

# House Amendment 8501

## Amendment Text

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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. Moneys appropriated by the general assembly for  
19 14 purposes of this section shall be paid to school  
19 15 districts in one lump-sum payment within thirty days  
19 16 of notification by the school budget review committee  
19 17 of approval for on-time funding for new students for a  
19 18 budget year. If the requests approved by the school  
19 19 budget review committee exceed the appropriation made  
19 20 for purposes of this section, the payments to school  
19 21 districts receiving approval for on-time funding shall  
19 22 be prorated such that each school district approved  
19 23 for on-time funding shall receive an amount of on-time  
19 24 funding equal to the percentage that the on-time  
19 25 funding to be provided to the district bears to the  
19 26 total amount of on-time funding to be provided to all  
19 27 districts receiving approval.

19 28 4. If the board of directors of a school district  
19 29 determines that a need exists for additional funds  
19 30 exceeding the amount provided in this section, a  
19 31 request for supplemental aid based upon increased  
19 32 enrollment may be submitted to the school budget  
19 33 review committee as provided in section 257.31.

19 34 5. A school district which is receiving a budget  
19 35 adjustment for a budget year pursuant to section  
19 36 257.14 shall receive on-time funding for new students,  
19 37 reduced by the amount of the budget adjustment for  
19 38 that budget year.

19 39 Sec. 46. Section [272.1](#), Code 1997, is amended by  
19 40 adding the following new subsection:

19 41 NEW SUBSECTION. 4A. "Para-educator" means a  
19 42 person who is licensed to assist a teacher in the  
19 43 performance of instructional tasks to support and  
19 44 assist classroom instruction and related school  
19 45 activities.

19 46 Sec. 47. NEW SECTION. 272.12 PARA-EDUCATOR  
19 47 LICENSES.

19 48 1. The board of educational examiners shall adopt  
19 49 rules pursuant to chapter 17A relating to a multi-  
19 50 level voluntary licensing system ranging from para-  
20 1 educator generalist to para-educator specialist. The  
20 2 rules shall outline the instructional and other school  
20 3 activity tasks the individuals licensed under this  
20 4 section may perform. The board shall determine  
20 5 whether an applicant is qualified to perform the  
20 6 duties for which a para-educator license is sought.

20 7 2. Applicants for a para-educator license as a  
20 8 generalist must hold a high school diploma from an  
20 9 accredited secondary school or a high school  
20 10 equivalency diploma issued in accordance with chapter  
20 11 259A. The applicant must also have completed  
20 12 additional in-service training in at least all of the  
20 13 following areas:

20 14 a. Behavior management.  
20 15 b. Ethical responsibilities and behavior.  
20 16 c. Exceptional child and at-risk child behavior.  
20 17 d. Collaboration skills and interpersonal  
20 18 relations.  
20 19 e. Child and youth development.

20 20 3. Applicants for a para-educator license as a  
20 21 specialist must meet the requirements of subsection 2  
20 22 and additional requirements as prescribed by rule.

20 23 4. A public school district, area education  
20 24 agency, community college, institution of higher

20 25 education under the state board of regents, or an  
20 26 accredited private institution as defined in section  
20 27 261.9, subsection 1, with a program approved by the  
20 28 state board of education, may train and recommend  
20 29 individuals for board licensure.

20 30 5. Applicants shall be disqualified for any of the  
20 31 following reasons:

20 32 a. The applicant is less than eighteen years of  
20 33 age.

20 34 b. The applicant has a record of founded child  
20 35 abuse.

20 36 c. The applicant has been convicted of a felony.

20 37 d. The applicant's application is fraudulent.

20 38 e. The applicant's license or certification from  
20 39 another state is suspended or revoked.

20 40 f. The applicant fails to meet board standards for  
20 41 application for an initial or renewed license.

20 42 6. Qualifications or criteria for the granting or  
20 43 revocation of a license or the determination of an  
20 44 individual's professional standing shall not include  
20 45 membership or nonmembership in any teachers'  
20 46 organization.

20 47 Sec. 48. NEW SECTION. 279.14A PRACTITIONER  
20 48 PERFORMANCE IMPROVEMENT PROGRAM.

