

House File 549

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1 3 AN ACT
1 4 RELATING TO THE DUTIES AND OPERATIONS OF THE DEPARTMENT OF
1 5 EDUCATION, THE BOARD OF EDUCATIONAL EXAMINERS, THE STATE BOARD
1 6 OF REGENTS AND ITS UNIVERSITIES, AND SCHOOL BOARDS, AND TO
1 7 PROPERTY TAX SCHOOL REORGANIZATION INCENTIVES; REQUIRING THE
1 8 ESTABLISHMENT OF A READING INSTRUCTION PILOT PROGRAM; AND
1 9 INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE
1 10 PROVISIONS.
1 11
1 12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 13
1 14 Section 1. Section 256.5A, Code 2003, is amended to read
1 15 as follows:
1 16 256.5A NONVOTING MEMBER.
1 17 The governor shall appoint the one nonvoting student member
1 18 of the state board for a term of one year beginning and ending
1 19 as provided in section 69.19. The nonvoting student member
1 20 shall be appointed from a list of names submitted by the state
1 21 board of education. Students enrolled in either grade ten or
1 22 eleven in a public school may apply to the state board to
1 23 serve as a nonvoting student member. The department shall
1 24 develop an application process that requires the consent of
1 25 the student's parent or guardian if the student is a minor,
1 26 initial application approval by the school district in which
1 27 the student applicant is enrolled, and submission of approved
1 28 applications by a school district to the department. The
1 29 nonvoting student member's school district of enrollment shall
1 30 notify the student's parents if the student's grade point
1 31 average falls during the period in which the student is a
1 32 member of the state board. The state board shall adopt rules
1 33 under chapter 17A specifying criteria for the selection of
1 34 applicants whose names shall be submitted to the governor.
1 35 Criteria shall include, but are not limited to, academic
2 1 excellence, participation in extracurricular and community
2 2 activities, and interest in serving on the board. Rules
2 3 adopted by the state board shall also require, if the student
2 4 is a minor, supervision of the student by the student's parent
2 5 or guardian while the student is engaged in authorized state
2 6 board business at a location other than the community in which
2 7 the student resides, unless the student's parent or guardian
2 8 submits to the state board a signed release indicating the
2 9 parent or guardian has determined that supervision of the
2 10 student by the parent or guardian is unnecessary. The
2 11 nonvoting student member ~~shall be appointed without regard to~~
~~2 12 political affiliation appointment is not subject to section~~
~~2 13 69.16 or 69.16A.~~ The nonvoting student member shall have been
2 14 enrolled in a public school in Iowa for at least one year
2 15 prior to the member's appointment. A nonvoting student member
2 16 who will not graduate from high school prior to the end of a
2 17 second term may apply to the state board for submission of
2 18 candidacy to the governor for a second one-year term. A
2 19 nonvoting student member shall be paid a per diem as provided
2 20 in section 7E.6 and the student and the student's parent or
2 21 guardian shall be reimbursed for actual and necessary expenses
2 22 incurred in the performance of the student's duties as a
2 23 nonvoting member of the state board. A vacancy in the
2 24 membership of the nonvoting student member shall not be filled
2 25 until the expiration of the term.
2 26 Sec. 2. Section 256.7, subsection 21, unnumbered paragraph
2 27 1, Code 2003, is amended to read as follows:
2 28 Develop and adopt rules ~~by July 1, 1999,~~ incorporating
2 29 accountability for, ~~and reporting of,~~ student achievement into
2 30 the standards and accreditation process described in section
2 31 256.11. The rules shall provide for all of the following:
2 32 Sec. 3. Section 256.9, subsection 50, Code 2003, is
2 33 amended to read as follows:
2 34 50. Develop core knowledge and skill criteria ~~models,~~
2 35 based upon the Iowa teaching standards, for the evaluation,
3 1 the advancement, and for teacher career development purposes
3 2 pursuant to chapter 284. The ~~model~~ criteria shall further
3 3 define the characteristics of quality teaching as established
3 4 by the Iowa teaching standards. The director, in consultation
3 5 with the board of educational examiners, shall also develop a

3 6 transition plan for implementation of the career development
3 7 standards developed pursuant to section 256.7, subsection 25,
3 8 with regard to licensure renewal requirements. The plan shall
3 9 include a requirement that practitioners be allowed credit for
3 10 career development completed prior to implementation of the
3 11 career development standards developed pursuant to section
3 12 256.7, subsection 25.

3 13 Sec. 4. Section 256.9, Code 2003, is amended by adding the
3 14 following new subsection:

3 15 NEW SUBSECTION. 52. Develop and implement a comprehensive
3 16 management information system designed for the purpose of
3 17 establishing standardized electronic data collections and
3 18 reporting protocols that facilitate compliance with state and
3 19 federal reporting requirements, improve school-to-school and
3 20 district-to-district information exchanges, and maintain the
3 21 confidentiality of individual student and staff data. The
3 22 system shall provide for the electronic transfer of individual
3 23 student records between schools, districts, postsecondary
3 24 institutions, and the department. The director may establish,
3 25 to the extent practicable, a uniform coding and reporting
3 26 system, including a statewide uniform student identification
3 27 system.

3 28 Sec. 5. Section 256.9, Code 2003, is amended by adding the
3 29 following new subsection:

3 30 NEW SUBSECTION. 53. Develop and implement a statewide
3 31 program of educational assessment reporting. The director
3 32 shall provide information needed to improve public schools by
3 33 collecting and disseminating data and information resulting
3 34 from assessments made of public school students, to aid in the
3 35 development and evaluation of educational programs and
4 1 policies by school districts, and to inform parents of the
4 2 educational progress of their children in the public schools.
4 3 Information collected under the department's statewide program
4 4 of educational assessment reporting shall be utilized as part
4 5 of the state report card on school performance and on
4 6 statewide progress by the state in accordance with
4 7 implementation of the federal No Child Left Behind Act of
4 8 2001, Pub. L. No. 107-110. The program shall include the
4 9 assignment of a unique student identifier to each student
4 10 attending kindergarten through grade twelve.

4 11 a. Not later than July 1, 2004, the department shall
4 12 maintain an internet site that reports the following:

4 13 (1) Iowa tests of basic skills scores for each school
4 14 district that administers the test and for each attendance
4 15 center within the school district for grades three through
4 16 eight. Each school district administering the Iowa test of
4 17 basic skills shall provide a report to the department relating
4 18 to each attendance center's test score averages and a
4 19 longitudinal analysis of student progress as specified in
4 20 paragraph "c".

4 21 The report shall contain attendance-center-level test
4 22 results for the Iowa test of basic skills in the areas of
4 23 reading, social studies, mathematics, and science. The report
4 24 shall include, but shall not be limited to the number of
4 25 students tested, the number of test results used to compute
4 26 the averages, average standard score, the corresponding grade
4 27 equivalent score, average stanine score for the group, and the
4 28 normal curve equivalent of average standard scores, and
4 29 percentile ranks based on student norms, as well as measures
4 30 of student progress as specified in paragraph "c".

4 31 (2) Iowa test of educational development scores for each
4 32 school district that administers the test and for each
4 33 attendance center within the school district for grades nine
4 34 through eleven. Each school district administering the Iowa
4 35 test of educational development shall provide a report to the
5 1 department relating to each attendance center's test score
5 2 averages and a longitudinal analysis of student progress as
5 3 specified in paragraph "c".

5 4 b. Scores required to be reported under paragraph "a",
5 5 subparagraphs (1) and (2), shall be presented in percentiles
5 6 that allow for comparisons between participating schools. The
5 7 internet site shall include background information regarding
5 8 the tests, including guidance for interpreting test scores and
5 9 the number of students that did not participate in the tests
5 10 and the reasons the students did not participate.

5 11 c. The department shall approve the use of a single value=
5 12 added system to calculate annually the amount of academic
5 13 growth for each student, school, and school district in
5 14 reading and mathematics, and other core academic areas where
5 15 possible. The system shall at a minimum contain the following
5 16 capabilities:

5 17 (1) Use of a mixed-model statistical analysis that has the
5 18 ability to use all achievement test data for each student,
5 19 including the data for students with missing test scores, that
5 20 does not adjust downward expectations for student progress
5 21 based on race, poverty, or gender, and that will provide the
5 22 best linear unbiased predictions of school or other
5 23 educational entity effects to minimize the impact of
5 24 fortuitous accumulation of random errors.

5 25 (2) The ability to work with test data from a variety of
5 26 sources, including data that are not vertically scaled, and to
5 27 provide a variety of analyses of such data.

5 28 (3) The capacity to receive and report results
5 29 electronically and provide support for districts utilizing the
5 30 system.

5 31 (4) The ability to create for each school district a chart
5 32 that reports grade-equivalent scores for grades three through
5 33 eight and gains between consecutive pairs of grades for each
5 34 attendance center and provides for a district-wide study of
5 35 grade equivalent scores. The system shall create a chart for
6 1 each district in accordance with this subparagraph.

6 2 d. Each school district shall have complete access to and
6 3 utilization of its own value-added assessment reports
6 4 generated by the system at the student level for the purpose
6 5 of measuring student achievement at different educational
6 6 entity levels.

6 7 Sec. 6. Section 256.18, subsection 2, unnumbered paragraph
6 8 2, Code 2003, is amended by striking the unnumbered paragraph.

6 9 Sec. 7. Section 256.39, subsection 8, Code 2003, is
6 10 amended by striking the subsection.

6 11 Sec. 8. Section 256A.4, subsection 1, unnumbered paragraph
6 12 1, Code 2003, is amended to read as follows:

6 13 The board of directors of each school district may develop
6 14 and offer a program which provides outreach and incentives for
6 15 the voluntary participation of expectant parents and parents
6 16 of children in the period of life from birth through age five,
6 17 who reside within district boundaries, in educational family
6 18 support experiences designed to assist parents in learning
6 19 about the physical, mental, and emotional development of their
6 20 children. ~~A district providing a family support program,~~
~~6 21 which seeks additional funding under sections 294A.13 through~~
~~6 22 294A.16, shall meet the requirements of this section and the~~
~~6 23 program shall be subject to approval by the department of~~
~~6 24 education. A board may contract with another school district~~
6 25 or public or private nonprofit agency for provision of the
6 26 approved program or program site.

