be in writing, signed by
22 13 the superintendent and the presiding officer of the
22 14 board, and shall be personally delivered to the
22 15 teacher

~~, or mailed by certified mail~~

~~The~~

22 16 notification shall be complete when received by the
22 17 teacher. The notification and the recommendation to
22 18 terminate shall contain a short and plain statement of
22 19 the reasons, which shall be for just cause, why the
22 20 recommendation is being made.

~~The notification shall~~

22 21

~~be given at or before the time the recommendation is~~

22 22

~~given to the board.~~

22 23 3. As a part of the termination proceedings, the
22 24 teacher's complete personnel file of employment by
22 25 that board shall be available to the teacher, which
22 26 file shall contain a record of all periodic
22 27 evaluations between the teacher and appropriate
22 28 supervisors.

22 29 4. Within five days of the receipt of the written
22 30 notice

~~that the superintendent is recommending~~

~~of~~

22 31 termination of the contract, the teacher may request,
22 32 in writing to the secretary of the board, a private
22 33 hearing with

~~the board~~

~~an adjudicator selected in~~

22 34 accordance with section 279.17. The private hearing
22 35 shall not be subject to chapter 21 and shall be held
22 36 no sooner than ten days and no later than twenty days
22 37 following

~~the receipt of the request~~

~~the selection of~~

22 38 the adjudicator, unless the parties otherwise agree.
22 39 The secretary of the board shall notify the teacher in
22 40 writing of the date, time, and location of the private
22 41 hearing, and at least

~~five~~

~~ten~~ days before the hearing

22 42 shall also furnish to the teacher any documentation
22 43 which may be presented

~~to~~

~~by the superintendent and~~

22 44 the board at the private hearing and a list of persons
22 45 who may address the

~~board~~

~~adjudicator~~ in support of

22 46 the superintendent's recommendation at the private
22 47 hearing. At least three days before the hearing, the
22 48 teacher shall provide any documentation the teacher
22 49 expects to present at the private hearing, along with
22 50 the names of any persons who may address the board on
23 1 behalf of the teacher. This exchange of information
23 2 shall be at the time specified unless otherwise
23 3 agreed.

23 4 Sec. 50. Section [279.16](#), Code 1997, is amended to
23 5 read as follows:

23 6 279.16 PRIVATE HEARING DECISION RECORD.

23 7 1. The participants at the private hearing shall
23 8 be

~~at least a majority of the~~

~~interested~~ members of

23 9 the board,

~~their legal representatives,~~

~~if any, the~~

23 10 superintendent, the superintendent's designated
23 11 representatives, if any, the teacher's immediate
23 12 supervisor, the teacher, the teacher's
23 13 representatives, if any, and the witnesses for the
23 14 parties. The evidence at the private hearing shall be
23 15 limited to the specific reasons stated in the
23 16 superintendent's notice of recommendation of
23 17 termination. No participant in the hearing shall be
23 18 liable for any damages to any person if any statement
23 19 at the hearing is determined to be erroneous as long
23 20 as the statement was made in good faith. The
23 21 superintendent shall present evidence and argument on
23 22 all issues involved and the teacher may cross-examine,
23 23 respond and present evidence and argument in the
23 24 teacher's behalf relevant to all issues involved.

23 25 Evidence may be by stipulation of the parties and
23 26 informal settlement may be made by stipulation,
23 27 consent, or default or by any other method agreed upon
23 28 by the parties in writing. The board shall employ a
23 29 certified shorthand reporter to keep a record of the
23 30 private hearing.

~~The proceedings or any~~

- Any part

23 31

~~thereof~~

- of the proceedings shall be transcribed at the
23 32 request of either party with the expense of
23 33 transcription charged to the requesting party.

23 34 2. The

~~presiding officer of the board~~

- adjudicator

23 35 may administer oaths in the same manner and with like
23 36 effect and under the same penalties as in the case of
23 37 magistrates exercising criminal or civil jurisdiction.
23 38 The

~~board~~

- adjudicator shall cause subpoenas to be

23 39 issued for

~~such~~

- witnesses and the production of

~~such~~

-

23 40 any books and papers

~~as either~~

- the board or the

23 41 teacher may designate. The subpoenas shall be signed
23 42 by the

~~presiding officer of the board~~

- adjudicator.

23 43 3. In case a witness is duly subpoenaed and
23 44 refuses to attend, or in case a witness appears and
23 45 refuses to testify or to produce required books or
23 46 papers, the

~~board~~

- adjudicator shall, in writing,

23 47 report such refusal to the district court of the
23 48 county in which the administrative office of the
23 49 school district is located, and the court shall
23 50 proceed with the person or witness as though the
24 1 refusal had occurred in a proceeding legally pending
24 2 before the court.