20 49 1. The department of education shall establish and  
20 50 implement a voluntary practitioner performance  
21 1 improvement program that shall provide technical  
21 2 assistance to teachers and administrators from each  
21 3 public school district and area education agency. The  
21 4 department shall consult with the Iowa state education  
21 5 association, the Iowa association of school boards,  
21 6 the school administrators of Iowa, and, as  
21 7 practicable, other entities providing similar  
21 8 programs, in developing the program. The program  
21 9 shall do the following:

21 10 a. At a minimum, the program shall provide  
21 11 administrators with training, including but not  
21 12 limited to, seminars and written materials, relating  
21 13 to the areas of employment policies and procedures,  
21 14 employment documentation, performance evaluations,  
21 15 corrective performance techniques, discipline,  
21 16 termination, and support by qualified individuals for  
21 17 implementation of the program. Training received by  
21 18 an administrator in accordance with this section shall  
21 19 apply toward an administrator's evaluator approval  
21 20 renewal. The program shall not be used to provide  
21 21 consultation or assistance on specific employment  
21 22 situations.

21 23 b. The program shall include the establishment and  
21 24 implementation of a regional system to provide  
21 25 technical assistance to teachers and administrators  
21 26 who are performing inadequately.

21 27 2. The department shall submit an annual report to  
21 28 the chairpersons and ranking members of the house and  
21 29 senate standing education committees summarizing  
21 30 program activities and describing the department's  
21 31 plans for improving or changing the program.

21 32 3. There is appropriated from the general fund of  
21 33 the state to the department of education for each  
21 34 fiscal year the sum of three hundred thousand dollars  
21 35 for purposes of the practitioner performance  
21 36 improvement program.

21 37 Of the funds appropriated, the sum of one hundred  
21 38 thousand dollars shall be used for purposes of  
21 39 subsection 1, paragraph "a", and the sum of two  
21 40 hundred thousand dollars shall be used for purposes of  
21 41 subsection 1, paragraph "b".

21 42 Sec. 49. Section 279.15, Code 1997, is amended to  
21 43 read as follows:  
21 44 279.15 NOTICE OF TERMINATION REQUEST FOR  
21 45 HEARING.  
21 46 1. The superintendent or the superintendent's  
21 47 designee and the board of director's of the school  
21 48 district shall notify the teacher not later than

~~April~~

21 49

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

21 50

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

22 1

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

~~March 15~~ that the

22 2 teacher's continuing contract be terminated effective  
22 3 at the end of the current school year. However, if  
22 4 the district is subject to reorganization under  
22 5 chapter 275, the notification shall not occur until  
22 6 after the first organizational meeting of the board of  
22 7 the newly formed district.  
22 8 2. Notification of

~~recommendation of~~

~~termination~~

22 9 of a teacher's contract shall be in writing, signed by  
22 10 the superintendent and the presiding officer of the  
22 11 board, and shall be personally delivered to the  
22 12 teacher

~~, or mailed by certified mail~~

~~The~~

22 13 notification shall be complete when received by the  
22 14 teacher. The notification and the recommendation to  
22 15 terminate shall contain a short and plain statement of  
22 16 the reasons, which shall be for just cause, why the  
22 17 recommendation is being made.

~~The notification shall~~

22 18

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

22 19

~~given to the board.~~

22 20 3. As a part of the termination proceedings, the  
22 21 teacher's complete personnel file of employment by  
22 22 that board shall be available to the teacher, which  
22 23 file shall contain a record of all periodic  
22 24 evaluations between the teacher and appropriate  
22 25 supervisors.  
22 26 4. Within five days of the receipt of the written  
22 27 notice

~~that the superintendent is recommending~~

~~of~~

22 28 termination of the contract, the teacher may request,

22 29 in writing to the secretary of the board, a private  
22 30 hearing with

~~the board~~

- an adjudicator selected in

22 31 accordance with section 279.17. The private hearing  
22 32 shall not be subject to chapter 21 and shall be held  
22 33 no sooner than ten days and no later than twenty days  
22 34 following

~~the receipt of the request~~

- the selection of

22 35 the adjudicator, unless the parties otherwise agree.  
22 36 The secretary of the board shall notify the teacher in  
22 37 writing of the date, time, and location of the private  
22 38 hearing, and at least

~~five~~

- ten days before the hearing

22 39 shall also furnish to the teacher any documentation  
22 40 which may be presented

~~to~~

- by the superintendent and

22 41 the board at the private hearing and a list of persons  
22 42 who may address the

~~board~~

- adjudicator in support of

22 43 the superintendent's recommendation at the private  
22 44 hearing. At least three days before the hearing, the  
22 45 teacher shall provide any documentation the teacher  
22 46 expects to present at the private hearing, along with  
22 47 the names of any persons who may address the board on  
22 48 behalf of the teacher. This exchange of information  
22 49 shall be at the time specified unless otherwise  
22 50 agreed.

