

Senate Amendment 3332

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1 1 Amend House File 549, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 1 6 to read as follows:
1 7 256.5A NONVOTING MEMBER.
1 8 The governor shall appoint the one nonvoting
1 9 student member of the state board for a term of one
1 10 year beginning and ending as provided in section
1 11 69.19. The nonvoting student member shall be
1 12 appointed from a list of names submitted by the state
1 13 board of education. Students enrolled in either grade
1 14 ten or eleven in a public school may apply to the
1 15 state board to serve as a nonvoting student member.
1 16 The department shall develop an application process
1 17 that requires the consent of the student's parent or
1 18 guardian if the student is a minor, initial
1 19 application approval by the school district in which
1 20 the student applicant is enrolled, and submission of
1 21 approved applications by a school district to the
1 22 department. The nonvoting student member's school
1 23 district of enrollment shall notify the student's
1 24 parents if the student's grade point average falls
1 25 during the period in which the student is a member of
1 26 the state board. The state board shall adopt rules
1 27 under chapter 17A specifying criteria for the
1 28 selection of applicants whose names shall be submitted
1 29 to the governor. Criteria shall include, but are not
1 30 limited to, academic excellence, participation in
1 31 extracurricular and community activities, and interest
1 32 in serving on the board. Rules adopted by the state
1 33 board shall also require, if the student is a minor,
1 34 supervision of the student by the student's parent or
1 35 guardian while the student is engaged in authorized
1 36 state board business at a location other than the
1 37 community in which the student resides, unless the
1 38 student's parent or guardian submits to the state
1 39 board a signed release indicating the parent or
1 40 guardian has determined that supervision of the
1 41 student by the parent or guardian is unnecessary. The
1 42 nonvoting student member ~~shall be appointed without~~
~~1 43 regard to political affiliation appointment is not~~
1 44 subject to section 69.16 or 69.16A. The nonvoting
1 45 student member shall have been enrolled in a public
1 46 school in Iowa for at least one year prior to the
1 47 member's appointment. A nonvoting student member who
1 48 will not graduate from high school prior to the end of
1 49 a second term may apply to the state board for
1 50 submission of candidacy to the governor for a second
2 1 one-year term. A nonvoting student member shall be
2 2 paid a per diem as provided in section 7E.6 and the
2 3 student and the student's parent or guardian shall be
2 4 reimbursed for actual and necessary expenses incurred
2 5 in the performance of the student's duties as a
2 6 nonvoting member of the state board. A vacancy in the
2 7 membership of the nonvoting student member shall not
2 8 be filled until the expiration of the term.
2 9 Sec. _____. Section 256.7, subsection 21, unnumbered
2 10 paragraph 1, Code 2003, is amended to read as follows:
2 11 Develop and adopt rules ~~by July 1, 1999,~~
2 12 incorporating accountability for, and reporting of,
2 13 student achievement into the standards and
2 14 accreditation process described in section 256.11.
2 15 The rules shall provide for all of the following:>
2 16 #2. Page 1, by inserting after line 31 the
2 17 following:
2 18 _____. Section 256.9, Code 2003, is amended by
2 19 adding the following new subsection:
2 20 NEW SUBSECTION. 53. Develop and implement a
2 21 statewide program of educational assessment reporting.
2 22 The director shall provide information needed to
2 23 improve public schools by collecting and disseminating
2 24 data and information resulting from assessments made
2 25 of public school students, to aid in the development

2 26 and evaluation of educational programs and policies by
2 27 school districts, and to inform parents of the
2 28 educational progress of their children in the public
2 29 schools. Information collected under the department's
2 30 statewide program of educational assessment reporting
2 31 shall be utilized as part of the state report card on
2 32 school performance and on statewide progress by the
2 33 state in accordance with implementation of the federal
2 34 No Child Left Behind Act of 2001, Pub. L. No. 107=110.

2 35 a. Not later than July 1, 2004, the department
2 36 shall maintain an internet site that reports the
2 37 following:

2 38 (1) Iowa tests of basic skills scores for each
2 39 school district that administers the test and for each
2 40 attendance center within the school district for
2 41 grades three through eight. Each school district
2 42 administering the Iowa test of basic skills shall
2 43 provide a report to the department relating to each
2 44 attendance center's test score averages and a
2 45 longitudinal analysis chart.

2 46 The report shall contain attendance=center=level
2 47 test results for the Iowa test of basic skills in the
2 48 areas of reading, expression, social studies,
2 49 mathematics, and science. The report shall include,
2 50 but shall not be limited to the number of students
3 1 tested, the number of test results used to compute the
3 2 averages, average standard score, the corresponding
3 3 grade equivalent score, average stanine score for the
3 4 group, and the normal curve equivalent of average
3 5 standard scores, and percentile ranks based on student
3 6 norms.

3 7 The longitudinal analysis chart shall use the
3 8 growth scores of the same group each year using
3 9 available reading, mathematics, and science scores.
3 10 The district shall develop a chart that provides grade
3 11 equivalent scores for grades three through eight and
3 12 gains between consecutive pairs of grades for each
3 13 attendance center and provides for a districtwide
3 14 study of grade equivalent scores.

3 15 (2) Iowa test of educational development scores
3 16 for each school district that administers the test and
3 17 for each attendance center within the school district
3 18 for grades nine through eleven. Each school district
3 19 administering the Iowa test of educational development
3 20 shall provide a report to the department relating to
3 21 each attendance center's test score averages.