24 3 The

~~board~~

- adjudicator shall not be bound by common

24 4 law or statutory rules of evidence or by technical or
24 5 formal rules of procedure, but

~~it~~

- the adjudicator

24 6 shall hold the hearing in such manner as is best
24 7 suited to ascertain and conserve the substantial
24 8 rights of the parties. Process and procedure under

24 9 sections 279.13 to 279.19 shall be as summary as
24 10 reasonably may be.
24 11 4. At the conclusion of the private hearing, the
24 12 superintendent and the teacher may file written briefs
24 13 and arguments with the

~~board~~

~~adjudicator~~ within three

24 14 days or such other time as may be agreed upon.

24 15 5. If the teacher fails to timely request a
24 16 private hearing or does not appear at the private
24 17 hearing, the board may proceed and make a
24 18 determination upon the superintendent's
24 19 recommendation. If the teacher fails to timely file a
24 20 request for a private hearing, the determination shall
24 21 be not later than

~~May 31~~

~~April 15.~~

~~If the teacher~~

~~24 22~~

~~fails to appear at the private hearing, the~~

~~24 23~~

~~determination shall be not later than five days after~~

~~24 24~~

~~the scheduled date for the private hearing.~~

~~The board~~

24 25 shall convene in open session and by roll call vote
24 26 determine the termination or continuance of the
24 27 teacher's contract.

24 28 6.

~~Within five days after the private hearing, the~~

~~24 29~~

~~board shall, in executive session, meet to make a~~

~~24 30~~

~~final decision upon the recommendation and the~~

~~24 31~~

~~evidence as herein provided.~~

~~The~~

~~board~~

~~adjudicator~~

24 32 shall also consider any written brief and arguments
24 33 submitted by the superintendent and the teacher.

24 34 7. The record for a private hearing shall include

24 35 the following:

24 36

~~1.~~

~~a.~~ All pleadings, motions and intermediate

24 37 rulings.

24 38

~~2.~~

- b. All evidence received or considered and all
24 39 other submissions.
24 40

~~3.~~

- c. A statement of all matters officially
24 41 noticed.
24 42

~~4.~~

- d. All questions and offers of proof,
24 43 objections and rulings thereon.
24 44

~~5.~~

- e. All findings and exceptions.
24 45

~~6.~~

- f. Any decision, opinion, or conclusion by the
24 46 board.
24 47

~~7.~~

- g. Findings of fact shall be based solely on
24 48 the evidence in the record and on matters officially
24 49 noticed in the record.
24 50 8. The decision of the

~~board~~

- adjudicator shall be
25 1 in writing and shall include findings of fact and
25 2 conclusions of law, separately stated. Findings of
25 3 fact, if set forth in statutory language, shall be
25 4 accompanied by a concise and explicit statement of the
25 5 underlying facts and supporting the findings. Each
25 6 conclusion of law shall be supported by cited
25 7 authority or by reasoned opinion.
25 8 9.

~~When the board has reached a decision, opinion,~~

~~25 9~~

~~or conclusion, it shall convene in open meeting and by~~

~~25 10~~

~~roll call vote determine the continuance or~~

~~25 11~~

~~discontinuance of the teacher's contract. The record~~

~~25 12~~

~~of the private conference and findings of fact and~~

~~25 13~~

~~exceptions shall be exempt from the provisions of~~

~~25 14~~

~~chapter 22.~~

- The

~~secretary of the board~~

~~adjudicator~~

25 15 shall make a decision within thirty days and shall,
25 16 upon reaching a decision, immediately mail notice of
25 17 the

~~board's action~~

~~decision to the teacher, the~~

25 18 superintendent, and the secretary of the board.

25 19 10. The record of the private hearing and findings

25 20 of fact and exceptions shall be exempt from the

25 21 provisions of chapter 22.

25 22 Sec. 51. Section 279.17, Code 1997, is amended to

25 23 read as follows:

25 24 279.17

~~APPEAL BY TEACHER TO~~

~~SELECTION AND~~

25 25 AUTHORITY OF ADJUDICATOR.

25 26

~~If the teacher is no longer a probationary teacher,~~

25 27

~~the teacher may, within ten days, appeal the~~

25 28

~~determination of the board to an adjudicator by filing~~

25 29

~~a notice of appeal with the secretary of the board.~~

25 30

~~The notice of appeal shall contain a concise statement~~

25 31

~~of the action which is the subject of the appeal, the~~

25 32

~~particular board action appealed from, the grounds on~~

25 33

~~which relief is sought and the relief sought.~~

25 34 1. Within five days following receipt by the

25 35 secretary of

~~the notice of appeal~~

~~a teacher's request~~

25 36 for a private hearing by an adjudicator as provided in

25 37 section 279.15, the board or the board's legal

25 38 representative, if any, and the teacher or the

25 39 teacher's representative, if any, may select an

25 40 adjudicator who resides within the boundaries of the

25 41 merged area in which the school district is located.

