

House File 2612

H-8107

1 Amend House File 2612 as follows:

2 1. Page 1, line 5, by striking <Beginning July 1, 2025,
3 oversee> and inserting <Oversee>

4 2. By striking page 1, line 33, through page 2, line 2, and
5 inserting:

6 <2. Within the main office of each area education
7 agency, devote an amount of full-time equivalent positions,
8 as determined by the division of special education of the
9 department of education but not to exceed forty full-time
10 equivalent positions in the aggregate, that is commensurate
11 with the number of students enrolled in school districts
12 located within the area education agency to ensure the area
13 education agency complies with all applicable federal and state
14 laws related to special education and to review the services
15 provided by the area education agency.>

16 3. Page 2, after line 4 by inserting:

17 <Sec. ____ . Section 256.9, Code 2024, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 36. Develop and distribute to school
20 districts, accredited nonpublic schools, and area education
21 agencies a list of evidence-based professional development
22 services that an area education agency may provide to a school
23 district or accredited nonpublic school pursuant to section
24 273.2, subsection 3, paragraph "b".>

25 4. Page 2, line 5, by striking <subsections 1 and 3,> and
26 inserting <subsections 1, 3, and 4,>

27 5. By striking page 2, line 33, through page 3, line 2, and
28 inserting:

29 <b. The area education agency may furnish evidence-based
30 professional development services to public or nonpublic
31 schools which are on the list of accredited schools pursuant
32 to section 256.11 if any of the following requirements are
33 satisfied:

34 (1) The professional development service is included on the
35 list developed by the director of the department of education

1 pursuant to section 256.9, subsection 36.

2 (2) The director of the department of education grants
3 approval to the area education agency to furnish the
4 evidence-based professional development services.

5 4. The area education agency board shall provide for special
6 education services and media services for ~~the local~~ school
7 districts ~~in the area~~ and shall encourage and assist school
8 districts ~~in the area~~ to establish programs for gifted and
9 talented children. The board shall assist in facilitating
10 interlibrary loans of materials between school districts and
11 other libraries.>

12 6. Page 3, before line 3 by inserting:

13 <Sec. ____ . Section 273.2, Code 2024, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 4A. a. The area education agency board may
16 furnish services under subsection 3 or 4 to public or nonpublic
17 schools located within its boundaries, or within the boundaries
18 of a contiguous area education agency, which are on the list of
19 accredited schools pursuant to section 256.11.

20 b. Notwithstanding paragraph "a", the area education agency
21 board may furnish services under subsection 3 or 4 to a public
22 school located within the boundaries of an area education
23 agency that is not contiguous if the school district shares
24 a superintendent with another school district, pursuant to
25 section 257.11, subsection 5, that receives services from the
26 area education agency board pursuant to paragraph "a".

27 NEW SUBSECTION. 4B. A school district shall not receive
28 services under subsection 3 or 4 from different area education
29 agency boards.>

30 7. By striking page 3, line 8, through page 4, line 22, and
31 inserting:

32 <11. Employ personnel to carry out the functions of the
33 area education agency which shall include the employment of
34 an administrator who shall possess a license issued ~~under~~
35 chapter 256, subchapter VII, part 3 by the board of educational

1 examiners and, beginning July 1, 2025, a prekindergarten
2 through grade twelve superintendent and area education agency
3 administrator authorization issued by the board of educational
4 examiners and either a prekindergarten through grade twelve
5 principal and special education supervisor authorization issued
6 by the board of educational examiners or a director of special
7 education authorization issued by the board of educational
8 examiners. The administrator shall be employed pursuant to
9 section 279.20 and [sections 279.23, 279.24, and 279.25](#). The
10 salary for an area education agency administrator shall be
11 established by the board based upon the previous experience
12 and education of the administrator; provided, however, that
13 the salary for an area education agency administrator shall
14 not exceed one hundred twenty-five percent of the average
15 salary of all superintendents of the school districts that
16 are located within the boundaries of the area education
17 agency at the time the employment agreement is entered into or
18 renewed between an area education agency and an area education
19 agency administrator, not including superintendents who are
20 responsible for supplementary weighting being made available
21 to a school district pursuant to section 257.11, subsection 5.
22 The salary for an area education agency administrator shall not
23 be reduced during the initial term of the employment agreement
24 between the area education agency and the area education agency
25 administrator. [Section 279.13](#) applies to the area education
26 agency board and to all teachers employed by the area education
27 agency. [Sections 279.23, 279.24, and 279.25](#) apply to the area
28 education board and to all administrators employed by the area
29 education agency. [Section 279.69](#) applies to the area education
30 agency board and employees of the board, including part-time,
31 substitute, or contract employees, who provide services to a
32 school or school district.