23 1 Sec. 50. Section [279.16](#), Code 1997, is amended to  
23 2 read as follows:

23 3 279.16 PRIVATE HEARING DECISION RECORD.

23 4 1. The participants at the private hearing shall  
23 5 be

~~at least a majority of the~~

- interested members of

23 6 the board,

~~their legal representatives,~~

- if any, the

23 7 superintendent, the superintendent's designated  
23 8 representatives, if any, the teacher's immediate  
23 9 supervisor, the teacher, the teacher's  
23 10 representatives, if any, and the witnesses for the  
23 11 parties. The evidence at the private hearing shall be  
23 12 limited to the specific reasons stated in the  
23 13 superintendent's notice of recommendation of  
23 14 termination. No participant in the hearing shall be  
23 15 liable for any damages to any person if any statement  
23 16 at the hearing is determined to be erroneous as long  
23 17 as the statement was made in good faith. The  
23 18 superintendent shall present evidence and argument on  
23 19 all issues involved and the teacher may cross-examine,  
23 20 respond and present evidence and argument in the  
23 21 teacher's behalf relevant to all issues involved.  
23 22 Evidence may be by stipulation of the parties and  
23 23 informal settlement may be made by stipulation,  
23 24 consent, or default or by any other method agreed upon

23 25 by the parties in writing. The board shall employ a  
23 26 certified shorthand reporter to keep a record of the  
23 27 private hearing.

~~The proceedings or any~~

- ~~Any part~~

23 28

~~thereof~~

- ~~of the proceedings~~ shall be transcribed at the  
23 29 request of either party with the expense of  
23 30 transcription charged to the requesting party.

23 31 2. The

~~presiding officer of the board~~

- ~~adjudicator~~

23 32 may administer oaths in the same manner and with like  
23 33 effect and under the same penalties as in the case of  
23 34 magistrates exercising criminal or civil jurisdiction.  
23 35 The

~~board~~

- ~~adjudicator~~ shall cause subpoenas to be

23 36 issued for

~~such~~

- witnesses and the production of

~~such~~

-

23 37 any books and papers

~~as either~~

- the board or the

23 38 teacher may designate. The subpoenas shall be signed  
23 39 by the

~~presiding officer of the board~~

- ~~adjudicator.~~

23 40 3. In case a witness is duly subpoenaed and  
23 41 refuses to attend, or in case a witness appears and  
23 42 refuses to testify or to produce required books or  
23 43 papers, the

~~board~~

- ~~adjudicator~~ shall, in writing,

23 44 report such refusal to the district court of the  
23 45 county in which the administrative office of the  
23 46 school district is located, and the court shall  
23 47 proceed with the person or witness as though the  
23 48 refusal had occurred in a proceeding legally pending  
23 49 before the court.

23 50 The

~~board~~

- ~~adjudicator~~ shall not be bound by common

24 1 law or statutory rules of evidence or by technical or

24 2 formal rules of procedure, but

~~it~~

- ~~the adjudicator~~

24 3 shall hold the hearing in such manner as is best  
24 4 suited to ascertain and conserve the substantial  
24 5 rights of the parties. Process and procedure under  
24 6 sections 279.13 to 279.19 shall be as summary as  
24 7 reasonably may be.

24 8 4. At the conclusion of the private hearing, the

24 9 superintendent and the teacher may file written briefs  
24 10 and arguments with the

~~board~~

- adjudicator within three

24 11 days or such other time as may be agreed upon.

24 12 5. If the teacher fails to timely request a  
24 13 private hearing or does not appear at the private

24 14 hearing, the board may proceed and make a

24 15 determination upon the superintendent's

24 16 recommendation. If the teacher fails to timely file a

24 17 request for a private hearing, the determination shall

24 18 be not later than

~~May 31~~

- April 15.

~~If the teacher~~

24 19

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

24 20

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

24 21

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

- The board

24 22 shall convene in open session and by roll call vote

24 23 determine the termination or continuance of the

24 24 teacher's contract.

24 25 6.

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

24 26

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

24 27

~~final decision upon the recommendation and the~~

24 28

~~evidence as herein provided.~~

- The

~~board~~

- adjudicator

24 29 shall also consider any written brief and arguments

24 30 submitted by the superintendent and the teacher.

24 31 7. The record for a private hearing shall include

24 32 the following:

24 33

~~1.~~

- a. All pleadings, motions and intermediate

24 34 rulings.