25 42 If an adjudicator cannot be mutually agreed upon

25 43 within the five-day period, the secretary shall notify

25 44 the chairperson of the public employment relations

25 45 board by transmitting the

~~notice of appeal~~

~~request for~~

25 46 ~~a private hearing~~, and the chairperson of the public
25 47 employment relations board shall within five days
25 48 provide a list of five adjudicators to the parties.
25 49 Within three days from receipt of the list of
25 50 adjudicators, the parties shall select an adjudicator
26 1 by alternately removing a name from the list until
26 2 only one name remains. The person whose name remains
26 3 shall be the adjudicator. The parties shall determine
26 4 by lot which party shall remove the first name from
26 5 the list submitted by the chairperson of the public
26 6 employment relations board. The secretary of the
26 7 board shall inform the chairperson of the public
26 8 employee relations board of the name of the
26 9 adjudicator selected.
26 10

~~If the teacher does not timely request an appeal to~~

26 11

~~an adjudicator the decision, opinion, or conclusion of~~

26 12

~~the board shall become final and binding.~~

26 13

~~Within thirty days after filing the notice of~~

26 14

~~appeal, or within further time allowed by the~~

26 15

~~adjudicator, the board shall transmit to the~~

26 16

~~adjudicator the original or a certified copy of the~~

26 17

~~entire record of the private hearing which may be the~~

26 18

~~subject of the petition. By stipulation of the~~

26 19

~~parties to review the proceedings, the record of the~~

26 20

~~case may be shortened. The adjudicator may require or~~

26 21

~~permit subsequent corrections or additions to the~~

26 22

~~shortened record.~~

26 23

~~The record certified and filed by the board shall~~

26 24

~~be the record upon which the appeal shall be heard and~~

26 25

~~no additional evidence shall be heard by the~~

26 26

~~adjudicator. In such appeal to the adjudicator,~~

26 27

~~especially when considering the credibility of~~

26 28

~~witnesses, the adjudicator shall give weight to the~~

26 29

~~fact findings of the board; but shall not be bound by~~

26 30

~~them.~~

26 31

~~Before the date set for hearing a petition for~~

26 32

~~review of board action, which shall be within ten days~~

26 33

~~after receipt of the record unless otherwise agreed or~~

26 34

~~unless the adjudicator orders additional evidence be~~

26 35

~~taken before the board, application may be made to the~~

26 36

~~adjudicator for leave to present evidence in addition~~

26 37

~~to that found in the record of the case. If it is~~

26 38

~~shown to the adjudicator that the additional evidence~~

26 39

~~is material and that there were good reasons for~~

26 40

~~failure to present it in the private hearing before~~

26 41

~~the board, the adjudicator may order that the~~

26 42

~~additional evidence be taken before the board upon~~

26 43

~~conditions determined by the adjudicator. The board~~

26 44

~~may modify its findings and decision in the case by~~

26 45

~~reason of the additional evidence and shall file that~~

26 46

~~evidence and any modifications, new findings, or~~

26 47

~~decisions, with the adjudicator and mail copies of the~~

26 48

~~new findings or decisions to the teacher.~~

26 49 2. The adjudicator may affirm

~~board action or~~

26 50

~~remand to the board for further proceedings. The~~

27 1

~~adjudicator shall reverse, modify,~~

~~the~~

27 2 superintendent's recommendation to terminate the

27 3 teacher's contract or

~~grant any appropriate relief~~

27 4

~~from the board action~~

~~require the board to continue~~

27 5 the teacher's contract if

~~substantial rights of the~~

27 6

~~teacher have been prejudiced because the board action~~

27 7

~~is~~
~~the adjudicator determines that termination of the~~
27 8 ~~contract would be any of the following:~~

27 9

~~1.~~

~~a.~~

~~In~~

~~A~~ violation of a board rule or policy or
27 10 contract

~~; or~~

27 11

~~2.~~

~~b.~~ Unsupported by a preponderance of the
27 12 competent evidence in the record made before the

~~board~~

27 13 ~~adjudicator~~ when that record is viewed as a whole

~~; or~~

27 14

~~3.~~

~~c.~~ Unreasonable, arbitrary or capricious or
27 15 characterized by an abuse of discretion or a clearly
27 16 unwarranted exercise of discretion.