33 12. Prepare an annual budget estimating income and
34 expenditures for programs and services as provided in sections
35 273.1, [273.2, this section, sections 273.4 through 273.8,](#)

1 and chapter 256B within the limits of funds provided under
2 section 256B.9 and chapter 257. The board shall ~~post notice~~
3 ~~of a public hearing on~~ submit the proposed budget ~~on the area~~
4 ~~education agency's internet site and by publication in the~~
5 ~~newspaper of general circulation in the territory of the area~~
6 ~~education agency in which the principal place of business of~~
7 ~~a school district that is a part of the area education agency~~
8 is located to the director of the department of education
9 for approval not later than March 1 of each year, and the
10 director shall either approve or reject the proposed budget for
11 changes within ten days after submission. The notice shall
12 ~~specify the date, which shall be not later than March 1 of~~
13 ~~each year, the time, and the location of the public hearing.~~
14 The proposed budget as approved by the ~~board~~ director of the
15 department of education shall then be submitted to the state
16 board of education, on forms provided by the department,
17 no later than March 15 preceding the next fiscal year for
18 approval. The state board shall review the proposed budget of
19 each area education agency and shall before May 1, either grant
20 approval or return the budget without approval with comments
21 of the state board included. An unapproved budget shall be
22 resubmitted to the state board for final approval not later
23 than May 15. The state board shall give final approval only to
24 budgets submitted by area education agencies accredited by the
25 state board or that have been given conditional accreditation
26 by the state board.>

27 8. Page 4, before line 23 by inserting:

28 <Sec. ____ . Section 273.3, Code 2024, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 26. On a quarterly basis, prepare and
31 submit to each school district that receives services from
32 the area education agency a report that includes all of the
33 following:

34 a. A monetary accounting of payments the area education
35 agency received from the school district, including payments

1 under section 257.35.

2 *b.* A description of all of the following:

3 (1) The special education services provided by the area
4 education agency to the school district.

5 (2) The services provided by the area education agency under
6 part C of the federal Individuals with Disabilities Education
7 Act.

8 (3) The services provided by the area education agency that
9 are related to the child find process for special education.

10 (4) The general supervision services provided by the area
11 education agency.

12 (5) The services provided by the area education agency to
13 accredited nonpublic schools and charter schools.

14 Sec. _____. Section 273.8, subsection 1, Code 2024, is amended
15 to read as follows:

16 1. *Board of directors.* The board of directors of an area
17 education agency shall consist of not less than five nor more
18 than nine members, ~~each a resident of and elected in the~~
19 ~~manner provided in [this section](#) from a director district that~~
20 ~~is approximately equal in population to the other director~~
21 ~~districts in the area education agency.~~ Each director shall
22 serve a four-year term which commences at the organization
23 meeting.

24 *a.* A majority of the members of the board of directors of
25 an area education agency must be superintendents of school
26 districts located within the boundaries of the area education
27 agency who are elected in the manner provided in this section.

28 *b.* The remainder of the members of the board of directors of
29 an area education agency must be residents of and elected in
30 the manner provided in this section from a director district
31 that is approximately equal in population to the other director
32 districts in the area education agency.

33 Sec. _____. Section 273.8, subsection 2, paragraphs c and d,
34 Code 2024, are amended to read as follows:

35 *c.* The board of each separate school district that is

1 located entirely or partially inside an area education agency
2 director district shall cast a vote for director of the area
3 education agency board based upon the ratio that the population
4 of the school district, or portion of the school district, in
5 the director district bears to the total population in the
6 director district. The population of each school district or
7 portion shall be determined by the department of education.
8 The member of the area education agency board to be elected
9 may be a superintendent of a local school district or a member
10 of a local school district board of directors and shall be an
11 elector and a resident of the director district, ~~but shall not~~
12 ~~be a school district employee.~~

13 *d.* Vacancies, as defined in [section 277.29](#), in the
14 membership of the area education agency board shall be filled
15 for the unexpired portion of the term at a director district
16 convention called and conducted in the manner provided in
17 subsection 3. A vacancy created in a membership position
18 described in section 273.8, subsection 1, paragraph "a",
19 shall be filled for the unexpired portion of the term by
20 a superintendent of a school district located within the
21 boundaries of the area education agency at a director district
22 convention called and conducted in the manner provided in
23 subsection 3.