6 27 Sec. 9. Section 256D.9, Code 2003, is amended to read as
6 28 follows:

6 29 256D.9 FUTURE REPEAL.

6 30 This chapter is repealed effective July 1, ~~2003~~ 2004.

6 31 Sec. 10. Section 257.3, subsection 2, Code 2003, is
6 32 amended to read as follows:

6 33 2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

6 34 a. Notwithstanding subsection 1, a reorganized school
6 35 district shall cause a foundation property tax of four dollars
7 1 and forty cents per thousand dollars of assessed valuation to
7 2 be levied on all taxable property which, in the year preceding
7 3 a reorganization, was within a school district affected by the
7 4 reorganization as defined in section 275.1, or in the year
7 5 preceding a dissolution was a part of a school district that
7 6 dissolved if the dissolution proposal has been approved by the
7 7 director of the department of education pursuant to section
7 8 275.55. ~~In the year preceding the reorganization or~~
~~7 9 dissolution, the school district affected by the~~
~~7 10 reorganization or the school district that dissolved must have~~
~~7 11 had a certified enrollment of fewer than six hundred in order~~
~~7 12 for the four-dollar-and-forty-cent levy to apply.~~

7 13 b. In succeeding school years, the foundation property tax
7 14 levy on that portion shall be increased to the rate of four
7 15 dollars and ninety cents per thousand dollars of assessed
7 16 valuation the first succeeding year, five dollars and fifteen
7 17 cents per thousand dollars of assessed valuation the second
7 18 succeeding year, and five dollars and forty cents per thousand
7 19 dollars of assessed valuation the third succeeding year and
7 20 each year thereafter.

7 21 c. The foundation property tax levy reduction pursuant to
7 22 this subsection shall be available if either of the following
7 23 apply:

7 24 (1) In the year preceding the reorganization or
7 25 dissolution, the school district affected by the
7 26 reorganization or the school district that dissolved had a
7 27 certified enrollment of fewer than six hundred pupils.

7 28 (2) In the year preceding the reorganization or
7 29 dissolution, the school district affected by the
7 30 reorganization or the school district that dissolved had a
7 31 certified enrollment of six hundred pupils or greater, and
7 32 entered into a reorganization or dissolution with one or more
7 33 school districts with a certified enrollment of fewer than six
7 34 hundred pupils. The amount of foundation property tax
7 35 reduction received by a school district qualifying for the
8 1 reduction pursuant to this subparagraph shall not exceed the
8 2 highest reduction amount provided in paragraphs "a" and "b"
8 3 received by any of the school districts with a certified
8 4 enrollment of fewer than six hundred pupils involved in the
8 5 reorganization pursuant to subparagraph (1) of this paragraph
8 6 "c".

8 7 d. For purposes of this section, a reorganized school
8 8 district is one which absorbs at least thirty percent of the
8 9 enrollment of the school district affected by a reorganization
8 10 or dissolved during a dissolution and in which action to bring
8 11 about a reorganization or dissolution is initiated by a vote
8 12 of the board of directors or jointly by the affected boards of
8 13 directors to take effect on or after July 1, 2002, and on or
8 14 before July 1, 2006. Each district which initiated, by a vote
8 15 of the board of directors or jointly by the affected boards,
8 16 action to bring about a reorganization or dissolution to take
8 17 effect on or after July 1, 2002, and on or before July 1,
8 18 2006, shall certify the date and the nature of the action
8 19 taken to the department of education by January 1 of the year
8 20 in which the reorganization or dissolution takes effect.

8 21 Sec. 11. Section 257.11, subsection 2, paragraph c,
8 22 subparagraph (2), Code 2003, is amended to read as follows:

8 23 (2) A school district which was not participating in a
8 24 whole grade sharing arrangement during the budget year
8 25 beginning July 1, 2000, which executes a whole grade sharing
8 26 agreement pursuant to sections 282.10 through 282.12 for the
8 27 budget year beginning July 1, 2002, ~~or~~ July 1, 2003, July 1,
8 28 ~~2004, or July 1, 2005,~~ and which adopts a resolution jointly
8 29 with the other affected boards to study the question of
8 30 undergoing a reorganization or dissolution to take effect on
8 31 or before July 1, 2006, shall receive a weighting of one-tenth
8 32 of the percentage of the pupil's school day during which the
8 33 pupil attends classes in another district, attends classes
8 34 taught by a teacher who is jointly employed under section
8 35 280.15, or attends classes taught by a teacher who is employed
9 1 by another school district. A district shall be eligible for
9 2 supplementary weighting pursuant to this subparagraph for a
9 3 maximum of three years. Receipt of supplementary weighting
9 4 for a second and third year shall be conditioned upon
9 5 submission of information resulting from the study to the
9 6 school budget review committee indicating progress toward the
9 7 objective of reorganization on or before July 1, 2006.

9 8 Sec. 12. Section 258.17, subsection 4, Code 2003, is
9 9 amended to read as follows:

9 10 4. Each workstart program shall include a written
9 11 agreement by the school or school district with one or more
9 12 businesses from the surrounding community to provide
9 13 workplace-specific training and learning programs which are
9 14 related to the skills needed to succeed in those occupational
9 15 areas. The proposed plan for implementation of the workstart
9 16 program shall include a copy of the written agreement between
9 17 the school or school district and the business or businesses
9 18 and a business support component, which shall consist of
9 19 financial or in-kind support, or both financial and in-kind
9 20 support, from the businesses that have entered into the
9 21 agreement with the school or school district. ~~The plan may~~
~~9 22 provide for the utilization of phase III and other available~~
~~9 23 school funds in the establishment of the program. A workstart~~
~~9 24 program is a comprehensive school transformation program under~~
~~9 25 section 294A.14.~~

9 26 Sec. 13. Section 262.9, Code 2003, is amended by adding
9 27 the following new subsection:

9 28 NEW SUBSECTION. 29. Develop a policy, not later than
9 29 August 1, 2003, that each institution of higher education
9 30 under the control of the board shall approve, institute, and
9 31 enforce, which prohibits students, faculty, and staff from
9 32 harassing or intimidating a student or any other person on
9 33 institution property who is wearing the uniform of, or a
9 34 distinctive part of the uniform of, the armed forces of the
9 35 United States. A policy developed in accordance with this
10 1 subsection shall not prohibit an individual from wearing such
10 2 a uniform on institution property if the individual is
10 3 authorized to wear the uniform under the laws of a state or

10 4 the United States. The policy shall provide for appropriate
10 5 sanctions.

10 6 Sec. 14. Section 272.2, subsection 14, paragraph b,
10 7 subparagraph (1), subparagraph subdivision (b), Code 2003, is
10 8 amended by adding the following new subparagraph subdivision
10 9 part:

10 10 NEW SUBPARAGRAPH SUBDIVISION PART. (viii) Sexual
10 11 exploitation by a school employee.

10 12 Sec. 15. Section 272.2, Code 2003, is amended by adding
10 13 the following new subsection:

10 14 NEW SUBSECTION. 17. Adopt criteria for administrative
10 15 endorsements that allow a person to achieve the endorsement
10 16 authorizing the person to serve as an elementary or secondary
10 17 principal without regard to the grade level at which the
10 18 person accrued teaching experience.

10 19 Sec. 16. NEW SECTION. 272.15 SCHOOL REPORTING
10 20 REQUIREMENT.

10 21 The board of directors of a school district or area
10 22 education agency, the superintendent of a school district or
10 23 the chief administrator of an area education agency, and the
10 24 authorities in charge of a nonpublic school shall report to
10 25 the board the nonrenewal or termination, for reasons of
10 26 alleged or actual misconduct, of a person's contract executed
10 27 under sections 279.12, 279.13, 279.15 through 279.21, 279.23,
10 28 and 279.24, and the resignation of a person who holds a
10 29 license, certificate, or authorization issued by the board as
10 30 a result of or following an incident or allegation of
10 31 misconduct that, if proven, would constitute a violation of
10 32 the rules adopted by the board to implement section 272.2,
10 33 subsection 14, paragraph "b", subparagraph (1), when the board
10 34 or reporting official has a good faith belief that the

10 35 incident occurred or the allegation is true. Information
11 1 reported to the board in accordance with this section is
11 2 privileged and confidential, and, except as provided in
11 3 section 272.13, is not subject to discovery, subpoena, or
11 4 other means of legal compulsion for its release to a person
11 5 other than the respondent and the board and its employees and
11 6 agents involved in licensee discipline, and is not admissible
11 7 in evidence in a judicial or administrative proceeding other
11 8 than the proceeding involving licensee discipline. The board
11 9 shall review the information reported to determine whether a
11 10 complaint should be initiated. In making that determination,
11 11 the board shall consider the factors enumerated in section
11 12 272.2, subsection 14, paragraph "a". For purposes of this
11 13 section, unless the context otherwise requires, "misconduct"
11 14 means an action disqualifying an applicant for a license or
11 15 causing the license of a person to be revoked or suspended in
11 16 accordance with the rules adopted by the board to implement
11 17 section 272.2, subsection 14, paragraph "b", subparagraph (1).