3 22 b. Scores required to be reported under paragraph
3 23 "a", subparagraphs (1) and (2), shall be presented in
3 24 percentiles that allow for comparisons between
3 25 participating schools. The internet site shall
3 26 include background information regarding the tests,
3 27 including guidance for interpreting test scores and
3 28 the number of students that did not participate in the
3 29 tests and the reasons the students did not
3 30 participate.

3 31 Sec. _____. Section 256.18, subsection 2, unnumbered
3 32 paragraph 2, Code 2003, is amended by striking the
3 33 unnumbered paragraph.

3 34 Sec. _____. Section 256.39, subsection 8, Code 2003,
3 35 is amended by striking the subsection.

3 36 Sec. _____. Section 256A.4, subsection 1, unnumbered
3 37 paragraph 1, Code 2003, is amended to read as follows:

3 38 The board of directors of each school district may
3 39 develop and offer a program which provides outreach
3 40 and incentives for the voluntary participation of
3 41 expectant parents and parents of children in the
3 42 period of life from birth through age five, who reside
3 43 within district boundaries, in educational family
3 44 support experiences designed to assist parents in
3 45 learning about the physical, mental, and emotional
3 46 development of their children. ~~A district providing a~~

~~3 47 family support program, which seeks additional funding~~
~~3 48 under sections 294A.13 through 294A.16, shall meet the~~
~~3 49 requirements of this section and the program shall be~~
~~3 50 subject to approval by the department of education. A~~

4 1 board may contract with another school district or
4 2 public or private nonprofit agency for provision of
4 3 the approved program or program site.

4 4 Sec. 101. Section 256D.9, Code 2003, is amended to
4 5 read as follows:

4 6 256D.9 FUTURE REPEAL.

4 7 This chapter is repealed effective July 1, ~~2003~~
4 8 2004.

4 9 Sec. 102. Section 257.3, subsection 2, Code 2003,
4 10 is amended to read as follows:

4 11 2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

4 12 a. Notwithstanding subsection 1, a reorganized
4 13 school district shall cause a foundation property tax
4 14 of four dollars and forty cents per thousand dollars
4 15 of assessed valuation to be levied on all taxable
4 16 property which, in the year preceding a
4 17 reorganization, was within a school district affected
4 18 by the reorganization as defined in section 275.1, or
4 19 in the year preceding a dissolution was a part of a
4 20 school district that dissolved if the dissolution
4 21 proposal has been approved by the director of the
4 22 department of education pursuant to section 275.55.
4 23 ~~In the year preceding the reorganization or~~
4 24 ~~dissolution, the school district affected by the~~
4 25 ~~reorganization or the school district that dissolved~~
4 26 ~~must have had a certified enrollment of fewer than six~~
4 27 ~~hundred in order for the four-dollar-and-forty-cent~~
4 28 ~~levy to apply.~~

4 29 b. In succeeding school years, the foundation
4 30 property tax levy on that portion shall be increased
4 31 to the rate of four dollars and ninety cents per
4 32 thousand dollars of assessed valuation the first
4 33 succeeding year, five dollars and fifteen cents per
4 34 thousand dollars of assessed valuation the second
4 35 succeeding year, and five dollars and forty cents per
4 36 thousand dollars of assessed valuation the third
4 37 succeeding year and each year thereafter.

4 38 c. The foundation property tax levy reduction
4 39 pursuant to this subsection shall be available if
4 40 either of the following apply:

4 41 (1) In the year preceding the reorganization or
4 42 dissolution, the school district affected by the
4 43 reorganization or the school district that dissolved
4 44 had a certified enrollment of fewer than six hundred
4 45 pupils.

4 46 (2) In the year preceding the reorganization or
4 47 dissolution, the school district affected by the
4 48 reorganization or the school district that dissolved
4 49 had a certified enrollment of six hundred pupils or
4 50 greater, and entered into a reorganization or
5 1 dissolution with one or more school districts with a
5 2 certified enrollment of fewer than six hundred pupils.
5 3 The amount of foundation property tax reduction
5 4 received by a school district qualifying for the
5 5 reduction pursuant to this subparagraph shall not
5 6 exceed the highest reduction amount provided in
5 7 paragraphs "a" and "b" received by any of the school
5 8 districts with a certified enrollment of fewer than
5 9 six hundred pupils involved in the reorganization
5 10 pursuant to subparagraph (1) of this paragraph "c".

5 11 d. For purposes of this section, a reorganized
5 12 school district is one which absorbs at least thirty
5 13 percent of the enrollment of the school district
5 14 affected by a reorganization or dissolved during a
5 15 dissolution and in which action to bring about a
5 16 reorganization or dissolution is initiated by a vote
5 17 of the board of directors or jointly by the affected
5 18 boards of directors to take effect on or after July 1,
5 19 2002, and on or before July 1, 2006. Each district
5 20 which initiated, by a vote of the board of directors
5 21 or jointly by the affected boards, action to bring
5 22 about a reorganization or dissolution to take effect
5 23 on or after July 1, 2002, and on or before July 1,
5 24 2006, shall certify the date and the nature of the
5 25 action taken to the department of education by January
5 26 1 of the year in which the reorganization or
5 27 dissolution takes effect.