24 35

~~2.~~

- b. All evidence received or considered and all

24 36 other submissions.

~~3.~~

- c. A statement of all matters officially  
24 38 noticed.  
24 39

~~4.~~

- d. All questions and offers of proof,  
24 40 objections and rulings thereon.  
24 41

~~5.~~

- e. All findings and exceptions.  
24 42

~~6.~~

- f. Any decision, opinion, or conclusion by the  
24 43 board.  
24 44

~~7.~~

- g. Findings of fact shall be based solely on  
24 45 the evidence in the record and on matters officially  
24 46 noticed in the record.  
24 47 8. The decision of the

~~board~~

- adjudicator shall be  
24 48 in writing and shall include findings of fact and  
24 49 conclusions of law, separately stated. Findings of  
24 50 fact, if set forth in statutory language, shall be  
25 1 accompanied by a concise and explicit statement of the  
25 2 underlying facts and supporting the findings. Each  
25 3 conclusion of law shall be supported by cited  
25 4 authority or by reasoned opinion.  
25 5 9.

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

~~25 6~~

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

~~25 7~~

~~roll call vote determine the continuance or~~

~~25 8~~

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

~~25 9~~

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

~~25 10~~

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

~~25 11~~

~~chapter 22.~~

- The

~~secretary of the board~~

- adjudicator

25 12 shall make a decision within thirty days and shall,  
25 13 upon reaching a decision, immediately mail notice of  
25 14 the

~~board's action~~

~~decision to the teacher, the~~  
25 15 superintendent, and the secretary of the board.

25 16 10. The record of the private hearing and findings  
25 17 of fact and exceptions shall be exempt from the  
25 18 provisions of chapter 22.

25 19 Sec. 51. Section 279.17, Code 1997, is amended to  
25 20 read as follows:

25 21 279.17

~~APPEAL BY TEACHER TO~~

~~SELECTION AND~~

25 22 AUTHORITY OF ADJUDICATOR.

25 23

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

25 24

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

25 25

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

25 26

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

25 27

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

25 28

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

25 29

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

25 30

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

25 31 1. Within five days following receipt by the

25 32 secretary of

~~the notice of appeal~~

~~a teacher's request~~

25 33 for a private hearing by an adjudicator as provided in

25 34 section 279.15, the board or the board's legal

25 35 representative, if any, and the teacher or the

25 36 teacher's representative, if any, may select an

25 37 adjudicator who resides within the boundaries of the

25 38 merged area in which the school district is located.

25 39 If an adjudicator cannot be mutually agreed upon

25 40 within the five-day period, the secretary shall notify

25 41 the chairperson of the public employment relations

25 42 board by transmitting the

~~notice of appeal~~

~~request for~~

25 43 a private hearing, and the chairperson of the public  
25 44 employment relations board shall within five days  
25 45 provide a list of five adjudicators to the parties.  
25 46 Within three days from receipt of the list of  
25 47 adjudicators, the parties shall select an adjudicator  
25 48 by alternately removing a name from the list until  
25 49 only one name remains. The person whose name remains  
25 50 shall be the adjudicator. The parties shall determine  
26 1 by lot which party shall remove the first name from  
26 2 the list submitted by the chairperson of the public  
26 3 employment relations board. The secretary of the  
26 4 board shall inform the chairperson of the public  
26 5 employee relations board of the name of the  
26 6 adjudicator selected.  
26 7

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

26 8

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

26 9

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

26 10

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

26 11

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

26 12

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

26 13

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

26 14

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

26 15

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

26 16

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

26 17

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

26 18

~~permit subsequent corrections or additions to the~~

26 19

~~shortened record.~~

26 20

~~The record certified and filed by the board shall~~  
26 21  
~~be the record upon which the appeal shall be heard and~~  
26 22  
~~no additional evidence shall be heard by the~~  
26 23  
~~adjudicator. In such appeal to the adjudicator,~~  
26 24  
~~especially when considering the credibility of~~  
26 25  
~~witnesses, the adjudicator shall give weight to the~~  
26 26  
~~fact findings of the board; but shall not be bound by~~  
26 27  
~~them.~~  
26 28  
~~Before the date set for hearing a petition for~~  
26 29  
~~review of board action, which shall be within ten days~~  
26 30  
~~after receipt of the record unless otherwise agreed or~~  
26 31  
~~unless the adjudicator orders additional evidence be~~  
26 32  
~~taken before the board, application may be made to the~~  
26 33  
~~adjudicator for leave to present evidence in addition~~  
26 34  
~~to that found in the record of the case. If it is~~  
26 35  
~~shown to the adjudicator that the additional evidence~~  
26 36  
~~is material and that there were good reasons for~~

