

Senate File 423

S-3068

1 Amend Senate File 423 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <DIVISION I

5 REPEAL OF DEPARTMENT OF EDUCATION AND  
6 STATE BOARD OF EDUCATION

7 Section 1. NEW SECTION. 256B.16 **Transfer of**  
8 **authority and duties.**

9 1. Beginning July 1, 2014, the authority and  
10 duties of the department of education, the division  
11 of special education created under section 256B.1,  
12 the state board of education, and the director of the  
13 department of education under this chapter shall to the  
14 extent feasible be transferred to the appropriate area  
15 education agency where such special education services  
16 are being provided. Accordingly, beginning July 1,  
17 2014, all references to the department of education or  
18 the division of special education under this chapter  
19 and references to the department of education or the  
20 division of special education under other provisions  
21 of law relating to this chapter shall mean the  
22 applicable area education agency and all references to  
23 the state board of education or the director of the  
24 department of education under this chapter or other  
25 provisions of law relating to this chapter shall mean  
26 the board of directors of the area education agency  
27 and the administrator of the area education agency  
28 respectively.

29 2. Any moneys remaining in any account or fund  
30 under the control of the department of education at the  
31 conclusion of the fiscal year beginning July 1, 2013,  
32 relative to the provisions of this chapter shall be  
33 transferred to the control of the department of human  
34 services for such purposes. Notwithstanding section  
35 8.33, the moneys transferred in accordance with this  
36 subsection shall not revert to the account or fund from  
37 which appropriated or transferred.

38 3. Any contract entered into by the department  
39 of education relating to the provisions of this  
40 chapter in effect at the conclusion of the fiscal year  
41 beginning July 1, 2013, shall continue in full force  
42 and effect pending transfer of such contracts to the  
43 area education agencies.

44 4. Any rule, regulation, form, order, or directive  
45 promulgated by the department of education relative  
46 to the provisions of this chapter in existence at the  
47 conclusion of the fiscal year beginning July 1, 2013,  
48 shall continue in full force and effect.

49 5. In regard to updating references and format in  
50 the Iowa administrative code in order to correspond

1 to the transferring of duties of this chapter, the  
2 administrative rules coordinator and the administrative  
3 rules review committee, in consultation with the  
4 administrative code editor, shall jointly develop  
5 a schedule for the necessary updating of the Iowa  
6 administrative code.

7 Sec. 2. Section 256C.1, Code 2013, is amended to  
8 read as follows:

9 **256C.1 Definitions.**

10 As used in this chapter:

11 1. *Approved local program* means a school  
12 district's program for four-year-old children approved  
13 by the department of education to provide high quality  
14 preschool instruction.

15 2. *Department* means the department of education.

16 3. *Director* means the director of the department  
17 of education.

18 4. 2. *Preschool program* means the statewide  
19 preschool program for four-year-old children created in  
20 accordance with this chapter.

21 5. 3. *School district approved to participate in*  
22 *the preschool program* means a school district that  
23 meets the school district requirements under section  
24 256C.3 and has been approved by the department to  
25 participate in the preschool program.

26 6. *State board* means the state board of  
27 education.

28 Sec. 3. Section 256C.2, subsection 2, Code 2013, is  
29 amended by striking the subsection.

30 Sec. 4. Section 256C.3, subsection 2, paragraph  
31 a, subparagraph (3), Code 2013, is amended to read as  
32 follows:

33 (3) The individual possesses a bachelor's or  
34 graduate degree from an accredited college or  
35 university with a major in early childhood education  
36 or other appropriate major ~~identified in rule by the~~  
37 department as determined by the school district's board  
38 of directors.

39 Sec. 5. Section 256C.3, subsection 3, unnumbered  
40 paragraph 1, Code 2013, is amended to read as follows:

41 ~~The state board shall adopt rules to further define~~  
42 ~~the following preschool program requirements which~~  
43 ~~shall be used to determine whether or not a~~ Each local  
44 program implemented by a school district approved  
45 to implement the preschool program qualifies as an  
46 approved local program shall address or conform with  
47 all of the following:

48 Sec. 6. Section 256C.3, subsection 3, paragraph e,  
49 Code 2013, is amended to read as follows:

50 e. Collaboration with participating families, early

1 care providers, and community partners including but  
2 not limited to early childhood Iowa area boards, head  
3 start programs, shared visions and other programs  
4 ~~provided under the auspices of the child development~~  
5 ~~coordinating council~~, licensed child care centers,  
6 registered child development homes, area education  
7 agencies, child care resource and referral services  
8 provided under section 237A.26, early childhood special  
9 education programs, services funded by Tit. I of the  
10 federal Elementary and Secondary Education Act of 1965,  
11 and family support programs.

12 Sec. 7. Section 256C.3, subsection 4, Code 2013,  
13 is amended by striking the subsection and inserting in  
14 lieu thereof the following:

15 4. *School district requirements.*

16 a. Subject to implementation of chapter  
17 28E agreements between a school district and  
18 community-based providers of services to four-year-old  
19 children, a four-year-old child who is enrolled in a  
20 child care center or child development home licensed  
21 or registered under chapter 237A, or in an existing  
22 public or private preschool program, shall be eligible  
23 for services provided by the school district's local  
24 preschool program.

25 b. Professional development for school district  
26 preschool teachers shall be addressed in the school  
27 district's professional development plan implemented in  
28 accordance with section 284.6.

29 Sec. 8. Section 256C.3, subsection 5, Code 2013, is  
30 amended by striking the subsection.

31 Sec. 9. Section 256C.4, subsection 1, paragraph d,  
32 Code 2013, is amended to read as follows:

33 d. Preschool foundation aid funding shall not  
34 be commingled with the other state aid payments made  
35 under section 257.16 to a school district and shall be  
36 accounted for by the local school district separately  
37 from the other state aid payments. Preschool  
38 foundation aid payments made to school districts are  
39 miscellaneous income for purposes of chapter 257. A  
40 school district shall maintain a separate listing  
41 within its budget for preschool foundation aid payments  
42 received and expenditures made. ~~A school district~~  
43 ~~shall certify to the department of education that~~  
44 ~~preschool~~ Preschool foundation aid funding received by  
45 the school district ~~was~~ shall be used to supplement,  
46 not supplant, moneys otherwise received and used by the  
47 school district for preschool programming.

48 Sec. 10. Section 256C.4, subsection 2, paragraph b,  
49 Code 2013, is amended to read as follows:

50 b. The enrollment count of eligible students shall

1 not include a child who is included in the enrollment  
2 count determined under section 257.6 or a child who is  
3 served by a program already receiving state or federal  
4 funds for the purpose of the provision of four-year-old  
5 preschool programming while the child is being served  
6 by the program. Such preschool programming includes  
7 but is not limited to ~~child development assistance~~  
8 ~~programs provided under chapter 256A,~~ special education  
9 programs provided under section 256B.9, school ready  
10 children grant programs and other programs provided  
11 under chapter 256I, and federal head start programs and  
12 the services funded by Tit. I of the federal Elementary  
13 and Secondary Education Act of 1965.

14 Sec. 11. Section 256C.5, subsection 2, Code 2013,  
15 is amended to read as follows:

16 2. *Preschool foundation aid district amount.*

17 a. For the initial school year for which a school  
18 district approved to participate in the preschool  
19 program ~~receives that approval and~~ implements the  
20 preschool program, the funding for the preschool  
21 foundation aid payable to that school district shall  
22 be paid from the appropriation made for that school  
23 year in section 256C.6, Code 2011, or in another  
24 appropriation made for purposes of this chapter. For  
25 that school year, the preschool foundation aid payable  
26 to the school district is the product of the regular  
27 program state cost per pupil for the school year  
28 multiplied by sixty percent of the school district's  
29 eligible student enrollment on the date in the school  
30 year ~~determined by rule.~~

31 b. For budget years subsequent to the initial  
32 school year for which a school district approved  
33 to participate in the preschool program ~~receives~~  
34 ~~that initial approval and~~ implements the preschool  
35 program, the funding for the preschool foundation aid  
36 payable to that school district shall be paid from the  
37 appropriation made in section 257.16. ~~Continuation~~  
38 ~~of a school district's participation in the preschool~~  
39 ~~program for a second or subsequent budget year is~~  
40 ~~subject to the approval of the department based upon~~  
41 ~~the school district's compliance with accountability~~  
42 ~~provisions and the department's on-site review of the~~  
43 ~~school district's implementation of the preschool~~  
44 ~~program.~~

45 Sec. 12. Section 256C.5, subsection 4, Code 2013,  
46 is amended by striking the subsection.

47 Sec. 13. NEW SECTION. 256F.12 **Transfer of**  
48 **authority and duties.**

49 1. Beginning July 1, 2014, the authority and duties  
50 of the department of education, the state board, and

1 the director of the department of education under this  
2 chapter, to the extent feasible, shall be transferred  
3 to the board of directors of the community college  
4 serving the merged area in which the charter school  
5 or innovation zone school, or such proposed school,  
6 is located. Accordingly, beginning July 1, 2014, all  
7 references to the department of education, the state  
8 board of education, and the director of the department  
9 of education under this chapter or other provisions of  
10 law relating to this chapter shall mean the board of  
11 directors of the community college serving the merged  
12 area in which the charter school or innovation zone  
13 school, or such proposed school, is located.

14 2. Any contract entered into by the department of  
15 education relating to the provisions of this chapter in  
16 effect at the conclusion of the fiscal year beginning  
17 July 1, 2013, shall continue in full force and effect  
18 pending transfer of such contracts to the appropriate  
19 community college board of directors.