5 28 Sec. _____. Section 257.11, subsection 2, paragraph
5 29 c, subparagraph (2), Code 2003, is amended to read as
5 30 follows:

5 31 (2) A school district which was not participating
5 32 in a whole grade sharing arrangement during the budget
5 33 year beginning July 1, 2000, which executes a whole
5 34 grade sharing agreement pursuant to sections 282.10
5 35 through 282.12 for the budget year beginning July 1,
5 36 2002, ~~or~~ July 1, 2003, July 1, 2004, or July 1, 2005,
5 37 and which adopts a resolution jointly with the other

5 38 affected boards to study the question of undergoing a
5 39 reorganization or dissolution to take effect on or
5 40 before July 1, 2006, shall receive a weighting of one=
5 41 tenth of the percentage of the pupil's school day
5 42 during which the pupil attends classes in another
5 43 district, attends classes taught by a teacher who is
5 44 jointly employed under section 280.15, or attends
5 45 classes taught by a teacher who is employed by another
5 46 school district. A district shall be eligible for
5 47 supplementary weighting pursuant to this subparagraph
5 48 for a maximum of three years. Receipt of
5 49 supplementary weighting for a second and third year
5 50 shall be conditioned upon submission of information
6 1 resulting from the study to the school budget review
6 2 committee indicating progress toward the objective of
6 3 reorganization on or before July 1, 2006.

6 4 Sec. _____. Section 258.17, subsection 4, Code 2003,
6 5 is amended to read as follows:

6 6 4. Each workstart program shall include a written
6 7 agreement by the school or school district with one or
6 8 more businesses from the surrounding community to
6 9 provide workplace-specific training and learning
6 10 programs which are related to the skills needed to
6 11 succeed in those occupational areas. The proposed
6 12 plan for implementation of the workstart program shall
6 13 include a copy of the written agreement between the
6 14 school or school district and the business or
6 15 businesses and a business support component, which
6 16 shall consist of financial or in-kind support, or both
6 17 financial and in-kind support, from the businesses
6 18 that have entered into the agreement with the school
6 19 or school district. ~~The plan may provide for the
6 20 utilization of phase III and other available school
6 21 funds in the establishment of the program. A
6 22 workstart program is a comprehensive school
6 23 transformation program under section 294A.14.~~

6 24 Sec. _____. Section 262.9, Code 2003, is amended by
6 25 adding the following new subsection:

6 26 NEW SUBSECTION. 29. Develop a policy, not later
6 27 than August 1, 2003, that each institution of higher
6 28 education under the control of the board shall
6 29 approve, institute, and enforce, which prohibits
6 30 students, faculty, and staff from harassing,
6 31 intimidating, or displaying untoward negative behavior
6 32 directed at a student or any other person on
6 33 institution property who is wearing the uniform of, or
6 34 a distinctive part of the uniform of, the armed forces
6 35 of the United States. A policy developed in
6 36 accordance with this subsection shall not prohibit an
6 37 individual from wearing such a uniform on institution
6 38 property if the individual is authorized to wear the
6 39 uniform under the laws of a state or the United
6 40 States. The policy shall provide for appropriate
6 41 sanctions.

6 42 Sec. _____. Section 272.2, subsection 14, paragraph
6 43 b, subparagraph (1), subparagraph subdivision (b),
6 44 Code 2003, is amended by adding the following new
6 45 subparagraph subdivision part:

6 46 NEW SUBPARAGRAPH SUBDIVISION PART. (viii) Sexual
6 47 exploitation by a school employee.

6 48 Sec. _____. Section 272.2, Code 2003, is amended by
6 49 adding the following new subsection:

6 50 NEW SUBSECTION. 17. Adopt criteria for
7 1 administrative endorsements that allow a person to
7 2 achieve the endorsement authorizing the person to
7 3 serve as an elementary or secondary principal without
7 4 regard to the grade level at which the person accrued
7 5 teaching experience.

7 6 Sec. _____. NEW SECTION. 272.15 SCHOOL REPORTING
7 7 REQUIREMENT.

7 8 The board of directors of a school district or area
7 9 education agency, the superintendent of a school
7 10 district or the chief administrator of an area
7 11 education agency, and the authorities in charge of a
7 12 nonpublic school shall report to the board the
7 13 nonrenewal or termination, for reasons of alleged or
7 14 actual misconduct, of a person's contract executed
7 15 under sections 279.12, 279.13, 279.15 through 279.21,
7 16 279.23, and 279.24, and the resignation of a person
7 17 who holds a license, certificate, or authorization
7 18 issued by the board as a result of or following an

7 19 incident or allegation of misconduct that, if proven,
7 20 would constitute a violation of the rules adopted by
7 21 the board to implement section 272.2, subsection 14,
7 22 paragraph "b", subparagraph (1), when the board or
7 23 reporting official has a good faith belief that the
7 24 incident occurred or the allegation is true.
7 25 Information reported to the board in accordance with
7 26 this section is privileged and confidential, and,
7 27 except as provided in section 272.13, is not subject
7 28 to discovery, subpoena, or other means of legal
7 29 compulsion for its release to a person other than the
7 30 respondent and the board and its employees and agents
7 31 involved in licensee discipline, and is not admissible
7 32 in evidence in a judicial or administrative proceeding
7 33 other than the proceeding involving licensee
7 34 discipline. The board shall review the information
7 35 reported to determine whether a complaint should be
7 36 initiated. In making that determination, the board
7 37 shall consider the factors enumerated in section
7 38 272.2, subsection 14, paragraph "a". For purposes of
7 39 this section, unless the context otherwise requires,
7 40 "misconduct" means an action disqualifying an
7 41 applicant for a license or causing the license of a
7 42 person to be revoked or suspended in accordance with
7 43 the rules adopted by the board to implement section
7 44 272.2, subsection 14, paragraph "b", subparagraph
7 45 (1).>

7 46 #3. Page 3, line 15, by striking the word
7 47 and inserting the following: .
7 48 #4. By striking page 10, line 10, through page 11,
7 49 line 1.