11 18 Sec. 17. Section 272.25, subsection 4, Code 2003, is
11 19 amended to read as follows:

11 20 4. A requirement that prescribes minimum experiences and
11 21 responsibilities to be accomplished during the student
11 22 teaching experience by the student teacher and by the
11 23 cooperating teacher based upon recommendations of the
11 24 department of education after consultation with teacher
11 25 education faculty members in colleges and universities. The
11 26 student teaching experience shall include opportunities for
11 27 the student teacher to become knowledgeable about the Iowa
11 28 teaching standards, including a mock evaluation performed by
11 29 the cooperating teacher. The mock evaluation shall not be
11 30 used as an assessment tool by the practitioner preparation
11 31 program. The student teaching experience shall consist of
11 32 interactive experiences involving the college or university
11 33 personnel, the student teacher, the cooperating teacher, and
11 34 administrative personnel from the cooperating teacher's school
11 35 district.

12 1 Sec. 18. Section 272.28, Code 2003, is amended to read as
12 2 follows:

12 3 272.28 MENTORING AND INDUCTION REQUIREMENT.

12 4 1. Effective July 1, 2003, requirements for teacher
12 5 licensure beyond ~~a provisional~~ an initial license shall
12 6 include successful completion of a beginning teacher mentoring
12 7 and induction program approved by the state board of
12 8 education.

12 9 2. A teacher from an accredited nonpublic school or
12 10 another state or country is exempt from the requirement of
12 11 subsection 1 if the teacher can document three years of
12 12 successful teaching experience ~~within the past five years~~ and
12 13 meet or exceed the requirements contained in rules adopted
12 14 under this chapter for endorsement and licensure.

12 15 Sec. 19. Section 273.8, subsection 2, Code 2003, is
12 16 amended by striking the subsection and inserting in lieu
12 17 thereof the following:

12 18 2. ELECTION OF DIRECTORS. Except as otherwise provided in
12 19 subsection 2A, the board of directors of an area education
12 20 agency shall be elected by a vote of the members of the boards
12 21 of directors of the local school districts located within the
12 22 director district. The procedure for conducting the elections
12 23 shall be as follows:

12 24 a. Notice of the election shall be published by the area
12 25 education agency administrator not later than July 15 in at
12 26 least one newspaper of general circulation in the director
12 27 district. The cost of publication shall be paid by the area
12 28 education agency.

12 29 b. A candidate for election to the area education agency
12 30 board shall file a statement of candidacy with the area
12 31 education agency secretary not later than August 15, on forms
12 32 prescribed by the department of education. The statement of
12 33 candidacy shall include the candidate's name, address, and
12 34 school district. The list of candidates shall be sent by the
12 35 secretary of the area education agency in ballot form by
13 1 certified mail to the presidents of the boards of directors of
13 2 all school districts within the director district not later
13 3 than September 1. In order for the ballot to be counted, the
13 4 ballot must be received in the secretary's office by the end
13 5 of the normal business day on September 30 or be clearly
13 6 postmarked by an officially authorized postal service not
13 7 later than September 29 and received by the secretary not
13 8 later than noon on the first Monday following September 30.

13 9 c. The board of each separate school district that is
13 10 located entirely or partially inside an area education agency
13 11 director district shall cast a vote for director of the area
13 12 education agency board based upon the ratio that the
13 13 population of the school district, or portion of the school
13 14 district, in the director district bears to the total
13 15 population in the director district. The population of each
13 16 school district or portion shall be determined by the
13 17 department of education. The member of the area education
13 18 agency board to be elected may be a member of a local school
13 19 district board of directors and shall be an elector and a
13 20 resident of the director district, but shall not be a school
13 21 district employee.

13 22 d. Vacancies, as defined in section 277.29, in the
13 23 membership of the area education agency board shall be filled
13 24 for the unexpired portion of the term at a director district
13 25 convention called and conducted in the manner provided in
13 26 subsection 2A.

13 27 Sec. 20. Section 273.8, Code 2003, is amended by adding
13 28 the following new subsection:

13 29 NEW SUBSECTION. 2A. Director district convention. If no
13 30 candidate files with the area education agency secretary by
13 31 the deadline specified in subsection 2, or a vacancy occurs,
13 32 or if otherwise required as provided in section 273.23,
13 33 subsection 3, a director district convention, attended by
13 34 members of the boards of directors of the local school
13 35 districts located within the director district, shall be
14 1 called to elect a board member for that director district.
14 2 The convention location shall be determined by the area
14 3 education agency administrator. Notice of the time, date, and
14 4 place of a director district convention shall be published by
14 5 the area education agency administrator in at least one
14 6 newspaper of general circulation in the director district at
14 7 least thirty days prior to the day of the convention. The
14 8 cost of publication shall be paid by the area education
14 9 agency. A candidate for election to the area education agency
14 10 board shall file a statement of candidacy with the area
14 11 education agency secretary at least ten days prior to the date
14 12 of the director district convention, on forms prescribed by
14 13 the department of education, or nominations may be made at the
14 14 convention by a delegate from a board of directors of a school
14 15 district located within the director district. A statement of
14 16 candidacy shall include the candidate's name, address, and
14 17 school district. Delegates to director district conventions
14 18 shall not be bound by a school board or any school board
14 19 member to pledge their votes to any candidate prior to the
14 20 date of the convention.

14 21 Sec. 21. Section 273.21, subsection 2, Code 2003, is
14 22 amended read as follows:

14 23 2. If twenty percent or more of the school districts
14 24 within an affected area education agency file a petition by
14 25 ~~March~~ December 1 with the affected area education agency board

14 26 to consider reorganization, the affected board shall consider
14 27 the request and vote on the petition. If a majority of the
14 28 affected board members vote to study the reorganization of the
14 29 affected area education agency, the affected board shall
14 30 immediately begin the study to consider reorganization
14 31 effective by July 1 of the next year.
14 32 Sec. 22. Section 273.21, subsection 3, paragraph g, Code
14 33 2003, is amended to read as follows:
14 34 g. Transmit the completed plan to the state board by
14 35 ~~November 1~~ July 15. Plans received by the state board after
15 1 ~~November 1~~ July 15 shall be considered for area education
15 2 agency reorganization taking effect no sooner than July 1
15 3 after the next succeeding fiscal year.
15 4 Sec. 23. Section 273.21, subsection 4, Code 2003, is
15 5 amended to read as follows:
15 6 4. The state board shall review the reorganization plan
15 7 and shall, prior to ~~February 1~~ September 30, either approve
15 8 the plan ~~or return as submitted~~, approve the plan contingent
15 9 upon compliance with the state board's recommendations, or
15 10 ~~disapprove the plan. An unapproved A contingently approved~~
15 11 ~~plan may shall~~ be resubmitted with modifications to the
15 12 department not later than ~~February 10~~ October 30. An approved
15 13 plan shall take effect on July 1 of the fiscal year following
15 14 the date of approval by the state board, ~~except that plans~~
15 15 ~~submitted to the state board after November 1 shall take~~
15 16 ~~effect no sooner than July 1 after the next succeeding fiscal~~
15 17 ~~year.~~
15 18 Sec. 24. Section 273.22, Code 2003, is amended by adding
15 19 the following new subsection:
15 20 NEW SUBSECTION. 4A. Not later than fifteen days after the
15 21 state board notifies an area education agency of its approval
15 22 of the area education agency's reorganization plan or
15 23 dissolution proposal, the area education agency shall notify,
15 24 by certified mail, the school districts located within the
15 25 area education agency boundaries, the school districts and
15 26 area education agencies that are contiguous to its boundaries,
15 27 and any other school district under contract with the area
15 28 education agency, of the state board's approval of the plan or
15 29 proposal, and shall provide the department of education with a
15 30 copy of any notice sent in accordance with this subsection. A
15 31 petition to join an area education agency or for release from
15 32 a contract with an area education agency, in accordance with
15 33 subsections 4, 6, and 7, shall be filed not later than forty=
15 34 five days after the state board approves a reorganization plan
15 35 or dissolution proposal in accordance with this chapter.
16 1 Sec. 25. Section 273.22, subsections 5 and 6, Code 2003,
16 2 are amended to read as follows:
16 3 5. ~~The Within forty=five days of the state board's~~
16 4 ~~approval, the board of directors of a school district that is~~
16 5 ~~contiguous to a newly reorganized area education agency may~~
16 6 ~~petition the board of directors of their current area~~
16 7 ~~education agency and the newly reorganized area education~~
16 8 ~~agency to join the newly reorganized area education agency.~~
16 9 ~~If both area education agency boards the initial, or new board~~
16 10 ~~if established in time under section 273.23, subsection 3, and~~
16 11 ~~the board of the contiguous area education agency approve the~~
16 12 ~~petition, the reorganization, including any school district~~
16 13 ~~whose petition to join the newly reorganized area education~~
16 14 ~~agency has been approved, shall take effect in accordance with~~
16 15 ~~the dates established under section 273.21, subsection 4.~~
16 16 ~~Both the initial, or new, and the contiguous area education~~
16 17 ~~agency boards must act within forty=five days of the deadline,~~
16 18 ~~as set forth in this subsection, for the filing of the school~~
16 19 ~~district's petition. A school district may appeal to the~~
16 20 ~~state board the decision of an area education agency board to~~
16 21 ~~deny the school district's petition.~~
16 22 6. ~~The Within forty=five days of the state board's~~
16 23 ~~approval, the board of directors of a school district that is~~
16 24 ~~within a newly reorganized area education agency and whose~~
16 25 ~~school district was is contiguous to another area education~~
16 26 ~~agency prior to the reorganization not included in the newly~~
16 27 ~~reorganized area education agency may petition the board of~~
16 28 ~~directors of the newly reorganized area education agency and~~
16 29 ~~the contiguous area education agency to join that area~~
16 30 ~~education agency. If both area education agency boards the~~
16 31 ~~initial, or new board if established in time under section~~
16 32 ~~273.23, subsection 3, and the board of the contiguous area~~
16 33 ~~education agency approve the petition, the reorganization,~~
16 34 ~~excluding any school district whose petition to join an area~~
16 35 ~~education agency contiguous to the newly reorganized area~~
17 1 ~~education agency has been approved, shall take effect in~~