27 17

~~The adjudicator shall, within fifteen days after~~

27 18

~~the hearing, make a decision and shall give a copy of~~

27 19

~~the decision to the teacher and the secretary of the~~

27 20

~~board. The decision of the adjudicator shall become~~

27 21

~~the final and binding decision of the board unless~~

27 22

~~either party within ten days notifies the secretary of~~

27 23

~~the board that the decision is rejected. The board~~

27 24

~~may reject the decision by majority vote, by roll~~

27 25

~~call, in open meeting and entered into the minutes of~~

27 26

~~the meeting. The board shall immediately notify the~~

27 27

~~teacher of its decision by certified mail. The~~

27 28

~~teacher may reject the adjudicator's decision by~~

27 29

~~notifying the board's secretary in writing within ten~~

27 30

~~days of the filing of such decision.~~

27 31 3. All costs of the adjudicator shall be shared

27 32 equally by the teacher and the board.

27 33 Sec. 52. Section [279.18](#), subsection 6, Code 1997,

27 34 is amended to read as follows:

27 35 6. Unsupported by

~~a preponderance of the competent~~

27 36 substantial evidence in the record made before

~~the~~

27 37

~~board and~~

~~the adjudicator when that record is viewed~~

27 38 as a whole; or

27 39 Sec. 53. Section [279.19](#), unnumbered paragraph 1,

27 40 Code 1997, is amended to read as follows:

27 41 The first

~~two~~

~~three~~ consecutive years of employment

27 42 of a teacher in the same school district are a

27 43 probationary period. However,

~~a~~

~~if the teacher has~~

27 44 successfully completed a probationary period of

27 45 employment for another school district located in

27 46 Iowa, the probationary period in the current district

27 47 of employment shall not exceed one year. A board of

27 48 directors may waive the probationary period for any

27 49 teacher who previously has served a probationary

27 50 period in another school district and the board may

28 1 extend the probationary period for an additional year

28 2 with the consent of the teacher.

28 3 Sec. 54. Section [294A.25](#), subsection 7, Code

28 4 Supplement 1997, is amended to read as follows:

28 5 7. Commencing with the fiscal year beginning July

28 6 1, 1990, the amount of

~~sixty~~

- seventy-five thousand

28 7 dollars for the ambassador to education program under

28 8 section

~~- 256.43~~

- 256.45.

28 9 Sec. 55. Section 294A.25, Code Supplement 1997, is
28 10 amended by adding the following new subsections:

28 11 NEW SUBSECTION. 9A. For the fiscal year beginning
28 12 July 1, 1998, and ending June 30, 1999, the amount of
28 13 two hundred fifty thousand dollars for deposit in the
28 14 national board for professional teaching standards
28 15 certification fund from additional funds transferred
28 16 from phase I to phase III.

28 17 NEW SUBSECTION. 9B. For the fiscal year beginning
28 18 July 1, 1998, and ending June 30, 1999, the amount of
28 19 two hundred forty thousand dollars for beginning
28 20 teacher induction program grants as provided in
28 21 chapter 256E, from additional funds transferred from
28 22 phase I to phase III. It is the intent of the general
28 23 assembly that grants awarded from funds appropriated
28 24 under this subsection shall provide support to a
28 25 minimum of one hundred thirty-three teams of mentors
28 26 and beginning teachers.

28 27 Sec. 56. INITIAL YEAR.

28 28 1. The board of directors of a school district, or
28 29 the boards of directors of a collaboration, determined
28 30 to participate in the beginning teacher induction
28 31 program in fiscal year 1998-1999, shall submit the
28 32 plan required under section 256E.3, as enacted in this
28 33 Act, to the department of education by October 15,
28 34 1998.

28 35 2. By January 15, 1999, the department of
28 36 education shall award grants as provided in accordance
28 37 with section 256E.3, as enacted in this Act.

28 38 Sec. 57. CURRENT NATIONAL BOARD CERTIFICATE
28 39 HOLDERS. In order to receive payment under section
28 40 256.44, as enacted by this Act, a teacher who by July
28 41 1, 1998, meets the qualifications for an award under
28 42 section 256.44 shall apply to the department for
28 43 payment under section 256.44 by June 30, 1999.

28 44 Sec. 58. EFFECTIVE DATE. Section 45 of this Act,
28 45 being deemed of immediate importance, takes effect
28 46 upon enactment for the purpose of computations
28 47 required for payment of state aid to school districts
28 48 for budget years beginning on or after July 1, 1998.
28 49 Section 45 of this Act remains in effect until the
28 50 repeal of chapter 257 on July 1, 2001."

29 1 #2. Title page, line 3, by striking the words
29 2 "retroactive applicability and" and inserting the
29 3 following: "an".

29 4 #3. Title page, line 4, by striking the word
29 5 "provisions" and inserting the following:
29 6 "provision".

29 7 #4. By renumbering as necessary.

29 8

29 9

29 10

29 11 COMMITTEE ON EDUCATION

29 12 GRIES of Crawford, Chairperson

29 13 SF 2366.2 19 77

29 14 kh/jl/28