7 50 #5. Page 11, by striking lines 2 through 15.

8 1 #6. Page 11, by inserting before line 16, the

8 2 following:

8 3 _____. Section 279.13, Code 2003, is amended
8 4 by adding the following new subsection:

8 5 NEW SUBSECTION. 4. Notwithstanding the other
8 6 provisions of this section, a temporary contract may
8 7 be issued to a teacher to fill a vacancy created by a
8 8 leave of absence in accordance with the provisions of
8 9 section 29A.28, which contract shall automatically
8 10 terminate upon return from military leave of the
8 11 former incumbent of the teaching position and which
8 12 contract shall not be subject to the provisions of
8 13 sections 279.15 through 279.19, or section 279.27. A
8 14 separate extracurricular contract issued pursuant to
8 15 section 279.19A to a person issued a temporary
8 16 contract under this section shall automatically
8 17 terminate with the termination of the temporary
8 18 contract as required under section 279.19A, subsection
8 19 8.

8 20 Sec. _____. Section 279.23, Code 2003, is amended by
8 21 adding the following new unnumbered paragraph:

8 22 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 23 other provisions of this section, a temporary contract
8 24 may be issued to an administrator to fill a vacancy
8 25 created by a leave of absence in accordance with the
8 26 provisions of section 29A.28, which contract shall
8 27 automatically terminate upon return from military
8 28 leave of the former incumbent of the administrator
8 29 position and which contract shall not be subject to
8 30 the provisions of sections 279.24 and section 279.25.>

8 31 #7. Page 12, by inserting after line 20 the
8 32 following:

8 33 8 34 2003, is amended to read as follows:

8 35 3. In all districts involved with voluntary or
8 36 court-ordered desegregation, minority and nonminority
8 37 pupil ratios shall be maintained according to the
8 38 desegregation plan or order. The superintendent of a
8 39 district subject to voluntary or court-ordered
8 40 desegregation may deny a request for transfer under
8 41 this section if the superintendent finds that
8 42 enrollment or release of a pupil will adversely affect
8 43 the district's implementation of the desegregation
8 44 order or plan, unless the transfer is requested by a
8 45 pupil whose sibling is already participating in open
8 46 enrollment to another district, or unless the request
8 47 for transfer is submitted to the district in a timely
8 48 manner as required under subsection 2 prior to the
8 49 adoption of a desegregation plan by the district. If
8 50 a transfer request would facilitate a voluntary or

9 1 court-ordered desegregation plan, the district shall
9 2 give priority to granting the request over other
9 3 requests.

9 4 A parent or guardian, whose request has been denied
9 5 because of a desegregation order or plan, may appeal
9 6 the decision of the superintendent to the board of the
9 7 district in which the request was denied. The board
9 8 may either uphold or overturn the superintendent's
9 9 decision. A decision of the board to uphold the
9 10 denial of the request is subject to appeal to the
9 11 district court in the county in which the primary
9 12 business office of the district is located. By July
9 13 1, 2004, the state board of education shall adopt
9 14 rules establishing guidelines and a review process for
9 15 school districts that adopt voluntary desegregation
9 16 plans. The guidelines shall include criteria and
9 17 standards that school districts must follow when
9 18 developing a voluntary desegregation plan. The
9 19 department of education shall provide technical
9 20 assistance to a school district that is seeking to
9 21 adopt a voluntary desegregation plan. A school
9 22 district implementing a voluntary desegregation plan
9 23 prior to July 1, 2004, shall have until July 1, 2006,
9 24 to comply with guidelines adopted by the state board
9 25 pursuant to this section.

9 26 Sec. ____ Section 282.18, subsection 7, Code 2003,
9 27 is amended to read as follows:

9 28 7. A pupil participating in open enrollment shall
9 29 be counted, for state school foundation aid purposes,
9 30 in the pupil's district of residence. A pupil's
9 31 residence, for purposes of this section, means a
9 32 residence under section 282.1. The board of directors
9 33 of the district of residence shall pay to the
9 34 receiving district the state cost per pupil for the
9 35 previous school year, plus any moneys received for the
9 36 pupil as a result of the non-English speaking
9 37 weighting under section 280.4, subsection 3, for the
9 38 previous school year multiplied by the state cost per
9 39 pupil for the previous year. ~~The district of~~
~~9 40 residence shall also transmit the phase III moneys~~
~~9 41 allocated to the district for the previous year for~~
~~9 42 the full-time equivalent attendance of the pupil, who~~
~~9 43 is the subject of the request, to the receiving~~
~~9 44 district specified in the request for transfer.~~ If
9 45 the pupil participating in open enrollment is also an
9 46 eligible pupil under chapter 261C, the receiving
9 47 district shall pay the tuition reimbursement amount to
9 48 an eligible postsecondary institution as provided in
9 49 section 261C.6.>

9 50 #8. Page 16, line 1, by striking the words
10 1 <teacher's supervisor> and inserting the following:
10 2 and the>.