26 37

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

26 38

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

26 39

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

26 40

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

26 41

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

26 42

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

26 43

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

26 44

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

26 45

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

26 46 2. The adjudicator may affirm

~~board action or~~

26 47

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

26 48

~~adjudicator shall reverse, modify,~~

~~the~~

26 49 superintendent's recommendation to terminate the

26 50 teacher's contract or

~~grant any appropriate relief~~

27 1

~~from the board action~~

~~require the board to continue~~

27 2 the teacher's contract if

~~substantial rights of the~~

27 3

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

27 4

~~is~~

~~the adjudicator determines that termination of the~~

~~27 5 contract would be any of the following:~~

~~27 6~~

~~1.~~

~~a.~~

~~In~~

~~A violation of a board rule or policy or~~

~~27 7 contract~~

~~; or~~

~~.~~

~~27 8~~

~~2.~~

~~b. Unsupported by a preponderance of the~~

~~27 9 competent evidence in the record made before the~~

~~board~~

~~.~~

~~27 10 adjudicator when that record is viewed as a whole~~

~~; or~~

~~.~~

~~27 11~~

~~3.~~

~~c. Unreasonable, arbitrary or capricious or~~

~~27 12 characterized by an abuse of discretion or a clearly~~

~~27 13 unwarranted exercise of discretion.~~

~~27 14~~

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

~~.~~

~~27 15~~

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

~~.~~

~~27 16~~

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

~~.~~

~~27 17~~

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

~~.~~

~~27 18~~

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

~~.~~

~~27 19~~

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

~~.~~

~~27 20~~

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

~~.~~

~~27 21~~

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

~~.~~

~~27 22~~

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

27 23

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

27 24

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

27 25

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

27 26

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

27 27

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

27 28 3. All costs of the adjudicator shall be shared  
27 29 equally by the teacher and the board.

27 30 Sec. 52. Section [279.18](#), unnumbered paragraph 2,  
27 31 Code 1997, is amended to read as follows:

27 32 In proceedings for judicial review of the  
27 33 adjudicator's decision, the court shall not hear any  
27 34 further evidence but shall hear the case upon the  
27 35 certified record. In such judicial review, especially  
27 36 when considering the credibility of witnesses, the  
27 37 court shall give weight to the fact findings of the  
27 38

~~board;~~

~~adjudicator, but shall not be bound by them.~~

27 39 The court may affirm the adjudicator's decision or  
27 40 remand to the adjudicator

~~or the board~~

~~for further~~

27 41 proceedings upon conditions determined by the court.  
27 42 The court shall reverse, modify, or grant any other  
27 43 appropriate relief from

~~the board decision or~~

~~the~~

27 44 adjudicator's decision equitable or legal and  
27 45 including declaratory relief if substantial rights of  
27 46 the petitioner have been prejudiced because the action  
27 47 is:

27 48 Sec. 53. Section [279.18](#), subsection 6, Code 1997,  
27 49 is amended to read as follows:

27 50 6. Unsupported by

~~a preponderance of the competent~~

28 1 substantial evidence in the record made before

~~the~~

28 2

~~board and~~

~~the adjudicator when that record is viewed~~

28 3 as a whole; or

28 4 Sec. 54. Section [279.19](#), unnumbered paragraph 1,  
28 5 Code 1997, is amended to read as follows:

28 6 The first

~~two~~

- ~~three~~ consecutive years of employment  
28 7 of a teacher in the same school district are a  
28 8 probationary period. However,

~~a~~

- if the teacher has  
28 9 successfully completed a probationary period of  
28 10 employment for another school district located in  
28 11 Iowa, the probationary period in the current district  
28 12 of employment shall not exceed one year. A board of  
28 13 directors may waive the probationary period for any  
28 14 teacher who previously has served a probationary  
28 15 period in another school district and the board may  
28 16 extend the probationary period for an additional year  
28 17 with the consent of the teacher.