20 3. Any rule, regulation, form, order, or directive  
21 promulgated by the department of education relative  
22 to the provisions of this chapter in existence at the  
23 conclusion of the fiscal year beginning July 1, 2013,  
24 shall continue in full force and effect.

25 **Sec. 14. NEW SECTION. 256H.4 Transfer of authority**  
26 **and duties.**

27 1. Beginning July 1, 2014, the authority and duties  
28 of the department of education and the director of  
29 the department of education under this chapter shall  
30 be transferred to the adjutant general of the state.  
31 Accordingly, beginning July 1, 2014, all references to  
32 the department of education and the director of the  
33 department of education under this chapter or other  
34 provisions of law relating to this chapter shall mean  
35 adjutant general of the state.

36 2. Any contract entered into by the department of  
37 education relating to the provisions of this chapter in  
38 effect at the conclusion of the fiscal year beginning  
39 July 1, 2013, shall continue in full force and effect  
40 pending transfer of such contracts to the adjutant  
41 general of the state.

42 3. Any rule, regulation, form, order, or directive  
43 promulgated by the department of education relative  
44 to the provisions of this chapter in existence upon  
45 conclusion of the fiscal year beginning July 1, 2013,  
46 shall continue in full force and effect.

47 **Sec. 15. NEW SECTION. 256I.13 Transfer of**  
48 **authority and duties.**

49 1. Beginning July 1, 2014, the authority and  
50 duties of the department of education and the director

1 of the department of education under this chapter  
2 shall be transferred to the department of management  
3 and the director of the department of management.  
4 Accordingly, beginning July 1, 2014, all references  
5 to the department of education or the director of the  
6 department of education under this chapter or under  
7 other provisions of law relating to this chapter shall  
8 mean the department of management and the director of  
9 the department of management.

10 2. Any moneys remaining in any account or fund  
11 under the control of the department of education at  
12 the conclusion of the fiscal year beginning July 1,  
13 2013, relative to the provisions of this chapter shall  
14 be transferred to the control of the department of  
15 management for such purposes. Notwithstanding section  
16 8.33, the moneys transferred in accordance with this  
17 subsection shall not revert to the account or fund from  
18 which appropriated or transferred.

19 3. Any contract entered into by the department of  
20 education relating to the provisions of this chapter in  
21 effect at the conclusion of the fiscal year beginning  
22 July 1, 2013, shall continue in full force and effect  
23 pending transfer of such contracts to the department of  
24 management.

25 4. Any rule, regulation, form, order, or directive  
26 promulgated by the department of education relative  
27 to the provisions of this chapter in existence at the  
28 conclusion of the fiscal year beginning July 1, 2013,  
29 shall continue in full force and effect until amended,  
30 repealed, or supplemented by affirmative action of the  
31 department of management under the duties and powers  
32 established in this chapter and under the procedure  
33 established in subsection 5.

34 5. In regard to updating references and format in  
35 the Iowa administrative code in order to correspond  
36 to the transferring of duties of this chapter, the  
37 administrative rules coordinator and the administrative  
38 rules review committee, in consultation with the  
39 administrative code editor, shall jointly develop  
40 a schedule for the necessary updating of the Iowa  
41 administrative code.

42 Sec. 16. Section 257C.5, subsection 1, Code 2013,  
43 is amended to read as follows:

44 1. The powers of the authority are vested in and  
45 exercised by a board consisting of five members,  
46 including the treasurer of state, ~~the director of~~  
47 ~~the department of education,~~ and the director of  
48 the department of management, and ~~two~~ three members  
49 appointed by the governor, subject to confirmation  
50 by the senate. The state officials may designate

1 representatives to serve on the board for them. As far  
2 as possible, the governor shall appoint members who are  
3 knowledgeable or experienced in the school systems of  
4 this state or in finance.

5 Sec. 17. NEW SECTION. 258.18 **Transfer of authority**  
6 **and duties.**

7 1. Beginning July 1, 2014, the authority and  
8 duties of the department of education, the state board  
9 of education, and the director of the department of  
10 education under this chapter shall be transferred  
11 to the department of workforce development and the  
12 director of the department of workforce development.  
13 Accordingly, beginning July 1, 2014, all references  
14 to the department of education under this chapter  
15 and references to the department of education under  
16 other provisions of law relating to this chapter shall  
17 mean the department of workforce development and all  
18 references to the state board of education or the  
19 director of the department of education under this  
20 chapter or other provisions of law relating to this  
21 chapter shall mean the director of the department of  
22 workforce development.

23 2. Any moneys remaining in any account or fund  
24 under the control of the department of education  
25 at the conclusion of the fiscal year beginning  
26 July 1, 2013, relative to the provisions of this  
27 chapter shall be transferred to the control of the  
28 department of workforce development for such purposes.  
29 Notwithstanding section 8.33, the moneys transferred in  
30 accordance with this subsection shall not revert to the  
31 account or fund from which appropriated or transferred.

32 3. Any contract entered into by the department of  
33 education relating to the provisions of this chapter in  
34 effect at the conclusion of the fiscal year beginning  
35 July 1, 2013, shall continue in full force and effect  
36 pending transfer of such contracts to the department  
37 of workforce development.

38 4. Any rule, regulation, form, order, or directive  
39 promulgated by the department of education relative  
40 to the provisions of this chapter in existence at the  
41 conclusion of the fiscal year beginning July 1, 2013,  
42 shall continue in full force and effect until amended,  
43 repealed, or supplemented by affirmative action of the  
44 department of workforce development under the duties  
45 and powers established in this chapter and under the  
46 procedure established in subsection 5.

47 5. In regard to updating references and format in  
48 the Iowa administrative code in order to correspond  
49 to the transferring of duties of this chapter, the  
50 administrative rules coordinator and the administrative

1 rules review committee, in consultation with the  
2 administrative code editor, shall jointly develop  
3 a schedule for the necessary updating of the Iowa  
4 administrative code.

5 Sec. 18. NEW SECTION. **259.1A Transfer of authority**  
6 **and duties.**

7 1. Beginning July 1, 2014, the authority and  
8 duties of the department of education, the state board  
9 of education, and the director of the department of  
10 education under this chapter shall be transferred  
11 to the department of workforce development and the  
12 director of the department of workforce development.  
13 Accordingly, beginning July 1, 2014, all references  
14 to the department of education under this chapter  
15 and references to the department of education under  
16 other provisions of law relating to this chapter shall  
17 mean the department of workforce development and all  
18 references to the state board of education or the  
19 director of the department of education under this  
20 chapter or other provisions of law relating to this  
21 chapter shall mean the director of the department of  
22 workforce development.

23 2. Beginning July 1, 2014, the division of  
24 vocational rehabilitation services created within the  
25 department of education under section 259.3 shall be  
26 transferred to the department of workforce development.

27 3. Any moneys remaining in any account or fund  
28 under the control of the department of education  
29 at the conclusion of the fiscal year beginning  
30 July 1, 2013, relative to the provisions of this  
31 chapter shall be transferred to the control of the  
32 department of workforce development for such purposes.  
33 Notwithstanding section 8.33, the moneys transferred in  
34 accordance with this subsection shall not revert to the  
35 account or fund from which appropriated or transferred.

36 4. Any contract entered into by the department of  
37 education relating to the provisions of this chapter in  
38 effect at the conclusion of the fiscal year beginning  
39 July 1, 2013, shall continue in full force and effect  
40 pending transfer of such contracts to the department  
41 of workforce development.

42 5. Any rule, regulation, form, order, or directive  
43 promulgated by the department of education relative  
44 to the provisions of this chapter in existence at the  
45 conclusion of the fiscal year beginning July 1, 2013,  
46 shall continue in full force and effect until amended,  
47 repealed, or supplemented by affirmative action of the  
48 department of workforce development under the duties  
49 and powers established in this chapter and under the  
50 procedure established in subsection 6.



1 6. In regard to updating references and format in  
2 the Iowa administrative code in order to correspond  
3 to the transferring of duties of this chapter, the  
4 administrative rules coordinator and the administrative  
5 rules review committee, in consultation with the  
6 administrative code editor, shall jointly develop  
7 a schedule for the necessary updating of the Iowa  
8 administrative code.

9 Sec. 19. Section 259A.1, Code 2013, is amended to  
10 read as follows:

11 **259A.1 Tests.**

12 ~~The department of education~~ Each board of directors  
13 of the community college serving the merged area shall  
14 cause to be made available for qualified individuals  
15 a high school equivalency diploma. The diploma shall  
16 be issued on the basis of satisfactory competence as  
17 shown by tests covering all of the following: reading,  
18 arts, language arts, writing, mathematics, science, and  
19 social studies.

20 Sec. 20. Section 259A.2, unnumbered paragraph 2,  
21 Code 2013, is amended to read as follows:

22 Application shall be made to a testing center  
23 approved by the ~~department of education~~ board of  
24 directors of the community college serving the merged  
25 area, accompanied by an application fee in an amount  
26 prescribed by the department board of directors of the  
27 community college. The test scores shall be forwarded  
28 by the testing center to the department board of  
29 directors of the community college.