10 3 #9. Page 18, by striking lines 25 and 26 and
10 4 inserting the following:

10 5 10 6 Code 2003, are amended to read as follows:
10 7 1. It is the intent of the general assembly to
10 8 create a statewide team-based variable pay program to
10 9 reward individual attendance centers for improvement
10 10 in student achievement. A pilot program is
10 11 established to give Iowa school districts with one or
10 12 more participating attendance centers the opportunity
10 13 to explore and demonstrate successful methods to
10 14 implement team-based variable pay and to compare
10 15 student achievement gains in school districts
10 16 participating in the program with gains in school
10 17 districts similar in nature that are not participating
10 18 in the program. The department shall develop and
10 19 administer the pilot program and shall provide
10 20 technical assistance in the areas of goal setting and
10 21 student assessments to school districts approved to
10 22 participate in the pilot program. Preference shall be
10 23 given to school districts that were previously
10 24 approved to participate in a pilot program
10 25 administered by the department in accordance with this
10 26 section. Each school district approved by the
10 27 department to participate in the pilot program shall
10 28 administer valid and reliable standardized assessments
10 29 at the beginning and end of the school year to
10 30 demonstrate growth in student achievement.
10 31 6. A district electing to initiate a team-based
10 32 variable pay plan according to this section during the

10 33 school year beginning July 1, ~~2001~~ 2003, shall notify
10 34 the department of its election in writing no later
10 35 than August 1, ~~2001~~ 2003. The department shall
10 36 certify the school district plan by October 1, ~~2001~~
10 37 2003.>

10 38 #10. Page 18, by inserting before line 27 the
10 39 following:

10 40 _____. Section 285.5, subsection 9, Code 2003,
10 41 is amended to read as follows:

10 42 9. All bus drivers, ~~except substitute and part=~~
10 43 ~~time bus drivers,~~ for school-owned equipment shall be
10 44 under contract with the board. The director of the
10 45 department of education shall prepare a uniform
10 46 contract containing provision not in conflict with
10 47 this chapter which shall be used by all school boards
10 48 in contracting with drivers of school-owned vehicles.>

10 49 #11. Page 19, by inserting after line 7 the
10 50 following:

11 1 _____. Section 294A.1, unnumbered paragraph 1,
11 2 Code 2003, is amended to read as follows:

11 3 The purpose of this chapter is to promote
11 4 excellence in education. In order to maintain and
11 5 advance the educational excellence in the state of
11 6 Iowa, this chapter establishes the Iowa educational
11 7 excellence program. The program shall consist of
11 8 ~~three two~~ major phases addressing the following:

11 9 Sec. _____. Section 294A.1, subsection 3, Code 2003,
11 10 is amended by striking the subsection.

11 11 Sec. _____. Section 294A.3, unnumbered paragraph 2,
11 12 Code 2003, is amended by striking the unnumbered
11 13 paragraph.

11 14 Sec. _____. Section 294A.22, unnumbered paragraph 3,
11 15 Code 2003, is amended to read as follows:

11 16 Payments made to a teacher by a school district or
11 17 area education agency under this chapter are wages for
11 18 the purposes of chapter 91A ~~except for payments made~~
11 19 ~~under an approved phase III plan where a modified~~
11 20 ~~payment plan has either been mutually agreed upon by~~
11 21 ~~the board of directors and the certified bargaining~~
11 22 ~~representative for certificated employees or for a~~
11 23 ~~district that is not organized for collective~~
11 24 ~~bargaining purposes where a modified payment plan is~~
11 25 ~~adopted by the board.>~~

11 26 #12. Page 19, by striking lines 8 through 32.

11 27 #13. Page 19, by inserting before line 33 the
11 28 following:

11 29 11 30 unnumbered paragraph 1, Code 2003, is amended to read
11 31 as follows:

11 32 Any of the following shall constitute grounds for a
11 33 school bus driver's immediate suspension from duties,
11 34 pending a termination hearing by the board of
11 35 directors of a public school district or the
11 36 authorities in charge in a nonpublic school if the bus
11 37 driver is under contract, pending confirmation of the
11 38 grounds by the school district or accredited nonpublic
11 39 school if the bus driver is a part-time or substitute
11 40 bus driver who is not under contract, or pending
11 41 confirmation of the grounds by the employer of the
11 42 school bus driver if the employer is not a school
11 43 district or accredited nonpublic school by the board:

11 44 Sec. _____. Section 321.375, subsection 2, Code
11 45 2003, is amended by adding the following new
11 46 paragraph:

11 47 NEW PARAGRAPH. e. A change in circumstances
11 48 indicating that the driver is no longer physically or
11 49 mentally competent. For the purpose of an insulin=
11 50 dependent diabetic, a change in circumstances includes
12 1 the following:

12 2 (1) Results of a glycosylated hemoglobin test
12 3 indicating values less than 6.0 percent or greater
12 4 than 9.5 percent unless accompanied by the required
12 5 medical opinion that the event was incidental and not
12 6 an indication of failure to control glucose levels.

12 7 (2) Results of self-monitoring indicate glucose
12 8 levels less than one hundred milligrams per deciliter
12 9 or greater than three hundred milligrams per
12 10 deciliter, until self-monitoring indicates compliance
12 11 with specifications.

12 12 (3) Experiencing a loss of consciousness or
12 13 control relating to diabetes.

12 14 (4) Failing to maintain or falsifying the required

12 15 reports.
12 16 Sec. _____. Section 321.375, Code 2003, is amended
12 17 by adding the following new subsection:
12 18 NEW SUBSECTION. 3. a. Notwithstanding any
12 19 provision to the contrary, an insulin-dependent
12 20 diabetic may qualify under subsection 1, paragraph
12 21 "d", for purposes of operating a school bus under this
12 22 section if a person identified by federal or state law
12 23 as authorized to perform physical examinations
12 24 annually provides a signed statement indicating that
12 25 based upon an annual physical examination the
12 26 individual is physically able to perform the required
12 27 functions despite insulin dependency. The insulin=
12 28 dependent diabetic shall not qualify to operate a
12 29 school bus if, at minimum, the individual results of a
12 30 glycosylated hemoglobin test indicate values less than
12 31 6.0 percent or greater than 9.5 percent on other than
12 32 an incidental basis and not as a result of failure to
12 33 control glucose levels. The statement shall also
12 34 indicate that within the past three years the insulin=
12 35 dependent diabetic has completed instruction to
12 36 address diabetes management and driving safety, signs
12 37 and symptoms of hypoglycemia and hyperglycemia, and
12 38 what procedures must be followed if complications
12 39 arise.