28 18 Sec. 55. Section [294A.25](#), subsection 7, Code  
28 19 Supplement 1997, is amended to read as follows:  
28 20 7. Commencing with the fiscal year beginning July  
28 21 1, 1990, the amount of

~~sixty~~

- seventy-five thousand  
28 22 dollars for the ambassador to education program under  
28 23 section

~~256.43~~

- 256.45.  
28 24 Sec. 56. Section [294A.25](#), Code Supplement 1997, is  
28 25 amended by adding the following new subsections:  
28 26 NEW SUBSECTION. 9A. For the fiscal year beginning  
28 27 July 1, 1998, and ending June 30, 1999, the amount of  
28 28 two hundred fifty thousand dollars for deposit in the  
28 29 national board for professional teaching standards  
28 30 certification fund from additional funds transferred  
28 31 from phase I to phase III.  
28 32 NEW SUBSECTION. 9B. For the fiscal year beginning  
28 33 July 1, 1998, and ending June 30, 1999, the amount of  
28 34 two hundred forty thousand dollars for beginning  
28 35 teacher induction program grants as provided in  
28 36 chapter 256E, from additional funds transferred from  
28 37 phase I to phase III. It is the intent of the general  
28 38 assembly that grants awarded from funds appropriated  
28 39 under this subsection shall provide support to a  
28 40 minimum of one hundred thirty-three teams of mentors  
28 41 and beginning teachers.

28 42 Sec. 57. INITIAL YEAR.  
28 43 1. The board of directors of a school district, or  
28 44 the boards of directors of a collaboration, determined  
28 45 to participate in the beginning teacher induction  
28 46 program in fiscal year 1998-1999, shall submit the  
28 47 plan required under section 256E.3, as enacted in this  
28 48 Act, to the department of education by October 15,  
28 49 1998.

28 50 2. By January 15, 1999, the department of  
29 1 education shall award grants as provided in accordance  
29 2 with section 256E.3, as enacted in this Act.

29 3 Sec. 58. CURRENT NATIONAL BOARD CERTIFICATE  
29 4 HOLDERS. In order to receive payment under section  
29 5 256.44, as enacted by this Act, a teacher who by July  
29 6 1, 1998, meets the qualifications for an award under  
29 7 section 256.44 shall apply to the department for  
29 8 payment under section 256.44 by June 30, 1999.

29 9 Sec. 59. CONTINGENT APPROPRIATION TAXABLE  
29 10 VALUATION INCREASE. For the fiscal year beginning

29 11 July 1, 1998, and ending June 30, 1999, if the actual  
29 12 taxable valuation of real property located in this  
29 13 state, based upon January 1, 1997, assessments, which  
29 14 is used in the computation of property taxes payable  
29 15 in the fiscal year beginning July 1, 1998, increases  
29 16 from the estimate of such taxable valuation, there is  
29 17 appropriated from the general fund of the state the  
29 18 lesser of \$4,000,000 or the amount of the reduction in  
29 19 state foundation aid under section 257.1 as a result  
29 20 of such increase in taxable valuation to be used to  
29 21 fund section 257.13, as enacted by this Act, and the  
29 22 moneys shall be allocated as provided in section  
29 23 257.13, subsection 2, as enacted by this Act.

29 24 Sec. 60. CONTINGENT APPROPRIATION PHASE III.  
29 25 If the amount appropriated in section 59 is less than  
29 26 \$4,000,000 for the fiscal year beginning July 1, 1998,  
29 27 and ending June 30, 1999, in addition to the  
29 28 allocations provided for in section 294A.25, there is  
29 29 allocated from the moneys appropriated pursuant to  
29 30 section 294A.25, subsection 1, to the department of  
29 31 education, from phase III moneys, an amount equal to  
29 32 the difference of \$4,000,000 and the amount  
29 33 appropriated in section 59 of this Act, for the fiscal  
29 34 year beginning July 1, 1998, and ending June 30, 1999,  
29 35 to be used and allocated as specified in section 59 of  
29 36 this Act.

29 37 Sec. 61. EFFECTIVE DATE. Section 45 of this Act,  
29 38 being deemed of immediate importance, takes effect  
29 39 upon enactment for the purpose of computations  
29 40 required for payment of state aid to school districts  
29 41 for budget years beginning on or after July 1, 1998.  
29 42 Section 45 of this Act remains in effect until the  
29 43 repeal of chapter 257 on July 1, 2001."

29 44 #2. Title page, line 3, by striking the words  
29 45 "retroactive applicability and" and inserting the  
29 46 following: "an".

29 47 #3. Title page, line 4, by striking the word  
29 48 "provisions" and inserting the following:  
29 49 "provision".

29 50 #4. By renumbering as necessary.

30 1

30 2

30 3

30 4 COMMITTEE ON APPROPRIATIONS

30 5 MILLAGE of Scott, Chairperson

30 6 SF 2366.5 37 77

30 7 kh/jw/28