30 Sec. 21. Section 259A.3, Code 2013, is amended to  
31 read as follows:

32 **259A.3 Notice and fee.**

33 Any applicant who has achieved the minimum passing  
34 standards as established by the ~~department, and~~  
35 ~~approved by the state board,~~ board of directors of  
36 the community college shall be issued a high school  
37 equivalency diploma by the department upon payment of  
38 an additional amount determined in rules adopted by  
39 the state board of education by the board to cover the  
40 actual costs of the production and distribution of the  
41 diploma. The state board of education may also by rule  
42 establish a fee for the issuance or verification of a  
43 transcript which shall be based on the actual costs of  
44 the production or verification of a transcript.

45 Sec. 22. Section 259A.4, Code 2013, is amended to  
46 read as follows:

47 **259A.4 Use of fees.**

48 The fees collected under the provisions of this  
49 chapter shall be used for the expenses incurred in  
50 administering, providing test materials, scoring of

1 examinations and issuance of high school equivalency  
2 diplomas, and shall be disbursed on the authorization  
3 of the ~~director of the department of education board~~  
4 ~~of directors of the community college~~. The treasurer  
5 of state shall be custodian of the funds paid to the  
6 ~~department community college~~ and shall disburse the  
7 same on vouchers audited as provided by law. The  
8 unobligated balance in such funds at the close of each  
9 biennium shall be placed in the general fund of the  
10 state.

11 Sec. 23. Section 259A.5, Code 2013, is amended to  
12 read as follows:

13 **259A.5 Rules.**

14 ~~The director of the department of education~~ Each  
15 ~~board of directors of the community college~~ shall adopt  
16 tests, definitions of terms, and forms as necessary for  
17 the administration of this chapter. ~~The state board~~  
18 ~~shall adopt rules under chapter 17A to carry out this~~  
19 ~~chapter.~~

20 Sec. 24. NEW SECTION. **260C.1A Transfer of**  
21 **authority and duties.**

22 1. Beginning July 1, 2014, the authority and  
23 duties of the department of education, the state board  
24 of education, and the director of the department of  
25 education under this chapter shall, to the extent  
26 feasible, be transferred to the boards of directors  
27 of the community colleges serving the merged areas of  
28 the state. Accordingly, beginning July 1, 2014, all  
29 references to the department of education, the state  
30 board of education, and the director of the department  
31 of education under this chapter and references to the  
32 department of education, the state board of education,  
33 and the director of the department of education under  
34 other provisions of law relating to this chapter shall  
35 mean the applicable board of directors of a community  
36 college.

37 2. Beginning July 1, 2014, transfer of the duties  
38 and authority of the department shall also include  
39 all duties and authority of the community colleges  
40 division created within the department of education  
41 under section 260C.6.

42 3. Any moneys remaining in any account or fund  
43 under the control of the department of education at the  
44 conclusion of the fiscal year beginning July 1, 2013,  
45 relative to the provisions of this chapter shall be  
46 transferred to the control of the applicable board of  
47 directors of a community college for such purposes.  
48 Notwithstanding section 8.33, the moneys transferred in  
49 accordance with this subsection shall not revert to the  
50 account or fund from which appropriated or transferred.

1 4. Any contract entered into by the department of  
2 education relating to the provisions of this chapter in  
3 effect at the conclusion of the fiscal year beginning  
4 July 1, 2013, shall continue in full force and effect  
5 pending transfer of such contracts to the boards of  
6 directors of the community colleges.

7 5. Any rule, regulation, form, order, or directive  
8 promulgated by the department of education relative  
9 to the provisions of this chapter in existence at the  
10 conclusion of the fiscal year beginning July 1, 2013,  
11 shall continue in full force and effect.

12 Sec. 25. Section 260E.7, subsection 1, Code 2013,  
13 is amended to read as follows:

14 1. The economic development authority, in  
15 consultation with the ~~department of education,~~ the  
16 department of revenue, and the department of workforce  
17 development, shall coordinate and review the new jobs  
18 training program. The economic development authority  
19 shall adopt, amend, and repeal rules under chapter  
20 17A that the community college will use in developing  
21 projects with new and expanding industrial new jobs  
22 training proposals and that the economic development  
23 authority shall use to review and report on the new  
24 jobs training program as required in this section.

25 Sec. 26. Section 260F.6B, Code 2013, is amended to  
26 read as follows:

27 **260F.6B High technology apprenticeship program.**

28 The community colleges and the economic development  
29 authority are authorized to fund high technology  
30 apprenticeship programs which comply with the  
31 requirements specified in section 260C.44 and which may  
32 include both new and statewide apprenticeship programs.  
33 Notwithstanding the provisions of section 260F.6,  
34 subsection 2, relating to maximum award amounts,  
35 moneys allocated to the community colleges with high  
36 technology apprenticeship programs shall be distributed  
37 to the community colleges based upon contact hours  
38 under the programs administered during the prior  
39 fiscal year as determined by the ~~department of~~  
40 education economic development authority. The economic  
41 development authority shall adopt rules governing this  
42 section's operation and participant eligibility.

43 Sec. 27. Section 260F.7, Code 2013, is amended to  
44 read as follows:

45 **260F.7 Economic development authority to coordinate.**

46 The economic development authority, in consultation  
47 with the ~~department of education and~~ the department  
48 of workforce development, shall coordinate the jobs  
49 training program. A project shall not be funded  
50 under this chapter unless the economic development

1 authority approves the project. The authority shall  
2 adopt rules pursuant to chapter 17A governing the  
3 program's operation and eligibility for participation  
4 in the program. The authority shall establish by rule  
5 criteria for determining what constitutes an eligible  
6 business.

7 Sec. 28. Section 260H.2, Code 2013, is amended to  
8 read as follows:

9 **260H.2 Pathways for academic career and employment**  
10 **program.**

11 A pathways for academic career and employment  
12 program is established to provide funding to  
13 community colleges for the development of projects in  
14 coordination with the economic development authority,  
15 ~~the department of education,~~ the department of  
16 workforce development, regional advisory boards  
17 established pursuant to section 84A.4, and community  
18 partners to implement a simplified, streamlined, and  
19 comprehensive process, along with customized support  
20 services, to enable eligible participants to acquire  
21 effective academic and employment training to secure  
22 gainful, quality, in-state employment.

23 Sec. 29. Section 260H.8, Code 2013, is amended to  
24 read as follows:

25 **260H.8 Rules.**

26 ~~The department of education~~ economic development  
27 authority, in consultation with the community colleges,  
28 ~~the economic development authority,~~ and the department  
29 of workforce development, shall adopt rules pursuant  
30 to chapter 17A and this chapter to implement the  
31 provisions of this chapter. Regional advisory  
32 boards established pursuant to section 84A.4 shall be  
33 consulted in the development and implementation of  
34 rules to be adopted pursuant to this chapter.

35 Sec. 30. Section 260I.2, subsection 2, paragraph a,  
36 Code 2013, is amended to read as follows:

37 a. There is established for the community colleges  
38 a gap tuition assistance fund in the state treasury to  
39 be administered by the ~~department of education~~ economic  
40 development authority. The funds in the gap tuition  
41 assistance fund are appropriated to the ~~department of~~  
42 education economic development authority for the gap  
43 tuition assistance program.

44 Sec. 31. Section 260I.3, subsection 1, Code 2013,  
45 is amended to read as follows:

46 1. ~~The department of education, in consultation~~  
47 ~~with the economic development authority,~~ shall adopt  
48 rules pursuant to this chapter defining eligibility  
49 criteria for persons applying to receive tuition  
50 assistance under this chapter.

1 Sec. 32. Section 260I.10, Code 2013, is amended to  
2 read as follows:

3 **260I.10 Oversight.**

4 1. ~~The department of education~~ economic development  
5 authority, in coordination with the community colleges,  
6 shall establish a steering committee. The steering  
7 committee shall determine if the performance measures  
8 of the gap tuition assistance program are being met and  
9 shall take necessary steps to correct any deficiencies.  
10 The steering committee shall meet at least quarterly to  
11 evaluate and monitor the performance of the gap tuition  
12 assistance program.

13 2. ~~The department of education~~ economic development  
14 authority, in coordination with the community colleges,  
15 shall develop a common intake tracking system that  
16 shall be implemented consistently by each participating  
17 community college.

18 3. ~~The department of education~~ economic development  
19 authority shall coordinate statewide oversight,  
20 evaluation, and reporting efforts for the gap tuition  
21 assistance program.

22 Sec. 33. Section 260I.11, Code 2013, is amended to  
23 read as follows:

24 **260I.11 Rules.**

25 ~~The department of education~~ economic development  
26 authority, in consultation with the ~~economic~~  
27 ~~development authority and the~~ community colleges, shall  
28 adopt rules pursuant to chapter 17A and this chapter to  
29 implement the provisions of this chapter.

30 Sec. 34. Section 261.1, subsection 2, paragraph b,  
31 Code 2013, is amended by striking the paragraph.

32 Sec. 35. NEW SECTION. 261.8 Transfer of authority  
33 and duties.

34 1. Beginning July 1, 2014, the authority  
35 and duties of the department of education, the  
36 state board of education, and the director of the  
37 department of education under this chapter shall be  
38 transferred to the college student aid commission.  
39 Accordingly, beginning July 1, 2014, all references  
40 to the department of education or the director of  
41 the department of education under this chapter and  
42 references to the department of education or the  
43 director of the department of education under other  
44 provisions of law relating to this chapter shall mean  
45 the college student aid commission.

46 2. Any moneys remaining in any account or fund  
47 under the control of the department of education at the  
48 conclusion of the fiscal year beginning July 1, 2013,  
49 relative to the provisions of this chapter shall be  
50 transferred to the control of the college student aid

1 commission for such purposes. Notwithstanding section  
2 8.33, the moneys transferred in accordance with this  
3 subsection shall not revert to the account or fund from  
4 which appropriated or transferred.