12 40 b. A school district or authorities in charge of
12 41 the nonpublic school that employs or otherwise secures
12 42 the services of an individual with an authorization
12 43 who is an insulin-dependent diabetic shall monitor the
12 44 insulin-dependent diabetic to determine that they are
12 45 in compliance with all of the following:

12 46 (1) Self-monitoring blood glucose and
12 47 demonstrating conformance with requirements, more than
12 48 one hundred milligrams per deciliter and less than
12 49 three hundred milligrams per deciliter, within one
12 50 hour before driving a school bus and approximately
13 1 every four hours while on duty using a United States
13 2 food and drug administration approved device.

13 3 (2) Reporting immediately to the school district
13 4 or school any failure to comply with specific glucose
13 5 level requirements as listed in subparagraph (1) or
13 6 loss of consciousness or control.

13 7 (3) Carrying a source of readily absorbable, fast=
13 8 acting glucose while on duty.

13 9 (4) Maintaining a daily log of all glucose test
13 10 results for the previous six-month period and
13 11 providing copies to the school district or school, the
13 12 examining physician, and the department of education
13 13 upon request.

13 14 (5) Submitting all required department of
13 15 education forms within the prescribed timelines.>

13 16 #14. Page 20, by inserting after line 7 the
13 17 following:

13 18 _____. Section 331.909, subsection 2, Code
13 19 2003, is amended to read as follows:

13 20 2. The activities of a multidisciplinary community
13 21 services team shall not duplicate the activities of a
13 22 multidisciplinary team for child abuse under section
13 23 235A.13, dependent adult abuse activities under
13 24 section 235B.6, ~~area education agency activities under~~
~~13 25 section 294A.14,~~ or child victim services provided
13 26 under section 915.35.

13 27 Sec. _____. Section 614.1, subsection 12, Code 2003,
13 28 is amended to read as follows:

13 29 12. SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A
13 30 COUNSELOR, OR THERAPIST, OR SCHOOL EMPLOYEE. An
13 31 action for damages for injury suffered as a result of
13 32 sexual abuse, as defined in section 709.1, by a
13 33 counselor, ~~or~~ therapist, or school employee, as
13 34 defined in section 709.15, or as a result of sexual
13 35 exploitation by a counselor, ~~or~~ therapist, or school
~~13 36 employee~~ shall be brought within five years of the
13 37 date the victim was last treated by the counselor or
13 38 therapist, or within five years of the date the victim
~~13 39 was last enrolled in or attended the school.~~

13 40 Sec. _____. Section 692A.1, subsection 10, Code
13 41 2003, is amended to read as follows:

13 42 10. "Sexual exploitation" means sexual
13 43 exploitation by a counselor, ~~or~~ therapist, or school
~~13 44 employee~~ under section 709.15.

13 45 Sec. _____. Section 702.11, subsection 2, paragraph

13 46 d, Code 2003, is amended to read as follows:
13 47 d. Sexual exploitation by a counselor, ~~or~~
13 48 therapist, or school employee in violation of section
13 49 709.15.
13 50 Sec. _____. Section 709.15, Code 2003, is amended to
14 1 read as follows:
14 2 709.15 SEXUAL EXPLOITATION BY A COUNSELOR, ~~OR~~
14 3 THERAPIST, OR SCHOOL EMPLOYEE.
14 4 1. As used in this section:
14 5 a. "Counselor or therapist" means a physician,
14 6 psychologist, nurse, professional counselor, social
14 7 worker, marriage or family therapist, alcohol or drug
14 8 counselor, member of the clergy, or any other person,
14 9 whether or not licensed or registered by the state,
14 10 who provides or purports to provide mental health
14 11 services.
14 12 b. "Emotionally dependent" means that the nature
14 13 of the patient's or client's or former patient's or
14 14 client's emotional condition or the nature of the
14 15 treatment provided by the counselor or therapist is
14 16 such that the counselor or therapist knows or has
14 17 reason to know that the patient or client or former
14 18 patient or client is significantly impaired in the
14 19 ability to withhold consent to sexual conduct, as
14 20 described in ~~paragraph "f" subsection 2~~, by the
14 21 counselor or therapist.
14 22 For the purposes of ~~paragraph "f" subsection 2~~, a
14 23 former patient or client is presumed to be emotionally
14 24 dependent for one year following the termination of
14 25 the provision of mental health services.
14 26 c. "Former patient or client" means a person who
14 27 received mental health services from the counselor or
14 28 therapist.
14 29 d. "Mental health service" means the treatment,
14 30 assessment, or counseling of another person for a
14 31 cognitive, behavioral, emotional, mental, or social
14 32 dysfunction, including an intrapersonal or
14 33 interpersonal dysfunction.
14 34 e. "Patient or client" means a person who receives
14 35 mental health services from the counselor or
14 36 therapist.
14 37 ~~f. "School employee" means a practitioner as~~
14 38 ~~defined in section 272.1.~~
14 39 g. "Student" means a person who is currently
14 40 enrolled in or attending a public or nonpublic
14 41 elementary or secondary school, or who was a student
14 42 enrolled in or attended a public or nonpublic
14 43 elementary or secondary school within thirty days of
14 44 any violation of subsection 3.
14 45 ~~f. 2. "Sexual Sexual~~ exploita
14 46 ~~or therapist" therapist~~ occurs when any of the
14 47 following are found:
14 48 ~~(1) a.~~ A pattern or practice or scheme of conduct
14 49 to engage in any of the conduct described in
14 50 ~~subparagraph (2) or (3) paragraph "b" or "c".~~
15 1 ~~(2) b.~~ Any sexual conduct, with an emotionally
15 2 dependent patient or client or emotionally dependent
15 3 former patient or client for the purpose of arousing
15 4 or satisfying the sexual desires of the counselor or
15 5 therapist or the emotionally dependent patient or
15 6 client or emotionally dependent former patient or
15 7 client, which includes but is not limited to the
15 8 following: kissing; touching of the clothed or
15 9 unclothed inner thigh, breast, groin, buttock, anus,
15 10 pubes, or genitals; or a sex act as defined in section
15 11 702.17.
15 12 ~~(3) c.~~ Any sexual conduct with a patient or client
15 13 or former patient or client within one year of the
15 14 termination of the provision of mental health services
15 15 by the counselor or therapist for the purpose of
15 16 arousing or satisfying the sexual desires of the
15 17 counselor or therapist or the patient or client or
15 18 former patient or client which includes but is not
15 19 limited to the following: kissing; touching of the
15 20 clothed or unclothed inner thigh, breast, groin,
15 21 buttock, anus, pubes, or genitals; or a sex act as
15 22 defined in section 702.17.
15 23 ~~"Sexual Sexual~~ exploitation by a counselor or
15 24 ~~therapist" therapist~~ does not include touching which
15 25 is part of a necessary examination or treatment
15 26 provided a patient or client by a counselor or