17 2 accordance with the dates established under section 273.21,
17 3 subsection 4. Both the initial, or new, and the contiguous
17 4 area education agency boards must act within forty-five days
17 5 of the deadline, as set forth in this subsection, for the
17 6 filing of the school district's petition. A school district
17 7 may appeal to the state board the decision of an area
17 8 education agency board to deny the school district's petition.
17 9 Sec. 26. Section 273.22, subsection 7, Code 2003, is
17 10 amended by striking the subsection.
17 11 Sec. 27. Section 273.23, subsections 2, 3, and 5, Code
17 12 2003, are amended to read as follows:
17 13 2. Prior to the organization meeting of the board of
17 14 directors of the newly formed area education agency, the
17 15 boards of the former area education agencies shall designate
17 16 directors to be retained as members to serve on the initial
17 17 board of the newly formed area education agency. A vacancy
17 18 occurs if an insufficient number of former board members
17 19 reside within the newly formed area education agency's
17 20 boundaries or if an insufficient number of former board
17 21 members are willing to serve on the board of the newly formed
17 22 area education agency. Vacancies, as defined in section
17 23 277.29, in the membership of the newly formed area education
17 24 agency board shall be filled for the unexpired portion of the
17 25 term at a ~~special~~ director district convention called and
17 26 conducted in the manner provided in section 273.8 for ~~regular~~
17 27 director district conventions.
17 28 3. ~~Prior to the effective date of the reorganization Not~~
17 29 ~~later than January 15 of the calendar year in which the~~
17 30 ~~reorganization takes effect,~~ the initial board shall call a
17 31 director district convention under the provisions of section
17 32 273.8, subsection ~~2~~ 2A, for the purpose of electing a board
17 33 for the reorganized area education agency. The new board
17 34 shall have control of the employment of all personnel for the
17 35 newly formed area education agency for the ensuing school
18 1 year. Following the organization of the new board, the board
18 2 shall have authority to establish policy, enter into
18 3 contracts, and complete such planning and take such action as
18 4 is essential for the efficient management of the newly formed
18 5 area education agency.
18 6 5. The initial board, or new board if established in time
18 7 under section 273.23, subsection 3, of the newly formed agency
18 8 shall prepare an annual budget estimating income and
18 9 expenditures for programs and services as provided in sections
18 10 273.1 through 273.9 and chapter 256B within the limits of
18 11 funds provided under section 256B.9 and chapter 257. The
18 12 board shall give notice of a public hearing on the proposed
18 13 budget by publication in an official county newspaper in each
18 14 county in the territory of the area education agency in which
18 15 the principal place of business of a school district that is a
18 16 part of the area education agency is located. The notice
18 17 shall specify the date, which shall not be later than March 1,
18 18 the time, and the location of the public hearing. The
18 19 proposed budget as approved by the board shall be submitted to
18 20 the state board, on forms provided by the department, no later
18 21 than March 15 for approval. The state board shall review the
18 22 proposed budget of the newly formed area education agency and
18 23 shall, before April 1, either grant approval or return the
18 24 budget without approval with comments of the state board
18 25 included. An unapproved budget shall be resubmitted to the
18 26 state board for final approval not later than April 15. The
18 27 state board shall give final approval only to budgets
18 28 submitted by area education agencies accredited by the state
18 29 board or that have been given conditional accreditation by the
18 30 state board.
18 31 Sec. 28. Section 273.23, subsection 11, Code 2003, is
18 32 amended to read as follows:
18 33 11. Unless the reorganization of an area education agency
18 34 takes effect less than two years before the taking of the next
18 35 federal decennial census, a newly formed area education agency
19 1 shall, within one year of the effective date of the
19 2 reorganization, redraw the boundary lines of director
19 3 districts in the area education agency if a petition filed by
19 4 a school district to join the newly formed area education
19 5 agency, or for release from the newly formed area education
19 6 agency, in accordance with section 273.22, subsections 4
19 7 ~~through 6, and 7,~~ was approved. Until the boundaries are
19 8 redrawn, the boundaries for the newly formed area education
19 9 agency shall be as provided in the reorganization plan
19 10 approved by the state board in accordance with section 273.21.
19 11 Sec. 29. Section 273.27, subsection 2, Code 2003, is
19 12 amended to read as follows:

19 13 2. Within thirty days of the hearing, the affected board
19 14 shall call a director district convention in accordance with
19 15 section 273.8, subsection 2A, which shall include the boards
19 16 of directors in the area served by the area education agencies
19 17 to which an area of the affected area education agency will be
19 18 attached under the dissolution proposal, for the purpose of
19 19 voting on the dissolution proposal.

19 20 Sec. 30. Section 279.3, unnumbered paragraph 2, Code 2003,
19 21 is amended to read as follows:

19 22 These officers shall be appointed from outside the
19 23 membership of the board ~~for terms of one year beginning with~~
19 24 ~~the date of appointment,~~ and the appointment and qualification
19 25 shall be entered of record in the minutes of the secretary.
19 26 They shall qualify within ten days following appointment by
19 27 taking the oath of office in the manner required by section
19 28 277.28 and filing a bond as required by section 291.2 and
19 29 shall hold office until their successors are appointed and
19 30 qualified.

19 31 Sec. 31. Section 279.13, Code 2003, is amended by adding
19 32 the following new subsection:

19 33 NEW SUBSECTION. 4. Notwithstanding the other provisions
19 34 of this section, a temporary contract may be issued to a
19 35 teacher to fill a vacancy created by a leave of absence in
20 1 accordance with the provisions of section 29A.28, which
20 2 contract shall automatically terminate upon return from
20 3 military leave of the former incumbent of the teaching
20 4 position and which contract shall not be subject to the
20 5 provisions of sections 279.15 through 279.19, or section
20 6 279.27. A separate extracurricular contract issued pursuant
20 7 to section 279.19A to a person issued a temporary contract
20 8 under this section shall automatically terminate with the
20 9 termination of the temporary contract as required under
20 10 section 279.19A, subsection 8.

20 11 Sec. 32. Section 279.23, Code 2003, is amended by adding
20 12 the following new unnumbered paragraph:

20 13 NEW UNNUMBERED PARAGRAPH. Notwithstanding the other
20 14 provisions of this section, a temporary contract may be issued
20 15 to an administrator to fill a vacancy created by a leave of
20 16 absence in accordance with the provisions of section 29A.28,
20 17 which contract shall automatically terminate upon return from
20 18 military leave of the former incumbent of the administrator
20 19 position and which contract shall not be subject to the
20 20 provisions of sections 279.24 and section 279.25.

20 21 Sec. 33. Section 279.46, Code 2003, is amended to read as
20 22 follows:

20 23 279.46 RETIREMENT INCENTIVES == TAX.

20 24 The board of directors of a school district may adopt a
20 25 program for payment of a monetary bonus, continuation of
20 26 health or medical insurance coverage, or other incentives for
20 27 encouraging its employees to retire before the normal
20 28 retirement date as defined in chapter 97B. The program is
20 29 available only to employees who notify the board of directors
20 30 prior to April 1 of the fiscal year that they intend to retire
20 31 not later than the start of the next following June 30 school
20 32 calendar. The age at which employees shall be designated

20 33 eligible for the program shall be at the discretion of the
20 34 board. An employee retiring under this section may apply for
20 35 a retirement allowance under chapter 97B or chapter 294. The
21 1 board may include in the district management levy an amount to
21 2 pay the total estimated accumulated cost to the school
21 3 district of the health or medical insurance coverage, bonus,
21 4 or other incentives for employees within the age range of
21 5 fifty-five to sixty-five years of age who retire under this
21 6 section.

21 7 Sec. 34. Section 280.14, Code 2003, is amended to read as
21 8 follows:

21 9 280.14 SCHOOL REQUIREMENTS == ADMINISTRATION.

21 10 1. The board or governing authority of each school or
21 11 school district subject to the provisions of this chapter
21 12 shall establish and maintain adequate administration, school
21 13 staffing, personnel assignment policies, teacher
21 14 qualifications, certification requirements, facilities,
21 15 equipment, grounds, graduation requirements, instructional
21 16 requirements, instructional materials, maintenance procedures
21 17 and policies on extracurricular activities. In addition the
21 18 board or governing authority of each school or school district
21 19 shall provide such principals as it finds necessary to provide
21 20 effective supervision and administration for each school and
21 21 its faculty and student body.

21 22 2. An individual who is employed or contracted as a
21 23 superintendent by a school or school district may also serve

21 24 as an elementary or secondary principal in the same school or
21 25 school district.

21 26 Sec. 35. Section 282.18, subsection 3, Code 2003, is
21 27 amended to read as follows:

21 28 3. In all districts involved with voluntary or court=
21 29 ordered desegregation, minority and nonminority pupil ratios
21 30 shall be maintained according to the desegregation plan or
21 31 order. The superintendent of a district subject to voluntary
21 32 or court=ordered desegregation may deny a request for transfer
21 33 under this section if the superintendent finds that enrollment
21 34 or release of a pupil will adversely affect the district's
21 35 implementation of the desegregation order or plan, unless the
22 1 transfer is requested by a pupil whose sibling is already
22 2 participating in open enrollment to another district, or
22 3 unless the request for transfer is submitted to the district
22 4 in a timely manner as required under subsection 2 prior to the
22 5 adoption of a desegregation plan by the district. If a
22 6 transfer request would facilitate a voluntary or court=ordered
22 7 desegregation plan, the district shall give priority to
22 8 granting the request over other requests.