5 3. Any contract entered into by the department of  
6 education relating to the provisions of this chapter in  
7 effect at the conclusion of the fiscal year beginning  
8 July 1, 2013, shall continue in full force and effect  
9 pending transfer of such contracts to the college  
10 student aid commission.

11 4. Any rule, regulation, form, order, or directive  
12 promulgated by the department of education relative  
13 to the provisions of this chapter in existence at the  
14 conclusion of the fiscal year beginning July 1, 2013,  
15 shall continue in full force and effect until amended,  
16 repealed, or supplemented by affirmative action of  
17 the college student aid commission under the duties  
18 and powers established in this chapter and under the  
19 procedure established in subsection 5.

20 5. In regard to updating references and format in  
21 the Iowa administrative code in order to correspond  
22 to the transferring of duties of this chapter, the  
23 administrative rules coordinator and the administrative  
24 rules review committee, in consultation with the  
25 administrative code editor, shall jointly develop  
26 a schedule for the necessary updating of the Iowa  
27 administrative code.

28 **Sec. 36. NEW SECTION. 261E.1A Transfer of**  
29 **authority and duties.**

30 1. Beginning July 1, 2014, the authority and  
31 duties of the department of education, the state board  
32 of education, and the director of the department of  
33 education under this chapter shall be transferred to  
34 the state board of regents. Accordingly, beginning  
35 July 1, 2014, all references to the department of  
36 education, the state board of education, or the  
37 director of the department of education under this  
38 chapter and references to the department of education,  
39 state board of education, or director of the department  
40 of education under other provisions of law relating to  
41 this chapter shall mean the state board of regents.

42 2. Any moneys remaining in any account or fund  
43 under the control of the department of education at  
44 the conclusion of the fiscal year beginning July 1,  
45 2013, relative to the provisions of this chapter shall  
46 be transferred to the control of the state board of  
47 regents for such purposes. Notwithstanding section  
48 8.33, the moneys transferred in accordance with this  
49 subsection shall not revert to the account or fund from  
50 which appropriated or transferred.

1 3. Any contract entered into by the department of  
2 education relating to the provisions of this chapter in  
3 effect at the conclusion of the fiscal year beginning  
4 July 1, 2013, shall continue in full force and effect  
5 pending transfer of such contracts to the state board  
6 of regents.

7 4. Any rule, regulation, form, order, or directive  
8 promulgated by the department of education relative  
9 to the provisions of this chapter in existence at the  
10 conclusion of the fiscal year beginning July 1, 2013,  
11 shall continue in full force and effect until amended,  
12 repealed, or supplemented by affirmative action of the  
13 state board of regents under the duties and powers  
14 established in this chapter and under the procedure  
15 established in subsection 5.

16 5. In regard to updating references and format in  
17 the Iowa administrative code in order to correspond  
18 to the transferring of duties of this chapter, the  
19 administrative rules coordinator and the administrative  
20 rules review committee, in consultation with the  
21 administrative code editor, shall jointly develop  
22 a schedule for the necessary updating of the Iowa  
23 administrative code.

24 Sec. 37. Section 262.9, subsection 27, Code 2013,  
25 is amended to read as follows:

26 ~~27. Explore, in conjunction with the department~~  
27 ~~of education,~~ the need for coordination between  
28 school districts, area education agencies, state  
29 board of regents institutions, and community  
30 colleges for purposes of delivery of courses, use of  
31 telecommunications, transportation, and other similar  
32 issues. Coordination may include but is not limited  
33 to coordination of calendars, programs, schedules, or  
34 telecommunications emissions. The state board shall  
35 develop recommendations as necessary, which shall be  
36 submitted in a report to the general assembly on a  
37 timely basis.

38 Sec. 38. Section 262.9, subsection 33, unnumbered  
39 paragraph 1, Code 2013, is amended to read as follows:

40 ~~In consultation with the state board of education,~~  
41 ~~establish~~ Establish and enter into a collective  
42 statewide articulation agreement with the community  
43 colleges established pursuant to chapter 260C, which  
44 shall provide for the seamless transfer of academic  
45 credits from a completed associate of arts or associate  
46 of science degree program offered by a community  
47 college to a baccalaureate degree program offered by an  
48 institution of higher education governed by the board.  
49 The board shall also do the following:

50 Sec. 39. Section 262.9, subsection 33, paragraph i,

1 Code 2013, is amended to read as follows:  
2 *i.* Prepare, jointly with ~~the department of~~  
3 ~~education and~~ the liaison advisory committee on  
4 transfer students, and submit by January 15 annually  
5 to the general assembly, an update on the articulation  
6 efforts and activities implemented by the community  
7 colleges and the institutions of higher education  
8 governed by the board.  
9 Sec. 40. Section 262.71, subsection 9, Code 2013,  
10 is amended by striking the subsection.  
11 Sec. 41. Section 266.39C, subsection 2, paragraph  
12 a, subparagraph (5), Code 2013, is amended to read as  
13 follows:  
14 (5) One representative of community colleges,  
15 appointed by the ~~state board of education~~ governor.  
16 Sec. 42. Section 266.39C, subsection 6, Code 2013,  
17 is amended to read as follows:  
18 6. The Iowa energy center shall ~~cooperate with~~  
19 ~~the state board of education in developing~~ develop  
20 a curriculum which promotes energy efficiency and  
21 conservation.  
22 Sec. 43. Section 272.1, subsection 4, Code 2013, is  
23 amended by striking the subsection.  
24 Sec. 44. NEW SECTION. **272.1A Transfer of authority**  
25 **and duties.**  
26 1. Beginning July 1, 2014, the authority and  
27 duties of the department of education, the state board  
28 of education, and the director of the department of  
29 education under this chapter shall be transferred to  
30 the board of educational examiners. Accordingly,  
31 beginning July 1, 2014, all references to the  
32 department of education, the state board of education,  
33 or the director of the department of education under  
34 this chapter and references to the department of  
35 education, state board of education, or director of  
36 the department of education under other provisions of  
37 law relating to this chapter shall mean the board of  
38 educational examiners.  
39 2. Any moneys remaining in any account or fund  
40 under the control of the department of education at the  
41 conclusion of the fiscal year beginning July 1, 2013,  
42 relative to the provisions of this chapter shall be  
43 transferred to the control of the board of educational  
44 examiners for such purposes. Notwithstanding section  
45 8.33, the moneys transferred in accordance with this  
46 subsection shall not revert to the account or fund from  
47 which appropriated or transferred.  
48 3. Any contract entered into by the department of  
49 education relating to the provisions of this chapter in  
50 effect at the conclusion of the fiscal year beginning



1 July 1, 2013, shall continue in full force and effect  
2 pending transfer of such contracts to the board of  
3 educational examiners.

4 Sec. 45. Section 272.3, subsection 1, unnumbered  
5 paragraph 1, Code 2013, is amended to read as follows:

6 The board of educational examiners consists of  
7 twelve members. Two must be members of the general  
8 public, ~~one must be the director of the department of~~  
9 ~~education or the director's designee,~~ and the remaining  
10 nine ten members must be licensed practitioners. One  
11 of the public members shall have served on a school  
12 board. The public members shall never have held a  
13 practitioner's license, but shall have a demonstrated  
14 interest in education. The nine ten practitioners  
15 shall be selected from the following areas and  
16 specialties of the teaching profession:

17 Sec. 46. Section 272.3, subsection 2, Code 2013, is  
18 amended to read as follows:

19 2. A majority of the licensed practitioner members  
20 shall be nonadministrative practitioners. Four of the  
21 members shall be administrators. Membership of the  
22 board shall comply with the requirements of sections  
23 69.16 and 69.16A. A quorum of the board shall consist  
24 of six members. Members shall elect a chairperson  
25 of the board. Members, ~~except for the director~~  
26 ~~of the department of education or the director's~~  
27 ~~designee,~~ shall be appointed by the governor subject to  
28 confirmation by the senate.

29 Sec. 47. Section 272.4, subsection 1, unnumbered  
30 paragraph 1, Code 2013, is amended to read as follows:

31 Members, ~~except for the director of the department~~  
32 ~~of education or the director's designee,~~ shall be  
33 appointed to serve staggered terms of four years.  
34 A member shall not serve more than two consecutive  
35 terms, ~~except for the director of the department of~~  
36 ~~education or the director's designee, who shall serve~~  
37 ~~until the director's term of office expires.~~ A member  
38 of the board, except for the two public members and  
39 ~~the director of the department of education or the~~  
40 ~~director's designee,~~ shall hold a valid practitioner's  
41 license during the member's term of office. A vacancy  
42 exists when any of the following occur:

43 Sec. 48. Section 272.25, subsections 3, 4, and 8,  
44 Code 2013, are amended to read as follows:

45 3. A requirement that the program include  
46 instruction in skills and strategies to be used in  
47 classroom management of individuals, and of small and  
48 large groups, under varying conditions, and skills for  
49 communicating and working constructively with pupils,  
50 teachers, administrators, and parents; ~~and skills for~~

1 ~~understanding the role of the board of education and~~  
2 ~~the functions of other education agencies in the state.~~  
3 ~~The requirement shall be based upon recommendations of~~  
4 ~~the department of education after consultation with~~  
5 ~~teacher education faculty members in colleges and~~  
6 ~~universities.~~

7 4. A requirement that prescribes minimum  
8 experiences and responsibilities to be accomplished  
9 during the student teaching experience by the student  
10 teacher and by the cooperating teacher ~~based upon~~  
11 ~~recommendations of the department of education after~~  
12 ~~consultation with teacher education faculty members~~  
13 ~~in colleges and universities.~~ The student teaching  
14 experience shall include opportunities for the student  
15 teacher to become knowledgeable about the Iowa teaching  
16 standards, including a mock evaluation performed by  
17 the cooperating teacher. The mock evaluation shall  
18 not be used as an assessment tool by the practitioner  
19 preparation program. The student teaching experience  
20 shall consist of interactive experiences involving the  
21 college or university personnel, the student teacher,  
22 the cooperating teacher, and administrative personnel  
23 from the cooperating teacher's school district.