15 27 therapist acting within the scope of the practice or
15 28 employment in which the counselor or therapist is
15 29 engaged.
15 30 3. Sexual exploitation by a school employee occurs
15 31 when any of the following are found:
15 32 a. A pattern or practice or scheme of conduct to
15 33 engage in any of the conduct described in paragraph
15 34 "b".
15 35 b. Any sexual conduct with a student for the
15 36 purpose of arousing or satisfying the sexual desires
15 37 of the school employee or the student. Sexual conduct
15 38 includes but is not limited to the following:
15 39 kissing; touching of the clothed or unclothed inner
15 40 thigh, breast, groin, buttock, anus, pubes, or
15 41 genitals; or a sex act as defined in section 702.17.
15 42 Sexual exploitation by a school employee does not
15 43 include touching that is necessary in the performance
15 44 of the school employee's duties while acting within
15 45 the scope of employment.

15 46 ~~2- 4.~~ a. A counselor or therapist who commits
15 47 sexual exploitation in violation of subsection 2,
15 48 paragraph "f" "a", subparagraph (1), commits a class
15 49 "D" felony.
15 50 ~~3-~~ b. A counselor or therapist who commits sexual
16 1 exploitation in violation of subsection 2, paragraph
16 2 ~~"f" "b", subparagraph (2),~~ commits an aggravated
16 3 misdemeanor.
16 4 ~~4-~~ c. A counselor or therapist who commits sexual
16 5 exploitation in violation of subsection 2, paragraph
16 6 ~~"f" "c", subparagraph (3),~~ commits a serious
16 7 misdemeanor. In lieu of the sentence provided for
16 8 under section 903.1, subsection 1, paragraph "b", the
16 9 offender may be required to attend a sexual abuser
16 10 treatment program.

16 11 5. a. A school employee who commits sexual
16 12 exploitation in violation of subsection 3, paragraph
16 13 "a", commits a class "D" felony.
16 14 b. A school employee who commits sexual
16 15 exploitation in violation of subsection 3, paragraph
16 16 "b", commits an aggravated misdemeanor.

16 17 Sec. ____. Section 802.2A, subsection 2, Code 2003,
16 18 is amended to read as follows:

16 19 2. An indictment or information for sexual
16 20 exploitation by a counselor, ~~or therapist, or school~~
16 21 employee under section 709.15 committed on or with a
16 22 person who is under the age of eighteen shall be found
16 23 within ten years after the person upon whom the
16 24 offense is committed attains eighteen years of age.
16 25 An information or indictment for any other sexual
16 26 exploitation shall be found within ten years of the
16 27 date the victim was last treated by the counselor or
16 28 therapist, or within ten years of the date the victim
16 29 was enrolled in or attended the school.

16 30 Sec. ____. Section 903B.1, subsection 4, paragraph
16 31 h, Code 2003, is amended to read as follows:

16 32 h. Sexual exploitation by a counselor in violation
16 33 of section 709.15.>

16 34 #15. Page 21, by inserting after line 25 the
16 35 following:

16 36 16 37 1. Recognizing the state's goals of assisting
16 38 children to grow, develop, and learn to their fullest
16 39 extent, empowering students in grades kindergarten
16 40 through eight to become good readers, and supporting
16 41 student achievement and overall academic performance,
16 42 and recognizing the importance of instructional
16 43 methodologies and strategies for reading, a reading
16 44 instruction pilot program is established. The
16 45 objective of the program shall be to improve student
16 46 reading achievement and provide interventions needed
16 47 to assist struggling readers by increasing teacher
16 48 capacity to provide reading instruction.