22 9 A parent or guardian, whose request has been denied because
22 10 of a desegregation order or plan, may appeal the decision of
22 11 the superintendent to the board of the district in which the
22 12 request was denied. The board may either uphold or overturn
22 13 the superintendent's decision. A decision of the board to
22 14 uphold the denial of the request is subject to appeal to the
22 15 district court in the county in which the primary business
22 16 office of the district is located. By July 1, 2004, the state
22 17 board of education shall adopt rules establishing guidelines
22 18 and a review process for school districts that adopt voluntary
22 19 desegregation plans. The guidelines shall include criteria
22 20 and standards that school districts must follow when
22 21 developing a voluntary desegregation plan. The department of
22 22 education shall provide technical assistance to a school
22 23 district that is seeking to adopt a voluntary desegregation
22 24 plan. A school district implementing a voluntary
22 25 desegregation plan prior to July 1, 2004, shall have until
22 26 July 1, 2006, to comply with guidelines adopted by the state
22 27 board pursuant to this section.

22 28 Sec. 36. Section 282.18, subsection 7, Code 2003, is
22 29 amended to read as follows:

22 30 7. A pupil participating in open enrollment shall be
22 31 counted, for state school foundation aid purposes, in the
22 32 pupil's district of residence. A pupil's residence, for
22 33 purposes of this section, means a residence under section
22 34 282.1. The board of directors of the district of residence
22 35 shall pay to the receiving district the state cost per pupil
23 1 for the previous school year, plus any moneys received for the
23 2 pupil as a result of the non=English speaking weighting under
23 3 section 280.4, subsection 3, for the previous school year.
23 4 multiplied by the state cost per pupil for the previous year.
23 5 ~~The district of residence shall also transmit the phase III~~
23 6 ~~moneys allocated to the district for the previous year for the~~
23 7 ~~full-time equivalent attendance of the pupil, who is the~~
23 8 ~~subject of the request, to the receiving district specified in~~
23 9 ~~the request for transfer.~~ If the pupil participating in open
23 10 enrollment is also an eligible pupil under chapter 261C, the
23 11 receiving district shall pay the tuition reimbursement amount
23 12 to an eligible postsecondary institution as provided in
23 13 section 261C.6.

23 14 Sec. 37. Section 284.2, subsections 1 and 3, Code 2003,
23 15 are amended to read as follows:

23 16 1. "Beginning teacher" means an individual serving under
23 17 an initial ~~provisional~~ license, issued by the board of
23 18 educational examiners under chapter 272, who is assuming a
23 19 position as a classroom teacher. For purposes of the
23 20 beginning teacher mentoring and induction program created
23 21 pursuant to section 284.5, "beginning teacher" also includes
23 22 preschool teachers who are licensed by the board of
23 23 educational examiners under chapter 272 and are employed by a
23 24 school district or area education agency.

23 25 3. "Comprehensive evaluation" means a summative evaluation
23 26 of a beginning teacher conducted by an evaluator for purposes
23 27 of determining a beginning teacher's level of competency,
23 28 ~~relative to the Iowa teaching standards and for recommendation~~
23 29 ~~for licensure based upon models developed pursuant to section~~
23 30 ~~256.9, subsection 50 the Iowa teaching standards, and to~~
23 31 determine whether the teacher's practice meets the school
23 32 district expectations for a career teacher.

23 33 Sec. 38. Section 284.3, subsection 2, paragraphs a and b,
23 34 Code 2003, are amended to read as follows:

23 35 a. ~~By July 1, 2002, for~~ For purposes of comprehensive
24 1 evaluations for beginning teachers required to allow beginning
24 2 teachers to progress to career teachers, standards and
24 3 criteria that are the Iowa teaching standards specified in
24 4 subsection 1 and the ~~model~~ criteria for the Iowa teaching
24 5 standards developed by the department in accordance with
24 6 section 256.9, subsection 50. These standards and criteria
24 7 shall be set forth in an instrument provided by the
24 8 department. The comprehensive evaluation and instrument are
24 9 not subject to negotiations or grievance procedures pursuant
24 10 to chapter 20 or determinations made by the board of directors
24 11 under section 279.14. A local school board and its certified
24 12 bargaining representative may negotiate, pursuant to chapter
24 13 20, evaluation and grievance procedures for beginning teachers
24 14 that are not in conflict with this chapter. If, in accordance
24 15 with section 279.19, a beginning teacher appeals the
24 16 determination of a school board to an adjudicator under
24 17 section 279.17, the adjudicator selected shall have
24 18 successfully completed training related to the Iowa teacher
24 19 standards, the ~~model~~ criteria adopted by the state board of
24 20 education in accordance with subsection 3, ~~as enacted by this~~
~~24 21 Act,~~ and any additional training required under rules adopted
24 22 by the public employment relations board in cooperation with
24 23 the state board of education.

24 24 b. By July 1, ~~2004~~ 2005, for purposes of performance
24 25 reviews for teachers other than beginning teachers,
24 26 evaluations that contain, at a minimum, the Iowa teaching
24 27 standards specified in subsection 1, as well as the ~~model~~
24 28 criteria for the Iowa teaching standards developed by the
24 29 department in accordance with section 256.9, subsection 50. A
24 30 local school board and its certified bargaining representative
24 31 may negotiate, pursuant to chapter 20, additional teaching
24 32 standards and criteria. A local school board and its
24 33 certified bargaining representative may negotiate, pursuant to
24 34 chapter 20, evaluation and grievance procedures for teachers
24 35 other than beginning teachers that are not in conflict with
25 1 this chapter.

25 2 Sec. 39. Section 284.3, subsection 3, Code 2003, is
25 3 amended to read as follows:

25 4 3. The state board shall adopt by rule pursuant to chapter
25 5 17A the ~~model~~ criteria developed by the department in
25 6 accordance with section 256.9, subsection 50.

25 7 Sec. 40. Section 284.4, subsection 1, paragraphs c and d,
25 8 Code 2003, are amended to read as follows:

25 9 c. Provide, beginning in the ~~fourth~~ fifth year of
25 10 participation, the equivalent of two additional contract days,
25 11 outside of instruction time, than were provided in the school
25 12 year preceding the first year of participation, to provide
25 13 additional time for teacher career development that aligns
25 14 with student learning and teacher development needs, including
25 15 the integration of technology into curriculum development, in
25 16 order to achieve attendance center and district-wide student
25 17 achievement goals outlined in the district comprehensive
25 18 school improvement plan. School districts are encouraged to
25 19 develop strategies for restructuring the school calendar to
25 20 provide for the most effective professional development,
25 21 evaluate their current career development alignment with their
25 22 student achievement goals and research-based instructional
25 23 strategies, and implement district career development plans.
25 24 A school district that provides the equivalent of ten or more
25 25 contract days for career development is exempt from this
25 26 paragraph.

25 27 d. Adopt ~~a district and~~ teacher career development ~~program~~
25 28 ~~plans~~ in accordance with this chapter.

25 29 Sec. 41. Section 284.5, subsection 6, Code 2003, is
25 30 amended to read as follows:

25 31 6. Upon completion of the program, the beginning teacher
25 32 shall be comprehensively evaluated to determine if the teacher
25 33 meets expectations to move to the career level. The school
25 34 district or area education agency that employs the beginning
25 35 teacher shall recommend for ~~an educational~~ a standard license
26 1 a beginning teacher who is determined through a comprehensive
26 2 evaluation to demonstrate competence in the Iowa teaching
26 3 standards. A school district or area education agency may
26 4 offer a beginning teacher a third year of participation in the
26 5 program if, after conducting a comprehensive evaluation, the
26 6 school district determines that the teacher is likely to
26 7 successfully complete the mentoring and induction program by
26 8 the end of the third year of eligibility. A teacher granted a
26 9 third year of eligibility shall develop a teacher's mentoring
26 10 and induction program plan in accordance with this chapter and

26 11 shall undergo a comprehensive evaluation at the end of the
26 12 third year. The board of educational examiners shall grant a
26 13 one-year extension of the beginning teacher's ~~provisional~~
26 14 initial license upon notification by the school district that
26 15 the teacher will participate in a third year of the school
26 16 district's program.

26 17 Sec. 42. Section 284.6, subsection 5, Code 2003, is
26 18 amended to read as follows:

26 19 5. The teacher's evaluator shall annually meet with the
26 20 teacher to review progress in meeting the goals in the
26 21 teacher's individual plan. The teacher shall present to the
26 22 evaluator evidence of progress. The purpose of the meeting
26 23 shall be to review the teacher's progress in meeting career
26 24 development goals in the plan and to review collaborative work
26 25 with other staff on student achievement goals and to modify as
26 26 necessary the teacher's individual plan to reflect the
26 27 individual teacher's and the school district's needs and the
26 28 individual's progress in meeting the goals in the plan. The
26 29 teacher's supervisor and the evaluator shall review, modify,
26 30 or accept modifications made to the teacher's individual plan.

26 31 Sec. 43. Section 284.7, subsection 1, paragraph a,
26 32 subparagraph (1), subparagraph subdivision (b), Code 2003, is
26 33 amended to read as follows:

26 34 (b) ~~Holds a provisional~~ an initial teacher license issued
26 35 by the board of educational examiners.

27 1 Sec. 44. Section 284.7, subsection 2, paragraph a,
27 2 subparagraph (1), Code 2003, is amended to read as follows:

27 3 (1) A career II teacher is a teacher who meets the
27 4 requirements of subsection 1, paragraph "b", has met the
27 5 requirements established by the school district that employs
27 6 the teacher, and is evaluated by the school district as
27 7 demonstrating the competencies of a career II teacher. The
27 8 teacher shall have successfully completed a ~~comprehensive~~
27 9 ~~evaluation performance review~~ in order to be classified as a
27 10 career II teacher.

27 11 Sec. 45. Section 284.7, subsection 4, Code 2003, is
27 12 amended to read as follows:

27 13 4. If a ~~comprehensive evaluation performance review~~ for a
27 14 teacher is conducted in the fifth year of the teacher's status
27 15 at the career level, and indicates that the teacher's practice
27 16 no longer meets the standards for that level, a ~~comprehensive~~
27 17 ~~evaluation performance review~~ shall be conducted in the next
27 18 following school year. If the ~~comprehensive evaluation~~
27 19 ~~performance review~~ establishes that the teacher's practice
27 20 fails to meet the standards for that level, the teacher shall
27 21 be ineligible for any additional pay increase other than a
27 22 cost-of-living increase.