24 8. A requirement that an approved practitioner  
25 preparation institution submit evidence that the  
26 ~~college or department of education~~ is communicating  
27 with other colleges or departments in the institution  
28 so that practitioner preparation students may integrate  
29 teaching methodology with subject matter areas of  
30 specialization.

31 **Sec. 49. NEW SECTION. 273.1A Transfer of authority**  
32 **and duties.**

33 1. Beginning July 1, 2014, the authority and  
34 duties of the department of education, the state board  
35 of education, and the director of the department of  
36 education under this chapter shall, to the extent  
37 feasible, be transferred to the area education agency  
38 boards of directors in this state. Accordingly,  
39 beginning July 1, 2014, all references to the  
40 department of education, the state board of education,  
41 and the director of the department of education  
42 under this chapter and references to the department  
43 of education, the state board of education, and the  
44 director of the department of education under other  
45 provisions of law relating to this chapter shall  
46 mean the applicable area education agency board of  
47 directors.

48 2. Any rule, regulation, form, order, or directive  
49 promulgated by the department of education relative  
50 to the provisions of this chapter in existence at the

1 conclusion of the fiscal year beginning July 1, 2013,  
2 shall continue in full force and effect.

3 Sec. 50. Section 273.2, subsection 5, unnumbered  
4 paragraph 1, Code 2013, is amended to read as follows:

5 The area education agency board may provide for  
6 the following programs and services to local school  
7 districts, ~~and at the request of local school districts~~  
8 ~~to providers of child development services who have~~  
9 ~~received grants under chapter 256A from the child~~  
10 ~~development coordinating council,~~ within the limits of  
11 funds available:

12 Sec. 51. NEW SECTION. **274.1A Transfer of authority**  
13 **and duties.**

14 1. Beginning July 1, 2014, the authority and duties  
15 of the department of education and the director of  
16 the department of education under this chapter shall,  
17 to the extent feasible, be transferred to the area  
18 education agency boards of directors in this state.  
19 Accordingly, beginning July 1, 2014, all references  
20 to the department of education and the director of  
21 the department of education under this chapter and  
22 references to the department of education and the  
23 director of the department of education under other  
24 provisions of law relating to this chapter shall  
25 mean the applicable area education agency board of  
26 directors.

27 2. Any rule, regulation, form, order, or directive  
28 promulgated by the department of education or the  
29 director of the department of education relative to  
30 the provisions of this chapter in existence at the  
31 conclusion of the fiscal year beginning July 1, 2013,  
32 shall continue in full force and effect.

33 Sec. 52. NEW SECTION. **275.1A Transfer of authority**  
34 **and duties.**

35 1. Beginning July 1, 2014, the authority and  
36 duties of the department of education, the state board  
37 of education, and the director of the department of  
38 education under this chapter shall, to the extent  
39 feasible, be transferred to the area education agency  
40 boards of directors in this state. Accordingly,  
41 beginning July 1, 2014, all references to the  
42 department of education, the state board of education,  
43 and the director of the department of education  
44 under this chapter and references to the department  
45 of education, the state board of education, and the  
46 director of the department of education under other  
47 provisions of law relating to this chapter shall  
48 mean the applicable area education agency board of  
49 directors.

50 2. Any rule, regulation, form, order, or directive

1 promulgated by the department of education, the state  
2 board of education, or the director of the department  
3 of education relative to the provisions of this chapter  
4 in existence at the conclusion of the fiscal year  
5 beginning July 1, 2013, shall continue in full force  
6 and effect.

7 Sec. 53. Section 276.3, subsections 5 and 9, Code  
8 2013, are amended by striking the subsections.

9 Sec. 54. Section 279.51, subsection 1, unnumbered  
10 paragraph 1, Code 2013, is amended to read as follows:

11 There is appropriated from the general fund of the  
12 state to the department of ~~education~~ management for the  
13 fiscal year beginning July 1, 2007, and each succeeding  
14 fiscal year, the sum of twelve million six hundred six  
15 thousand one hundred ninety-six dollars. The moneys  
16 shall be allocated as follows:

17 Sec. 55. Section 279.51, subsection 1, paragraphs  
18 b and d, Code 2013, are amended by striking the  
19 paragraphs.

20 Sec. 56. Section 279.51, subsection 2, Code 2013,  
21 is amended by striking the subsection.

22 Sec. 57. NEW SECTION. **279.69 Transfer of authority**  
23 **and duties.**

24 1. Beginning July 1, 2014, the authority and  
25 duties of the department of education, the state board  
26 of education, and the director of the department of  
27 education under this chapter, to the extent feasible,  
28 shall be transferred to the boards of directors  
29 for the respective school districts in the state.  
30 Accordingly, beginning July 1, 2014, all references  
31 to the department of education, the state board of  
32 education, and the director of the department of  
33 education under this chapter and references to the  
34 department of education, the state board of education,  
35 and the director of the department of education under  
36 other provisions of law relating to this chapter shall  
37 mean the applicable board of directors of the school  
38 district.

39 2. Any rule, regulation, form, order, or directive  
40 promulgated by the department of education, the state  
41 board of education, or the director of the department  
42 of education relative to the provisions of this chapter  
43 in existence at the conclusion of the fiscal year  
44 beginning July 1, 2013, shall continue in full force  
45 and effect.

46 Sec. 58. NEW SECTION. **280.1A Transfer of authority**  
47 **and duties.**

48 1. Beginning July 1, 2014, the authority and  
49 duties of the department of education, the state board  
50 of education, and the director of the department of

1 education under this chapter, to the extent feasible,  
2 shall be transferred to the boards of directors  
3 for the respective school districts in the state.  
4 Accordingly, beginning July 1, 2014, all references  
5 to the department of education, the state board of  
6 education, and the director of the department of  
7 education under this chapter and references to the  
8 department of education, the state board of education,  
9 and the director of the department of education under  
10 other provisions of law relating to this chapter shall  
11 mean the applicable board of directors of the school  
12 district.

13 2. Any rule, regulation, form, order, or directive  
14 promulgated by the department of education, the state  
15 board of education, or the director of the department  
16 of education relative to the provisions of this chapter  
17 in existence at the conclusion of the fiscal year  
18 beginning July 1, 2013, shall continue in full force  
19 and effect.

20 Sec. 59. NEW SECTION. 282.1A Transfer of authority  
21 and duties.

22 1. Beginning July 1, 2014, the authority and  
23 duties of the department of education, the state board  
24 of education, and the director of the department of  
25 education under this chapter, to the extent feasible,  
26 shall be transferred to the boards of directors  
27 for the respective school districts in the state.  
28 Accordingly, beginning July 1, 2014, all references  
29 to the department of education, the state board of  
30 education, and the director of the department of  
31 education under this chapter and references to the  
32 department of education, the state board of education,  
33 and the director of the department of education under  
34 other provisions of law relating to this chapter shall  
35 mean the applicable board of directors of the school  
36 district.

37 2. Any rule, regulation, form, order, or directive  
38 promulgated by the department of education, the state  
39 board of education, or the director of the department  
40 of education relative to the provisions of this chapter  
41 in existence at the conclusion of the fiscal year  
42 beginning July 1, 2013, shall continue in full force  
43 and effect.

44 Sec. 60. Section 282.18, subsections 5 and 13, Code  
45 2013, are amended to read as follows:

46 5. Open enrollment applications filed after March  
47 1 of the preceding school year that do not qualify  
48 for good cause as provided in subsection 4 shall be  
49 subject to the approval of the board of the resident  
50 district and the board of the receiving district. The

1 parent or guardian shall send notification to the  
2 district of residence and the receiving district that  
3 the parent or guardian seeks to enroll the parent's or  
4 guardian's child in the receiving district. ~~A decision~~  
5 ~~of either board to deny an application filed under this~~  
6 ~~subsection involving repeated acts of harassment of~~  
7 ~~the student or serious health condition of the student~~  
8 ~~that the resident district cannot adequately address~~  
9 ~~is subject to appeal under section 290.1. The state~~  
10 ~~board shall exercise broad discretion to achieve just~~  
11 ~~and equitable results that are in the best interest of~~  
12 ~~the affected child or children.~~