24 Sec. _____. Section 273.8, subsection 3, Code 2024, is amended
25 to read as follows:

26 3. *Director district convention.* If no candidate files
27 with the area education agency secretary by the deadline
28 specified in [subsection 2](#), or a vacancy occurs, or if otherwise
29 required as provided in [section 273.23, subsection 3](#), a
30 director district convention, attended by members of the
31 boards of directors of the local school districts located
32 within the director district, shall be called to elect a
33 board member for that director district, consistent with
34 the membership requirements described in subsection 1. The
35 convention location shall be determined by the area education

1 agency administrator. Notice of the time, date, and place
2 of a director district convention shall be published by the
3 area education agency administrator in at least one newspaper
4 of general circulation in the director district at least
5 thirty days prior to the day of the convention. The cost of
6 publication shall be paid by the area education agency. A
7 candidate for election to the area education agency board shall
8 file a statement of candidacy with the area education agency
9 secretary at least ten days prior to the date of the director
10 district convention on forms prescribed by the department of
11 education, or nominations may be made at the convention by a
12 delegate from a board of directors of a school district located
13 within the director district. A statement of candidacy shall
14 include the candidate's name, address, and school district.
15 Delegates to director district conventions shall not be bound
16 by a school board or any school board member to pledge their
17 votes to any candidate prior to the date of the convention.>

18 9. Page 5, line 25, after <for> by inserting <all students,
19 including>

20 10. Page 5, line 31, after <for> by inserting <all students,
21 including>

22 11. Page 6, line 16, after <for> by inserting <all students,
23 including>

24 12. Page 6, line 26, by striking <students with
25 disabilities> and inserting <students, including students with
26 disabilities,>

27 13. Page 7, lines 2 and 3, by striking <students with
28 disabilities> and inserting <students, including students with
29 disabilities>

30 14. By striking page 7, line 5, through page 8, line 12, and
31 inserting:

32 <1. The legislative council shall convene an area education
33 agency task force that shall do all of the following:

34 a. Study and make recommendations related to how to improve
35 the outcomes of students who utilize services provided by area

1 education agencies.

2 b. Study and make recommendations related to the amount of
3 compensation paid to administrators employed by area education
4 agencies, core services provided by area education agencies,
5 and how to best fund the following services provided by area
6 education agencies:

- 7 (1) Crisis response services.
 - 8 (2) Media services for nonpublic schools.
 - 9 (3) Professional development services.
 - 10 (4) Cooperative purchasing.
 - 11 (5) Services associated with regional planning
12 partnerships.
 - 13 (6) Services associated with the federal Carl D. Perkins
14 Career and Technical Education Improvement Act of 2006,
15 codified at 20 U.S.C. §2301 et seq., as amended.
 - 16 (7) Services associated with the federal Every Student
17 Succeeds Act, Pub. L. No. 114-95.
 - 18 (8) Services provided in conjunction with special education
19 equipment.
- 20 c. Study and make recommendations related to all of the
21 following:
- 22 (1) The real property and facilities utilized by each area
23 education agency.
 - 24 (2) The media services, educational services, and special
25 education services provided by each area education agency.
 - 26 (3) What services area education agencies should provide.
 - 27 (4) Current accountability measures applicable to area
28 education agencies.
 - 29 (5) The special education services provided by the division
30 of special education of the department of education, area
31 education agencies, and school districts.
 - 32 (6) The overall organizational structure that determines
33 how special education services are provided to students in this
34 state.
 - 35 (7) How the operation of area education agencies is

1 overseen.

2 (8) The accreditation standards related to area education
3 agencies.

4 (9) A timeline for modifications to the staffing numbers of
5 area education agencies and the transition of responsibilities
6 related to the oversight of area education agencies.

7 2. a. The task force shall consist of the following
8 voting members who are appointed by the legislative council to
9 represent different geographical regions of this state:

10 (1) One special education teacher who is employed by a
11 school district with a total enrollment of greater than or
12 equal to one thousand students.