16 49 2. The program shall be established for the school
16 50 year beginning July 1, 2003, in a school district with
17 1 an enrollment of at least six hundred pupils in grades
17 2 kindergarten through twelve, or in two or more school
17 3 districts, each with enrollments of less than six
17 4 hundred pupils in grades kindergarten through twelve,
17 5 jointly participating in the program and with a
17 6 combined enrollment of at least six hundred pupils in
17 7 grades kindergarten through twelve. The program shall
17 8 involve the implementation of systematic intensive

17 9 phonics reading instruction and direct instruction for
17 10 students up to and including the eighth grade. The
17 11 program shall meet the standards set forth by the
17 12 United States department of education's national
17 13 institute for literacy, which has identified the five
17 14 areas of successful reading instruction as phonemic
17 15 awareness, phonics, fluency, vocabulary, and text
17 16 comprehension.

17 17 3. The program shall offer training and ongoing
17 18 support for participating teachers and provide
17 19 continuous formal and informal student assessment to
17 20 demonstrate results. Teachers in the school district
17 21 or group of districts selected shall, prior to the
17 22 beginning of classes for the school year beginning
17 23 July 1, 2003, participate in an in-service training
17 24 program to prepare for implementation of the program.
17 25 The in-service training shall include education and
17 26 training in curriculum content and methods of
17 27 instruction relating to systematic intensive phonics
17 28 reading instruction and direct instruction, student
17 29 assessment procedures and techniques, and effective
17 30 interventions to address specific reading
17 31 difficulties, and shall continue on an ongoing basis
17 32 throughout the school year.

17 33 4. The program shall be administered by the
17 34 department of education. The department shall provide
17 35 notice to school districts regarding the existence of
17 36 the program, shall provide technical assistance
17 37 regarding application submission and information
17 38 regarding program objectives and operation, and shall
17 39 provide program implementation assistance to the
17 40 school district or group of districts selected. A
17 41 school district or group of districts wishing to
17 42 participate shall submit an application to the
17 43 department and the department shall, before July 1,
17 44 2003, select a school district or group of districts
17 45 for participation in the pilot program. In the
17 46 application the school district or group of districts
17 47 shall propose a districtwide plan for effective
17 48 reading interventions involving an approach to
17 49 beginning reading instruction and boosting the reading
17 50 levels of students using systematic intensive phonics
18 1 instruction and direct instruction. A school district
18 2 submitting an application shall also indicate a
18 3 willingness to provide faculty committed to
18 4 implementation of the program and participation in the
18 5 in-service training, and shall include a plan for
18 6 conducting pretesting and posttesting to demonstrate
18 7 results. The department shall select for
18 8 participation a school district or group of districts,
18 9 after consultation with the chairpersons and ranking
18 10 members of the senate and house standing committees on
18 11 education, which demonstrates an ability to implement
18 12 program requirements and adhere to the national
18 13 institute for literacy standards.

18 14 5. Upon completion of the pilot program, the
18 15 school district shall submit a report to the
18 16 department regarding the impact of the program on
18 17 student academic achievement. The department shall
18 18 prepare a report summarizing these results, and
18 19 comparing them to student academic achievement gains
18 20 in similar school districts that did not participate
18 21 in the program. The department report shall include
18 22 recommendations for statewide implementation of the
18 23 pilot program, and shall be submitted to the
18 24 chairpersons and ranking members of the senate and
18 25 house standing committees on education by December 15,
18 26 2004.

18 27 6. The establishment of the program pursuant to
18 28 this section shall be contingent upon an appropriation
18 29 for purposes of the program for the fiscal year
18 30 beginning July 1, 2003, and ending June 30, 2004.
18 31 Funds provided to the school district or group of
18 32 districts selected shall be used by the district or
18 33 group of districts to provide stipends and travel
18 34 expense payments during the summer teacher in-service
18 35 training, ongoing training and support during the
18 36 school year, expense payments relating to data
18 37 collection, and payments for the costs of reading
18 38 instruction relating to the program.>

18 39 #16. Page 21, by striking line 26 and inserting

18 40 the following:
18 41 _____. Sections 294A.12 through 294A.20, and
18 42 294A.23, Code 2003, are>.
18 43 [#17](#). Page 21, by inserting after line 27 the
18 44 following:
18 45 _____. EFFECTIVE DATES.
18 46 1. Section 101 of this Act, relating to the repeal
18 47 of chapter 256D, being deemed of immediate importance
18 48 takes effect upon enactment.
18 49 2. Section 102 of this Act, relating to school
18 50 reorganization incentives, being deemed of immediate
19 1 importance, takes effect upon enactment.
19 2 3. Section 104 of this Act, relating to a reading
19 3 instruction pilot program, being deemed of immediate
19 4 importance, takes effect upon enactment.
19 5 Sec. _____. EFFECTIVE AND RETROACTIVE APPLICABILITY
19 6 PROVISION. Section 103 of this Act, relating to a
19 7 request for open enrollment submitted to a district
19 8 prior to the district's adoption of a desegregation
19 9 plan, being deemed of immediate importance, takes
19 10 effect upon enactment and applies retroactively to
19 11 July 1, 2002, for open enrollment transfer requests
19 12 received by a school district on or after July 1,
19 13 2002.>
19 14 [#18](#). Title page, by striking line 2, and inserting
19 15 the following: 19 16 examiners, the state board of regents and its
19 17 universities, and school boards, and to property tax
19 18 school reorganization incentives; requiring the
19 19 establishment of a reading instruction pilot program;
19 20 and including effective and retroactive applicability
19 21 date provisions.>
19 22 [#19](#). By renumbering, redesignating, and correcting
19 23 internal references as necessary.
19 24
19 25
19 26
19 27 _____
19 27 NANCY BOETTGER
19 28 HF 549.314 80
19 29 kh/cf