13 13. If a request under this section is for transfer  
14 to a laboratory school, as described in chapter  
15 265, the student, who is the subject of the request,  
16 shall not be included in the basic enrollment of the  
17 student's district of residence, and the laboratory  
18 school shall report the enrollment of the student  
19 directly to the department of education management,  
20 unless the number of students from the district  
21 attending the laboratory school during the current  
22 school year, as a result of open enrollment under this  
23 section, exceeds the number of students enrolled in  
24 the laboratory school from that district during the  
25 1989-1990 school year. If the number of students  
26 enrolled in the laboratory school from a district  
27 during the current year exceeds the number of students  
28 enrolled from that district during the 1989-1990 school  
29 year, those students who represent the difference  
30 between the current and the 1988-1989 school year  
31 enrollment figures shall be included in the basic  
32 enrollment of the students' districts of residence  
33 and the districts shall retain any moneys received  
34 as a result of the inclusion of the student in the  
35 district enrollment. The total number of students  
36 enrolled at a laboratory school during a school year  
37 shall not exceed six hundred seventy students. The  
38 regents institution operating the laboratory school and  
39 the board of directors of the school district in the  
40 community in which the regents institution is located  
41 shall develop a student transfer policy designed to  
42 protect and promote the quality and integrity of the  
43 teacher education program at the laboratory school, the  
44 viability of the education program of the local school  
45 district in which the regents institution is located,  
46 and to indicate the order in which and reasons why  
47 requests to transfer to a laboratory school shall be  
48 considered. A laboratory school may deny a request for  
49 transfer under the policy. ~~A denial of a request to~~  
50 ~~transfer under this subsection is not subject to appeal~~

1 ~~under section 290.1.~~

2 Sec. 61. Section 282.18, subsection 15, Code 2013,  
3 is amended by striking the subsection.

4 Sec. 62. Section 283.1, Code 2013, is amended to  
5 read as follows:

6 **283.1 Federal funds accepted.**

7 The director of the department of ~~education~~  
8 management is the "*state educational authority*" for  
9 the purpose of accepting and administering funds  
10 appropriated by Congress for educational purposes  
11 and the funds shall be deposited with the treasurer  
12 of state and disbursed through the department of  
13 administrative services on vouchers audited as provided  
14 by law. When state matching funds are required as  
15 a condition to the acceptance of federal funds, the  
16 director of the department of ~~education~~ management may  
17 make expenditures for matching only from funds provided  
18 by the legislature for that purpose. However, when  
19 federal funds may be matched with expenditures from  
20 funds appropriated for the general operation of the  
21 department of ~~education~~ management, this may be done  
22 with the approval of the legislative council.

23 Sec. 63. NEW SECTION. **283A.1A Transfer of**  
24 **authority and duties.**

25 1. Beginning July 1, 2014, the authority and  
26 duties of the department of education, the state board  
27 of education, and the director of the department of  
28 education under this chapter, to the extent feasible,  
29 shall be transferred to the boards of directors  
30 for the respective school districts in the state.  
31 Accordingly, beginning July 1, 2014, all references  
32 to the department of education, the state board of  
33 education, and the director of the department of  
34 education under this chapter and references to the  
35 department of education, the state board of education,  
36 and the director of the department of education under  
37 other provisions of law relating to this chapter shall  
38 mean the applicable board of directors of the school  
39 district.

40 2. Any rule, regulation, form, order, or directive  
41 promulgated by the department of education, the state  
42 board of education, or the director of the department  
43 of education relative to the provisions of this chapter  
44 in existence at the conclusion of the fiscal year  
45 beginning July 1, 2013, shall continue in full force  
46 and effect.

47 Sec. 64. Section 283A.3, Code 2013, is amended to  
48 read as follows:

49 **283A.3 Expenditure of federal funds.**

50 The director of the department of ~~education~~

1 management shall accept and direct the disbursement  
2 of funds appropriated by any Act of Congress and  
3 appropriated to the state of Iowa for use in connection  
4 with school breakfast or lunch programs. The director  
5 shall deposit the funds with the treasurer of the  
6 state of Iowa, who shall make disbursements upon the  
7 direction of the director.

8 **Sec. 65. NEW SECTION. 284.1A Transfer of authority**  
9 **and duties.**

10 1. Beginning July 1, 2014, the authority and  
11 duties of the department of education, the state board  
12 of education, and the director of the department of  
13 education under this chapter, to the extent feasible,  
14 shall be transferred to the boards of directors  
15 for the respective school districts in the state.  
16 Accordingly, beginning July 1, 2014, all references  
17 to the department of education, the state board of  
18 education, and the director of the department of  
19 education under this chapter and references to the  
20 department of education, the state board of education,  
21 and the director of the department of education under  
22 other provisions of law relating to this chapter shall  
23 mean the applicable board of directors of the school  
24 district.

25 2. Any rule, regulation, form, order, or directive  
26 promulgated by the department of education, the state  
27 board of education, or the director of the department  
28 of education relative to the provisions of this chapter  
29 in existence at the conclusion of the fiscal year  
30 beginning July 1, 2013, shall continue in full force  
31 and effect.

32 **Sec. 66. NEW SECTION. 284A.1A Transfer of**  
33 **authority and duties.**

34 1. Beginning July 1, 2014, the authority and  
35 duties of the department of education, the state board  
36 of education, and the director of the department of  
37 education under this chapter, to the extent feasible,  
38 shall be transferred to the boards of directors  
39 for the respective school districts in the state.  
40 Accordingly, beginning July 1, 2014, all references  
41 to the department of education, the state board of  
42 education, and the director of the department of  
43 education under this chapter and references to the  
44 department of education, the state board of education,  
45 and the director of the department of education under  
46 other provisions of law relating to this chapter shall  
47 mean the applicable board of directors of the school  
48 district.

49 2. Any rule, regulation, form, order, or directive  
50 promulgated by the department of education, the state



1 board of education, or the director of the department  
2 of education relative to the provisions of this chapter  
3 in existence at the conclusion of the fiscal year  
4 beginning July 1, 2013, shall continue in full force  
5 and effect.

6 **Sec. 67. NEW SECTION. 285.7 Transfer of authority**  
7 **and duties.**

8 1. Beginning July 1, 2014, the authority and  
9 duties of the department of education, the state board  
10 of education, and the director of the department of  
11 education under this chapter, to the extent feasible,  
12 shall be transferred to the boards of directors  
13 for the respective school districts in the state.  
14 Accordingly, beginning July 1, 2014, all references  
15 to the department of education, the state board of  
16 education, and the director of the department of  
17 education under this chapter and references to the  
18 department of education, the state board of education,  
19 and the director of the department of education under  
20 other provisions of law relating to this chapter shall  
21 mean the applicable board of directors of the school  
22 district.

23 2. Any rule, regulation, form, order, or directive  
24 promulgated by the department of education, the state  
25 board of education, or the director of the department  
26 of education relative to the provisions of this chapter  
27 in existence at the conclusion of the fiscal year  
28 beginning July 1, 2013, shall continue in full force  
29 and effect.

30 **Sec. 68. Section 291.11, Code 2013, is amended to**  
31 **read as follows:**

32 **291.11 Officers reported.**

33 The secretary shall report to the director of the  
34 department of ~~education management~~, the county auditor,  
35 and county treasurer the name and post office address  
36 of the president, treasurer and secretary of the board  
37 as soon as practicable after the qualification of each.

38 **Sec. 69. NEW SECTION. 292.1A Transfer of authority**  
39 **and duties.**

40 1. Beginning July 1, 2014, the authority and duties  
41 of the department of education under this chapter  
42 shall be transferred to the department of revenue.  
43 Accordingly, beginning July 1, 2014, all references  
44 to the department of education under this chapter and  
45 references to the department of education under other  
46 provisions of law relating to this chapter shall mean  
47 the department of revenue.

48 2. Any moneys remaining in any account or fund  
49 under the control of the department of education at the  
50 conclusion of the fiscal year beginning July 1, 2013,

1 relative to the provisions of this chapter shall be  
2 transferred to the control of the department of revenue  
3 for such purposes. Notwithstanding section 8.33, the  
4 moneys transferred in accordance with this subsection  
5 shall not revert to the account or fund from which  
6 appropriated or transferred.

7 3. Any contract entered into by the department of  
8 education relating to the provisions of this chapter in  
9 effect at the conclusion of the fiscal year beginning  
10 July 1, 2013, shall continue in full force and effect  
11 pending transfer of such contracts to the department  
12 of revenue.

13 4. Any rule, regulation, form, order, or directive  
14 promulgated by the department of education relative  
15 to the provisions of this chapter in existence at the  
16 conclusion of the fiscal year beginning July 1, 2013,  
17 shall continue in full force and effect until amended,  
18 repealed, or supplemented by affirmative action of  
19 the department of revenue under the duties and powers  
20 established in this chapter and under the procedure  
21 established in subsection 5.

22 5. In regard to updating references and format in  
23 the Iowa administrative code in order to correspond  
24 to the transferring of duties of this chapter, the  
25 administrative rules coordinator and the administrative  
26 rules review committee, in consultation with the  
27 administrative code editor, shall jointly develop  
28 a schedule for the necessary updating of the Iowa  
29 administrative code.

30 Sec. 70. Section 294.5, Code 2013, is amended to  
31 read as follows:

32 **294.5 Reports.**

33 The teacher shall file with the school  
34 superintendent ~~and the director of the department of~~  
35 ~~education~~ such reports and in such manner as may be  
36 required.

37 Sec. 71. Section 296.3, Code 2013, is amended to  
38 read as follows:

39 **296.3 Election called.**

40 Within ten days of receipt of a petition filed under  
41 section 296.2, the president of the board of directors  
42 shall call a meeting of the board. The meeting shall  
43 be held within thirty days after the petition was  
44 received. At the meeting, the board shall call the  
45 election, fixing the time of the election, which  
46 may be at the time and place of holding the regular  
47 school election. However, if the board determines by  
48 unanimous vote that the proposition or propositions  
49 requested by a petition to be submitted at an election  
50 are grossly unrealistic or contrary to the needs of

1 the school district, no election shall be called. If  
2 more than one petition has been received by the time  
3 the board meets to consider the petition triggering  
4 the meeting, the board shall act upon the petitions in  
5 the order they were received at the meeting called to  
6 consider the initial petition. ~~The decision of the~~  
7 ~~board may be appealed to the state board of education~~  
8 ~~as provided in chapter 290.~~ The president shall notify  
9 the county commissioner of elections of the time of the  
10 election.