27 23 Sec. 46. Section 284.7, subsection 6, paragraph a, Code
27 24 2003, is amended to read as follows:

27 25 a. ~~For the school year beginning July 1, 2002, and ending~~
27 26 ~~June 30, 2003, if~~ If the licensed employees of a school
27 27 district or area education agency receiving funds pursuant to
27 28 section 284.13, subsection 1, paragraph "g" or "h", for
27 29 purposes of this section, are organized under chapter 20 for
27 30 collective bargaining purposes, the board of directors and the
27 31 certified bargaining representative for the licensed employees
27 32 shall mutually agree upon a formula for distributing the funds
27 33 among the teachers employed by the school district or area
27 34 education agency. However, the school district must comply
27 35 with the salary minimums provided for in this section. The
28 1 parties shall follow the negotiation and bargaining procedures
28 2 specified in chapter 20 except that if the parties reach an
28 3 impasse, neither impasse procedures agreed to by the parties
28 4 nor sections 20.20 through 20.22 shall apply and the funds
28 5 shall be paid as provided in paragraph "b". Negotiations
28 6 under this section are subject to the scope of negotiations
28 7 specified in section 20.9. If a board of directors and the
28 8 certified bargaining representative for licensed employees
28 9 have not reached mutual agreement ~~by July 15, 2002,~~ for the
28 10 distribution of funds received pursuant to section 284.13,
28 11 subsection 1, paragraph "g" or "h", by July 15 of the fiscal
28 12 year for which the funds are distributed, paragraph "b" of
28 13 this subsection shall apply.

28 14 Sec. 47. Section 284.8, subsection 2, Code 2003, is
28 15 amended to read as follows:

28 16 2. If a supervisor or an evaluator determines, at any
28 17 time, as a result of a teacher's performance that the teacher
28 18 is not meeting district expectations under the Iowa teaching
28 19 standards specified in section 284.3, subsection 1, paragraphs
28 20 "a" through "g", the ~~model~~ criteria for the Iowa teaching
28 21 standards developed by the department in accordance with

28 22 section 256.9, subsection 50, ~~or~~ and any other standards or
28 23 criteria established in the collective bargaining agreement,
28 24 the evaluator shall, at the direction of the teacher's
28 25 supervisor, recommend to the district that the teacher
28 26 participate in an intensive assistance program. The intensive
28 27 assistance program and its implementation are not subject to
28 28 negotiation or grievance procedures established pursuant to
28 29 chapter 20. By July 1, ~~2004~~ 2005, all school districts must
28 30 be prepared to offer an intensive assistance program.

28 31 Sec. 48. Section 284.9, subsection 3, Code 2003, is
28 32 amended to read as follows:

28 33 3. To assure fairness and consistency in the evaluation
28 34 process, the review panels may perform random audits of the
28 35 comprehensive evaluations and performance reviews conducted by
29 1 evaluators throughout the state, and may randomly review
29 2 ~~performance-based evaluation models how the evaluators are~~
29 3 ~~evaluating teachers based upon the Iowa teaching standards~~
29 4 ~~developed by school districts in accordance with section~~
29 5 ~~284.3, subsection 2. The review of the evaluation models~~
29 6 ~~shall ensure that the model is at least equivalent to the~~
29 7 ~~state models developed pursuant to section 256.9, subsection~~
29 8 ~~50.~~

29 9 Sec. 49. Section 284.10, subsections 4 and 5, Code 2003,
29 10 are amended to read as follows:

29 11 4. By July 1, 2003, a ~~A~~ higher education institution
29 12 approved by the state board to provide an administrator
29 13 preparation program shall incorporate the evaluator training
29 14 program into the program offered by the institution.

29 15 5. ~~Beginning July 1, 2003, the~~ The board of educational
29 16 examiners shall require certification as a condition of
29 17 issuing or renewing an administrator's license.

29 18 Sec. 50. Section 284.11, subsections 1 and 6, Code 2003,
29 19 are amended to read as follows:

29 20 1. It is the intent of the general assembly to create a
29 21 statewide team-based variable pay program to reward individual
29 22 attendance centers for improvement in student achievement. A
29 23 pilot program is established to give Iowa school districts
29 24 with one or more participating attendance centers the
29 25 opportunity to explore and demonstrate successful methods to
29 26 implement team-based variable pay and to compare student
29 27 achievement gains in school districts participating in the
29 28 program with gains in school districts similar in nature that
29 29 are not participating in the program. The department shall
29 30 develop and administer the pilot program and shall provide
29 31 technical assistance in the areas of goal setting and student
29 32 assessments to school districts approved to participate in the
29 33 pilot program. Preference shall be given to school districts
29 34 that were previously approved to participate in a pilot
29 35 program administered by the department in accordance with this

30 1 section. Each school district approved by the department to
30 2 participate in the pilot program shall administer valid and
30 3 reliable standardized assessments at the beginning and end of
30 4 the school year to demonstrate growth in student achievement.
30 5 6. A district electing to initiate a team-based variable
30 6 pay plan according to this section during the school year
30 7 beginning July 1, ~~2001~~ 2003, shall notify the department of
30 8 its election in writing no later than August 1, ~~2001~~ 2003.
30 9 The department shall certify the school district plan by
30 10 October 1, ~~2001~~ 2003.

30 11 Sec. 51. Section 285.5, subsection 9, Code 2003, is
30 12 amended to read as follows:

30 13 9. All bus drivers, except substitute and part-time bus
30 14 drivers, for school-owned equipment shall be under contract
30 15 with the board. The director of the department of education
30 16 shall prepare a uniform contract containing provision not in
30 17 conflict with this chapter which shall be used by all school
30 18 boards in contracting with drivers of school-owned vehicles.

30 19 Sec. 52. Section 285.10, subsection 7, paragraph b, Code
30 20 2003, is amended to read as follows:

30 21 b. May purchase buses and enter into contracts to pay for
30 22 such buses over a five-year period as follows: one-fourth of
30 23 the cost when the bus is delivered and the balance in equal
30 24 annual installments, plus simple interest due. The interest
30 25 rate shall be the lowest rate available and shall not exceed
30 26 the rate in effect under section 74A.2. The bus shall serve
30 27 as security for balance due. Competitive bids on comparable
30 28 equipment shall be requested on all school bus ~~body and~~
30 29 ~~chassis~~ purchases and shall be based upon minimum construction
30 30 standards established by the department of education.
30 31 ~~Separate body and chassis bids~~ Bids shall be requested unless
30 32 the bus is constructed as an integral unit, ~~inseparable as to~~

~~30 33 body and chassis, by the manufacturer or is a used or~~
~~30 34 demonstrator bus.~~
 30 35 Sec. 53. Section 294A.1, unnumbered paragraph 1, Code
 31 1 2003, is amended to read as follows:
 31 2 The purpose of this chapter is to promote excellence in
 31 3 education. In order to maintain and advance the educational
 31 4 excellence in the state of Iowa, this chapter establishes the
 31 5 Iowa educational excellence program. The program shall
 31 6 consist of ~~three~~ two major phases addressing the following:
 31 7 Sec. 54. Section 294A.1, subsection 3, Code 2003, is
 31 8 amended by striking the subsection.
 31 9 Sec. 55. Section 294A.3, unnumbered paragraph 2, Code
 31 10 2003, is amended by striking the unnumbered paragraph.
 31 11 Sec. 56. Section 294A.22, unnumbered paragraph 3, Code
 31 12 2003, is amended to read as follows:
 31 13 Payments made to a teacher by a school district or area
 31 14 education agency under this chapter are wages for the purposes
 31 15 of chapter 91A ~~except for payments made under an approved~~
~~31 16 phase III plan where a modified payment plan has either been~~
~~31 17 mutually agreed upon by the board of directors and the~~
~~31 18 certified bargaining representative for certificated employees~~
~~31 19 or for a district that is not organized for collective~~
~~31 20 bargaining purposes where a modified payment plan is adopted~~
~~31 21 by the board.~~
 31 22 Sec. 57. Section 321.375, subsection 2, unnumbered
 31 23 paragraph 1, Code 2003, is amended to read as follows:
 31 24 Any of the following shall constitute grounds for a school
 31 25 bus driver's immediate suspension from duties, pending a
 31 26 termination hearing by the board of directors of a public
 31 27 school district or the authorities in charge in a nonpublic
 31 28 school if the bus driver is under contract, pending
31 29 confirmation of the grounds by the school district or
31 30 accredited nonpublic school if the bus driver is a part-time
31 31 or substitute bus driver who is not under contract, or pending
31 32 confirmation of the grounds by the employer of the school bus
31 33 driver if the employer is not a school district or accredited
31 34 nonpublic school by the board:
 31 35 Sec. 58. Section 321.375, subsection 2, Code 2003, is
 32 1 amended by adding the following new paragraph:
 32 2 NEW PARAGRAPH. e. A change in circumstances indicating
 32 3 that the driver is no longer physically or mentally competent.
 32 4 For the purpose of an insulin-dependent diabetic, a change in
 32 5 circumstances includes the following:
 32 6 (1) Results of a glycosylated hemoglobin test indicating
 32 7 values less than 6.0 percent or greater than 9.5 percent
 32 8 unless accompanied by the required medical opinion that the
 32 9 event was incidental and not an indication of failure to
 32 10 control glucose levels.
 32 11 (2) Results of self-monitoring indicate glucose levels
 32 12 less than one hundred milligrams per deciliter or greater than
 32 13 three hundred milligrams per deciliter, until self-monitoring
 32 14 indicates compliance with specifications.
 32 15 (3) Experiencing a loss of consciousness or control
 32 16 relating to diabetes.
 32 17 (4) Failing to maintain or falsifying the required
 32 18 reports.
 32 19 Sec. 59. Section 321.375, Code 2003, is amended by adding
 32 20 the following new subsection:
 32 21 NEW SUBSECTION. 3. a. Notwithstanding any provision to
 32 22 the contrary, an insulin-dependent diabetic may qualify under
 32 23 subsection 1, paragraph "d", for purposes of operating a
 32 24 school bus under this section if a person identified by
 32 25 federal or state law as authorized to perform physical
 32 26 examinations annually provides a signed statement indicating
 32 27 that based upon an annual physical examination the individual
 32 28 is physically able to perform the required functions despite
 32 29 insulin dependency. The insulin-dependent diabetic shall not
 32 30 qualify to operate a school bus if, at minimum, the individual
 32 31 results of a glycosylated hemoglobin test indicate values less
 32 32 than 6.0 percent or greater than 9.5 percent on other than an
 32 33 incidental basis and not as a result of failure to control
 32 34 glucose levels. The statement shall also indicate that within
 32 35 the past three years the insulin-dependent diabetic has
 33 1 completed instruction to address diabetes management and
 33 2 driving safety, signs and symptoms of hypoglycemia and
 33 3 hyperglycemia, and what procedures must be followed if
 33 4 complications arise.
 33 5 b. A school district or authorities in charge of the
 33 6 nonpublic school that employs or otherwise secures the
 33 7 services of an individual with an authorization who is an
 33 8 insulin-dependent diabetic shall monitor the insulin-dependent