13 (2) One special education teacher who is employed by a
14 school district with a total enrollment of less than one
15 thousand students.

16 (3) One superintendent who is employed by a school district
17 with a total enrollment of greater than or equal to one
18 thousand students.

19 (4) One superintendent who is employed by a school district
20 with a total enrollment of less than one thousand students.

21 (5) One teacher who is employed by a school district and who
22 does not provide special education programs or services.

23 (6) One parent or guardian of a student who has an
24 individualized education program.

25 (7) One parent or guardian of a student who has a plan under
26 section 504 of the Rehabilitation Act, 29 U.S.C. §794.

27 (8) One president or chief executive officer of an
28 accredited nonpublic school.

29 b. The task force shall also consist of the following voting
30 members:

31 (1) One member to be appointed by the governor.

32 (2) One member to be appointed by the director of the
33 department of education.

34 (3) One member who is the chief administrator of the
35 heartland area education agency.

1 c. The task force shall also consist of the following ex
2 officio, nonvoting members of the general assembly:

3 (1) Two state senators appointed by the majority leader of
4 the senate.

5 (2) One state senator appointed by the minority leader of
6 the senate.

7 (3) Two state representatives appointed by the speaker of
8 the house of representatives.

9 (4) One state representative appointed by the minority
10 leader of the house of representatives.

11 3. Any expenses incurred by a member of the task force
12 shall be the responsibility of the individual member or the
13 respective entity represented by the member.

14 4. The task force shall submit its findings and
15 recommendations in a report to the general assembly on
16 or before December 31, 2024. The report shall include an
17 examination and evaluation of the impact to area education
18 agencies and their operations and services made by this Act.>

19 15. Page 8, before line 13 by inserting:

20 <Sec. _____. AREA EDUCATION AGENCY BOARDS OF DIRECTORS —
21 TRANSITION.

22 1. a. If, as of July 1, 2024, the membership of an area
23 education agency board of directors does not comply with the
24 provisions of section 273.8, subsection 1, as amended in this
25 division of this Act, the members of the boards of directors of
26 the local school districts located within the area education
27 agency director districts shall select the applicable number
28 of the members of the area education agency board of directors
29 whose terms shall, as of July 1, 2024, be deemed to have
30 expired, notwithstanding the terms of office associated with
31 the members under section 273.8, subsection 1, as amended in
32 this division of this Act.

33 b. If the members of the boards of directors of the local
34 school districts located within the area education agency
35 director districts are unable to select the applicable number

1 of the members of the area education agency board of directors
2 whose terms shall be deemed to have expired, as required in
3 paragraph "a", the director of the department of education
4 shall select the applicable number of such members.

5 2. The membership of the board members that were selected
6 under subsection 1 shall be deemed vacant when such selection
7 is made. A director district convention shall be called under
8 section 273.8, subsection 3, to fill such vacancies.

9 3. From the time the membership of the board members is
10 deemed vacant pursuant to subsection 2 until the time the
11 vacancies are filled through the director district convention,
12 the area education agency board shall be authorized to exercise
13 all power granted to it under chapter 273, notwithstanding the
14 lack of a quorum under section 273.8, subsection 5.>

15 16. Page 8, after line 24 by inserting:

16 <Sec. ____ . APPLICABILITY. The following apply to members of
17 the boards of directors of area education agencies elected on
18 or after July 1, 2024:

19 1. The section of this division of this Act amending section
20 273.8, subsection 1.

21 2. The section of this division of this Act amending section
22 273.8, subsection 2, paragraph "c".>

23 17. Page 9, line 20, after <agency.> by inserting <The
24 contract between the school district and the area education
25 agency shall not require the school district to describe the
26 specific special education services the school district will
27 receive from the area education agency. The special education
28 services provided by the area education agency to the school
29 district pursuant to the contract shall not be limited by the
30 amount of funding the school district provided to the area
31 education agency.>

32 18. By striking page 17, line 20, through page 18, line 15.

33 19. Title page, by striking lines 1 through 7 and inserting
34 <An Act relating to area education agencies, including by
35 modifying provisions related to the duties and powers of

1 area education agencies, the membership of area education
2 agency boards of directors, oversight by the department of
3 education, funding, and establishing a task force related to
4 area education agency operations, and including effective date
5 and applicability provisions.>
6 20. By renumbering as necessary.

WHEELER of Sioux