11 **Sec. 72. NEW SECTION. 297.37 Transfer of authority**  
12 **and duties.**

13 1. Beginning July 1, 2014, the authority and duties  
14 of the department of education and the director of  
15 the department of education under this chapter shall  
16 be transferred to the department of administrative  
17 services and the director of the department of  
18 administrative services. Accordingly, beginning  
19 July 1, 2014, all references to the department of  
20 education and the director of the department of  
21 education under this chapter and references to the  
22 department of education and the director of the  
23 department of education under other provisions of law  
24 relating to this chapter shall mean the department  
25 of administrative services or the director of the  
26 department of administrative services.

27 2. Any rule, regulation, form, order, or directive  
28 promulgated by the department of education or the  
29 director of the department of education relative to  
30 the provisions of this chapter in existence at the  
31 conclusion of the fiscal year beginning July 1, 2013,  
32 shall continue in full force and effect.

33 **Sec. 73. Section 298A.8, Code 2013, is amended to**  
34 **read as follows:**

35 **298A.8 Student activity fund.**

36 The student activity fund is a special revenue  
37 fund. A student activity fund must be established  
38 in any school corporation receiving money from  
39 student-related activities such as admissions, activity  
40 fees, student dues, student fund-raising events, or  
41 other student-related cocurricular or extracurricular  
42 activities. Moneys in this fund shall be used to  
43 support only the cocurricular program ~~defined in~~  
44 ~~department of education administrative rules.~~

45 **Sec. 74. NEW SECTION. 299.25 Transfer of authority**  
46 **and duties.**

47 1. Beginning July 1, 2014, the authority and  
48 duties of the department of education, the state board  
49 of education, and the director of the department of  
50 education under this chapter, to the extent feasible,

1 shall be transferred to the boards of directors  
2 for the respective school districts in the state.  
3 Accordingly, beginning July 1, 2014, all references  
4 to the department of education, the state board of  
5 education, and the director of the department of  
6 education under this chapter and references to the  
7 department of education, the state board of education,  
8 and the director of the department of education under  
9 other provisions of law relating to this chapter shall  
10 mean the applicable board of directors of the school  
11 district.

12 2. Any rule, regulation, form, order, or directive  
13 promulgated by the department of education, the state  
14 board of education, or the director of the department  
15 of education relative to the provisions of this chapter  
16 in existence at the conclusion of the fiscal year  
17 beginning July 1, 2013, shall continue in full force  
18 and effect.

19 **Sec. 75. NEW SECTION. 299A.1A Transfer of**  
20 **authority and duties.**

21 1. Beginning July 1, 2014, the authority and  
22 duties of the department of education, the state board  
23 of education, and the director of the department of  
24 education under this chapter, to the extent feasible,  
25 shall be transferred to the boards of directors  
26 for the respective school districts in the state.  
27 Accordingly, beginning July 1, 2014, all references  
28 to the department of education, the state board of  
29 education, and the director of the department of  
30 education under this chapter and references to the  
31 department of education, the state board of education,  
32 and the director of the department of education under  
33 other provisions of law relating to this chapter shall  
34 mean the applicable board of directors of the school  
35 district.

36 2. Any rule, regulation, form, order, or directive  
37 promulgated by the department of education, the state  
38 board of education, or the director of the department  
39 of education relative to the provisions of this chapter  
40 in existence at the conclusion of the fiscal year  
41 beginning July 1, 2013, shall continue in full force  
42 and effect.

43 **Sec. 76. NEW SECTION. 301.1A Transfer of authority**  
44 **and duties.**

45 1. Beginning July 1, 2014, the authority and  
46 duties of the department of education, the state board  
47 of education, and the director of the department of  
48 education under this chapter, to the extent feasible,  
49 shall be transferred to the boards of directors  
50 for the respective school districts in the state.

1 Accordingly, beginning July 1, 2014, all references  
2 to the department of education, the state board of  
3 education, and the director of the department of  
4 education under this chapter and references to the  
5 department of education, the state board of education,  
6 and the director of the department of education under  
7 other provisions of law relating to this chapter shall  
8 mean the applicable board of directors of the school  
9 district.

10 2. Any rule, regulation, form, order, or directive  
11 promulgated by the department of education, the state  
12 board of education, or the director of the department  
13 of education relative to the provisions of this chapter  
14 in existence at the conclusion of the fiscal year  
15 beginning July 1, 2013, shall continue in full force  
16 and effect.

17 Sec. 77. REPEAL. Sections 260C.6, 276.4, and  
18 291.10, Code 2013, are repealed.

19 Sec. 78. REPEAL. Chapters 256, 256A, 256G, and  
20 290, Code 2013, are repealed.

21 Sec. 79. EFFECTIVE DATE. This division of this Act  
22 takes effect July 1, 2014.

#### 23 DIVISION II

#### 24 CORRESPONDING AMENDMENT LEGISLATION

25 Sec. 80. CORRESPONDING AMENDMENTS  
26 LEGISLATION. Additional legislation is required  
27 to fully implement division I of this Act. The  
28 director of the department of education shall, in  
29 compliance with section 2.16, prepare draft legislation  
30 for submission to the legislative services agency, as  
31 necessary, to implement the transition and elimination  
32 of authority and duties under division I of this Act  
33 and to implement the transition and elimination of  
34 authority and duties under other provisions of law  
35 including but not limited to the duties and authority  
36 of the department of education, the state board of  
37 education, the director of the department of education,  
38 and any division, commission, or subunit of such  
39 entities or offices under chapters 7A, 7E, 8A, 8D, 8F,  
40 11, 12, 15, 15H, 16, 19B, 22, 48A, 68B, 73, 80E, 84A,  
41 85, 96, 99B, 125, 135, 139A, 141A, 142A, 154B, 154F,  
42 161A, 190A, 216A, 218, 220A, 225B, 225C, 232, 234, 237,  
43 237A, 237B, 239B, 241, 249A, 257, 261B, 307A, 321,  
44 321J, 322, 350, 423E, 423F, 455A, 455E, 473, 514I, 714,  
45 and 904.

#### 46 DIVISION III

#### 47 EDUCATION FINANCE AND 48 EDUCATION SAVINGS GRANTS

49 Sec. 81. Section 8.6, Code 2013, is amended by  
50 adding the following new subsection:

1 NEW SUBSECTION. 18. *Education savings grant*  
2 *applications.* Adopt rules relating to applications  
3 for an education savings grant pursuant to section  
4 257.11B, including application processing timelines,  
5 and required information for submission by a parent or  
6 guardian.  
7 Sec. 82. NEW SECTION. 257.1A **Transfer of authority**  
8 **and duties.**

9 1. Beginning July 1, 2014, the authority and  
10 duties of the department of education, the state board  
11 of education, and the director of the department of  
12 education under this chapter shall be transferred to  
13 the department of management and the director of the  
14 department of management. Accordingly, beginning July  
15 1, 2014, all references to the department of education  
16 under this chapter and references to the department of  
17 education under other provisions of law relating to  
18 this chapter shall mean the department of management  
19 and all references to the state board of education or  
20 the director of the department of education under this  
21 chapter or other provisions of law relating to this  
22 chapter shall mean the director of the department of  
23 management.

24 2. Any moneys remaining in any account or fund  
25 under the control of the department of education at  
26 the conclusion of the fiscal year beginning July 1,  
27 2013, relative to the provisions of this chapter shall  
28 be transferred to the control of the department of  
29 management for such purposes. Notwithstanding section  
30 8.33, the moneys transferred in accordance with this  
31 subsection shall not revert to the account or fund from  
32 which appropriated or transferred.

33 3. Any contract entered into by the department of  
34 education relating to the provisions of this chapter in  
35 effect at the conclusion of the fiscal year beginning  
36 July 1, 2013, shall continue in full force and effect  
37 pending transfer of such contracts to the department of  
38 management.

39 4. Any rule, regulation, form, order, or directive  
40 promulgated by the department of education relative  
41 to the provisions of this chapter in existence at the  
42 conclusion of the fiscal year beginning July 1, 2013,  
43 shall continue in full force and effect until amended,  
44 repealed, or supplemented by affirmative action of the  
45 department of management under the duties and powers  
46 established in this chapter and under the procedure  
47 established in subsection 5.

48 5. In regard to updating references and format in  
49 the Iowa administrative code in order to correspond  
50 to the transferring of duties of this chapter, the

1 administrative rules coordinator and the administrative  
2 rules review committee, in consultation with the  
3 administrative code editor, shall jointly develop  
4 a schedule for the necessary updating of the Iowa  
5 administrative code.

6 Sec. 83. NEW SECTION. 257.11B Education savings  
7 grant program.

8 1. Pupils eligible to enroll in grades kindergarten  
9 through twelve or eligible to participate in a  
10 preschool program under chapter 256C and attending  
11 a nonpublic school, receiving competent private  
12 instruction under chapter 299A, or receiving private  
13 preschool instruction shall be eligible to receive an  
14 education savings grant in the manner provided in this  
15 section for school years beginning on or after July 1,  
16 2014. Education savings grants shall be made available  
17 to parents and guardians in the manner authorized  
18 under subsection 4, paragraph "c", for the payment  
19 of qualified education expenses as provided in this  
20 section.

21 2. a. (1) By January 31 preceding the school year  
22 for which the education savings grant is requested, the  
23 parent or guardian of the pupil requesting to receive  
24 an education savings grant shall submit an application  
25 to the department of management, on application forms  
26 developed by the department of management, indicating  
27 that the parent or guardian intends to enroll the  
28 pupil in a nonpublic school, provide competent private  
29 instruction for the pupil under chapter 299A, or  
30 provide private preschool instruction.

31 (2) In addition to such information deemed  
32 appropriate by the department of management, the  
33 application shall require certification from the  
34 nonpublic school of the pupil's enrollment for the  
35 following school year or a statement indicating the  
36 parent or guardian's intent to provide or arrange for  
37 competent private instruction or private preschool  
38 instruction for the pupil for the following school  
39 year.

40 b. By March 1 preceding the school year for  
41 which the education savings grant is requested, the  
42 department of management shall notify the parent or  
43 guardian of each pupil who is approved to receive an  
44 education savings grant and the amount of the grant.

45 c. Education savings grants shall only be approved  
46 for one school year and applications must be submitted  
47 under paragraph "a" for education savings grants in  
48 subsequent school years.

49 3. a. The department of management shall assign  
50 each pupil an education savings grant in an amount

1 equal to the statewide average state foundation aid per  
2 pupil in the same school year. However, for a pupil  
3 that is eligible to participate in a preschool program  
4 under chapter 256C, the amount of the grant shall be an  
5 amount equal to fifty percent of the regular program  
6 state cost per pupil for the same school year.

7     *b.* The department of management shall on July  
8 1 following the determination of the amount of the  
9 education savings grant for each approved pupil  
10 transfer such amounts to the pupil's account in  
11 the education savings grant fund established under  
12 subsection 4. Such amount shall be available to the  
13 pupil's parent or guardian in the manner authorized  
14 under subsection 4, paragraph "c", for the payment of  
15 qualified educational expenses incurred by such persons  
16 for the pupil during that school year.

17     4. An education savings grant fund is created in  
18 the state treasury under the control of the department  
19 of management consisting of moneys appropriated to  
20 the department for the purpose of providing education  
21 savings grants under this section. For the fiscal  
22 year commencing July 1, 2014, and each succeeding  
23 fiscal year, there is appropriated from the general  
24 fund of the state to the department of management to  
25 be credited to the fund the amount necessary to pay  
26 all education savings grants approved for that fiscal  
27 year. The director of the department of management has  
28 all powers necessary to carry out and effectuate the  
29 purposes, objectives, and provisions of this section  
30 pertaining to the fund, including the power to do all  
31 of the following:

32     *a.* Make and enter into contracts necessary for the  
33 administration of the fund.

34     *b.* Procure insurance against any loss in connection  
35 with the assets of the fund or require a surety bond.

36     *c.* Contract with a private financial management  
37 firm to manage the fund, in collaboration with the  
38 treasurer of state, including providing for the  
39 disbursement of education savings grants in the form  
40 of an electronic debit card or checks that are payable  
41 directly from the pupil's account within the fund.

42     *d.* Conduct audits or other review necessary to  
43 properly administer the program.

44     *e.* Adopt rules pursuant to chapter 17A for the  
45 administration of the fund and accounts within the  
46 fund.

47     5. *a.* For each pupil approved for an education  
48 savings grant, the department of management shall  
49 establish an account for that pupil in the education  
50 savings grant fund. The amount of the pupil's



1 education savings grant determined under subsection 3  
2 shall be deposited into the pupil's account on July  
3 1 and such amount shall be immediately available for  
4 the payment of qualified education expenses incurred  
5 by the parent or guardian for the pupil during that  
6 fiscal year using the payment method authorized under  
7 subsection 4, paragraph "c".

8     **b.** A nonpublic school or other entity that accepts  
9 payment from a parent or guardian using funds from a  
10 pupil's account in the education savings grant fund  
11 shall not refund, rebate, or share any portion of such  
12 payment with the parent, guardian, or pupil.

13     **c.** Moneys remaining in a pupil's account upon  
14 conclusion of the fiscal year shall remain in the  
15 pupil's account within the education savings grant  
16 fund for the payment of qualified educational expenses  
17 in future fiscal years or for the payment of higher  
18 education costs under subsection 8.

19     **6.** For purposes of this section, "*qualified*  
20 *educational expense*" includes tuition and fees at a  
21 nonpublic school or nonpublic preschool, textbooks,  
22 fees or payments for tutoring or cognitive skills  
23 training, curriculum materials, tuition or fees  
24 for nonpublic online education programs, education  
25 materials and services for pupils with disabilities,  
26 standardized test fees, fees required by the department  
27 not to exceed for each grant recipient five percent of  
28 the total grant amount in any fiscal year, and other  
29 expenses incurred by the parent or guardian that are  
30 directly related to the education of the pupil at a  
31 nonpublic preschool or a nonpublic school, including  
32 a nonpublic school accredited by an independent  
33 accrediting agency approved by the department of  
34 management, or directly related to providing competent  
35 private instruction for the pupil under chapter 299A  
36 or private preschool instruction. The cost of one  
37 computer or other portable computing device shall be  
38 allowed as a qualified educational expense for a pupil  
39 if such a purchase has not been made using funds from  
40 that pupil's account in either of the two immediately  
41 preceding fiscal years. "*Qualified educational*  
42 *expenses*" do not include transportation costs for the  
43 pupil, the cost of food or refreshments consumed by the  
44 pupil, the cost of clothing for the pupil, or the cost  
45 of disposable materials including but not limited to  
46 paper, notebooks, pencils, pens, and art supplies.

47     **7.** A person who makes a false claim for the purpose  
48 of obtaining an education savings grant provided for  
49 in this section or who knowingly receives the grant or  
50 makes a payment from an account within the education

1 savings grant fund without being legally entitled to it  
2 is guilty of a fraudulent practice. The false claim  
3 for an education savings grant or a payment from an  
4 account shall be disallowed and if amounts from the  
5 grant have been disbursed from the applicable account  
6 in the education savings grant fund, the department of  
7 management shall initiate legal proceedings to recover  
8 such amounts. A parent or guardian, or a pupil for  
9 purposes of subsection 8, who violates this subsection  
10 is prohibited from participating in the education  
11 savings grant program in the future.

12 8. For each pupil with a positive balance in the  
13 pupil's account in the education savings grant fund  
14 upon graduation from high school or completion of an  
15 equivalent level of competent private instruction  
16 under chapter 299A, the department of management shall  
17 maintain such account in the fund until the pupil is  
18 twenty-five years of age. Following graduation from  
19 high school until the pupil is twenty-five years of  
20 age, moneys in the pupil's account may be used for  
21 higher education costs, as defined in section 12D.1,  
22 subsection 2, incurred by the pupil while attending an  
23 institution of higher education under the control of  
24 the state board of regents, a community college located  
25 in this state, or a private college or university  
26 located in this state. Payments from a pupil's account  
27 for higher education costs shall be made in the same  
28 manner as payments for qualified educational expenses  
29 under subsection 5. Moneys in a pupil's account when  
30 the pupil turns twenty-five years of age shall be  
31 transferred by the department of management for deposit  
32 in the general fund of the state.

33 9. This section shall not be construed to authorize  
34 this state or any political subdivision of this state  
35 to exercise authority over any nonpublic school or  
36 pupil receiving competent private instruction under  
37 chapter 299A or construed to require a nonpublic  
38 school to modify its admissions or educational  
39 program in order to receive payment from a parent or  
40 guardian using funds from a pupil's account in the  
41 education savings grant fund. A nonpublic school or  
42 entity providing competent private instruction under  
43 chapter 299A, that accepts payment from a parent or  
44 guardian using funds from a pupil's account in the  
45 education savings grant fund is not an agent of this  
46 state or other political subdivision of this state.  
47 Rules adopted by the department of management to  
48 implement this section that impose an undue burden on a  
49 nonpublic school or entity providing competent private  
50 instruction under chapter 299A are invalid.

1 Sec. 84. APPLICABILITY. This division of this  
2 Act applies to school budget years and fiscal years  
3 beginning on or after July 1, 2014.

4 Sec. 85. EFFECTIVE DATE. The section of this  
5 division of this Act enacting section 257.1A takes  
6 effect July 1, 2014.

7 DIVISION IV

8 CORRESPONDING AMENDMENTS LEGISLATION

9 Sec. 86. CORRESPONDING AMENDMENTS

10 LEGISLATION. Additional legislation is required  
11 to fully implement the section of division III of  
12 this Act enacting section 257.1A. The director of  
13 the department of education shall, in compliance with  
14 section 2.16, prepare draft legislation for submission  
15 to the legislative services agency, as necessary, to  
16 implement the transition and elimination of authority  
17 and duties of the department of education, the state  
18 board of education, and director of the department of  
19 education under the section of division III of this Act  
20 enacting section 257.1A and to implement the transition  
21 and elimination of authority and duties under other  
22 provisions of law.>

23 2. Title page, by striking lines 1 through 6 and  
24 inserting:

25 <An Act relating to education by abolishing  
26 the department of education and the state board  
27 of education, modifying the duties and authority  
28 of certain state and local governmental entities,  
29 establishing an education savings grant program and  
30 fund, making appropriations, providing penalties, and  
31 including effective date and applicability>

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BRAD ZAUN