33 9 diabetic to determine that they are in compliance with all of
33 10 the following:

33 11 (1) Self-monitoring blood glucose and demonstrating
33 12 conformance with requirements, more than one hundred
33 13 milligrams per deciliter and less than three hundred
33 14 milligrams per deciliter, within one hour before driving a
33 15 school bus and approximately every four hours while on duty
33 16 using a United States food and drug administration approved
33 17 device.

33 18 (2) Reporting immediately to the school district or school
33 19 any failure to comply with specific glucose level requirements
33 20 as listed in subparagraph (1) or loss of consciousness or
33 21 control.

33 22 (3) Carrying a source of readily absorbable, fast-acting
33 23 glucose while on duty.

33 24 (4) Maintaining a daily log of all glucose test results
33 25 for the previous six-month period and providing copies to the
33 26 school district or school, the examining physician, and the
33 27 department of education upon request.

33 28 (5) Submitting all required department of education forms
33 29 within the prescribed timelines.

33 30 Sec. 60. Section 321J.22, subsection 2, paragraph d, Code
33 31 2003, is amended to read as follows:

33 32 d. The department of education shall establish reasonable
33 33 fees to defray the expense of obtaining classroom space,
33 34 instructor salaries, and class materials for courses offered
33 35 both by community colleges and by substance abuse treatment
34 1 programs licensed under chapter 125, and for administrative
34 2 expenses incurred by the department of education in
34 3 implementing subsection 5 on behalf of in-state and out-of-
34 4 state offenders.

34 5 Sec. 61. Section 331.909, subsection 2, Code 2003, is
34 6 amended to read as follows:

34 7 2. The activities of a multidisciplinary community
34 8 services team shall not duplicate the activities of a
34 9 multidisciplinary team for child abuse under section 235A.13,
34 10 dependent adult abuse activities under section 235B.6, ~~area~~
34 11 ~~education agency activities under section 294A.14,~~ or child
34 12 victim services provided under section 915.35.

34 13 Sec. 62. Section 614.1, subsection 12, Code 2003, is
34 14 amended to read as follows:

34 15 12. SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A COUNSELOR, ~~OR~~
34 16 THERAPIST, ~~OR SCHOOL EMPLOYEE.~~ An action for damages for
34 17 injury suffered as a result of sexual abuse, as defined in
34 18 section 709.1, by a counselor, ~~or~~ therapist, or school
34 19 employee, as defined in section 709.15, or as a result of
34 20 sexual exploitation by a counselor, ~~or~~ therapist, or school
34 21 employee shall be brought within five years of the date the
34 22 victim was last treated by the counselor or therapist, or
34 23 within five years of the date the victim was last enrolled in
34 24 or attended the school.

34 25 Sec. 63. Section 692A.1, subsection 10, Code 2003, is
34 26 amended to read as follows:

34 27 10. "Sexual exploitation" means sexual exploitation by a
34 28 counselor, ~~or~~ therapist, or school employee under section
34 29 709.15.

34 30 Sec. 64. Section 702.11, subsection 2, paragraph d, Code
34 31 2003, is amended to read as follows:

34 32 d. Sexual exploitation by a counselor, ~~or~~ therapist, or
34 33 school employee in violation of section 709.15.

34 34 Sec. 65. Section 709.15, Code 2003, is amended to read as
34 35 follows:

35 1 709.15 SEXUAL EXPLOITATION BY A COUNSELOR, ~~OR~~ THERAPIST,
35 2 OR SCHOOL EMPLOYEE.

35 3 1. As used in this section:

35 4 a. "Counselor or therapist" means a physician,
35 5 psychologist, nurse, professional counselor, social worker,
35 6 marriage or family therapist, alcohol or drug counselor,
35 7 member of the clergy, or any other person, whether or not
35 8 licensed or registered by the state, who provides or purports
35 9 to provide mental health services.

35 10 b. "Emotionally dependent" means that the nature of the
35 11 patient's or client's or former patient's or client's
35 12 emotional condition or the nature of the treatment provided by
35 13 the counselor or therapist is such that the counselor or
35 14 therapist knows or has reason to know that the patient or
35 15 client or former patient or client is significantly impaired
35 16 in the ability to withhold consent to sexual conduct, as
35 17 described in ~~paragraph "f"~~ subsection 2, by the counselor or
35 18 therapist.

35 19 For the purposes of ~~paragraph "f"~~ subsection 2, a former

35 20 patient or client is presumed to be emotionally dependent for
35 21 one year following the termination of the provision of mental
35 22 health services.

35 23 c. "Former patient or client" means a person who received
35 24 mental health services from the counselor or therapist.

35 25 d. "Mental health service" means the treatment,
35 26 assessment, or counseling of another person for a cognitive,
35 27 behavioral, emotional, mental, or social dysfunction,
35 28 including an intrapersonal or interpersonal dysfunction.

35 29 e. "Patient or client" means a person who receives mental
35 30 health services from the counselor or therapist.

35 31 f. "School employee" means a practitioner as defined in
35 32 section 272.1.

35 33 g. "Student" means a person who is currently enrolled in
35 34 or attending a public or nonpublic elementary or secondary
35 35 school, or who was a student enrolled in or attended a public
36 1 or nonpublic elementary or secondary school within thirty days
36 2 of any violation of subsection 3.

36 3 f. 2. ~~"Sexual~~ Sexual exploitation by a counselor or
36 4 ~~therapist"~~ therapist occurs when any of the following are
36 5 found:

36 6 (1) a. A pattern or practice or scheme of conduct to
36 7 engage in any of the conduct described in ~~subparagraph (2) or~~
36 8 ~~(3) paragraph "b" or "c".~~

36 9 (2) b. Any sexual conduct, with an emotionally dependent
36 10 patient or client or emotionally dependent former patient or
36 11 client for the purpose of arousing or satisfying the sexual
36 12 desires of the counselor or therapist or the emotionally
36 13 dependent patient or client or emotionally dependent former
36 14 patient or client, which includes but is not limited to the
36 15 following: kissing; touching of the clothed or unclothed
36 16 inner thigh, breast, groin, buttock, anus, pubes, or genitals;
36 17 or a sex act as defined in section 702.17.

36 18 (3) c. Any sexual conduct with a patient or client or
36 19 former patient or client within one year of the termination of
36 20 the provision of mental health services by the counselor or
36 21 therapist for the purpose of arousing or satisfying the sexual
36 22 desires of the counselor or therapist or the patient or client
36 23 or former patient or client which includes but is not limited
36 24 to the following: kissing; touching of the clothed or
36 25 unclothed inner thigh, breast, groin, buttock, anus, pubes, or
36 26 genitals; or a sex act as defined in section 702.17.

36 27 ~~"Sexual~~ Sexual exploitation by a counselor or ~~therapist"~~
36 28 ~~therapist~~ does not include touching which is part of a
36 29 necessary examination or treatment provided a patient or
36 30 client by a counselor or therapist acting within the scope of
36 31 the practice or employment in which the counselor or therapist
36 32 is engaged.

36 33 3. Sexual exploitation by a school employee occurs when
36 34 any of the following are found:

36 35 a. A pattern or practice or scheme of conduct to engage in
37 1 any of the conduct described in paragraph "b".

37 2 b. Any sexual conduct with a student for the purpose of
37 3 arousing or satisfying the sexual desires of the school
37 4 employee or the student. Sexual conduct includes but is not
37 5 limited to the following: kissing; touching of the clothed or
37 6 unclothed inner thigh, breast, groin, buttock, anus, pubes, or
37 7 genitals; or a sex act as defined in section 702.17.

37 8 Sexual exploitation by a school employee does not include
37 9 touching that is necessary in the performance of the school
37 10 employee's duties while acting within the scope of employment.

37 11 2- 4. a. A counselor or therapist who commits sexual
37 12 exploitation in violation of subsection 1 2, paragraph "f"
37 13 "a", ~~subparagraph (1)~~, commits a class "D" felony.

37 14 3- b. A counselor or therapist who commits sexual
37 15 exploitation in violation of subsection 1 2, paragraph "f"
37 16 "b", ~~subparagraph (2)~~, commits an aggravated misdemeanor.

37 17 4- c. A counselor or therapist who commits sexual
37 18 exploitation in violation of subsection 1 2, paragraph "f"
37 19 "c", ~~subparagraph (3)~~, commits a serious misdemeanor. In lieu
37 20 of the sentence provided for under section 903.1, subsection
37 21 1, paragraph "b", the offender may be required to attend a
37 22 sexual abuser treatment program.

37 23 5. a. A school employee who commits sexual exploitation
37 24 in violation of subsection 3, paragraph "a", commits a class
37 25 "D" felony.

37 26 b. A school employee who commits sexual exploitation in
37 27 violation of subsection 3, paragraph "b", commits an
37 28 aggravated misdemeanor.

37 29 Sec. 66. Section 802.2A, subsection 2, Code 2003, is
37 30 amended to read as follows:

37 31 2. An indictment or information for sexual exploitation by
37 32 a counselor, ~~or~~ therapist, or school employee under section
37 33 709.15 committed on or with a person who is under the age of
37 34 eighteen shall be found within ten years after the person upon
37 35 whom the offense is committed attains eighteen years of age.
38 1 An information or indictment for any other sexual exploitation
38 2 shall be found within ten years of the date the victim was
38 3 last treated by the counselor or therapist, or within ten
38 4 years of the date the victim was enrolled in or attended the
38 5 school.

38 6 Sec. 67. Section 903B.1, subsection 4, paragraph h, Code
38 7 2003, is amended to read as follows:

38 8 h. Sexual exploitation ~~by a counselor~~ in violation of
38 9 section 709.15.

38 10 Sec. 68. MINIMUM TEACHER SALARY REQUIREMENTS == FY 2003=
38 11 2004.

38 12 1. Notwithstanding section 284.7, subsection 1, paragraph
38 13 "a", subparagraph (2), the minimum teacher salary paid by a
38 14 school district or area education agency for purposes of
38 15 teacher compensation in accordance with chapter 284, for the
38 16 fiscal year beginning July 1, 2003, and ending June 30, 2004,
38 17 shall be the minimum salary amount the school district or area
38 18 education agency paid to a first-year beginning teacher or,
38 19 the minimum salary amount the school district or area
38 20 education agency would have paid a first-year beginning
38 21 teacher if the school district or area education agency had
38 22 participated in the program in the 2001=2002 school year, in
38 23 accordance with section 284.7, subsection 1, Code Supplement
38 24 2001. If the school district or area education agency did not
38 25 employ a first-year beginning teacher in the 2001=2002 school
38 26 year, the minimum salary is the amount that the district would
38 27 have paid a first-year beginning teacher under chapter 284 in
38 28 the 2001=2002 school year.

38 29 2. Notwithstanding section 284.7, subsection 1, paragraph
38 30 "b", subparagraph (2), the minimum career teacher salary paid
38 31 to a career teacher who was a beginning teacher in the 2001=
38 32 2002 school year, by a school district or area education
38 33 agency participating in the student achievement and teacher
38 34 quality program, for the school year beginning July 1, 2003,
38 35 and ending June 30, 2004, shall be, unless the school district
39 1 has a minimum career teacher salary that exceeds thirty
39 2 thousand dollars, one thousand dollars greater than the
39 3 minimum salary amount the school district or area education
39 4 agency paid to a first-year beginning teacher if the school
39 5 district or area education agency participated in the program
39 6 during the 2001=2002 school year, or the minimum salary amount
39 7 the school district or area education agency would have paid a
39 8 first-year beginning teacher if the school district or area
39 9 education agency had participated in the program in the 2001=
39 10 2002 school year, in accordance with section 284.7, subsection
39 11 1, Code Supplement 2001.

39 12 3. Notwithstanding section 284.7, subsection 1, paragraph
39 13 "b", subparagraph (2), and except as provided in subsection 2,
39 14 the minimum career teacher salary paid by a school district or
39 15 area education agency participating in the student achievement
39 16 and teacher quality program, for purposes of teacher
39 17 compensation in accordance with chapter 284, for the school
39 18 year beginning July 1, 2003, and ending June 30, 2004, shall
39 19 be the minimum salary amount the school district or area
39 20 education agency paid to a career teacher if the school
39 21 district or area education agency participated in the program
39 22 during the 2001=2002 school year, or, the minimum salary
39 23 amount the school district or area education agency would have
39 24 paid a career teacher if the school district or area education
39 25 agency had participated in the program in the 2001=2002 school
39 26 year, in accordance with section 284.7, subsection 1, Code
39 27 Supplement 2001.

39 28 Sec. 69. READING INSTRUCTION PILOT PROGRAM.

39 29 1. Recognizing the state's goals of assisting children to
39 30 grow, develop, and learn to their fullest extent, empowering
39 31 students in grades kindergarten through eight to become good
39 32 readers, and supporting student achievement and overall
39 33 academic performance, and recognizing the importance of
39 34 instructional methodologies and strategies for reading, a
39 35 reading instruction pilot program is established. The
40 1 objective of the program shall be to improve student reading
40 2 achievement and provide interventions needed to assist
40 3 struggling readers by increasing teacher capacity to provide
40 4 reading instruction.

40 5 2. The program shall be established for the school year
40 6 beginning July 1, 2003, in a school district with an

40 7 enrollment of at least six hundred pupils in grades
40 8 kindergarten through twelve, or in two or more school
40 9 districts, each with enrollments of less than six hundred
40 10 pupils in grades kindergarten through twelve, jointly
40 11 participating in the program and with a combined enrollment of
40 12 at least six hundred pupils in grades kindergarten through
40 13 twelve. The program shall involve the implementation of
40 14 systematic intensive phonics reading instruction and direct
40 15 instruction for students up to and including the eighth grade.
40 16 The program shall meet the standards set forth by the United
40 17 States department of education's national institute for
40 18 literacy, which has identified the five areas of successful
40 19 reading instruction as phonemic awareness, phonics, fluency,
40 20 vocabulary, and text comprehension.

40 21 3. The program shall offer training and ongoing support
40 22 for participating teachers and provide continuous formal and
40 23 informal student assessment to demonstrate results. Teachers
40 24 in the school district or group of districts selected shall,
40 25 prior to the beginning of classes for the school year
40 26 beginning July 1, 2003, participate in an in-service training
40 27 program to prepare for implementation of the program. The in=
40 28 service training shall include education and training in
40 29 curriculum content and methods of instruction relating to
40 30 systematic intensive phonics reading instruction and direct
40 31 instruction, student assessment procedures and techniques, and
40 32 effective interventions to address specific reading
40 33 difficulties, and shall continue on an ongoing basis
40 34 throughout the school year.

40 35 4. The program shall be administered by the department of
41 1 education. The department shall provide notice to school
41 2 districts regarding the existence of the program, shall
41 3 provide technical assistance regarding application submission
41 4 and information regarding program objectives and operation,
41 5 and shall provide program implementation assistance to the
41 6 school district or group of districts selected. A school
41 7 district or group of districts wishing to participate shall
41 8 submit an application to the department and the department
41 9 shall, before July 1, 2003, select a school district or group
41 10 of districts for participation in the pilot program. In the
41 11 application the school district or group of districts shall
41 12 propose a districtwide plan for effective reading
41 13 interventions involving an approach to beginning reading
41 14 instruction and boosting the reading levels of students using
41 15 systematic intensive phonics instruction and direct
41 16 instruction. A school district submitting an application
41 17 shall also indicate a willingness to provide faculty committed
41 18 to implementation of the program and participation in the in=
41 19 service training, and shall include a plan for conducting
41 20 pretesting and posttesting to demonstrate results. The
41 21 department shall select for participation a school district or
41 22 group of districts, after consultation with the chairpersons
41 23 and ranking members of the senate and house standing
41 24 committees on education, which demonstrates an ability to
41 25 implement program requirements and adhere to the national
41 26 institute for literacy standards.

41 27 5. Upon completion of the pilot program, the school
41 28 district shall submit a report to the department regarding the
41 29 impact of the program on student academic achievement. The
41 30 department shall prepare a report summarizing these results,
41 31 and comparing them to student academic achievement gains in
41 32 similar school districts that did not participate in the
41 33 program. The department report shall include recommendations
41 34 for statewide implementation of the pilot program, and shall
41 35 be submitted to the chairpersons and ranking members of the
42 1 senate and house standing committees on education by December
42 2 15, 2004.

42 3 6. The establishment of the program pursuant to this
42 4 section shall be contingent upon an appropriation for purposes
42 5 of the program for the fiscal year beginning July 1, 2003, and
42 6 ending June 30, 2004. Funds provided to the school district
42 7 or group of districts selected shall be used by the district
42 8 or group of districts to provide stipends and travel expense
42 9 payments during the summer teacher in-service training,
42 10 ongoing training and support during the school year, expense
42 11 payments relating to data collection, and payments for the
42 12 costs of reading instruction relating to the program.

42 13 Sec. 70. Sections 294A.12 through 294A.20, and 294A.23,
42 14 Code 2003, are repealed.

42 15 Sec. 71. EFFECTIVE DATES.

42 16 1. Section 9 of this Act, relating to the repeal of
42 17 chapter 256D, being deemed of immediate importance, takes

42 18 effect upon enactment.

42 19 2. Section 10 of this Act, relating to school
42 20 reorganization incentives, being deemed of immediate
42 21 importance, takes effect upon enactment.

42 22 3. Section 69 of this Act, relating to a reading
42 23 instruction pilot program, being deemed of immediate
42 24 importance, takes effect upon enactment.

42 25 Sec. 72. EFFECTIVE AND RETROACTIVE APPLICABILITY
42 26 PROVISION. Section 35 of this Act, relating to a request for
42 27 open enrollment submitted to a district prior to the
42 28 district's adoption of a desegregation plan, being deemed of
42 29 immediate importance, takes effect upon enactment and applies
42 30 retroactively to July 1, 2002, for open enrollment transfer
42 31 requests received by a school district on or after July 1,
42 32 2002.

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43 1 _____
43 2 CHRISTOPHER C. RANTS
43 3 Speaker of the House

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CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 549, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor