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HOUSE FILE 794

EDUCATION

BY ARNOULD and STROMER

*Supers per amend 4402
§ 3-81 (p 2396)*

Passed House Date 5-4-89 (p 240) Passed Senate, Date 5/6/89 (P. 2035)

Vote: Ayes 99 Nays 0 Vote: Ayes 32 Nays 15

Approved May 31, 1989

A BILL FOR

1 An Act establishing an autonomous board to perform the duties of
2 the present board of educational examiners and professional
3 practices commission.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 794

1 Section 1. Section 260.1, Code 1989, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 260.1 DEFINITIONS.

5 1. "Administrator" means a person who is licensed to
6 coordinate, supervise, or direct an educational program or the
7 activities of other practitioners.

8 2. "Board" means the board of educational examiners.

9 3. "Department" means the state department of education.

10 4. "License" means the authority that is given to allow a
11 person to legally serve as a practitioner, a school, an
12 institution, or a course of study to legally offer
13 professional development programs, other than those programs
14 offered by practitioner preparation schools, institutions, or
15 courses of study.

16 5. "Ordinary school day" means a day on which school is
17 scheduled.

18 6. "Practitioner" means an administrator, teacher, or
19 other licensed professional who does not hold or receive a
20 license from a professional licensing board other than the
21 board of educational examiners and who provides educational
22 assistance to students.

23 7. "Practitioner preparation program" means a program
24 approved by the state board of education which prepares a
25 person to obtain a license as a practitioner.

26 8. "Principal" means a licensed member of a school's
27 instructional staff who serves as an instructional leader,
28 coordinates the process and substance of educational and
29 instructional programs, coordinates the budget of the school,
30 provides formative evaluation for all practitioners and other
31 persons in the school, recommends or has effective authority
32 to appoint, assign, promote, or transfer personnel in a school
33 building, implements the local school board's policy in a
34 manner consistent with professional practice and ethics, and
35 assists in the development and supervision of a school's

1 student activities program.

2 9. "Profession of teaching" or "teaching profession" means
3 the group of persons who hold licenses issued by the board.

4 10. "Professional development program" means a course or
5 program which is offered by a person or agency for the purpose
6 of providing continuing education for the renewal or upgrading
7 of a practitioner's license.

8 11. "School" means a school under section 280.2, a merged
9 area school, an area education agency, and a school operated
10 by a state agency for special purposes.

11 12. "Student" means a person who is enrolled in a course
12 of study at a school or practitioner preparation program, or
13 who is receiving direct or indirect assistance from a
14 practitioner.

15 13. "Superintendent" means an administrator who promotes,
16 demotes, transfers, assigns, or evaluates practitioners or
17 other personnel, and carries out the policies of a governing
18 board in a manner consistent with professional practice and
19 ethics.

20 14. "Teacher" means a licensed member of a school's
21 instructional staff who diagnoses, prescribes, evaluates, and
22 directs student learning in a manner which is consistent with
23 professional practice and school objectives, shares
24 responsibility for the development of an instructional program
25 and any coordinating activities, evaluates or assesses student
26 progress before and after instruction, and who uses the
27 student evaluation or assessment information to promote
28 additional student learning.

29 Sec. 2. Section 260.2, Code 1989, is amended by striking
30 the section and inserting in lieu thereof the following:

31 260.2 BOARD OF EXAMINERS CREATED.

32 The board of educational examiners is created to exercise
33 the exclusive authority to:

34 1. License practitioners, who do not hold or receive a
35 license from another professional licensing board, and

1 professional development programs, except for programs
2 developed and offered by practitioner preparation institutions
3 or area education agencies and approved by the state board of
4 education. Licensing authority includes the authority to
5 establish criteria for the licenses, including but not limited
6 to, issuance and renewal requirements, creation of application
7 and renewal forms, creation of licenses that authorize
8 different instructional functions or specialties, development
9 of a code of professional rights and responsibilities,
10 practice, and ethics, and the authority to develop any other
11 classifications, distinctions, and procedures which may be
12 necessary to exercise licensing duties. A code of
13 professional rights and responsibilities, practice, and ethics
14 shall address but not be limited to the habitual failure of a
15 practitioner to fulfill contractual obligations under section
16 279.13.

- 17 2. Establish, collect, and refund fees for a license.
- 18 3. Enter into reciprocity agreements with other equivalent
19 state boards or a national certification board to provide for
20 licensing of applicants from other states or nations.
- 21 4. Enforce rules adopted by the board through revocation
22 or suspension of a license, or by other disciplinary action
23 against a practitioner or professional development program
24 licensed by the board of educational examiners.
- 25 5. Apply for and receive federal or other funds on behalf
26 of the state for purposes related to its duties.
- 27 6. Evaluate and conduct studies of board standards.
- 28 7. Hire an executive director, legal counsel, and other
29 personnel and control the personnel administration of persons
30 employed by the board.
- 31 8. Hear appeals regarding application, renewal,
32 suspension, or revocation of a license. Board action is final
33 agency action for purposes of chapter 17A.
- 34 9. Establish standards for the determination of whether an
35 applicant is qualified to perform the duties required for a

1 given license.

2 10. Issue statements of professional recognition to school
3 service personnel who are licensed by another professional
4 licensing board.

5 11. Make recommendations to the state board of education
6 concerning standards for the approval of professional
7 development programs.

8 12. Establish, under chapter 17A, rules necessary to carry
9 out board duties, and establish a budget request.

10 13. By January 1, 1991, adopt rules and establish
11 classifications for temporary substitute teaching, for persons
12 who hold a bachelor's degree from an accredited college or
13 university, but who do not meet other requirements for
14 licensure. Rules adopted shall provide that temporary
15 substitute teaching licenses shall be valid for two years, or
16 until the holder has completed an alternative training
17 program, whichever occurs first. Temporary substitute
18 teaching license holders, whose licenses expire because of
19 completion of an alternative training program, shall be
20 eligible for an appropriate standard license upon application
21 and submission of proof of satisfactory completion of the
22 alternative training program.

23 Sec. 3. Section 260.3, Code 1989, is amended by striking
24 the section and inserting in lieu thereof the following:

25 260.3 MEMBERSHIP.

26 The board of educational examiners consists of eleven
27 members. Two must be members of the general public and the
28 remaining nine must be licensed practitioners. One of the
29 public members shall also be the director of the department of
30 education, or the director's designee. The nine practitioners
31 shall be selected from the following areas and specialties of
32 the teaching profession:

33 1. Elementary teachers.

34 2. Secondary teachers.

35 3. Special education or other similar teachers.

1 4. Counselors or other special purpose practitioners.

2 5. Merged area school faculty members.

3 6. Administrators.

4 7. School service personnel.

5 A majority of the licensed practitioner members shall be
6 nonadministrative practitioners. Four of the members shall be
7 administrators. Membership of the board shall comply with the
8 requirements of sections 69.16 and 69.16A. A quorum of the
9 board shall consist of six members. The director of the
10 department of education shall serve as the chairperson of the
11 board. Members, except for the director of the department of
12 education, shall be appointed by the governor and the
13 appointments are subject to confirmation by the senate.

14 Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.

15 Members, except for the director of the department of
16 education, shall be appointed to serve staggered terms of four
17 years. A member shall not serve more than two consecutive
18 terms, except for the director of the department of education,
19 who shall serve until the director's term of office expires.
20 A member of the board, except for the two public members,
21 shall hold a valid practitioner's license during the member's
22 term of office. A vacancy exists when any of the following
23 occur:

24 1. A nonpublic member's license expires, is suspended, or
25 is revoked.

26 2. A nonpublic member retires or terminates employment as
27 a practitioner.

28 3. A member dies, resigns, is removed from office, or is
29 otherwise physically unable to perform the duties of office.

30 4. A member's term of office expires.

31 Terms of office for regular appointments begin on July 1,
32 and for vacancies on the date of appointment. Members may be
33 removed for cause by a state court with competent jurisdiction
34 after notice and opportunity for hearing. The board may
35 remove a member for three consecutive absences or for cause.

1 Sec. 5. Section 260.5, Code 1989, is amended by striking
2 the section and inserting in lieu thereof the following:

3 260.5 COMPENSATION.

4 Members shall be reimbursed for actual and necessary
5 expenses incurred while engaged in their official duties and
6 may be entitled to per diem compensation as authorized under
7 section 7E.6. For duties performed during an ordinary school
8 day by a member who is employed by a school corporation or
9 state university, the member shall also receive regular
10 compensation from the school or university. However, the
11 member shall reimburse the school or university in the amount
12 of the per diem compensation received.

13 Sec. 6. Section 260.6, Code 1989, is amended by striking
14 the section and inserting in lieu thereof the following:

15 260.6 QUALIFICATIONS FOR PRACTITIONERS.

16 The board shall determine whether an applicant is qualified
17 to perform the duties for which a license is sought.
18 Applicants shall be disqualified for any of the following
19 reasons:

20 1. The applicant is less than twenty-one years of age.
21 However, a student enrolled in a practitioner preparation
22 program who meets board requirements for a temporary, limited-
23 purpose license who is seeking to teach as part of a practicum
24 or internship may be less than twenty-one years of age.

25 2. The applicant has been convicted of child abuse or
26 sexual abuse of a child.

27 3. The applicant has been convicted of a felony.

28 4. The applicant's application is fraudulent.

29 5. The applicant's license or certification from another
30 state is suspended or revoked.

31 6. The applicant fails to meet board standards for
32 application for an initial or renewed license.

33 Qualifications or criteria for the granting or revocation
34 of a license or the determination of an individual's
35 professional standing shall not include membership or

1 nonmembership in any teachers' organization.

2 Sec. 7. Section 260.7, Code 1989, is amended by striking
3 the section and inserting in lieu thereof the following:

4 260.7 VALIDITY OF LICENSE.

5 A license issued under board authority is valid for the
6 period of time for which it is issued, unless the license is
7 suspended or revoked. A license issued by the board is valid
8 until June 30 of the year in which the license expires. No
9 permanent licenses shall be issued. A person employed as a
10 practitioner shall hold a valid license for the type of
11 service for which the person is employed. This section does
12 not limit the duties or powers of a school board to select or
13 discharge practitioners or to terminate practitioners'
14 contracts. A professional development program, except for a
15 program offered by a practitioner preparation institution or
16 area education agency and approved by the state board of
17 education, must possess a valid license for the types of
18 programs offered.

19 The executive director of the board may grant or deny
20 license applications, applications for renewal of a license,
21 and suspension or revocation of a license. A denial of an
22 application for a license, the denial of an application for
23 renewal, or a suspension or revocation of a license may be
24 appealed by the practitioner to the board.

25 The board may issue emergency renewal or temporary,
26 limited-purpose licenses upon petition by a current or former
27 practitioner. An emergency renewal or a temporary, limited-
28 purpose license may be issued for a period not to exceed two
29 years, if a petitioner demonstrates, to the satisfaction of
30 the board, good cause for failure to comply with board
31 requirements for a regular license and provides evidence that
32 the petitioner will comply with board requirements within the
33 period of the emergency or temporary license. Under
34 exceptional circumstances, an emergency license may be renewed
35 by the board for one additional year. A previously unlicensed

1 person is not eligible for an emergency or temporary license,
2 except that a student who is enrolled in a licensed
3 practitioner preparation program may be issued a temporary,
4 limited-purpose license, without payment of a fee, as part of
5 a practicum or internship program.

6 Sec. 8. Section 260.8, Code 1989, is amended by striking
7 the section and inserting in lieu thereof the following:

8 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR
9 COUNTRIES.

10 The board may issue a license to an applicant from another
11 state or country if the applicant files evidence of the
12 possession of the required or equivalent requirements with the
13 board. The executive director of the board may, subject to
14 board approval, enter into reciprocity agreements with another
15 state or country for the licensing of practitioners on an
16 equitable basis of mutual exchange, when the action is in
17 conformity with law.

18 Practitioner preparation and professional development
19 programs offered in this state by out-of-state institutions
20 must be approved by the board in order to fulfill requirements
21 for licensure or renewal of a license by an applicant.

22 Sec. 9. Section 260.9, Code 1989, is amended by striking
23 the section and inserting in lieu thereof the following:

24 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

25 A certificate which was issued by the board of educational
26 examiners to a practitioner before the effective date of this
27 Act, continues to be in force as long as the certificate
28 complies with the rules and statutes in effect on the
29 effective date of this Act. Requirements for the renewal of
30 licenses, under this chapter, do not apply retroactively to
31 renewal of certificates. However, this section does not limit
32 the duties or powers of a school board to select or discharge
33 practitioners or to terminate practitioners' contracts.

34 A practitioner who holds a certificate issued before the
35 effective date of this Act shall, upon application and payment

1 of a fee, be granted a license which will permit the
2 practitioner to perform the same duties and functions as the
3 practitioner was entitled to perform with the certificate held
4 at the time of application. A practitioner shall be permitted
5 to convert a permanent certificate to a term certificate,
6 after the effective date of this Act, without payment of a
7 fee.

8 A professional development program provided by a school
9 district and approved by the state board of education before
10 the effective date of this Act shall be permitted to continue
11 until the term, for which the program was approved, expires.

12 Sec. 10. CONTINUITY OF RULES. Administrative rules
13 adopted by the board of educational examiners or the
14 professional teaching practices commission relating to
15 licenses or professional practices in effect on April 15,
16 1989, remain in effect until modified or repealed by the board
17 of educational examiners after the effective date of this Act.

18 Sec. 11. Section 260.10, Code 1989, is amended by striking
19 the section and inserting in lieu thereof the following:

20 260.10 FEES.

21 It is the intent of the general assembly that licensing
22 fees established by the board of educational examiners be
23 sufficient to finance the activities of the board under this
24 chapter.

25 Licensing fees are payable to the treasurer of state and
26 shall be deposited with the executive director of the board.
27 The executive director shall deposit the fees with the
28 treasurer of state and the fees shall be credited to the
29 general fund of the state. The executive director shall keep
30 an accurate and detailed account of fees received and paid to
31 the treasurer of state.

32 Sec. 12. Section 260.11, Code 1989, is amended by striking
33 the section and inserting in lieu thereof the following:

34 260.11 EXPENDITURES AND REFUNDS.

35 Expenditures and refunds made by the board under this

1 chapter shall be certified by the executive director of the
2 board to the director of revenue and finance, and if found
3 correct, the director of revenue and finance shall approve the
4 expenditures and refunds and draw warrants upon the treasurer
5 of state from the funds appropriated for that purpose.

6 Sec. 13. Section 260.12, Code 1989, is amended by striking
7 the section and inserting in lieu thereof the following:

8 260.12 HEARING PROCEDURES.

9 Hearings before the board shall be conducted in the same
10 manner as contested cases under chapter 17A. The board may
11 subpoena books, papers, records, and any other real evidence
12 necessary for the board to decide whether it should institute
13 a contested case hearing. At the hearing the board may
14 administer oaths and issue subpoenas to compel the attendance
15 of witnesses and the production of other evidence. Subpoenas
16 may be issued by the board to a party to a hearing, if the
17 party demonstrates that the evidence or witnesses' testimony
18 is relevant and material to the hearing. Service of process
19 and subpoenas for board hearings shall be conducted in
20 accordance with the law applicable to the service of process
21 and subpoenas in civil actions.

22 Witnesses subpoenaed to appear before the board shall be
23 reimbursed for mileage and necessary expenses and shall
24 receive per diem compensation by the board, unless the witness
25 is an employee of the state or a political subdivision, in
26 which case the witness shall receive reimbursement only for
27 mileage and necessary expenses.

28 Sec. 14. Section 260.25, unnumbered paragraph 1, and
29 subsections 1 and 5 through 9, Code 1989, are amended to read
30 as follows:

31 Not later than January 1, ~~1990~~ 1991, the ~~board-of~~
32 ~~educational-examiners~~ state board of education shall adopt
33 rules pursuant to chapter 17A to implement the following for
34 approved ~~teacher-education~~ practitioner preparation programs:

35 1. A requirement that each student admitted to an approved

1 teacher-education practitioner preparation program must
2 participate in field experiences that include both observation
3 and participation in teaching activities in a variety of
4 school settings. These field experiences shall comprise a
5 total of at least fifty hours' duration, at least forty hours
6 of which shall occur after a student's admission to an
7 approved teacher-education practitioner preparation program.
8 The student teaching experience shall be a minimum of twelve
9 weeks in duration during the student's final year of the
10 teacher-education practitioner preparation program.

11 5. A requirement that each approved teacher-education
12 practitioner preparation or professional development
13 institution annually offer a workshop of at least one day in
14 duration for prospective cooperating teachers. The workshop
15 shall define the objectives of the student teaching
16 experience, review the responsibilities of the cooperating
17 teacher, and provide the cooperating teacher other information
18 and assistance the institution deems necessary.

19 6. A requirement that teacher-education practitioner
20 preparation students receive instruction in the use of
21 electronic technology for classroom and instructional
22 purposes.

23 7. A requirement that approved teacher-education
24 practitioner preparation institutions annually solicit the
25 views of the education community regarding the institution's
26 teacher-education practitioner preparation programs.

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

34 9. A requirement that an approved teacher-education
35 practitioner preparation program submit evidence that the

1 evaluation of the performance of a student teacher is a
2 cooperative process that involves both the faculty member
3 supervising the student teacher and the cooperating teacher.
4 The rules shall require that each institution develop a
5 written evaluation procedure for use by the cooperating
6 teacher and a form for evaluating student teachers, and
7 require that a copy of the completed form be included in the
8 student teacher's permanent record.

44029 Sec. 15. Section 260.31, subsection 1, unnumbered
10 paragraph 1, Code 1989, is amended to read as follows:

11 The minimum requirements for the board to award a coaching
12 authorization license to an applicant are:

13 Sec. 16. Section 260.31, subsection 2, Code 1989, is
14 amended to read as follows:

4402 15 2. The board of educational examiners shall adopt rules
16 under chapter 17A for coaching authorizations licenses
17 including, but not limited to, approval of courses, validity
18 and expiration, fees, and suspension and revocation of
19 authorizations licenses. ~~The director-of-the-department~~ state
20 board of education shall work with institutions of higher
21 education, private colleges and universities, merged area
22 schools, and area education agencies to ~~insure~~ ensure that the
23 courses required under subsection 1 are offered throughout the
24 state at convenient times and at a reasonable cost.

25 Sec. 17. Section 260.33, Code 1989, is amended to read as
26 follows:

27 260.33 EVALUATOR APPROVAL LICENSE.

28 Effective July 1, 1990, in addition to endorsements
29 licenses required under rules adopted pursuant to this
30 chapter, an individual employed as an administrator,
31 supervisor, school service person, or teacher by a school
32 district, area education agency, or area school, who conducts
33 evaluations of the performance of individuals holding
34 certificates licenses under this chapter, shall possess an
35 evaluator approval license.

1 By July 1, ~~1987~~ 1990, the board of educational examiners
2 shall adopt rules establishing requirements for an evaluator
3 ~~approval~~ license including but not limited to ~~approval-of~~
4 ~~courses~~, renewal requirements, fees, and suspension and
5 revocation of evaluator ~~approvals~~ licenses. An approved
6 program shall include provisions for determining that an
7 applicant for evaluator ~~approval~~ license has satisfactorily
8 completed the program. The ~~board-of-educational-examiners~~
9 state board of education shall work with institutions of
10 higher education under the state board of regents, private
11 colleges and universities, merged area schools, and area
12 education agencies to ~~insure~~ ensure that the courses required
13 under subsection 1 are offered throughout the state at
14 convenient times and at reasonable cost. The requirements
15 shall include completion of a program approved by the ~~board-of~~
16 ~~educational-examiners~~ state board of education as follows:

- 17 1. For evaluation of teachers, the development of skills
18 including but not limited to analysis of lesson plans,
19 classroom observation, analysis of data, performance
20 improvement strategies, and communication skills.
- 21 2. For evaluation of ~~certificated~~ licensed employees other
22 than teachers, the development of skills including but not
23 limited to communication skills, analysis of employee
24 performance, analysis of data, and performance improvement
25 strategies.

26 ~~An-evaluator-approval~~ A license is valid for a period of
27 five years from its issuance.

28 Sec. 18. Section 260.34, Code 1989, is amended to read as
29 follows:

30 260.34 ELEMENTARY ENDORSEMENTS LICENSES.

31 The board of educational examiners in conjunction with the
32 child development coordinating council, or other similar
33 agency, shall develop appropriate endorsements licenses for
34 teachers in the early elementary grades, taking into
35 consideration recommendations from the child development

1 coordinating council or other similar agency, the center for
2 early development education, and teacher education personnel.

3 Sec. 19. Section 256.7, subsection 3, Code 1989, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 3. Prescribe standards and procedures for the approval of
7 practitioner preparation programs and professional development
8 programs, offered by practitioner preparation institutions and
9 area education agencies, in this state. Procedures provided
10 for approval of programs shall include procedures for
11 enforcement of the prescribed standards and shall not include
12 a procedure for the waiving of any of the standards
13 prescribed.

14 Sec. 20. Section 256.7, subsection 9, unnumbered
15 paragraphs 1, 2, and 3, Code 1989, are amended to read as
16 follows:

17 Adopt rules under chapter 17A for the use of
18 telecommunications as an instructional tool for students
19 enrolled in kindergarten through grade twelve and served by
20 local school districts, accredited or approved nonpublic
21 schools, area education agencies, merged area schools,
22 institutions of higher education under the state board of
23 regents, and independent colleges and universities in
24 elementary and secondary school classes and courses. The
25 rules shall include but need not be limited to rules relating
26 to programs, educational policy, instructional practices,
27 staff development, use of pilot projects, curriculum
28 monitoring, and the accessibility of certificated licensed
29 teachers.

30 When curriculum is provided by means of telecommunications,
31 it shall be taught by ~~a-certificated~~ an appropriately licensed
32 ~~teacher who-is-properly-endorsed-or-approved~~. The teacher
33 shall either be present in the classroom, or be present at the
34 location at which the curriculum delivered by means of
35 telecommunications originates.

1 The rules shall provide that when the curriculum is taught
2 by ~~a-certificated-and-properly-endorsed-or-approved~~ an
3 appropriately licensed teacher at the location at which the
4 telecommunications originates, the curriculum received shall
5 be under the supervision of a ~~certificated~~ licensed teacher.
6 For the purposes of this subsection, "supervision" means that
7 the curriculum is monitored by a ~~certificated~~ licensed teacher
8 and the ~~certificated~~ teacher is accessible to the students
9 receiving the curriculum by means of telecommunications.

10 Sec. 21. Section 256.7, subsections 10 and 11, Code 1989,
11 are amended to read as follows:

12 10. Rules adopted under this section shall provide that
13 telecommunications shall not be used by school districts as
14 the exclusive means to provide any course which is required by
15 the minimum educational standards for ~~approval-or~~
16 accreditation.

17 11. Develop evaluation procedures that will measure the
18 effects of instruction by means of telecommunications on
19 student achievement, socialization, intellectual growth,
20 motivation, and other related factors deemed relevant by the
21 state board, for the development of an educational data base.
22 The state board shall consult with the state board of regents
23 and the ~~teacher-education~~ practitioner preparation departments
24 at its institutions, other ~~approved-teacher-education~~
25 practitioner preparation departments located within private
26 colleges and universities, educational research agencies or
27 facilities, and other agencies deemed appropriate by the state
28 board, in developing these procedures.

29 Sec. 22. Section 256.7, Code 1989, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 13. Not later than January 1, 1991, adopt
32 rules under chapter 17A for alternative training programs for
33 persons who hold a temporary substitute teaching license
34 issued under chapter 260. Rules adopted shall provide that
35 alternative training programs be offered by approved

1 practitioner preparation programs. Rules adopted shall also
2 provide that alternative training programs include an
3 evaluation, conducted by an appropriately licensed
4 practitioner who is not an employee of the school corporation
5 participating in the alternative training program, of the
6 performance of a person who holds a temporary substitute
7 teaching license and is employed by a school corporation and
8 that satisfactory completion of the evaluation be a condition
9 precedent to obtaining a standard license under chapter 260.

10 Sec. 23. Section 256.11, subsections 1 and 2, Code 1989,
11 are amended to read as follows:

12 1. If a school offers a prekindergarten program, the
13 program shall be designed to help children to work and play
14 with others, to express themselves, to learn to use and manage
15 their bodies, and to extend their interests and understanding
16 of the world about them. The prekindergarten program shall
17 relate the role of the family to the child's developing sense
18 of self and perception of others. Planning and carrying out
19 prekindergarten activities designed to encourage cooperative
20 efforts between home and school shall focus on community
21 resources. A prekindergarten teacher shall hold a certificate
22 license certifying that the holder is qualified to teach in
23 prekindergarten. A nonpublic school which offers only a
24 prekindergarten may, but is not required to, seek and obtain
25 accreditation.

26 2. The kindergarten program shall include experiences
27 designed to develop healthy emotional and social habits and
28 growth in the language arts and communication skills, as well
29 as a capacity for the completion of individual tasks, and
30 protect and increase physical well-being with attention given
31 to experiences relating to the development of life skills and
32 human growth and development. A kindergarten teacher shall be
33 certificated licensed to teach in kindergarten. An accredited
34 nonpublic school must meet the requirements of this subsection
35 only if the nonpublic school offers a kindergarten program.

1 Sec. 24. Section 256.11, subsection 5, paragraph f, Code
2 1989, is amended to read as follows:

3 f. Four sequential units of one foreign language. The
4 department may waive the third and fourth years of the foreign
5 language requirement on an annual basis upon the request of
6 the board of directors of a school district or the authorities
7 in charge of a nonpublic school if the board or authorities
8 are able to prove that a ~~certificated~~ licensed teacher was
9 employed and assigned a schedule that would have allowed
10 students to enroll in a foreign language class, the foreign
11 language class was properly scheduled, students were aware
12 that a foreign language class was scheduled, and no students
13 enrolled in the class.

14 Sec. 25. Section 256.11, subsection 9, paragraph b, Code
15 1989, is amended to read as follows:

16 b. Effective July 1, 1990, unless a waiver has been
17 obtained under section 256.11A, each school or school district
18 shall have a qualified school media specialist who shall meet
19 the ~~certification-and-approval~~ licensing standards prescribed
20 by the ~~department~~ board of educational examiners and shall be
21 responsible for supervision of the media centers. Each school
22 or school district shall establish a media center, in each
23 attendance center, which shall be accessible to students
24 throughout the school day.

25 Sec. 26. Section 256.11, subsection 9A, Code 1989, is
26 amended to read as follows:

27 9A. Each school or school district shall provide an
28 articulated sequential guidance program for grades
29 kindergarten through twelve. Until July 1, 1991, a school or
30 school district may obtain a waiver from meeting the
31 requirements of this subsection pursuant to section 256.11A.
32 The guidance counselor shall meet the ~~certification-and~~
33 ~~approval~~ licensing standards of the ~~department~~ board of
34 educational examiners.

35 Sec. 27. Section 256.16, Code 1989, is amended to read as

1 follows:

2 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION AND
3 CERTAIN EDUCATORS.

4 Pursuant to section 256.7, subsection 5, the state board
5 shall adopt rules requiring all ~~approved-teacher-training~~
6 ~~institutions~~ higher education institutions providing
7 practitioner preparation to include in the professional
8 education program, preparation that contributes to education
9 of the handicapped and the gifted and talented, which must be
10 successfully completed before graduation from the ~~teacher~~
11 training practitioner preparation program.

12 A person initially applying for a ~~certificate, endorsement,~~
13 ~~or approval~~ license shall successfully complete a professional
14 education program containing the subject matter specified in
15 this section, before the initial action by the department
16 board of educational examiners takes place.

17 Sec. 28. Section 256.17, unnumbered paragraph 1, Code
18 1989, is amended to read as follows:

19 The state board shall review the standards contained in
20 section 256.11, shall review current literature relating to
21 effective schools and learning environments, and shall consult
22 with representatives from the higher education institutions,
23 the board of educational examiners, area education agencies,
24 school board members, school administrators, teachers,
25 parents, students, members of business, industry, and labor,
26 other governmental agencies, associations interested in
27 education, and representatives of communities of various sizes
28 to develop standards for accredited schools and school
29 districts that encompass, but are not limited to the following
30 general areas:

31 Sec. 29. Section 256.17, subsection 5, Code 1989, is
32 amended to read as follows:

33 5. A performance evaluation process for its ~~certificated~~
34 ~~staff~~ licensed practitioners using staff members who possess
35 an evaluator approval license under ~~section-260-33~~ rules

1 adopted by the board of educational examiners.

2 Sec. 30. Section 258.3A, subsection 3, Code 1989, is
3 amended to read as follows:

4 3. Adopt rules prescribing standards for approval of
5 schools, departments, and classes; area vocational-technical
6 high schools and programs; and area vocational schools and
7 programs; and teacher-training practitioner preparation
8 schools, departments, and classes, applying for federal and
9 state moneys under this chapter.

10 Sec. 31. Section 258.4, subsections 5, 6, and 7, Code
11 1989, are amended to read as follows:

12 5. ~~Enferree~~ Make recommendations to the board of
13 educational examiners relating to the enforcement of rules
14 prescribing standards for teachers of subjects listed in
15 subsection 2 in approved accredited schools, departments, and
16 classes.

17 6. Co-operate in the maintenance of ~~teachers-training~~
18 practitioner preparation schools, departments, and classes,
19 supported and controlled by the public, for the training of
20 teachers and supervisors of subjects listed in subsection 2.

21 7. Annually inspect, as a basis of approval, all schools,
22 departments, and classes, area vocational-technical high
23 schools and programs, area vocational schools and programs and
24 all teachers-training practitioner preparation schools,
25 departments, and classes, applying for federal and state
26 moneys under ~~the-provisions-of~~ this chapter.

27 Sec. 32. Section 258.5, Code 1989, is amended to read as
28 follows:

29 258.5 FEDERAL AID -- CONDITIONS.

30 ~~Whenever~~ If a school corporation maintains an approved
31 vocational school, department, or classes in accordance with
32 the rules adopted by the state board, and rules and standards
33 adopted by the board of educational examiners, and the state
34 plan for vocational education, adopted by ~~that~~ the board for
35 vocational education and approved by the United States

1 department of education, the director of the department of
2 education shall reimburse the school corporation at the end of
3 the fiscal year for its expenditures for salaries and
4 authorized travel of vocational teachers from federal and
5 state funds. However, a school corporation shall not receive
6 from federal and state funds a larger amount than one-half the
7 sum which has been expended by the school corporation for that
8 particular type of program. If federal and state funds are
9 not sufficient to make the reimbursement to the extent
10 provided in this section, the director shall prorate the
11 respective amounts available to the corporations entitled to
12 reimbursement.

13 The director may use federal funds to reimburse approved
14 teacher-training practitioner preparation schools,
15 departments, or classes for the training of teachers of
16 agriculture, home economics, trades and industrial education,
17 distributive education, and for the training of guidance
18 counselors.

19 Sec. 33. Section 258.6, Code 1989, is amended to read as
20 follows:

21 258.6 DEFINITIONS.

22 "Approved school, department, or class" ~~shall-mean~~ means a
23 school, department, or class approved by ~~said~~ the board as
24 entitled under ~~the-provisions-of~~ this chapter to federal and
25 state moneys for the salaries and authorized travel of
26 teachers of vocational subjects. "Approved ~~teachers-training~~
27 practitioner preparation school, department, or class" ~~shall~~
28 ~~mean~~ means a school, department, or class approved by the
29 board as entitled under ~~the-provisions-of~~ this chapter to
30 federal moneys for the training of teachers of vocational
31 subjects.

32 Sec. 34. Section 273.3, subsections 5 and 11, Code 1989,
33 are amended to read as follows:

34 5. Be authorized, subject to rules ~~and-regulations~~ of the
35 state board of education, to provide directly or by

1 contractual arrangement with public or private agencies for
2 special education programs and services, media services, and
3 educational programs and services requested by the local
4 boards of education as provided in this chapter, including but
5 not limited to contracts for the area education agency to
6 provide programs or services to the local school districts and
7 contracts for local school districts, other educational
8 agencies, and public and private agencies to provide programs
9 and services to the local school districts in the area
10 education agency in lieu of the area education agency
11 providing the services. Contracts may be made with public or
12 private agencies located outside the state if the programs and
13 services comply with the rules of the state board. Rules
14 adopted by the state board of education shall be consistent
15 with rules, adopted by the board of educational examiners,
16 relating to licensing of practitioners.

17 11. Employ personnel to carry out the functions of the
18 area education agency which shall include the employment of an
19 administrator who shall possess a certificate license issued
20 under section-260-9 chapter 260. The administrator shall be
21 employed pursuant to section 279.20 and sections 279.23,
22 279.24 and 279.25. The salary for an area education agency
23 administrator shall be established by the board based upon the
24 previous experience and education of the administrator. ~~The~~
25 ~~provisions-of-section~~ Section 279.13 shall-apply applies to
26 the area education agency board and to all teachers employed
27 by the area education agency. ~~The-provisions-of-sections~~
28 Sections 279.23, 279.24 and 279.25 shall apply to the area
29 education board and to all administrators employed by the area
30 education agency.

31 Sec. 35. Section 279.19B, Code 1989, is amended to read as
32 follows:

33 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

34 The board of directors of a school district shall offer an
35 extracurricular contract for varsity head coach of the

1 interscholastic athletic activities of football, basketball,
2 track not including cross-country, baseball, softball,
3 volleyball, gymnastics, hockey, and wrestling only to an
4 individual possessing a teaching certificate license with a
5 coaching endorsement issued pursuant to chapter 260.

6 The board of directors of a school district may employ for
7 head coach of other interscholastic athletic activities or for
8 assistant coach of any interscholastic athletic activity, an
9 individual who possesses a coaching authorization issued by
10 the department-of-education board of educational examiners.
11 An individual who has been issued a coaching authorization or
12 who possesses a teaching certificate license with a coaching
13 endorsement but is not issued a teaching contract under
14 section 279.13 and who is employed by the board of directors
15 of a school district serves at the pleasure of the board of
16 directors and is not subject to sections 279.13 through
17 279.19, and 279.27. ~~Chapter-272A-and-subsection~~ Subsection 1
18 of section 279.19A ~~apply~~ applies to coaching authorizations.

19 Sec. 36. Section 282.3, subsection 2, unnumbered paragraph
20 2, Code 1989, is amended to read as follows:

21 ~~No~~ A child under the age of six years on the fifteenth of
22 September of the current school year shall not be admitted to
23 ~~any a~~ a public school unless the board of directors of the
24 school ~~shall-have~~ has adopted and put into effect courses of
25 study for the school year immediately preceding the first
26 grade, approved by the department of education, and ~~shall-have~~
27 has employed a ~~teacher-or-teachers~~ practitioner or
28 practitioners for this work with standards of training
29 approved by the ~~department-of-education~~ board of educational
30 examiners.

31 Sec. 37. Section 294.3, Code 1989, is amended to read as
32 follows:

33 294.3 STATE AID AND TUITION.

34 ~~No~~ A school shall not be deprived of its right to be
35 approved for state aid or approved for tuition by reason of

1 the employment of any teacher practitioner as authorized under
2 section ~~294.2~~ 260.9.

3 Sec. 38. Section 294A.2, subsections 3, 4, and 5, Code
4 1989, are amended to read as follows:

5 3. "General training requirements" means requirements
6 prescribed by a board of directors that provide for the
7 acquisition of additional semester hours of graduate credit
8 from an institution of higher education approved by the board
9 ~~of educational examiners~~ state board of education or the
10 completion of staff development activities ~~approved~~ licensed
11 by the ~~department of education~~ board of educational examiners,
12 except for programs developed by practitioner preparation
13 institutions, for renewal of ~~certificates~~ licenses issued
14 under chapter 260.

15 4. "Specialized training requirements" means requirements
16 prescribed by a board of directors to meet specific needs of
17 the school district identified by the board of directors that
18 provide for the acquisition of clearly defined skills through
19 formal or informal education that are beyond the requirements
20 necessary for initial ~~certification~~ licensing under chapter
21 260.

22 5. "Teacher" means an individual holding a teaching
4402 23 certificate practitioner's license issued under chapter 260,
24 ~~letter-of-authorization, or a statement of professional~~
25 ~~recognition~~ issued by the board of educational examiners, who
26 is employed in a nonadministrative position by a school
27 district or area education agency pursuant to a contract
28 issued by a board of directors under section 279.13. A
29 teacher may be employed in both an administrative and a
30 nonadministrative position by a board of directors and shall
31 be considered a part-time teacher for the portion of time that
32 the teacher is employed in a nonadministrative position.

33 Effective July 1, 1988, "teacher" includes an individual
34 employed on less than a full-time basis by a school district
35 through a contract between the school district and an

1 institution of higher education with ~~an-approved-teacher~~
2 ~~education~~ a practitioner preparation program in which the
3 teacher is enrolled in a graduate ~~teacher-education~~
4 practitioner preparation program.

5 Sec. 39. Section 321.180, subsection 1, Code 1989, is
6 amended to read as follows:

7 1. A person who is at least fourteen years of age and who,
8 except for the person's lack of instructions in operating a
9 motor vehicle, would be qualified to obtain an operator's
10 license, shall, upon meeting the requirements of section
11 321.186 other than a driving demonstration, and upon paying
12 the required fee, be issued a temporary instruction permit by
13 the department. Subject to the limitations in this
14 subsection, a temporary instruction permit entitles the
15 permittee, while having the permit in the permittee's
16 immediate possession, to drive a motor vehicle upon the
17 highways for a period of two years from the date of issuance.
18 The permittee must be accompanied by a licensed operator or
19 chauffeur who is at least eighteen years of age, who is an
20 approved driver education instructor, or who is a prospective
21 driver education instructor enrolled in and specifically
22 designated by a ~~teacher-education-institution~~ practitioner
23 preparation program with a safety education program approved
24 by the ~~department~~ state board of education, and who is
25 actually occupying a seat beside the driver. The temporary
26 instruction permit issued to a person who is less than sixteen
27 years of age entitles the permittee to drive a motor vehicle
28 upon the highways only when accompanied by a licensed operator
29 or chauffeur who is the parent or guardian of the permittee,
30 an approved driver education instructor, a prospective driver
31 education instructor who is enrolled in and has been
32 specifically designated by a ~~teacher-education-institution~~
33 practitioner preparation program with a safety education
34 program approved by the ~~department~~ state board of education,
35 or a person who is twenty-five years of age or more if written

1 permission is granted by the parent or guardian, and who is
2 actually occupying a seat beside the driver.

3 Sec. 40. Sections 232.69, 256.18, 256.19, 256.30, 261.51,
4 262.9, 275.56, 275.59, 279.12, 279.13, 279.19A, 279.49,
5 294A.9, 294A.10, 294A.15, 294A.24, 294A.25, and 808A.1, Code
6 1989, are amended by striking the words "certificated" and
7 "noncertificated" and inserting in lieu thereof the word
8 "licensed" or "unlicensed".

9 Sec. 41. Sections 261.45, 281.2, and 299.1, Code 1989, are
10 amended by striking the word "certified" and inserting in lieu
11 thereof the word "licensed".

440312 Sec. 42. Sections 261.51, 261.52, and 279.19B, Code 1989,
13 are amended by striking the words "certificate" and
14 "certificates" and inserting in lieu thereof the word
15 "license" or "licenses".

16 Sec. 43. REPEALS. Sections 256.31, 260.12, 260.14,
17 260.15, 260.19, 260.20, 260.21, 260.23, 260.27, 260.28, and
18 294.2, and chapter 272A, Code 1989, are repealed.

19 Sec. 44. USE OF FUNDS. Funds appropriated to the
20 department of education for the purpose of operating advisory
21 committees for certification shall be made available by the
22 department for use by the board of educational examiners
23 created under this Act. Staff, office equipment and
24 materials, records, and other assets currently held by the
25 department for the purpose of carrying out the state board of
26 education's duties as the board of educational examiners shall
27 also be made available for use by the board created under this
28 Act. Professional and nonprofessional staff employed on the
29 effective date of this Act whose duties involve certification
30 of practitioners shall be reassigned as employees of the
31 department of education under the direction of the board
32 created under this Act. However, the number of full-time
33 equivalent positions currently assigned to duties involving
34 the certification of practitioners shall not be reduced below
35 the level maintained by the department as of January 1, 1989,

1 for the board's operation after the effective date of this
2 Act.

3 EXPLANATION

4 This bill establishes an autonomous board to license
5 teachers, administrators, or other licensed instructional
6 personnel as well as the educational programs designed to
7 assist an individual in upgrading a practitioner's license.
8 Educational programs designed to assist an individual in
9 obtaining a license are subject to the approval of the state
10 board of education. The board will have rulemaking and quasi-
11 judicial authority under chapter 17A in matters relating to
12 licenses. The board also will have the authority to set
13 standards for teacher and administrative conduct as well as
14 for certain practitioner education programs.

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HOUSE FILE 794
FISCAL NOTE

A fiscal note for HOUSE FILE 794 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 794 establishes a separate Board of Educational Examiners whose duties include the licensing of practitioners and professional development programs; establishing, collecting, and refunding fees for a license; and enforcing rules adopted by the board. This board is directed to hire an executive director, legal counsel, and other personnel.

The board would consist of eleven members of the general public and licensed practitioners. One public member will be the Director of the Department of Education. These members would be reimbursed for expenses and be entitled to per diem compensation. Hearings before the board would be conducted in the same way as provided for in Chapter 17A, Iowa Code.

Assumptions:

1. All of the current staff would be initially retained for the new board.
2. The current funding from federal special education and vocational education would continue to be available to support staff employed by the new board of educational examiners.
3. The cost estimates are based on 1988-1989 budget information.

Fiscal Effect:

This bill would add an additional \$64,046 in costs for the Department of Education:

	CURRENT COSTS	COSTS OF HF 794
Advisory Committee	\$ 8,500	\$ 0
Board of Educational Examiners	0	24,000
Personnel and Other Assets	491,933	491,933
Prof Tchng Prac Commission Functions	50,000	50,000
Prof Tchng Prac Commission Expenses	16,454	0
Data and Word Processing Services	35,000	35,000
Executive Director for Board of Examiners	0	50,000
Support Services for Board of Examiners	0	15,000
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TOTAL	\$601,887	\$665,933

It is the intent of this bill that licensing fees established by the Examiners Board be used to finance their activities. Currently, \$165-180,000 per year is received from teacher certification fees.

Source: Department of Education

(LSB 2149hy, AAW)

FILED MAY 4, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

Senate Education
DO pass 54-89 (p. 1940)

HOUSE FILE 794
BY ARNOULD and STROMER

(As Amended and Passed by the House May 4, 1989)

Passed House, Date 5/7/89 (p. 2779) Passed Senate, Date 5/6/89 (p. 2035)
Vote: Ayes 87 Nays 0 Vote: Ayes 32 Nays 15
Approved May 31, 1989
Motion to reconsider w/D 5/6 (p. 2074)

A BILL FOR

1 An Act establishing an autonomous board to perform the duties of
2 the present board of educational examiners and professional
3 practices commission.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____
Deleted Language *

4133 -
4135-1

1 Section 1. Section 260.1, Code 1989, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 260.1 DEFINITIONS.

5 1. "Administrator" means a person who is licensed to
6 coordinate, supervise, or direct an educational program or the
7 activities of other practitioners.

8 2. "Board" means the board of educational examiners.

9 3. "Department" means the state department of education.

10 4. "License" means the authority that is given to allow a
11 person to legally serve as a practitioner, a school, an
12 institution, or a course of study to legally offer
13 professional development programs, other than those programs
14 offered by practitioner preparation schools, institutions, or
15 courses of study.

16 5. "Ordinary school day" means a day on which school is
17 scheduled.

18 6. "Practitioner" means an administrator, teacher, or
19 other licensed professional who does not hold or receive a
20 license from a professional licensing board other than the
21 board of educational examiners and who provides educational
22 assistance to students.

23 7. "Practitioner preparation program" means a program
24 approved by the state board of education which prepares a
25 person to obtain a license as a practitioner.

26 8. "Principal" means a licensed member of a school's
27 instructional staff who serves as an instructional leader,
28 coordinates the process and substance of educational and
29 instructional programs, coordinates the budget of the school,
30 provides formative evaluation for all practitioners and other
31 persons in the school, recommends or has effective authority
32 to appoint, assign, promote, or transfer personnel in a school
33 building, implements the local school board's policy in a
34 manner consistent with professional practice and ethics, and
35 assists in the development and supervision of a school's

1 student activities program.

2 9. "Profession of teaching" or "teaching profession" means
3 the group of persons who hold licenses issued by the board.

4 10. "Professional development program" means a course or
5 program which is offered by a person or agency for the purpose
6 of providing continuing education for the renewal or upgrading
7 of a practitioner's license.

8 11. "School" means a school under section 280.2, a merged
9 area school, an area education agency, and a school operated
10 by a state agency for special purposes.

11 12. "Student" means a person who is enrolled in a course
12 of study at a school or practitioner preparation program, or
13 who is receiving direct or indirect assistance from a
14 practitioner.

15 13. "Superintendent" means an administrator who promotes,
16 demotes, transfers, assigns, or evaluates practitioners or
17 other personnel, and carries out the policies of a governing
18 board in a manner consistent with professional practice and
19 ethics.

20 14. "Teacher" means a licensed member of a school's
21 instructional staff who diagnoses, prescribes, evaluates, and
22 directs student learning in a manner which is consistent with
23 professional practice and school objectives, shares
24 responsibility for the development of an instructional program
25 and any coordinating activities, evaluates or assesses student
26 progress before and after instruction, and who uses the
27 student evaluation or assessment information to promote
28 additional student learning.

29 Sec. 2. Section 260.2, Code 1989, is amended by striking
30 the section and inserting in lieu thereof the following:

31 260.2 BOARD OF EXAMINERS CREATED.

32 The board of educational examiners is created to exercise
33 the exclusive authority to:

34 1. License practitioners, who do not hold or receive a
35 license from another professional licensing board, and

1 professional development programs, except for programs
2 developed and offered by practitioner preparation institutions
3 or area education agencies and approved by the state board of
4 education. Licensing authority includes the authority to
5 establish criteria for the licenses, including but not limited
6 to, issuance and renewal requirements, creation of application
7 and renewal forms, creation of licenses that authorize
8 different instructional functions or specialties, development
9 of a code of professional rights and responsibilities,
10 practice, and ethics, and the authority to develop any other
11 classifications, distinctions, and procedures which may be
12 necessary to exercise licensing duties. A code of
13 professional rights and responsibilities, practice, and ethics
14 shall address but not be limited to the habitual failure of a
15 practitioner to fulfill contractual obligations under section
16 279.13.

17 2. Establish, collect, and refund fees for a license.

18 3. Enter into reciprocity agreements with other equivalent
19 state boards or a national certification board to provide for
20 licensing of applicants from other states or nations.

21 4. Enforce rules adopted by the board through revocation
22 or suspension of a license, or by other disciplinary action
23 against a practitioner or professional development program
24 licensed by the board of educational examiners.

25 5. Apply for and receive federal or other funds on behalf
26 of the state for purposes related to its duties.

27 6. Evaluate and conduct studies of board standards.

4153- 28 7. Hire an executive director, legal counsel, and other
29 personnel and control the personnel administration of persons
30 employed by the board.

31 8. Hear appeals regarding application, renewal,
32 suspension, or revocation of a license. Board action is final
33 agency action for purposes of chapter 17A.

34 9. Establish standards for the determination of whether an
35 applicant is qualified to perform the duties required for a

1 given license.

2 10. Issue statements of professional recognition to school
3 service personnel who are licensed by another professional
4 licensing board.

5 11. Make recommendations to the state board of education
6 concerning standards for the approval of professional
7 development programs.

8 12. Establish, under chapter 17A, rules necessary to carry
9 out board duties, and establish a budget request.

10 13. By January 1, 1991, adopt rules and establish
11 classifications for temporary substitute teaching, for persons
12 who hold a bachelor's degree from an accredited college or
13 university, but who do not meet other requirements for
14 licensure. Rules adopted shall provide that temporary
15 substitute teaching licenses shall be valid for two years, or
16 until the holder has completed an alternative training
17 program, whichever occurs first. Temporary substitute
18 teaching license holders, whose licenses expire because of
19 completion of an alternative training program, shall be
20 eligible for an appropriate standard license upon application
21 and submission of proof of satisfactory completion of the
22 alternative training program.

23 Sec. 3. Section 260.3, Code 1989, is amended by striking
24 the section and inserting in lieu thereof the following:

25 260.3 MEMBERSHIP.

26 The board of educational examiners consists of eleven
27 members. Two must be members of the general public and the
28 remaining nine must be licensed practitioners. One of the
29 public members shall also be the director of the department of
30 education, or the director's designee. The nine practitioners
31 shall be selected from the following areas and specialties of
32 the teaching profession:

33 1. Elementary teachers.

34 2. Secondary teachers.

35 3. Special education or other similar teachers.

- 1 4. Counselors or other special purpose practitioners.
 - 2 5. Merged area school faculty members.
 - 3 6. Administrators.
 - 4 7. School service personnel.
- 5 A majority of the licensed practitioner members shall be
6 nonadministrative practitioners. Four of the members shall be
7 administrators. Membership of the board shall comply with the
8 requirements of sections 69.16 and 69.16A. A quorum of the
9 board shall consist of six members. The director of the
10 department of education shall serve as the chairperson of the
11 board. Members, except for the director of the department of
12 education, shall be appointed by the governor and the
13 appointments are subject to confirmation by the senate.

14 Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.

15 Members, except for the director of the department of
16 education, shall be appointed to serve staggered terms of four
17 years. A member shall not serve more than two consecutive
18 terms, except for the director of the department of education,
19 who shall serve until the director's term of office expires.
20 A member of the board, except for the two public members,
21 shall hold a valid practitioner's license during the member's
22 term of office. A vacancy exists when any of the following
23 occur:

- 24 1. A nonpublic member's license expires, is suspended, or
25 is revoked.
- 26 2. A nonpublic member retires or terminates employment as
27 a practitioner.
- 28 3. A member dies, resigns, is removed from office, or is
29 otherwise physically unable to perform the duties of office.
- 30 4. A member's term of office expires.

31 Terms of office for regular appointments begin on July 1,
32 and for vacancies on the date of appointment. Members may be
33 removed for cause by a state court with competent jurisdiction
34 after notice and opportunity for hearing. The board may
35 remove a member for three consecutive absences or for cause.

1 Sec. 5. Section 260.5, Code 1989, is amended by striking
2 the section and inserting in lieu thereof the following:

3 260.5 COMPENSATION.

4 Members shall be reimbursed for actual and necessary
5 expenses incurred while engaged in their official duties and
6 may be entitled to per diem compensation as authorized under
7 section 7E.6. For duties performed during an ordinary school
8 day by a member who is employed by a school corporation or
9 state university, the member shall also receive regular
10 compensation from the school or university. However, the
11 member shall reimburse the school or university in the amount
12 of the per diem compensation received.

13 Sec. 6. Section 260.6, Code 1989, is amended by striking
14 the section and inserting in lieu thereof the following:

15 260.6 QUALIFICATIONS FOR PRACTITIONERS.

16 The board shall determine whether an applicant is qualified
17 to perform the duties for which a license is sought.
18 Applicants shall be disqualified for any of the following
19 reasons:

20 1. The applicant is less than twenty-one years of age.
21 However, a student enrolled in a practitioner preparation
22 program who meets board requirements for a temporary, limited-
23 purpose license who is seeking to teach as part of a practicum
24 or internship may be less than twenty-one years of age.

25 2. The applicant has been convicted of child abuse or
26 sexual abuse of a child.

27 3. The applicant has been convicted of a felony.

28 4. The applicant's application is fraudulent.

29 5. The applicant's license or certification from another
30 state is suspended or revoked.

31 6. The applicant fails to meet board standards for
32 application for an initial or renewed license.

33 Qualifications or criteria for the granting or revocation
34 of a license or the determination of an individual's
35 professional standing shall not include membership or

1 nonmembership in any teachers' organization.

2 Sec. 7. Section 260.7, Code 1989, is amended by striking
3 the section and inserting in lieu thereof the following:

4 260.7 VALIDITY OF LICENSE.

5 A license issued under board authority is valid for the
6 period of time for which it is issued, unless the license is
7 suspended or revoked. A license issued by the board is valid
8 until June 30 of the year in which the license expires. No
9 permanent licenses shall be issued. A person employed as a
10 practitioner shall hold a valid license for the type of
11 service for which the person is employed. This section does
12 not limit the duties or powers of a school board to select or
13 discharge practitioners or to terminate practitioners'
14 contracts. A professional development program, except for a
15 program offered by a practitioner preparation institution or
16 area education agency and approved by the state board of
17 education, must possess a valid license for the types of
18 programs offered.

4153- 19 The executive director of the board may grant or deny
20 license applications, applications for renewal of a license,
21 and suspension or revocation of a license. A denial of an
22 application for a license, the denial of an application for
23 renewal, or a suspension or revocation of a license may be
24 appealed by the practitioner to the board.

25 The board may issue emergency renewal or temporary,
26 limited-purpose licenses upon petition by a current or former
27 practitioner. An emergency renewal or a temporary, limited-
28 purpose license may be issued for a period not to exceed two
29 years, if a petitioner demonstrates, to the satisfaction of
30 the board, good cause for failure to comply with board
31 requirements for a regular license and provides evidence that
32 the petitioner will comply with board requirements within the
33 period of the emergency or temporary license. Under
34 exceptional circumstances, an emergency license may be renewed
35 by the board for one additional year. A previously unlicensed

1 person is not eligible for an emergency or temporary license,
2 except that a student who is enrolled in a licensed
3 practitioner preparation program may be issued a temporary,
4 limited-purpose license, without payment of a fee, as part of
5 a practicum or internship program.

6 Sec. 8. Section 260.8, Code 1989, is amended by striking
7 the section and inserting in lieu thereof the following:

8 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR
9 COUNTRIES.

453-10 The board may issue a license to an applicant from another
11 state or country if the applicant files evidence of the
12 possession of the required or equivalent requirements with the
13 board. The executive director of the board may, subject to
14 board approval, enter into reciprocity agreements with another
15 state or country for the licensing of practitioners on an
16 equitable basis of mutual exchange, when the action is in
17 conformity with law.

18 Practitioner preparation and professional development
19 programs offered in this state by out-of-state institutions
20 must be approved by the board in order to fulfill requirements
21 for licensure or renewal of a license by an applicant.

22 Sec. 9. Section 260.9, Code 1989, is amended by striking
23 the section and inserting in lieu thereof the following:

24 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

25 A certificate which was issued by the board of educational
26 examiners to a practitioner before the effective date of this
27 Act, continues to be in force as long as the certificate
28 complies with the rules and statutes in effect on the
29 effective date of this Act. Requirements for the renewal of
30 licenses, under this chapter, do not apply retroactively to
31 renewal of certificates. However, this section does not limit
32 the duties or powers of a school board to select or discharge
33 practitioners or to terminate practitioners' contracts.

34 A practitioner who holds a certificate issued before the
35 effective date of this Act shall, upon application and payment

1 of a fee, be granted a license which will permit the
2 practitioner to perform the same duties and functions as the
3 practitioner was entitled to perform with the certificate held
4 at the time of application. A practitioner shall be permitted
5 to convert a permanent certificate to a term certificate,
6 after the effective date of this Act, without payment of a
7 fee.

8 A professional development program provided by a school
9 district and approved by the state board of education before
10 the effective date of this Act shall be permitted to continue
11 until the term, for which the program was approved, expires.

12 Sec. 10. CONTINUITY OF RULES. Administrative rules
13 adopted by the board of educational examiners or the
14 professional teaching practices commission relating to
15 licenses or professional practices in effect on April 15,
16 1989, remain in effect until modified or repealed by the board
17 of educational examiners after the effective date of this Act.

18 Sec. 11. Section 260.10, Code 1989, is amended by striking
19 the section and inserting in lieu thereof the following:

20 260.10 FEES.

21 It is the intent of the general assembly that licensing
22 fees established by the board of educational examiners be
23 sufficient to finance the activities of the board under this
24 chapter.

453-25 Licensing fees are payable to the treasurer of state and
26 shall be deposited with the executive director of the board.
27 The executive director shall deposit the fees with the
28 treasurer of state and the fees shall be credited to the
29 general fund of the state. The executive director shall keep
30 an accurate and detailed account of fees received and paid to
31 the treasurer of state.

32 Sec. 12. Section 260.11, Code 1989, is amended by striking
33 the section and inserting in lieu thereof the following:

34 260.11 EXPENDITURES AND REFUNDS.

35 Expenditures and refunds made by the board under this

41331 chapter shall be certified by the executive director of the
2 board to the director of revenue and finance, and if found
3 correct, the director of revenue and finance shall approve the
4 expenditures and refunds and draw warrants upon the treasurer
5 of state from the funds appropriated for that purpose.

6 Sec. 13. Section 260.12, Code 1989, is amended by striking
7 the section and inserting in lieu thereof the following:

8 260.12 HEARING PROCEDURES.

9 Hearings before the board shall be conducted in the same
10 manner as contested cases under chapter 17A. The board may
11 subpoena books, papers, records, and any other real evidence
12 necessary for the board to decide whether it should institute
13 a contested case hearing. At the hearing the board may
14 administer oaths and issue subpoenas to compel the attendance
15 of witnesses and the production of other evidence. Subpoenas
16 may be issued by the board to a party to a hearing, if the
17 party demonstrates that the evidence or witnesses' testimony
18 is relevant and material to the hearing. Service of process
19 and subpoenas for board hearings shall be conducted in
20 accordance with the law applicable to the service of process
21 and subpoenas in civil actions.

22 Witnesses subpoenaed to appear before the board shall be
23 reimbursed for mileage and necessary expenses and shall
24 receive per diem compensation by the board, unless the witness
25 is an employee of the state or a political subdivision, in
26 which case the witness shall receive reimbursement only for
27 mileage and necessary expenses.

28 Sec. 14. Section 260.25, unnumbered paragraph 1, and
29 subsections 1 and 5 through 9, Code 1989, are amended to read
30 as follows:

31 Not later than January 1, ~~1990~~ 1991, the ~~board of~~
32 ~~educational-examiners~~ state board of education shall adopt
33 rules pursuant to chapter 17A to implement the following for
34 approved ~~teacher-education~~ practitioner preparation programs:

35 1. A requirement that each student admitted to an approved

1 teacher-education practitioner preparation program must
2 participate in field experiences that include both observation
3 and participation in teaching activities in a variety of
4 school settings. These field experiences shall comprise a
5 total of at least fifty hours' duration, at least forty hours
6 of which shall occur after a student's admission to an
7 approved teacher-education practitioner preparation program.
8 The student teaching experience shall be a minimum of twelve
9 weeks in duration during the student's final year of the
10 teacher-education practitioner preparation program.

11 5. A requirement that each approved teacher-education
12 practitioner preparation or professional development
13 institution annually offer a workshop of at least one day in
14 duration for prospective cooperating teachers. The workshop
15 shall define the objectives of the student teaching
16 experience, review the responsibilities of the cooperating
17 teacher, and provide the cooperating teacher other information
18 and assistance the institution deems necessary.

19 6. A requirement that teacher-education practitioner
20 preparation students receive instruction in the use of
21 electronic technology for classroom and instructional
22 purposes.

23 7. A requirement that approved teacher-education
24 practitioner preparation institutions annually solicit the
25 views of the education community regarding the institution's
26 teacher-education practitioner preparation programs.

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

34 9. A requirement that an approved teacher-education
35 practitioner preparation program submit evidence that the

1 evaluation of the performance of a student teacher is a
2 cooperative process that involves both the faculty member
3 supervising the student teacher and the cooperating teacher.
4 The rules shall require that each institution develop a
5 written evaluation procedure for use by the cooperating
6 teacher and a form for evaluating student teachers, and
7 require that a copy of the completed form be included in the
8 student teacher's permanent record.

* 9 Sec. 15. Section 260.31, subsection 2, Code 1989, is
10 amended to read as follows:

11 2. The board of educational examiners shall adopt rules
12 under chapter 17A for coaching authorizations including, but
13 not limited to, approval of courses, validity and expiration,
14 fees, and suspension and revocation of authorizations. The
15 ~~director-of-the-department~~ state board of education shall work
16 with institutions of higher education, private colleges and
17 universities, merged area schools, and area education agencies
18 to ~~insure~~ ensure that the courses required under subsection 1
19 are offered throughout the state at convenient times and at a
20 reasonable cost.

21 Sec. 16. Section 260.33, Code 1989, is amended to read as
22 follows:

23 260.33 EVALUATOR APPROVAL LICENSE.

24 Effective July 1, 1990, in addition to ~~endorsements~~
25 licenses required under rules adopted pursuant to this
26 chapter, an individual employed as an administrator,
27 supervisor, school service person, or teacher by a school
28 district, area education agency, or area school, who conducts
29 evaluations of the performance of individuals holding
30 ~~certificates~~ licenses under this chapter, shall possess an
31 evaluator ~~approval~~ license.

32 By July 1, ~~1987~~ 1990, the board of educational examiners
33 shall adopt rules establishing requirements for an evaluator
34 ~~approval~~ license including but not limited to ~~approval-of~~
35 ~~courses~~, renewal requirements, fees, and suspension and

1 revocation of evaluator ~~approvals~~ licenses. An approved
2 program shall include provisions for determining that an
3 applicant for evaluator ~~approval~~ license has satisfactorily
4 completed the program. The ~~board-of-educational-examiners~~
5 state board of education shall work with institutions of
6 higher education under the state board of regents, private
7 colleges and universities, merged area schools, and area
8 education agencies to ~~insure~~ ensure that the courses required
9 under subsection 1 are offered throughout the state at
10 convenient times and at reasonable cost. The requirements
11 shall include completion of a program approved by the ~~board-of~~
12 ~~educational-examiners~~ state board of education as follows:

13 1. For evaluation of teachers, the development of skills
14 including but not limited to analysis of lesson plans,
15 classroom observation, analysis of data, performance
16 improvement strategies, and communication skills.

17 2. For evaluation of ~~certificated~~ licensed employees other
18 than teachers, the development of skills including but not
19 limited to communication skills, analysis of employee
20 performance, analysis of data, and performance improvement
21 strategies.

22 ~~An-evaluator-approval~~ A license is valid for a period of
23 five years from its issuance.

24 Sec. 17. Section 260.34, Code 1989, is amended to read as
25 follows:

26 260.34 ELEMENTARY ~~ENDORSEMENTS~~ LICENSES.

27 The board of educational examiners in conjunction with the
28 child development coordinating council, or other similar
29 agency, shall develop appropriate ~~endorsements~~ licenses for
30 teachers in the early elementary grades, taking into
31 consideration recommendations from the child development
32 coordinating council or other similar agency, the center for
33 early development education, and teacher education personnel.

34 Sec. 18. Section 256.7, subsection 3, Code 1989, is
35 amended by striking the subsection and inserting in lieu

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1 thereof the following:

2 3. Prescribe standards and procedures for the approval of
3 practitioner preparation programs and professional development
4 programs, offered by practitioner preparation institutions and
5 area education agencies, in this state. Procedures provided
6 for approval of programs shall include procedures for
7 enforcement of the prescribed standards and shall not include
8 a procedure for the waiving of any of the standards
9 prescribed.

10 Sec. 19. Section 256.7, subsection 9, unnumbered
11 paragraphs 1, 2, and 3, Code 1989, are amended to read as
12 follows:

13 Adopt rules under chapter 17A for the use of
14 telecommunications as an instructional tool for students
15 enrolled in kindergarten through grade twelve and served by
16 local school districts, accredited or approved nonpublic
17 schools, area education agencies, merged area schools,
18 institutions of higher education under the state board of
19 regents, and independent colleges and universities in
20 elementary and secondary school classes and courses. The
21 rules shall include but need not be limited to rules relating
22 to programs, educational policy, instructional practices,
23 staff development, use of pilot projects, curriculum
24 monitoring, and the accessibility of certificated licensed
25 teachers.

26 When curriculum is provided by means of telecommunications,
27 it shall be taught by ~~a-certificated~~ an appropriately licensed
28 ~~teacher who-is-properly-endorsed-or-approved~~. The teacher
29 shall either be present in the classroom, or be present at the
30 location at which the curriculum delivered by means of
31 telecommunications originates.

32 The rules shall provide that when the curriculum is taught
33 by ~~a-certificated-and-properly-endorsed-or-approved~~ an
34 appropriately licensed teacher at the location at which the
35 telecommunications originates, the curriculum received shall

1 be under the supervision of a certificated licensed teacher.
2 For the purposes of this subsection, "supervision" means that
3 the curriculum is monitored by a certificated licensed teacher
4 and the certificated teacher is accessible to the students
5 receiving the curriculum by means of telecommunications.

6 Sec. 20. Section 256.7, subsections 10 and 11, Code 1989,
7 are amended to read as follows:

8 10. Rules adopted under this section shall provide that
9 telecommunications shall not be used by school districts as
10 the exclusive means to provide any course which is required by
11 the minimum educational standards for ~~approval~~-or
12 accreditation.

13 11. Develop evaluation procedures that will measure the
14 effects of instruction by means of telecommunications on
15 student achievement, socialization, intellectual growth,
16 motivation, and other related factors deemed relevant by the
17 state board, for the development of an educational data base.
18 The state board shall consult with the state board of regents
19 and the teacher-education practitioner preparation departments
20 at its institutions, other ~~approved-teacher-education~~
21 practitioner preparation departments located within private
22 colleges and universities, educational research agencies or
23 facilities, and other agencies deemed appropriate by the state
24 board, in developing these procedures.

25 Sec. 21. Section 256.7, Code 1989, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 13. Not later than January 1, 1991, adopt
28 rules under chapter 17A for alternative training programs for
29 persons who hold a temporary substitute teaching license
30 issued under chapter 260. Rules adopted shall provide that
31 alternative training programs be offered by approved
32 practitioner preparation programs. Rules adopted shall also
33 provide that alternative training programs include an
34 evaluation, conducted by an appropriately licensed
35 practitioner who is not an employee of the school corporation

1 participating in the alternative training program, of the
2 performance of a person who holds a temporary substitute
3 teaching license and is employed by a school corporation and
4 that satisfactory completion of the evaluation be a condition
5 precedent to obtaining a standard license under chapter 260.

6 Sec. 22. Section 256.11, subsections 1 and 2, Code 1989,
7 are amended to read as follows:

8 1. If a school offers a prekindergarten program, the
9 program shall be designed to help children to work and play
10 with others, to express themselves, to learn to use and manage
11 their bodies, and to extend their interests and understanding
12 of the world about them. The prekindergarten program shall
13 relate the role of the family to the child's developing sense
14 of self and perception of others. Planning and carrying out
15 prekindergarten activities designed to encourage cooperative
16 efforts between home and school shall focus on community
17 resources. A prekindergarten teacher shall hold a certificate
18 license certifying that the holder is qualified to teach in
19 prekindergarten. A nonpublic school which offers only a
20 prekindergarten may, but is not required to, seek and obtain
21 accreditation.

22 2. The kindergarten program shall include experiences
23 designed to develop healthy emotional and social habits and
24 growth in the language arts and communication skills, as well
25 as a capacity for the completion of individual tasks, and
26 protect and increase physical well-being with attention given
27 to experiences relating to the development of life skills and
28 human growth and development. A kindergarten teacher shall be
29 certificated licensed to teach in kindergarten. An accredited
30 nonpublic school must meet the requirements of this subsection
31 only if the nonpublic school offers a kindergarten program.

32 Sec. 23. Section 256.11, subsection 5, paragraph f, Code
33 1989, is amended to read as follows:

34 f. Four sequential units of one foreign language. The
35 department may waive the third and fourth years of the foreign

1 language requirement on an annual basis upon the request of
2 the board of directors of a school district or the authorities
3 in charge of a nonpublic school if the board or authorities
4 are able to prove that a ~~certificated~~ licensed teacher was
5 employed and assigned a schedule that would have allowed
6 students to enroll in a foreign language class, the foreign
7 language class was properly scheduled, students were aware
8 that a foreign language class was scheduled, and no students
9 enrolled in the class.

10 Sec. 24. Section 256.11, subsection 9, paragraph b, Code
11 1989, is amended to read as follows:

12 b. Effective July 1, 1990, unless a waiver has been
13 obtained under section 256.11A, each school or school district
14 shall have a qualified school media specialist who shall meet
15 the ~~certification-and-approval~~ licensing standards prescribed
16 by the ~~department~~ board of educational examiners and shall be
17 responsible for supervision of the media centers. Each school
18 or school district shall establish a media center, in each
19 attendance center, which shall be accessible to students
20 throughout the school day.

21 Sec. 25. Section 256.11, subsection 9A, Code 1989, is
22 amended to read as follows:

23 9A. Each school or school district shall provide an
24 articulated sequential guidance program for grades
25 kindergarten through twelve. Until July 1, 1991, a school or
26 school district may obtain a waiver from meeting the
27 requirements of this subsection pursuant to section 256.11A.
28 The guidance counselor shall meet the ~~certification-and-~~
29 ~~approval~~ licensing standards of the ~~department~~ board of
30 educational examiners.

31 Sec. 26. Section 256.16, Code 1989, is amended to read as
32 follows:

33 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION AND
34 CERTAIN EDUCATORS.

35 Pursuant to section 256.7, subsection 5, the state board

1 shall adopt rules requiring all ~~approved-teacher-training~~
2 ~~institutions~~ higher education institutions providing
3 practitioner preparation to include in the professional
4 education program, preparation that contributes to education
5 of the handicapped and the gifted and talented, which must be
6 successfully completed before graduation from the ~~teacher~~
7 training practitioner preparation program.

8 A person initially applying for a ~~certificate, endorsement,~~
9 ~~or approval~~ license shall successfully complete a professional
10 education program containing the subject matter specified in
11 this section, before the initial action by the department
12 board of educational examiners takes place.

13 Sec. 27. Section 256.17, unnumbered paragraph 1, Code
14 1989, is amended to read as follows:

15 The state board shall review the standards contained in
16 section 256.11, shall review current literature relating to
17 effective schools and learning environments, and shall consult
18 with representatives from the higher education institutions,
19 the board of educational examiners, area education agencies,
20 school board members, school administrators, teachers,
21 parents, students, members of business, industry, and labor,
22 other governmental agencies, associations interested in
23 education, and representatives of communities of various sizes
24 to develop standards for accredited schools and school
25 districts that encompass, but are not limited to the following
26 general areas:

27 Sec. 28. Section 256.17, subsection 5, Code 1989, is
28 amended to read as follows:

29 5. A performance evaluation process for its ~~certificated~~
30 ~~staff~~ licensed practitioners using staff members who possess
31 an evaluator approval license under ~~section-260-33~~ rules
32 adopted by the board of educational examiners.

33 Sec. 29. Section 258.3A, subsection 3, Code 1989, is
34 amended to read as follows:

35 3. Adopt rules prescribing standards for approval of

1 schools, departments, and classes; area vocational-technical
2 high schools and programs; and area vocational schools and
3 programs; and teacher-training practitioner preparation
4 schools, departments, and classes, applying for federal and
5 state moneys under this chapter.

6 Sec. 30. Section 258.4, subsections 5, 6, and 7, Code
7 1989, are amended to read as follows:

8 5. Enforce Make recommendations to the board of
9 educational examiners relating to the enforcement of rules
10 prescribing standards for teachers of subjects listed in
11 subsection 2 in approved accredited schools, departments, and
12 classes.

13 6. Co-operate in the maintenance of teachers-training
14 practitioner preparation schools, departments, and classes,
15 supported and controlled by the public, for the training of
16 teachers and supervisors of subjects listed in subsection 2.

17 7. Annually inspect, as a basis of approval, all schools,
18 departments, and classes, area vocational-technical high
19 schools and programs, area vocational schools and programs and
20 all teachers-training practitioner preparation schools,
21 departments, and classes, applying for federal and state
22 moneys under ~~the provisions of~~ this chapter.

23 Sec. 31. Section 258.5, Code 1989, is amended to read as
24 follows:

25 258.5 FEDERAL AID -- CONDITIONS.

26 Whenever If a school corporation maintains an approved
27 vocational school, department, or classes in accordance with
28 the rules adopted by the state board, and rules and standards
29 adopted by the board of educational examiners, and the state
30 plan for vocational education, adopted by ~~that~~ the board for
31 vocational education and approved by the United States
32 department of education, the director of the department of
33 education shall reimburse the school corporation at the end of
34 the fiscal year for its expenditures for salaries and
35 authorized travel of vocational teachers from federal and

1 state funds. However, a school corporation shall not receive
2 from federal and state funds a larger amount than one-half the
3 sum which has been expended by the school corporation for that
4 particular type of program. If federal and state funds are
5 not sufficient to make the reimbursement to the extent
6 provided in this section, the director shall prorate the
7 respective amounts available to the corporations entitled to
8 reimbursement.

9 The director may use federal funds to reimburse approved
10 ~~teacher-training~~ practitioner preparation schools,
11 departments, or classes for the training of teachers of
12 agriculture, home economics, trades and industrial education,
13 distributive education, and for the training of guidance
14 counselors.

15 Sec. 32. Section 258.6, Code 1989, is amended to read as
16 follows:

17 258.6 DEFINITIONS.

18 "Approved school, department, or class" ~~shall-mean~~ means a
19 school, department, or class approved by ~~said~~ the board as
20 entitled under ~~the-provisions-of~~ this chapter to federal and
21 state moneys for the salaries and authorized travel of
22 teachers of vocational subjects. "Approved ~~teachers-training~~
23 practitioner preparation school, department, or class" ~~shall~~
24 mean means a school, department, or class approved by the
25 board as entitled under ~~the-provisions-of~~ this chapter to
26 federal moneys for the training of teachers of vocational
27 subjects.

28 Sec. 33. Section 273.3, subsections 5 and 11, Code 1989,
29 are amended to read as follows:

30 5. Be authorized, subject to rules ~~and-regulations~~ of the
31 state board of education, to provide directly or by
32 contractual arrangement with public or private agencies for
33 special education programs and services, media services, and
34 educational programs and services requested by the local
35 boards of education as provided in this chapter, including but

1 not limited to contracts for the area education agency to
2 provide programs or services to the local school districts and
3 contracts for local school districts, other educational
4 agencies, and public and private agencies to provide programs
5 and services to the local school districts in the area
6 education agency in lieu of the area education agency
7 providing the services. Contracts may be made with public or
8 private agencies located outside the state if the programs and
9 services comply with the rules of the state board. Rules
10 adopted by the state board of education shall be consistent
11 with rules, adopted by the board of educational examiners,
12 relating to licensing of practitioners.

13 11. Employ personnel to carry out the functions of the
14 area education agency which shall include the employment of an
15 administrator who shall possess a certificate license issued
16 under section-260-9 chapter 260. The administrator shall be
17 employed pursuant to section 279.20 and sections 279.23,
18 279.24 and 279.25. The salary for an area education agency
19 administrator shall be established by the board based upon the
20 previous experience and education of the administrator. ~~The~~
21 ~~provisions-of-section~~ Section 279.13 shall-apply applies to
22 the area education agency board and to all teachers employed
23 by the area education agency. ~~The-provisions-of-sections~~
24 Sections 279.23, 279.24 and 279.25 shall apply to the area
25 education board and to all administrators employed by the area
26 education agency.

27 Sec. 34. Section 279.19B, Code 1989, is amended to read as
28 follows:

29 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

30 The board of directors of a school district shall offer an
31 extracurricular contract for varsity head coach of the
32 interscholastic athletic activities of football, basketball,
33 track not including cross-country, baseball, softball,
34 volleyball, gymnastics, hockey, and wrestling only to an
35 individual possessing a teaching certificate license with a

1 coaching endorsement issued pursuant to chapter 260.

2 The board of directors of a school district may employ for
3 head coach of other interscholastic athletic activities or for
4 assistant coach of any interscholastic athletic activity, an
5 individual who possesses a coaching authorization issued by
6 the ~~department-of-education~~ board of educational examiners.
7 An individual who has been issued a coaching authorization or
8 who possesses a teaching certificate license with a coaching
9 endorsement but is not issued a teaching contract under
10 section 279.13 and who is employed by the board of directors
11 of a school district serves at the pleasure of the board of
12 directors and is not subject to sections 279.13 through
13 279.19, and 279.27. ~~Chapter-272A-and-subsection~~ Subsection 1
14 of section 279.19A ~~apply~~ applies to coaching authorizations.

15 Sec. 35. Section 282.3, subsection 2, unnumbered paragraph
16 2, Code 1989, is amended to read as follows:

17 ~~No~~ A child under the age of six years on the fifteenth of
18 September of the current school year shall not be admitted to
19 ~~any~~ a public school unless the board of directors of the
20 school ~~shall-have~~ has adopted and put into effect courses of
21 study for the school year immediately preceding the first
22 grade, approved by the department of education, and ~~shall-have~~
23 has employed a ~~teacher-or-teachers~~ practitioner or
24 practitioners for this work with standards of training
25 approved by the ~~department-of-education~~ board of educational
26 examiners.

27 Sec. 36. Section 294.3, Code 1989, is amended to read as
28 follows:

29 294.3 STATE AID AND TUITION.

30 ~~No~~ A school shall not be deprived of its right to be
31 approved for state aid or approved for tuition by reason of
32 the employment of any ~~teacher~~ practitioner as authorized under
33 section ~~294.2~~ 260.9.

34 Sec. 37. Section 294A.2, subsections 3, 4, and 5, Code
35 1989, are amended to read as follows:

1 3. "General training requirements" means requirements
2 prescribed by a board of directors that provide for the
3 acquisition of additional semester hours of graduate credit
4 from an institution of higher education approved by the board
5 ~~of-educational-examiners~~ state board of education or the
6 completion of staff development activities approved licensed
7 by the ~~department-of-education~~ board of educational examiners,
8 except for programs developed by practitioner preparation
9 institutions and area education agencies, for renewal of
10 certificates licenses issued under chapter 260.

11 4. "Specialized training requirements" means requirements
12 prescribed by a board of directors to meet specific needs of
13 the school district identified by the board of directors that
14 provide for the acquisition of clearly defined skills through
15 formal or informal education that are beyond the requirements
16 necessary for initial certification licensing under chapter
17 260.

18 5. "Teacher" means an individual holding a teaching
19 certificate practitioner's license issued under chapter 260,
20 ~~letter-of-authorization, or a statement of professional~~
21 recognition issued by the board of educational examiners, who
22 is employed in a nonadministrative position by a school
23 district or area education agency pursuant to a contract
24 issued by a board of directors under section 279.13. A
25 teacher may be employed in both an administrative and a
26 nonadministrative position by a board of directors and shall
27 be considered a part-time teacher for the portion of time that
28 the teacher is employed in a nonadministrative position.

29 Effective July 1, 1988, "teacher" includes an individual
30 employed on less than a full-time basis by a school district
31 through a contract between the school district and an
32 institution of higher education with ~~an-approved-teacher~~
33 education a practitioner preparation program in which the
34 teacher is enrolled in a graduate teacher-education
35 practitioner preparation program.

1 Sec. 38. Section 321.180, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. A person who is at least fourteen years of age and who,
4 except for the person's lack of instructions in operating a
5 motor vehicle, would be qualified to obtain an operator's
6 license, shall, upon meeting the requirements of section
7 321.186 other than a driving demonstration, and upon paying
8 the required fee, be issued a temporary instruction permit by
9 the department. Subject to the limitations in this
10 subsection, a temporary instruction permit entitles the
11 permittee, while having the permit in the permittee's
12 immediate possession, to drive a motor vehicle upon the
13 highways for a period of two years from the date of issuance.
14 The permittee must be accompanied by a licensed operator or
15 chauffeur who is at least eighteen years of age, who is an
16 approved driver education instructor, or who is a prospective
17 driver education instructor enrolled in and specifically
18 designated by a teacher-education-institution practitioner
19 preparation program with a safety education program approved
20 by the department state board of education, and who is
21 actually occupying a seat beside the driver. The temporary
22 instruction permit issued to a person who is less than sixteen
23 years of age entitles the permittee to drive a motor vehicle
24 upon the highways only when accompanied by a licensed operator
25 or chauffeur who is the parent or guardian of the permittee,
26 an approved driver education instructor, a prospective driver
27 education instructor who is enrolled in and has been
28 specifically designated by a teacher-education-institution
29 practitioner preparation program with a safety education
30 program approved by the department state board of education,
31 or a person who is twenty-five years of age or more if written
32 permission is granted by the parent or guardian, and who is
33 actually occupying a seat beside the driver.

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34 Sec. 39. Sections 232.69, 256.18, 256.19, 256.30, 261.51,
35 262.9, 275.56, 275.59, 279.12, 279.13, 279.19A, 279.49,

1 294A.9, 294A.10, 294A.15, 294A.24, 294A.25, and 808A.1, Code
2 1989, are amended by striking the words "certificated" and
3 "noncertificated" and inserting in lieu thereof the word
4 "licensed" or "unlicensed".

5 Sec. 40. Sections 261.45, 281.2, and 299.1, Code 1989, are
6 amended by striking the word "certified" and inserting in lieu
7 thereof the word "licensed".

8 Sec. 41. Sections 261.51 and 261.52, Code 1989, are
9 amended by striking the words "certificate" and "certificates"
10 and inserting in lieu thereof the word "license" or
11 "licenses".

12 Sec. 42. REPEALS. Sections 256.31, 260.12, 260.14,
13 260.15, 260.19, 260.20, 260.21, 260.23, 260.27, 260.28, and
14 294.2, and chapter 272A, Code 1989, are repealed.

15 Sec. 43. USE OF FUNDS. Funds appropriated to the
16 department of education for the purpose of operating advisory
17 committees for certification shall be made available by the
18 department for use by the board of educational examiners
19 created under this Act. Staff, office equipment and
20 materials, records, and other assets currently held by the
21 department for the purpose of carrying out the state board of
22 education's duties as the board of educational examiners shall
23 also be made available for use by the board created under this
24 Act. Professional and nonprofessional staff employed on the
25 effective date of this Act whose duties involve certification
26 of practitioners shall be reassigned as employees of the
27 department of education under the direction of the board
28 created under this Act. However, the number of full-time
29 equivalent positions currently assigned to duties involving
30 the certification of practitioners shall not be reduced below
31 the level maintained by the department as of January 1, 1989,
32 for the board's operation after the effective date of this
33 Act.

34

35

HOUSE FILE 794

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1 Amend House File 794, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 260.1, Code 1989, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 260.1 DEFINITIONS.

9 1. "Administrator" means a person who is licensed
10 to coordinate, supervise, or direct an educational
11 program or the activities of other practitioners.

12 2. "Board" means the board of educational
13 examiners.

14 3. "Department" means the state department of
15 education.

16 4. "License" means the authority that is given to
17 allow a person to legally serve as a practitioner, a
18 school, an institution, or a course of study to
19 legally offer professional development programs, other
20 than those programs offered by practitioner
21 preparation schools, institutions, or courses of
22 study.

23 5. "Practitioner" means an administrator, teacher,
24 or other licensed professional who does not hold or
25 receive a license from a professional licensing board
26 other than the board of educational examiners and who
27 provides educational assistance to students.

28 6. "Practitioner preparation program" means a
29 program approved by the state board of education which
30 prepares a person to obtain a license as a
31 practitioner.

32 7. "Principal" means a licensed member of a
33 school's instructional staff who serves as an
34 instructional leader, coordinates the process and
35 substance of educational and instructional programs,
36 coordinates the budget of the school, provides
37 formative evaluation for all practitioners and other
38 persons in the school, recommends or has effective
39 authority to appoint, assign, promote, or transfer
40 personnel in a school building, implements the local
41 school board's policy in a manner consistent with
42 professional practice and ethics, and assists in the
43 development and supervision of a school's student
44 activities program.

45 8. "Professional development program" means a
46 course or program which is offered by a person or
47 agency for the purpose of providing continuing
48 education for the renewal or upgrading of a
49 practitioner's license.

50 9. "School" means a school under section 280.2, a

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1 merged area school, an area education agency, and a
2 school operated by a state agency for special
3 purposes.

4 10. "Student" means a person who is enrolled in a
5 course of study at a school or practitioner
6 preparation program, or who is receiving direct or
7 indirect assistance from a practitioner.

8 11. "Superintendent" means an administrator who
9 promotes, demotes, transfers, assigns, or evaluates
10 practitioners or other personnel, and carries out the
11 policies of a governing board in a manner consistent
12 with professional practice and ethics.

13 12. "Teacher" means a licensed member of a
14 school's instructional staff who diagnoses,
15 prescribes, evaluates, and directs student learning in
16 a manner which is consistent with professional
17 practice and school objectives, shares responsibility
18 for the development of an instructional program and
19 any coordinating activities, evaluates or assesses
20 student progress before and after instruction, and who
21 uses the student evaluation or assessment information
22 to promote additional student learning.

23 Sec. 2. Section 260.2, Code 1989, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 260.2 BOARD OF EXAMINERS CREATED.

27 The board of educational examiners is created to
28 exercise the exclusive authority to:

29 1. License practitioners, who do not hold or
30 receive a license from another professional licensing
31 board, and professional development programs, except
32 for programs developed and offered by practitioner
33 preparation institutions or area education agencies
34 and approved by the state board of education.
35 Licensing authority includes the authority to
36 establish criteria for the licenses, including but not
37 limited to, issuance and renewal requirements,
38 creation of application and renewal forms, creation of
39 licenses that authorize different instructional
40 functions or specialties, development of a code of
41 professional rights and responsibilities, practice,
42 and ethics, and the authority to develop any other
43 classifications, distinctions, and procedures which
44 may be necessary to exercise licensing duties. A code
45 of professional rights and responsibilities, practice,
46 and ethics shall address but not be limited to the
47 habitual failure of a practitioner to fulfill
48 contractual obligations under section 279.13.

49 2. Establish, collect, and refund fees for a
50 license.

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- 1 3. Enter into reciprocity agreements with other
2 equivalent state boards or a national certification
3 board to provide for licensing of applicants from
4 other states or nations.
- 5 4. Enforce rules adopted by the board through
6 revocation or suspension of a license, or by other
7 disciplinary action against a practitioner or
8 professional development program licensed by the board
9 of educational examiners.
- 10 5. Apply for and receive federal or other funds on
11 behalf of the state for purposes related to its
12 duties.
- 13 6. Evaluate and conduct studies of board
14 standards.
- 15 7. Hire an executive director, legal counsel, and
16 other personnel and control the personnel
17 administration of persons employed by the board.
- 18 8. Hear appeals regarding application, renewal,
19 suspension, or revocation of a license. Board action
20 is final agency action for purposes of chapter 17A.
- 21 9. Establish standards for the determination of
22 whether an applicant is qualified to perform the
23 duties required for a given license.
- 24 10. Issue statements of professional recognition
25 to school service personnel who are licensed by
26 another professional licensing board.
- 27 11. Make recommendations to the state board of
28 education concerning standards for the approval of
29 professional development programs.
- 30 12. Establish, under chapter 17A, rules necessary
31 to carry out board duties, and establish a budget
32 request.
- 33 13. By January 1, 1991, adopt rules and establish
34 classifications for temporary substitute teaching, for
35 persons who hold a bachelor's degree from an
36 accredited college or university, but who do not meet
37 other requirements for licensure. Rules adopted shall
38 provide that temporary substitute teaching licenses
39 shall be valid for two years, or until the holder has
40 completed an alternative training program, whichever
41 occurs first. Temporary substitute teaching license
42 holders, whose licenses expire because of completion
43 of an alternative training program, shall be eligible
44 for an appropriate standard license upon application
45 and submission of proof of satisfactory completion of
46 the alternative training program.
- 47 Sec. 3. Section 260.3, Code 1989, is amended by
48 striking the section and inserting in lieu thereof the
49 following:
50 260.3 MEMBERSHIP.

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1 The board of educational examiners consists of
2 eleven members. Two must be members of the general
3 public and the remaining nine must be licensed
4 practitioners. One of the public members shall also
5 be the director of the department of education, or the
6 director's designee. The nine practitioners shall be
7 selected from the following areas and specialties of
8 the teaching profession:

- 9 1. Elementary teachers.
- 10 2. Secondary teachers.
- 11 3. Special education or other similar teachers.
- 12 4. Counselors or other special purpose
13 practitioners.

- 14 5. Merged area school faculty members.
- 15 6. Administrators.
- 16 7. School service personnel.

17 A majority of the licensed practitioner members
18 shall be nonadministrative practitioners. Four of the
19 members shall be administrators. Membership of the
20 board shall comply with the requirements of sections
21 69.16 and 69.16A. A quorum of the board shall consist
22 of six members. The director of the department of
23 education shall serve as the chairperson of the board.
24 Members, except for the director of the department of
25 education, shall be appointed by the governor and the
26 appointments are subject to confirmation by the
27 senate.

28 Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.

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

- 39 1. A nonpublic member's license expires, is
40 suspended, or is revoked.
- 41 2. A nonpublic member retires or terminates
42 employment as a practitioner.
- 43 3. A member dies, resigns, is removed from office,
44 or is otherwise physically unable to perform the
45 duties of office.
- 46 4. A member's term of office expires.

47 Terms of office for regular appointments begin on
48 July 1, and for vacancies on the date of appointment.
49 Members may be removed for cause by a state court with
50 competent jurisdiction after notice and opportunity

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1 for hearing. The board may remove a member for three
2 consecutive absences or for cause.

3 Sec. 5. Section 260.5, Code 1989, is amended by
4 striking the section and inserting in lieu thereof the
5 following:

6 260.5 COMPENSATION.

7 Members shall be reimbursed for actual and
8 necessary expenses incurred while engaged in their
9 official duties and may be entitled to per diem
10 compensation as authorized under section 7E.6. For
11 duties performed during an ordinary school day by a
12 member who is employed by a school corporation or
13 state university, the member shall also receive
14 regular compensation from the school or university.
15 However, the member shall reimburse the school or
16 university in the amount of the per diem compensation
17 received.

18 Sec. 6. Section 260.6, Code 1989, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 260.6 QUALIFICATIONS FOR PRACTITIONERS.

22 The board shall determine whether an applicant is
23 qualified to perform the duties for which a license is
24 sought. Applicants shall be disqualified for any of
25 the following reasons:

26 1. The applicant is less than twenty-one years of
27 age. However, a student enrolled in a practitioner
28 preparation program who meets board requirements for a
29 temporary, limited-purpose license who is seeking to
30 teach as part of a practicum or internship may be less
31 than twenty-one years of age.

32 2. The applicant has been convicted of child abuse
33 or sexual abuse of a child.

34 3. The applicant has been convicted of a felony.

35 4. The applicant's application is fraudulent.

36 5. The applicant's license or certification from
37 another state is suspended or revoked.

38 6. The applicant fails to meet board standards for
39 application for an initial or renewed license.

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

45 Sec. 7. Section 260.7, Code 1989, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 260.7 VALIDITY OF LICENSE.

49 A license issued under board authority is valid for
50 the period of time for which it is issued, unless the

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1 license is suspended or revoked. A license issued by
2 the board is valid until June 30 of the year in which
3 the license expires. No permanent licenses shall be
4 issued. A person employed as a practitioner shall
5 hold a valid license for the type of service for which
6 the person is employed. This section does not limit
7 the duties or powers of a school board to select or
8 discharge practitioners or to terminate practitioners'
9 contracts. A professional development program, except
10 for a program offered by a practitioner preparation
11 institution or area education agency and approved by
12 the state board of education, must possess a valid
13 license for the types of programs offered.

14 The executive director of the board may grant or
15 deny license applications, applications for renewal of
16 a license, and suspension or revocation of a license.
17 A denial of an application for a license, the denial
18 of an application for renewal, or a suspension or
19 revocation of a license may be appealed by the
20 practitioner to the board.

21 The board may issue emergency renewal or temporary,
22 limited-purpose licenses upon petition by a current or
23 former practitioner. An emergency renewal or a
24 temporary, limited-purpose license may be issued for a
25 period not to exceed two years, if a petitioner
26 demonstrates, to the satisfaction of the board, good
27 cause for failure to comply with board requirements
28 for a regular license and provides evidence that the
29 petitioner will comply with board requirements within
30 the period of the emergency or temporary license.
31 Under exceptional circumstances, an emergency license
32 may be renewed by the board for one additional year.
33 A previously unlicensed person is not eligible for an
34 emergency or temporary license, except that a student
35 who is enrolled in a licensed practitioner preparation
36 program may be issued a temporary, limited-purpose
37 license, without payment of a fee, as part of a
38 practicum or internship program.

39 Sec. 8. Section 260.8, Code 1989, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR
43 COUNTRIES.

44 The board may issue a license to an applicant from
45 another state or country if the applicant files
46 evidence of the possession of the required or
47 equivalent requirements with the board. The executive
48 director of the board may, subject to board approval,
49 enter into reciprocity agreements with another state
50 or country for the licensing of practitioners on an

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1 equitable basis of mutual exchange, when the action is
2 in conformity with law.

3 Practitioner preparation and professional
4 development programs offered in this state by out-of-
5 state institutions must be approved by the board in
6 order to fulfill requirements for licensure or renewal
7 of a license by an applicant.

8 Sec. 9. Section 260.9, Code 1989, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

12 A certificate which was issued by the board of
13 educational examiners to a practitioner before the
14 effective date of this Act, continues to be in force
15 as long as the certificate complies with the rules and
16 statutes in effect on the effective date of this Act.
17 Requirements for the renewal of licenses, under this
18 chapter, do not apply retroactively to renewal of
19 certificates. However, this section does not limit
20 the duties or powers of a school board to select or
21 discharge practitioners or to terminate practitioners'
22 contracts.

23 A practitioner who holds a certificate issued
24 before the effective date of this Act shall, upon
25 application and payment of a fee, be granted a license
26 which will permit the practitioner to perform the same
27 duties and functions as the practitioner was entitled
28 to perform with the certificate held at the time of
29 application. A practitioner shall be permitted to
30 convert a permanent certificate to a term certificate,
31 after the effective date of this Act, without payment
32 of a fee.

33 A professional development program provided by a
34 school district and approved by the state board of
35 education before the effective date of this Act shall
36 be permitted to continue until the term, for which the
37 program was approved, expires.

38 Sec. 10. CONTINUITY OF RULES. Administrative
39 rules adopted by the board of educational examiners or
40 the professional teaching practices commission
41 relating to licenses or professional practices in
42 effect on April 15, 1989, remain in effect until
43 modified or repealed by the board of educational
44 examiners after the effective date of this Act.

45 Sec. 11. Section 260.10, Code 1989, is amended by
46 striking the section and inserting in lieu thereof the
47 following:

48 260.10 FEES.

49 It is the intent of the general assembly that
50 licensing fees established by the board of educational

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1 examiners be sufficient to finance the activities of
2 the board under this chapter.

3 Licensing fees are payable to the treasurer of
4 state and shall be deposited with the executive
5 director of the board. The executive director shall
6 deposit the fees with the treasurer of state and the
7 fees shall be credited to the general fund of the
8 state. The executive director shall keep an accurate
9 and detailed account of fees received and paid to the
10 treasurer of state.

11 Sec. 12. Section 260.11, Code 1989, is amended by
12 striking the section and inserting in lieu thereof the
13 following:

14 260.11 EXPENDITURES AND REFUNDS.

15 Expenditures and refunds made by the board under
16 this chapter shall be certified by the executive
17 director of the board to the director of revenue and
18 finance, and if found correct, the director of revenue
19 and finance shall approve the expenditures and refunds
20 and draw warrants upon the treasurer of state from the
21 funds appropriated for that purpose.

22 Sec. 13. Section 260.12, Code 1989, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 260.12 HEARING PROCEDURES.

26 Hearings before the board shall be conducted in the
27 same manner as contested cases under chapter 17A. The
28 board may subpoena books, papers, records, and any
29 other real evidence necessary for the board to decide
30 whether it should institute a contested case hearing.
31 At the hearing the board may administer oaths and
32 issue subpoenas to compel the attendance of witnesses
33 and the production of other evidence. Subpoenas may
34 be issued by the board to a party to a hearing, if the
35 party demonstrates that the evidence or witnesses'
36 testimony is relevant and material to the hearing.
37 Service of process and subpoenas for board hearings
38 shall be conducted in accordance with the law
39 applicable to the service of process and subpoenas in
40 civil actions.

41 Witnesses subpoenaed to appear before the board
42 shall be reimbursed for mileage and necessary expenses
43 and shall receive per diem compensation by the board,
44 unless the witness is an employee of the state or a
45 political subdivision, in which case the witness shall
46 receive reimbursement only for mileage and necessary
47 expenses.

48 Sec. 14. Section 260.25, unnumbered paragraph 1,
49 and subsections 1 and 5 through 9, Code 1989, are
50 amended to read as follows:

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1 Not later than January 1, 1990 ~~1991~~, the board-of
2 ~~educational-examiners~~ state board of education shall
3 adopt rules pursuant to chapter 17A to implement the
4 following for approved teacher-education practitioner
5 preparation programs:

6 1. A requirement that each student admitted to an
7 approved teacher-education practitioner preparation
8 program must participate in field experiences that
9 include both observation and participation in teaching
10 activities in a variety of school settings. These
11 field experiences shall comprise a total of at least
12 fifty hours' duration, at least forty hours of which
13 shall occur after a student's admission to an approved
14 teacher-education practitioner preparation program.
15 The student teaching experience shall be a minimum of
16 twelve weeks in duration during the student's final
17 year of the teacher-education practitioner preparation
18 program.

19 5. A requirement that each approved teacher
20 education practitioner preparation or professional
21 development institution annually offer a workshop of
22 at least one day in duration for prospective
23 cooperating teachers. The workshop shall define the
24 objectives of the student teaching experience, review
25 the responsibilities of the cooperating teacher, and
26 provide the cooperating teacher other information and
27 assistance the institution deems necessary.

28 6. A requirement that teacher-education
29 practitioner preparation students receive instruction
30 in the use of electronic technology for classroom and
31 instructional purposes.

32 7. A requirement that approved teacher-education
33 practitioner preparation institutions annually solicit
34 the views of the education community regarding the
35 institution's teacher-education practitioner
36 preparation programs.

37 8. A requirement that an approved teacher
38 education practitioner preparation institution submit
39 evidence that the college or department of education
40 is communicating with other colleges or departments in
41 the institution so that teacher-education practitioner
42 preparation students may integrate teaching
43 methodology with subject matter areas of
44 specialization.

45 9. A requirement that an approved teacher
46 education practitioner preparation program submit
47 evidence that the evaluation of the performance of a
48 student teacher is a cooperative process that involves
49 both the faculty member supervising the student
50 teacher and the cooperating teacher. The rules shall

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1 require that each institution develop a written
2 evaluation procedure for use by the cooperating
3 teacher and a form for evaluating student teachers,
4 and require that a copy of the completed form be
5 included in the student teacher's permanent record.

6 Sec. 15. Section 260.31, subsection 1, unnumbered
7 paragraph 1, Code 1989, is amended to read as follows:
8 The minimum requirements for the board to award a
9 coaching authorization license to an applicant are:

10 Sec. 16. Section 260.31, subsection 2, Code 1989,
11 is amended to read as follows:
12 2. The board of educational examiners shall adopt
13 rules under chapter 17A for coaching authorizations
14 licenses including, but not limited to, approval of
15 courses, validity and expiration, fees, and suspension
16 and revocation of authorizations licenses. The
17 ~~director-of-the-department~~ state board of education
18 shall work with institutions of higher education,
19 private colleges and universities, merged area
20 schools, and area education agencies to ~~insure~~ ensure
21 that the courses required under subsection 1 are
22 offered throughout the state at convenient times and
23 at a reasonable cost.

24 Sec. 17. Section 260.33, Code 1989, is amended to
25 read as follows:
26 260.33 EVALUATOR APPROVAL LICENSE.
27 Effective July 1, 1990, in addition to endorsements
28 licenses required under rules adopted pursuant to this
29 chapter, an individual employed as an administrator,
30 supervisor, school service person, or teacher by a
31 school district, area education agency, or area
32 school, who conducts evaluations of the performance of
33 individuals holding certificates licenses under this
34 chapter, shall possess an evaluator approval license.
35 By July 1, ~~1987~~ 1990, the board of educational
36 examiners shall adopt rules establishing requirements
37 for an evaluator approval license including but not
38 limited to ~~approval-of-courses~~, renewal requirements,
39 fees, and suspension and revocation of evaluator
40 approvals licenses. An approved program shall include
41 provisions for determining that an applicant for
42 evaluator approval license has satisfactorily
43 completed the program. The ~~board-of-educational~~
44 examiners state board of education shall work with
45 institutions of higher education under the state board
46 of regents, private colleges and universities, merged
47 area schools, and area education agencies to ~~insure~~
48 ensure that the courses required under subsection 1
49 are offered throughout the state at convenient times
50 and at reasonable cost. The requirements shall

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1 include completion of a program approved by the board
2 ~~of educational examiners~~ state board of education as
3 follows:

4 1. For evaluation of teachers, the development of
5 skills including but not limited to analysis of lesson
6 plans, classroom observation, analysis of data,
7 performance improvement strategies, and communication
8 skills.

9 2. For evaluation of certificated licensed
10 employees other than teachers, the development of
11 skills including but not limited to communication
12 skills, analysis of employee performance, analysis of
13 data, and performance improvement strategies.

14 ~~An evaluator approval~~ A license is valid for a
15 period of five years from its issuance.

16 Sec. 18. Section 260.34, Code 1989, is amended to
17 read as follows:

18 260.34 ELEMENTARY ENDORSEMENTS LICENSES.

19 The board of educational examiners in conjunction
20 with the child development coordinating council, or
21 other similar agency, shall develop appropriate
22 endorsements licenses for teachers in the early
23 elementary grades, taking into consideration
24 recommendations from the child development
25 coordinating council or other similar agency, the
26 center for early development education, and teacher
27 education personnel.

28 Sec. 19. Section 256.7, subsection 3, Code 1989,
29 is amended by striking the subsection and inserting in
30 lieu thereof the following:

31 3. Prescribe standards and procedures for the
32 approval of practitioner preparation programs and
33 professional development programs, offered by
34 practitioner preparation institutions and area
35 education agencies, in this state. Procedures
36 provided for approval of programs shall include
37 procedures for enforcement of the prescribed standards
38 and shall not include a procedure for the waiving of
39 any of the standards prescribed.

40 Sec. 20. Section 256.7, subsection 9, unnumbered
41 paragraphs 1, 2, and 3, Code 1989, are amended to read
42 as follows:

43 Adopt rules under chapter 17A for the use of
44 telecommunications as an instructional tool for
45 students enrolled in kindergarten through grade twelve
46 and served by local school districts, accredited or
47 approved nonpublic schools, area education agencies,
48 merged area schools, institutions of higher education
49 under the state board of regents, and independent
50 colleges and universities in elementary and secondary

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1 school classes and courses. The rules shall include
2 but need not be limited to rules relating to programs,
3 educational policy, instructional practices, staff
4 development, use of pilot projects, curriculum
5 monitoring, and the accessibility of certificated
6 licensed teachers.

7 When curriculum is provided by means of
8 telecommunications, it shall be taught by a
9 certificated an appropriately licensed teacher who is
10 properly-endorsed-or-approved. The teacher shall
11 either be present in the classroom, or be present at
12 the location at which the curriculum delivered by
13 means of telecommunications originates.

14 The rules shall provide that when the curriculum is
15 taught by a-certificated-and-properly-endorsed-or
16 approved an appropriately licensed teacher at the
17 location at which the telecommunications originates,
18 the curriculum received shall be under the supervision
19 of a certificated licensed teacher. For the purposes
20 of this subsection, "supervision" means that the
21 curriculum is monitored by a certificated licensed
22 teacher and the certificated teacher is accessible to
23 the students receiving the curriculum by means of
24 telecommunications.

25 Sec. 21. Section 256.7, subsections 10 and 11,
26 Code 1989, are amended to read as follows:

27 10. Rules adopted under this section shall provide
28 that telecommunications shall not be used by school
29 districts as the exclusive means to provide any course
30 which is required by the minimum educational standards
31 for approval-or accreditation.

32 11. Develop evaluation procedures that will
33 measure the effects of instruction by means of
34 telecommunications on student achievement,
35 socialization, intellectual growth, motivation, and
36 other related factors deemed relevant by the state
37 board, for the development of an educational data
38 base. The state board shall consult with the state
39 board of regents and the teacher-education
40 practitioner preparation departments at its
41 institutions, other approved-teacher-education
42 practitioner preparation departments located within
43 private colleges and universities, educational
44 research agencies or facilities, and other agencies
45 deemed appropriate by the state board, in developing
46 these procedures.

47 Sec. 22. Section 256.7, Code 1989, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 13. Not later than January 1,
50 1991, adopt rules under chapter 17A for alternative

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1 training programs for persons who hold a temporary
2 substitute teaching license issued under chapter 260.
3 Rules adopted shall provide that alternative training
4 programs be offered by approved practitioner
5 preparation programs. Rules adopted shall also
6 provide that alternative training programs include an
7 evaluation, conducted by an appropriately licensed
8 practitioner who is not an employee of the school
9 corporation participating in the alternative training
10 program, of the performance of a person who holds a
11 temporary substitute teaching license and is employed
12 by a school corporation and that satisfactory
13 completion of the evaluation be a condition precedent
14 to obtaining a standard license under chapter 260.

15 Sec. 23. Section 256.11, subsections 1 and 2, Code
16 1989, are amended to read as follows:

17 1. If a school offers a prekindergarten program,
18 the program shall be designed to help children to work
19 and play with others, to express themselves, to learn
20 to use and manage their bodies, and to extend their
21 interests and understanding of the world about them.
22 The prekindergarten program shall relate the role of
23 the family to the child's developing sense of self and
24 perception of others. Planning and carrying out
25 prekindergarten activities designed to encourage
26 cooperative efforts between home and school shall
27 focus on community resources. A prekindergarten
28 teacher shall hold a certificate license certifying
29 that the holder is qualified to teach in
30 prekindergarten. A nonpublic school which offers only
31 a prekindergarten may, but is not required to, seek
32 and obtain accreditation.

33 2. The kindergarten program shall include
34 experiences designed to develop healthy emotional and
35 social habits and growth in the language arts and
36 communication skills, as well as a capacity for the
37 completion of individual tasks, and protect and
38 increase physical well-being with attention given to
39 experiences relating to the development of life skills
40 and human growth and development. A kindergarten
41 teacher shall be certificated licensed to teach in
42 kindergarten. An accredited nonpublic school must
43 meet the requirements of this subsection only if the
44 nonpublic school offers a kindergarten program.

45 Sec. 24. Section 256.11, subsection 5, paragraph
46 f, Code 1989, is amended to read as follows:

47 f. Four sequential units of one foreign language.
48 The department may waive the third and fourth years of
49 the foreign language requirement on an annual basis
50 upon the request of the board of directors of a school

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1 district or the authorities in charge of a nonpublic
2 school if the board or authorities are able to prove
3 that a certificated licensed teacher was employed and
4 assigned a schedule that would have allowed students
5 to enroll in a foreign language class, the foreign
6 language class was properly scheduled, students were
7 aware that a foreign language class was scheduled, and
8 no students enrolled in the class.

9 Sec. 25. Section 256.11, subsection 9, paragraph
10 b, Code 1989, is amended to read as follows:

11 b. Effective July 1, 1990, unless a waiver has
12 been obtained under section 256.11A, each school or
13 school district shall have a qualified school media
14 specialist who shall meet the certification-and-
15 approval licensing standards prescribed by the
16 department board of educational examiners and shall be
17 responsible for supervision of the media centers.
18 Each school or school district shall establish a media
19 center, in each attendance center, which shall be
20 accessible to students throughout the school day.

21 Sec. 26. Section 256.11, subsection 9A, Code 1989,
22 is amended to read as follows:

23 9A. Each school or school district shall provide
24 an articulated sequential guidance program for grades
25 kindergarten through twelve. Until July 1, 1991, a
26 school or school district may obtain a waiver from
27 meeting the requirements of this subsection pursuant
28 to section 256.11A. The guidance counselor shall meet
29 the certification-and-approval licensing standards of
30 the department board of educational examiners.

31 Sec. 27. Section 256.16, Code 1989, is amended to
32 read as follows:

33 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION
34 AND CERTAIN EDUCATORS.

35 Pursuant to section 256.7, subsection 5, the state
36 board shall adopt rules requiring all approved-teacher
37 training-institutions higher education institutions
38 providing practitioner preparation to include in the
39 professional education program, preparation that
40 contributes to education of the handicapped and the
41 gifted and talented, which must be successfully
42 completed before graduation from the teacher-training
43 practitioner preparation program.

44 A person initially applying for a certificate,
45 endorsement,-or-approval license shall successfully
46 complete a professional education program containing
47 the subject matter specified in this section, before
48 the initial action by the department board of
49 educational examiners takes place.

50 Sec. 28. Section 256.17, unnumbered paragraph 1,

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1 Code 1989, is amended to read as follows:

2 The state board shall review the standards
3 contained in section 256.11, shall review current
4 literature relating to effective schools and learning
5 environments, and shall consult with representatives
6 from the higher education institutions, the board of
7 educational examiners, area education agencies, school
8 board members, school administrators, teachers,
9 parents, students, members of business, industry, and
10 labor, other governmental agencies, associations
11 interested in education, and representatives of
12 communities of various sizes to develop standards for
13 accredited schools and school districts that
14 encompass, but are not limited to the following
15 general areas:

16 Sec. 29. Section 256.17, subsection 5, Code 1989,
17 is amended to read as follows:

18 5. A performance evaluation process for its
19 certificated-staff licensed practitioners using staff
20 members who possess an evaluator approval license
21 under section-260-33 rules adopted by the board of
22 educational examiners.

23 Sec. 30. Section 258.3A, subsection 3, Code 1989,
24 is amended to read as follows:

25 3. Adopt rules prescribing standards for approval
26 of schools, departments, and classes; area vocational-
27 technical high schools and programs; and area
28 vocational schools and programs; and teacher-training
29 practitioner preparation schools, departments, and
30 classes, applying for federal and state moneys under
31 this chapter.

32 Sec. 31. Section 258.4, subsections 5, 6, and 7,
33 Code 1989, are amended to read as follows:

34 5. Enforce Make recommendations to the board of
35 educational examiners relating to the enforcement of
36 rules prescribing standards for teachers of subjects
37 listed in subsection 2 in approved accredited schools,
38 departments, and classes.

39 6. Co-operate in the maintenance of teachers
40 training practitioner preparation schools,
41 departments, and classes, supported and controlled by
42 the public, for the training of teachers and
43 supervisors of subjects listed in subsection 2.

44 7. Annually inspect, as a basis of approval, all
45 schools, departments, and classes, area vocational-
46 technical high schools and programs, area vocational
47 schools and programs and all teachers-training
48 practitioner preparation schools, departments, and
49 classes, applying for federal and state moneys under
50 the-provisions-of this chapter.

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1 Sec. 32. Section 258.5, Code 1989, is amended to
2 read as follows:

3 258.5 FEDERAL AID -- CONDITIONS.

4 ~~Whenever~~ If a school corporation maintains an
5 approved vocational school, department, or classes in
6 accordance with the rules adopted by the state board,
7 and rules and standards adopted by the board of
8 educational examiners, and the state plan for
9 vocational education, adopted by that the board for
10 vocational education and approved by the United States
11 department of education, the director of the
12 department of education shall reimburse the school
13 corporation at the end of the fiscal year for its
14 expenditures for salaries and authorized travel of
15 vocational teachers from federal and state funds.
16 However, a school corporation shall not receive from
17 federal and state funds a larger amount than one-half
18 the sum which has been expended by the school
19 corporation for that particular type of program. If
20 federal and state funds are not sufficient to make the
21 reimbursement to the extent provided in this section,
22 the director shall prorate the respective amounts
23 available to the corporations entitled to
24 reimbursement.

25 The director may use federal funds to reimburse
26 approved ~~teacher-training~~ practitioner preparation
27 schools, departments, or classes for the training of
28 teachers of agriculture, home economics, trades and
29 industrial education, distributive education, and for
30 the training of guidance counselors.

31 Sec. 33. Section 258.6, Code 1989, is amended to
32 read as follows:

33 258.6 DEFINITIONS.

34 "Approved school, department, or class" ~~shall mean~~
35 means a school, department, or class approved by ~~said~~
36 the board as entitled under ~~the provisions of~~ this
37 chapter to federal and state moneys for the salaries
38 and authorized travel of teachers of vocational
39 subjects. "Approved ~~teachers-training~~ practitioner
40 preparation school, department, or class" ~~shall mean~~
41 means a school, department, or class approved by the
42 board as entitled under ~~the provisions of~~ this chapter
43 to federal moneys for the training of teachers of
44 vocational subjects.

45 Sec. 34. Section 273.3, subsections 5 and 11, Code
46 1989, are amended to read as follows:

47 5. Be authorized, subject to rules ~~and regulations~~
48 of the state board of education, to provide directly
49 or by contractual arrangement with public or private
50 agencies for special education programs and services,

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1 media services, and educational programs and services
2 requested by the local boards of education as provided
3 in this chapter, including but not limited to
4 contracts for the area education agency to provide
5 programs or services to the local school districts and
6 contracts for local school districts, other
7 educational agencies, and public and private agencies
8 to provide programs and services to the local school
9 districts in the area education agency in lieu of the
10 area education agency providing the services.
11 Contracts may be made with public or private agencies
12 located outside the state if the programs and services
13 comply with the rules of the state board. Rules
14 adopted by the state board of education shall be
15 consistent with rules, adopted by the board of
16 educational examiners, relating to licensing of
17 practitioners.

18 11. Employ personnel to carry out the functions of
19 the area education agency which shall include the
20 employment of an administrator who shall possess a
21 certificate license issued under section-260-9 chapter
22 260. The administrator shall be employed pursuant to
23 section 279.20 and sections 279.23, 279.24 and 279.25.
24 The salary for an area education agency administrator
25 shall be established by the board based upon the
26 previous experience and education of the
27 administrator. ~~The-provisions-of-section~~ Section
28 279.13 shall-apply applies to the area education
29 agency board and to all teachers employed by the area
30 education agency. ~~The-provisions-of-sections~~ Sections
31 279.23, 279.24 and 279.25 shall apply to the area
32 education board and to all administrators employed by
33 the area education agency.

34 Sec. 35. Section 279.19B, Code 1989, is amended to
35 read as follows:

36 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

37 The board of directors of a school district shall
38 offer an extracurricular contract for varsity head
39 coach of the interscholastic athletic activities of
40 football, basketball, track not including cross-
41 country, baseball, softball, volleyball, gymnastics,
42 hockey, and wrestling only to an individual possessing
43 a teaching certificate license with a coaching
44 endorsement issued pursuant to chapter 260.

45 The board of directors of a school district may
46 employ for head coach of other interscholastic
47 athletic activities or for assistant coach of any
48 interscholastic athletic activity, an individual who
49 possesses a coaching authorization issued by the
50 department-of-education board of educational

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1 examiners. An individual who has been issued a
2 coaching authorization or who possesses a teaching
3 certificate license with a coaching endorsement but is
4 not issued a teaching contract under section 279.13
5 and who is employed by the board of directors of a
6 school district serves at the pleasure of the board of
7 directors and is not subject to sections 279.13
8 through 279.19, and 279.27. ~~Chapter-272A-and~~
9 subsection Subsection 1 of section 279.19A apply
10 applies to coaching authorizations.

11 Sec. 36. Section 282.3, subsection 2, unnumbered
12 paragraph 2, Code 1989, is amended to read as follows:

13 ~~No~~ A child under the age of six years on the
14 fifteenth of September of the current school year
15 shall not be admitted to any a public school unless
16 the board of directors of the school ~~shall-have~~ has
17 adopted and put into effect courses of study for the
18 school year immediately preceding the first grade,
19 approved by the department of education, and ~~shall~~
20 have has employed a ~~teacher-or-teachers~~ practitioner
21 or practitioners for this work with standards of
22 training approved by the ~~department-of-education~~ board
23 of educational examiners.

24 Sec. 37. Section 294.3, Code 1989, is amended to
25 read as follows:

26 294.3 STATE AID AND TUITION.

27 ~~No~~ A school shall not be deprived of its right to
28 be approved for state aid or approved for tuition by
29 reason of the employment of any teacher practitioner
30 as authorized under section ~~294-2~~ 260.9.

31 Sec. 38. Section 294A.2, subsections 3, 4, and 5,
32 Code 1989, are amended to read as follows:

33 3. "General training requirements" means
34 requirements prescribed by a board of directors that
35 provide for the acquisition of additional semester
36 hours of graduate credit from an institution of higher
37 education approved by the ~~board-of-educational~~
38 examiners state board of education or the completion
39 of staff development activities approved licensed by
40 the ~~department-of-education~~ board of educational
41 examiners, except for programs developed by
42 practitioner preparation institutions, for renewal of
43 certificates licenses issued under chapter 260.

44 4. "Specialized training requirements" means
45 requirements prescribed by a board of directors to
46 meet specific needs of the school district identified
47 by the board of directors that provide for the
48 acquisition of clearly defined skills through formal
49 or informal education that are beyond the requirements
50 necessary for initial certification licensing under

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1 chapter 260.

2 5. "Teacher" means an individual holding a
3 teaching-certificate practitioner's license issued
4 under chapter 260, ~~letter-of-authorization, or a~~
5 ~~statement-of-professional-recognition~~ issued by the
6 board of educational examiners, who is employed in a
7 nonadministrative position by a school district or
8 area education agency pursuant to a contract issued by
9 a board of directors under section 279.13. A teacher
10 may be employed in both an administrative and a
11 nonadministrative position by a board of directors and
12 shall be considered a part-time teacher for the
13 portion of time that the teacher is employed in a
14 nonadministrative position.

15 Effective July 1, 1988, "teacher" includes an
16 individual employed on less than a full-time basis by
17 a school district through a contract between the
18 school district and an institution of higher education
19 with an-approved-teacher-education a practitioner
20 preparation program in which the teacher is enrolled
21 in a graduate teacher-education practitioner
22 preparation program.

23 Sec. 39. Section 321.180, subsection 1, Code 1989,
24 is amended to read as follows:

25 1. A person who is at least fourteen years of age
26 and who, except for the person's lack of instructions
27 in operating a motor vehicle, would be qualified to
28 obtain an operator's license, shall, upon meeting the
29 requirements of section 321.186 other than a driving
30 demonstration, and upon paying the required fee, be
31 issued a temporary instruction permit by the
32 department. Subject to the limitations in this
33 subsection, a temporary instruction permit entitles
34 the permittee, while having the permit in the
35 permittee's immediate possession, to drive a motor
36 vehicle upon the highways for a period of two years
37 from the date of issuance. The permittee must be
38 accompanied by a licensed operator or chauffeur who is
39 at least eighteen years of age, who is an approved
40 driver education instructor, or who is a prospective
41 driver education instructor enrolled in and
42 specifically designated by a teacher-education
43 institution practitioner preparation program with a
44 safety education program approved by the department
45 state board of education, and who is actually
46 occupying a seat beside the driver. The temporary
47 instruction permit issued to a person who is less than
48 sixteen years of age entitles the permittee to drive a
49 motor vehicle upon the highways only when accompanied
50 by a licensed operator or chauffeur who is the parent

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1 or guardian of the permittee, an approved driver
2 education instructor, a prospective driver education
3 instructor who is enrolled in and has been
4 specifically designated by a ~~teacher-education~~
5 ~~institution practitioner preparation program~~ with a
6 safety education program approved by the department
7 state board of education, or a person who is twenty-
8 five years of age or more if written permission is
9 granted by the parent or guardian, and who is actually
10 occupying a seat beside the driver.

11 Sec. 40. Sections 232.69, 256.18, 256.19, 256.30,
12 261.51, 262.9, 275.56, 275.59, 279.12, 279.13,
13 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24,
14 294A.25, and 808A.1, Code 1989, are amended by
15 striking the words "certificated" and
16 "noncertificated" and inserting in lieu thereof the
17 word "licensed" or "unlicensed".

18 Sec. 41. Sections 261.45, 281.2, and 299.1, Code
19 1989, are amended by striking the word "certified" and
20 inserting in lieu thereof the word "licensed".

21 Sec. 42. Sections 261.51, 261.52, and 279.19B,
22 Code 1989, are amended by striking the words
23 "certificate" and "certificates" and inserting in lieu
24 thereof the word "license" or "licenses".

25 Sec. 43. REPEALS. Sections 256.31, 260.12,
26 260.14, 260.15, 260.19, 260.20, 260.21, 260.23,
27 260.27, 260.28, and 294.2, and chapter 272A, Code
28 1989, are repealed.

29 Sec. 44. USE OF FUNDS. Funds appropriated to the
30 department of education for the purpose of operating
31 advisory committees for certification shall be made
32 available by the department for use by the board of
33 educational examiners created under this Act. Staff,
34 office equipment and materials, records, and other
35 assets currently held by the department for the
36 purpose of carrying out the state board of education's
37 duties as the board of educational examiners shall
38 also be made available for use by the board created
39 under this Act. Professional and nonprofessional
40 staff employed on the effective date of this Act whose
41 duties involve certification of practitioners shall be
42 reassigned as employees of the department of education
43 under the direction of the board created under this
44 Act. However, the number of full-time equivalent
45 positions currently assigned to duties involving the
46 certification of practitioners shall not be reduced
47 below the level maintained by the department as of
48 January 1, 1989, for the board's operation after the
49 effective date of this Act."

By RICHARD VARN

S-4133 FILED MAY 5, 1989

Adopted as amended by 4135 5/6 (p. 2035)

HOUSE FILE 794

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1 Amend the amendment, S-4133, to House File 794, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 1 through page 20,
5 line 49, and inserting the following:

6 "Amend House File 794, as amended, passed, and
7 reprinted by the House as follows:

8 "____. By striking everything after the enacting
9 clause and inserting the following:

10 "Section 1. Section 260.1, Code 1989, is amended
11 by striking the section and inserting in lieu thereof
12 the following:

13 260.1 DEFINITIONS.

14 1. "Administrator" means a person who is licensed
15 to coordinate, supervise, or direct an educational
16 program or the activities of other practitioners.

17 2. "Board" means the board of educational
18 examiners.

19 3. "Department" means the state department of
20 education.

21 4. "License" means the authority that is given to
22 allow a person to legally serve as a practitioner, a
23 school, an institution, or a course of study to
24 legally offer professional development programs, other
25 than those programs offered by practitioner
26 preparation schools, institutions, or courses of
27 study.

28 5. "Practitioner" means an administrator, teacher,
29 or other licensed professional who does not hold or
30 receive a license from a professional licensing board
31 other than the board of educational examiners and who
32 provides educational assistance to students.

33 6. "Practitioner preparation program" means a
34 program approved by the state board of education which
35 prepares a person to obtain a license as a
36 practitioner.

37 7. "Principal" means a licensed member of a
38 school's instructional staff who serves as an
39 instructional leader, coordinates the process and
40 substance of educational and instructional programs,
41 coordinates the budget of the school, provides
42 formative evaluation for all practitioners and other
43 persons in the school, recommends or has effective
44 authority to appoint, assign, promote, or transfer
45 personnel in a school building, implements the local
46 school board's policy in a manner consistent with
47 professional practice and ethics, and assists in the
48 development and supervision of a school's student
49 activities program.

50 8. "Professional development program" means a

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1 course or program which is offered by a person or
2 agency for the purpose of providing continuing
3 education for the renewal or upgrading of a
4 practitioner's license.

5 9. "School" means a school under section 280.2, a
6 merged area school, an area education agency, and a
7 school operated by a state agency for special
8 purposes.

9 10. "School service personnel" means those persons
10 holding a practitioner's license who provide support
11 services for a student enrolled in school or to
12 practitioners employed in a school.

13 11. "Student" means a person who is enrolled in a
14 course of study at a school or practitioner
15 preparation program, or who is receiving direct or
16 indirect assistance from a practitioner.

17 12. "Superintendent" means an administrator who
18 promotes, demotes, transfers, assigns, or evaluates
19 practitioners or other personnel, and carries out the
20 policies of a governing board in a manner consistent
21 with professional practice and ethics.

22 13. "Teacher" means a licensed member of a
23 school's instructional staff who diagnoses,
24 prescribes, evaluates, and directs student learning in
25 a manner which is consistent with professional
26 practice and school objectives, shares responsibility
27 for the development of an instructional program and
28 any coordinating activities, evaluates or assesses
29 student progress before and after instruction, and who
30 uses the student evaluation or assessment information
31 to promote additional student learning.

32 Sec. 2. Section 260.2, Code 1989, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 260.2 BOARD OF EXAMINERS CREATED.

36 The board of educational examiners is created to
37 exercise the exclusive authority to:

38 1. License practitioners, who do not hold or
39 receive a license from another professional licensing
40 board, and professional development programs, except
41 for programs developed and offered by practitioner
42 preparation institutions or area education agencies
43 and approved by the state board of education.
44 Licensing authority includes the authority to
45 establish criteria for the licenses, including but not
46 limited to, issuance and renewal requirements,
47 creation of application and renewal forms, creation of
48 licenses that authorize different instructional
49 functions or specialties, development of a code of
50 professional rights and responsibilities, practice,

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- 1 and ethics, and the authority to develop any other
2 classifications, distinctions, and procedures which
3 may be necessary to exercise licensing duties. A code
4 of professional rights and responsibilities, practice,
5 and ethics shall address but not be limited to the
6 habitual failure of a practitioner to fulfill
7 contractual obligations under section 279.13.
- 8 2. Establish, collect, and refund fees for a
9 license.
- 10 3. Enter into reciprocity agreements with other
11 equivalent state boards or a national certification
12 board to provide for licensing of applicants from
13 other states or nations.
- 14 4. Enforce rules adopted by the board through
15 revocation or suspension of a license, or by other
16 disciplinary action against a practitioner or
17 professional development program licensed by the board
18 of educational examiners.
- 19 5. Apply for and receive federal or other funds on
20 behalf of the state for purposes related to its
21 duties.
- 22 6. Evaluate and conduct studies of board
23 standards.
- 24 7. Hire an executive director, legal counsel, and
25 other personnel and control the personnel
26 administration of persons employed by the board.
- 27 8. Hear appeals regarding application, renewal,
28 suspension, or revocation of a license. Board action
29 is final agency action for purposes of chapter 17A.
- 30 9. Establish standards for the determination of
31 whether an applicant is qualified to perform the
32 duties required for a given license.
- 33 10. Issue statements of professional recognition
34 to school service personnel who are licensed by
35 another professional licensing board.
- 36 11. Make recommendations to the state board of
37 education concerning standards for the approval of
38 professional development programs.
- 39 12. Establish, under chapter 17A, rules necessary
40 to carry out board duties, and establish a budget
41 request.
- 42 13. By January 1, 1991, adopt rules and establish
43 classifications for temporary substitute teaching, for
44 persons who hold a bachelor's degree from an
45 accredited college or university, but who do not meet
46 other requirements for licensure. Rules adopted shall
47 provide that temporary substitute teaching licenses
48 shall be valid for two years, or until the holder has
49 completed an alternative training program, whichever
50 occurs first. Temporary substitute teaching license

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1 holders, whose licenses expire because of completion
2 of an alternative training program, shall be eligible
3 for an appropriate standard license upon application
4 and submission of proof of satisfactory completion of
5 the alternative training program.

6 Sec. 3. Section 260.3, Code 1989, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 260.3 MEMBERSHIP.

10 The board of educational examiners consists of
11 eleven members. Two must be members of the general
12 public and the remaining nine must be licensed
13 practitioners. One of the public members shall also
14 be the director of the department of education, or the
15 director's designee. The other public member shall be
16 a person who does not hold a practitioner's license,
17 but has a demonstrated interest in education. The
18 nine practitioners shall be selected from the
19 following areas and specialties of the teaching
20 profession:

- 21 1. Elementary teachers.
- 22 2. Secondary teachers.
- 23 3. Special education or other similar teachers.
- 24 4. Counselors or other special purpose
25 practitioners.
- 26 5. Merged area school faculty members.
- 27 6. Administrators.
- 28 7. School service personnel.

29 A majority of the licensed practitioner members
30 shall be nonadministrative practitioners. Four of the
31 members shall be administrators. Membership of the
32 board shall comply with the requirements of sections
33 69.16 and 69.16A. A quorum of the board shall consist
34 of six members. The director of the department of
35 education shall serve as the chairperson of the board.
36 Members, except for the director of the department of
37 education, shall be appointed by the governor and the
38 appointments are subject to confirmation by the
39 senate.

40 Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.

41 Members, except for the director of the department
42 of education, shall be appointed to serve staggered
43 terms of four years. A member shall not serve more
44 than two consecutive terms, except for the director of
45 the department of education, who shall serve until the
46 director's term of office expires. A member of the
47 board, except for the two public members, shall hold a
48 valid practitioner's license during the member's term
49 of office. A vacancy exists when any of the following
50 occur:

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- 1 1. A nonpublic member's license expires, is
2 suspended, or is revoked.
- 3 2. A nonpublic member retires or terminates
4 employment as a practitioner.
- 5 3. A member dies, resigns, is removed from office,
6 or is otherwise physically unable to perform the
7 duties of office.
- 8 4. A member's term of office expires.
- 9 Terms of office for regular appointments begin on
10 July 1, and for vacancies on the date of appointment.
11 Members may be removed for cause by a state court with
12 competent jurisdiction after notice and opportunity
13 for hearing. The board may remove a member for three
14 consecutive absences or for cause.
- 15 Sec. 5. Section 260.5, Code 1989, is amended by
16 striking the section and inserting in lieu thereof the
17 following:
- 18 260.5 COMPENSATION.
- 19 Members shall be reimbursed for actual and
20 necessary expenses incurred while engaged in their
21 official duties and may be entitled to per diem
22 compensation as authorized under section 7E.6. For
23 duties performed during an ordinary school day by a
24 member who is employed by a school corporation or
25 state university, the member shall also receive
26 regular compensation from the school or university.
27 However, the member shall reimburse the school or
28 university in the amount of the per diem compensation
29 received.
- 30 Sec. 6. Section 260.6, Code 1989, is amended by
31 striking the section and inserting in lieu thereof the
32 following:
- 33 260.6 QUALIFICATIONS FOR PRACTITIONERS.
- 34 The board shall determine whether an applicant is
35 qualified to perform the duties for which a license is
36 sought. Applicants shall be disqualified for any of
37 the following reasons:
- 38 1. The applicant is less than twenty-one years of
39 age. However, a student enrolled in a practitioner
40 preparation program who meets board requirements for a
41 temporary, limited-purpose license who is seeking to
42 teach as part of a practicum or internship may be less
43 than twenty-one years of age.
- 44 2. The applicant has been convicted of child abuse
45 or sexual abuse of a child.
- 46 3. The applicant has been convicted of a felony.
- 47 4. The applicant's application is fraudulent.
- 48 5. The applicant's license or certification from
49 another state is suspended or revoked.
- 50 6. The applicant fails to meet board standards for

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1 application for an initial or renewed license.
2 Qualifications or criteria for the granting or
3 revocation of a license or the determination of an
4 individual's professional standing shall not include
5 membership or nonmembership in any teachers'
6 organization.
7 Sec. 7. Section 260.7, Code 1989, is amended by
8 striking the section and inserting in lieu thereof the
9 following:

10 260.7 VALIDITY OF LICENSE.

11 A license issued under board authority is valid for
12 the period of time for which it is issued, unless the
13 license is suspended or revoked. A license issued by
14 the board is valid until June 30 of the year in which
15 the license expires. No permanent licenses shall be
16 issued. A person employed as a practitioner shall
17 hold a valid license for the type of service for which
18 the person is employed. This section does not limit
19 the duties or powers of a school board to select or
20 discharge practitioners or to terminate practitioners'
21 contracts. A professional development program, except
22 for a program offered by a practitioner preparation
23 institution or area education agency and approved by
24 the state board of education, must possess a valid
25 license for the types of programs offered.

26 The executive director of the board may grant or
27 deny license applications, applications for renewal of
28 a license, and suspension or revocation of a license.
29 A denial of an application for a license, the denial
30 of an application for renewal, or a suspension or
31 revocation of a license may be appealed by the
32 practitioner to the board.

33 The board may issue emergency renewal or temporary,
34 limited-purpose licenses upon petition by a current or
35 former practitioner. An emergency renewal or a
36 temporary, limited-purpose license may be issued for a
37 period not to exceed two years, if a petitioner
38 demonstrates, to the satisfaction of the board, good
39 cause for failure to comply with board requirements
40 for a regular license and provides evidence that the
41 petitioner will comply with board requirements within
42 the period of the emergency or temporary license.
43 Under exceptional circumstances, an emergency license
44 may be renewed by the board for one additional year.
45 A previously unlicensed person is not eligible for an
46 emergency or temporary license, except that a student
47 who is enrolled in a licensed practitioner preparation
48 program may be issued a temporary, limited-purpose
49 license, without payment of a fee, as part of a
50 practicum or internship program.

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1 Sec. 8. Section 260.8, Code 1989, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR
5 COUNTRIES.

6 The board may issue a license to an applicant from
7 another state or country if the applicant files
8 evidence of the possession of the required or
9 equivalent requirements with the board. The executive
10 director of the board may, subject to board approval,
11 enter into reciprocity agreements with another state
12 or country for the licensing of practitioners on an
13 equitable basis of mutual exchange, when the action is
14 in conformity with law.

15 Practitioner preparation and professional
16 development programs offered in this state by out-of-
17 state institutions must be approved by the board in
18 order to fulfill requirements for licensure or renewal
19 of a license by an applicant.

20 Sec. 9. Section 260.9, Code 1989, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

24 A certificate which was issued by the board of
25 educational examiners to a practitioner before the
26 effective date of this Act, continues to be in force
27 as long as the certificate complies with the rules and
28 statutes in effect on the effective date of this Act.
29 Requirements for the renewal of licenses, under this
30 chapter, do not apply retroactively to renewal of
31 certificates. However, this section does not limit
32 the duties or powers of a school board to select or
33 discharge practitioners or to terminate practitioners'
34 contracts.

35 A practitioner who holds a certificate issued
36 before the effective date of this Act shall, upon
37 application and payment of a fee, be granted a license
38 which will permit the practitioner to perform the same
39 duties and functions as the practitioner was entitled
40 to perform with the certificate held at the time of
41 application. A practitioner shall be permitted to
42 convert a permanent certificate to a term certificate,
43 after the effective date of this Act, without payment
44 of a fee.

45 A professional development program provided by a
46 school district and approved by the state board of
47 education before the effective date of this Act shall
48 be permitted to continue until the term, for which the
49 program was approved, expires.

50 Sec. 10. CONTINUITY OF RULES. Administrative

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1 rules adopted by the board of educational examiners or
2 the professional teaching practices commission
3 relating to licenses or professional practices in
4 effect on April 15, 1989, remain in effect until
5 modified or repealed by the board of educational
6 examiners after the effective date of this Act.

7 Sec. 11. Section 260.10, Code 1989, is amended by
8 striking the section and inserting in lieu thereof the
9 following:

10 260.10 FEES.

11 It is the intent of the general assembly that
12 licensing fees established by the board of educational
13 examiners be sufficient to finance the activities of
14 the board under this chapter.

15 Licensing fees are payable to the treasurer of
16 state and shall be deposited with the executive
17 director of the board. The executive director shall
18 deposit the fees with the treasurer of state and the
19 fees shall be credited to the general fund of the
20 state. The executive director shall keep an accurate
21 and detailed account of fees received and paid to the
22 treasurer of state.

23 Sec. 12. Section 260.11, Code 1989, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 260.11 EXPENDITURES AND REFUNDS.

27 Expenditures and refunds made by the board under
28 this chapter shall be certified by the executive
29 director of the board to the director of revenue and
30 finance, and if found correct, the director of revenue
31 and finance shall approve the expenditures and refunds
32 and draw warrants upon the treasurer of state from the
33 funds appropriated for that purpose.

34 Sec. 13. Section 260.12, Code 1989, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 260.12 HEARING PROCEDURES.

38 Hearings before the board shall be conducted in the
39 same manner as contested cases under chapter 17A. The
40 board may subpoena books, papers, records, and any
41 other real evidence necessary for the board to decide
42 whether it should institute a contested case hearing.
43 At the hearing the board may administer oaths and
44 issue subpoenas to compel the attendance of witnesses
45 and the production of other evidence. Subpoenas may
46 be issued by the board to a party to a hearing, if the
47 party demonstrates that the evidence or witnesses'
48 testimony is relevant and material to the hearing.
49 Service of process and subpoenas for board hearings
50 shall be conducted in accordance with the law

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1 applicable to the service of process and subpoenas in
2 civil actions.

3 Witnesses subpoenaed to appear before the board
4 shall be reimbursed for mileage and necessary expenses
5 and shall receive per diem compensation by the board,
6 unless the witness is an employee of the state or a
7 political subdivision, in which case the witness shall
8 receive reimbursement only for mileage and necessary
9 expenses.

10 Sec. 14. Section 260.25, unnumbered paragraph 1,
11 and subsections 1 and 5 through 9, Code 1989, are
12 amended to read as follows:

13 Not later than January 1, ~~1990~~ 1991, the ~~board of~~
14 ~~educational-examiners~~ state board of education shall
15 adopt rules pursuant to chapter 17A to implement the
16 following for approved teacher-education practitioner
17 preparation programs:

18 1. A requirement that each student admitted to an
19 approved teacher-education practitioner preparation
20 program must participate in field experiences that
21 include both observation and participation in teaching
22 activities in a variety of school settings. These
23 field experiences shall comprise a total of at least
24 fifty hours' duration, at least forty hours of which
25 shall occur after a student's admission to an approved
26 teacher-education practitioner preparation program.
27 The student teaching experience shall be a minimum of
28 twelve weeks in duration during the student's final
29 year of the teacher-education practitioner preparation
30 program.

31 5. A requirement that each approved teacher
32 education practitioner preparation or professional
33 development institution annually offer a workshop of
34 at least one day in duration for prospective
35 cooperating teachers. The workshop shall define the
36 objectives of the student teaching experience, review
37 the responsibilities of the cooperating teacher, and
38 provide the cooperating teacher other information and
39 assistance the institution deems necessary.

40 6. A requirement that teacher-education
41 practitioner preparation students receive instruction
42 in the use of electronic technology for classroom and
43 instructional purposes.

44 7. A requirement that approved teacher-education
45 practitioner preparation institutions annually solicit
46 the views of the education community regarding the
47 institution's teacher-education practitioner
48 preparation programs.

49 8. A requirement that an approved teacher
50 education practitioner preparation institution submit

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1 evidence that the college or department of education
2 is communicating with other colleges or departments in
3 the institution so that teacher-education practitioner
4 preparation students may integrate teaching
5 methodology with subject matter areas of
6 specialization.

7 9. A requirement that an approved teacher
8 education practitioner preparation program submit
9 evidence that the evaluation of the performance of a
10 student teacher is a cooperative process that involves
11 both the faculty member supervising the student
12 teacher and the cooperating teacher. The rules shall
13 require that each institution develop a written
14 evaluation procedure for use by the cooperating
15 teacher and a form for evaluating student teachers,
16 and require that a copy of the completed form be
17 included in the student teacher's permanent record.

18 Sec. 15. Section 260.31, subsection 1, unnumbered
19 paragraph 1, Code 1989, is amended to read as follows:

20 The minimum requirements for the board to award a
21 coaching authorization license to an applicant are:

22 Sec. 16. Section 260.31, subsection 2, Code 1989,
23 is amended to read as follows:

24 2. The board of educational examiners shall adopt
25 rules under chapter 17A for coaching authorizations
26 licenses including, but not limited to, approval of
27 courses, validity and expiration, fees, and suspension
28 and revocation of authorizations licenses. The
29 ~~director-of-the-department~~ state board of education
30 shall work with institutions of higher education,
31 private colleges and universities, merged area
32 schools, and area education agencies to ~~insure~~ ensure
33 that the courses required under subsection 1 are
34 offered throughout the state at convenient times and
35 at a reasonable cost.

36 Sec. 17. Section 260.33, Code 1989, is amended to
37 read as follows:

38 260.33 EVALUATOR APPROVAL LICENSE.

39 Effective July 1, 1990, in addition to endorsements
40 licenses required under rules adopted pursuant to this
41 chapter, an individual employed as an administrator,
42 supervisor, school service person, or teacher by a
43 school district, area education agency, or area
44 school, who conducts evaluations of the performance of
45 individuals holding certificates licenses under this
46 chapter, shall possess an evaluator approval license.

47 By July 1, ~~1987~~ 1990, the board of educational
48 examiners shall adopt rules establishing requirements
49 for an evaluator approval license including but not
50 limited to approval-of-courses, renewal requirements,

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1 fees, and suspension and revocation of evaluator
2 ~~approvals~~ licenses. An approved program shall include
3 provisions for determining that an applicant for
4 evaluator ~~approval~~ license has satisfactorily
5 completed the program. The ~~board-of-educational~~
6 ~~examiners~~ state board of education shall work with
7 institutions of higher education under the state board
8 of regents, private colleges and universities, merged
9 area schools, and area education agencies to ~~insure~~
10 ensure that the courses required under subsection 1
11 are offered throughout the state at convenient times
12 and at reasonable cost. The requirements shall
13 include completion of a program approved by the ~~board~~
14 ~~of-educational-examiners~~ state board of education as
15 follows:

16 1. For evaluation of teachers, the development of
17 skills including but not limited to analysis of lesson
18 plans, classroom observation, analysis of data,
19 performance improvement strategies, and communication
20 skills.

21 2. For evaluation of certificated licensed
22 employees other than teachers, the development of
23 skills including but not limited to communication
24 skills, analysis of employee performance, analysis of
25 data, and performance improvement strategies.

26 ~~An-evaluator-approval~~ A license is valid for a
27 period of five years from its issuance.

28 Sec. 18. Section 260.34, Code 1989, is amended to
29 read as follows:

30 260.34 ELEMENTARY ENDORSEMENTS LICENSES.

31 The board of educational examiners in conjunction
32 with the child development coordinating council, or
33 other similar agency, shall develop appropriate
34 endorsements licenses for teachers in the early
35 elementary grades, taking into consideration
36 recommendations from the child development
37 coordinating council or other similar agency, the
38 center for early development education, and teacher
39 education personnel.

40 Sec. 19. Section 256.7, subsection 3, Code 1989,
41 is amended by striking the subsection and inserting in
42 lieu thereof the following:

43 3. Prescribe standards and procedures for the
44 approval of practitioner preparation programs and
45 professional development programs, offered by
46 practitioner preparation institutions and area
47 education agencies, in this state. Procedures
48 provided for approval of programs shall include
49 procedures for enforcement of the prescribed standards
50 and shall not include a procedure for the waiving of

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1 any of the standards prescribed.

2 Sec. 20. Section 256.7, subsection 9, unnumbered
3 paragraphs 1, 2, and 3, Code 1989, are amended to read
4 as follows:

5 Adopt rules under chapter 17A for the use of
6 telecommunications as an instructional tool for
7 students enrolled in kindergarten through grade twelve
8 and served by local school districts, accredited or
9 approved nonpublic schools, area education agencies,
10 merged area schools, institutions of higher education
11 under the state board of regents, and independent
12 colleges and universities in elementary and secondary
13 school classes and courses. The rules shall include
14 but need not be limited to rules relating to programs,
15 educational policy, instructional practices, staff
16 development, use of pilot projects, curriculum
17 monitoring, and the accessibility of certificated
18 licensed teachers.

19 When curriculum is provided by means of
20 telecommunications, it shall be taught by a
21 certificated an appropriately licensed teacher who is
22 properly endorsed or approved. The teacher shall
23 either be present in the classroom, or be present at
24 the location at which the curriculum delivered by
25 means of telecommunications originates.

26 The rules shall provide that when the curriculum is
27 taught by a certificated and properly endorsed or
28 approved an appropriately licensed teacher at the
29 location at which the telecommunications originates,
30 the curriculum received shall be under the supervision
31 of a certificated licensed teacher. For the purposes
32 of this subsection, "supervision" means that the
33 curriculum is monitored by a certificated licensed
34 teacher and the certificated teacher is accessible to
35 the students receiving the curriculum by means of
36 telecommunications.

37 Sec. 21. Section 256.7, subsections 10 and 11,
38 Code 1989, are amended to read as follows:

39 10. Rules adopted under this section shall provide
40 that telecommunications shall not be used by school
41 districts as the exclusive means to provide any course
42 which is required by the minimum educational standards
43 for approval or accreditation.

44 11. Develop evaluation procedures that will
45 measure the effects of instruction by means of
46 telecommunications on student achievement,
47 socialization, intellectual growth, motivation, and
48 other related factors deemed relevant by the state
49 board, for the development of an educational data
50 base. The state board shall consult with the state

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1 board of regents and the teacher-education
2 practitioner preparation departments at its
3 institutions, other approved-teacher-education
4 practitioner preparation departments located within
5 private colleges and universities, educational
6 research agencies or facilities, and other agencies
7 deemed appropriate by the state board, in developing
8 these procedures.

9 Sec. 22. Section 256.7, Code 1989, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 13. Not later than January 1,
12 1991, adopt rules under chapter 17A for alternative
13 training programs for persons who hold a temporary
14 substitute teaching license issued under chapter 260.
15 Rules adopted shall provide that alternative training
16 programs be offered by approved practitioner
17 preparation programs. Rules adopted shall also
18 provide that alternative training programs include an
19 evaluation, conducted by an appropriately licensed
20 practitioner who is not an employee of the school
21 corporation participating in the alternative training
22 program, of the performance of a person who holds a
23 temporary substitute teaching license and is employed
24 by a school corporation and that satisfactory
25 completion of the evaluation be a condition precedent
26 to obtaining a standard license under chapter 260.

27 Sec. 23. Section 256.11, subsections 1 and 2, Code
28 1989, are amended to read as follows:

29 1. If a school offers a prekindergarten program,
30 the program shall be designed to help children to work
31 and play with others, to express themselves, to learn
32 to use and manage their bodies, and to extend their
33 interests and understanding of the world about them.
34 The prekindergarten program shall relate the role of
35 the family to the child's developing sense of self and
36 perception of others. Planning and carrying out
37 prekindergarten activities designed to encourage
38 cooperative efforts between home and school shall
39 focus on community resources. A prekindergarten
40 teacher shall hold a certificate license certifying
41 that the holder is qualified to teach in
42 prekindergarten. A nonpublic school which offers only
43 a prekindergarten may, but is not required to, seek
44 and obtain accreditation.

45 2. The kindergarten program shall include
46 experiences designed to develop healthy emotional and
47 social habits and growth in the language arts and
48 communication skills, as well as a capacity for the
49 completion of individual tasks, and protect and
50 increase physical well-being with attention given to

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1 experiences relating to the development of life skills
2 and human growth and development. A kindergarten
3 teacher shall be certificated licensed to teach in
4 kindergarten. An accredited nonpublic school must
5 meet the requirements of this subsection only if the
6 nonpublic school offers a kindergarten program.

7 Sec. 24. Section 256.11, subsection 5, paragraph
8 f, Code 1989, is amended to read as follows:

9 f. Four sequential units of one foreign language.
10 The department may waive the third and fourth years of
11 the foreign language requirement on an annual basis
12 upon the request of the board of directors of a school
13 district or the authorities in charge of a nonpublic
14 school if the board or authorities are able to prove
15 that a certificated licensed teacher was employed and
16 assigned a schedule that would have allowed students
17 to enroll in a foreign language class, the foreign
18 language class was properly scheduled, students were
19 aware that a foreign language class was scheduled, and
20 no students enrolled in the class.

21 Sec. 25. Section 256.11, subsection 9, paragraph
22 b, Code 1989, is amended to read as follows:

23 b. Effective July 1, 1990, unless a waiver has
24 been obtained under section 256.11A, each school or
25 school district shall have a qualified school media
26 specialist who shall meet the certification-and-
27 approval licensing standards prescribed by the
28 department board of educational examiners and shall be
29 responsible for supervision of the media centers.
30 Each school or school district shall establish a media
31 center, in each attendance center, which shall be
32 accessible to students throughout the school day.

33 Sec. 26. Section 256.11, subsection 9A, Code 1989,
34 is amended to read as follows:

35 9A. Each school or school district shall provide
36 an articulated sequential guidance program for grades
37 kindergarten through twelve. Until July 1, 1991, a
38 school or school district may obtain a waiver from
39 meeting the requirements of this subsection pursuant
40 to section 256.11A. The guidance counselor shall meet
41 the certification-and-approval licensing standards of
42 the department board of educational examiners.

43 Sec. 27. Section 256.16, Code 1989, is amended to
44 read as follows:

45 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION
46 AND CERTAIN EDUCATORS.

47 Pursuant to section 256.7, subsection 5, the state
48 board shall adopt rules requiring all approved-teacher
49 training-institutions higher education institutions
50 providing practitioner preparation to include in the

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1 professional education program, preparation that
2 contributes to education of the handicapped and the
3 gifted and talented, which must be successfully
4 completed before graduation from the ~~teacher-training~~
5 practitioner preparation program.

6 A person initially applying for a ~~certificate~~
7 ~~endorsement, or approval~~ license shall successfully
8 complete a professional education program containing
9 the subject matter specified in this section, before
10 the initial action by the department board of
11 educational examiners takes place.

12 Sec. 28. Section 256.17, unnumbered paragraph 1,
13 Code 1989, is amended to read as follows:

14 The state board shall review the standards
15 contained in section 256.11, shall review current
16 literature relating to effective schools and learning
17 environments, and shall consult with representatives
18 from the higher education institutions, the board of
19 educational examiners, area education agencies, school
20 board members, school administrators, teachers,
21 parents, students, members of business, industry, and
22 labor, other governmental agencies, associations
23 interested in education, and representatives of
24 communities of various sizes to develop standards for
25 accredited schools and school districts that
26 encompass, but are not limited to the following
27 general areas:

28 Sec. 29. Section 256.17, subsection 5, Code 1989,
29 is amended to read as follows:

30 5. A performance evaluation process for its
31 ~~certificated-staff~~ licensed practitioners using staff
32 members who possess an evaluator approval license
33 ~~under section-260-33~~ rules adopted by the board of
34 educational examiners.

35 Sec. 30. Section 258.3A, subsection 3, Code 1989,
36 is amended to read as follows:

37 3. Adopt rules prescribing standards for approval
38 of schools, departments, and classes; area vocational-
39 technical high schools and programs; and area
40 vocational schools and programs; and teacher-training
41 practitioner preparation schools, departments, and
42 classes, applying for federal and state moneys under
43 this chapter.

44 Sec. 31. Section 258.4, subsections 5, 6, and 7,
45 Code 1989, are amended to read as follows:

46 5. Enforce Make recommendations to the board of
47 educational examiners relating to the enforcement of
48 rules prescribing standards for teachers of subjects
49 listed in subsection 2 in approved accredited schools,
50 departments, and classes.

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1 6. Co-operate in the maintenance of teachers
2 training practitioner preparation schools,
3 departments, and classes, supported and controlled by
4 the public, for the training of teachers and
5 supervisors of subjects listed in subsection 2.

6 7. Annually inspect, as a basis of approval, all
7 schools, departments, and classes, area vocational-
8 technical high schools and programs, area vocational
9 schools and programs and all teachers-training
10 practitioner preparation schools, departments, and
11 classes, applying for federal and state moneys under
12 the-provisions-of this chapter.

13 Sec. 32. Section 258.5, Code 1989, is amended to
14 read as follows:

15 258.5 FEDERAL AID -- CONDITIONS.

16 Whenever If a school corporation maintains an
17 approved vocational school, department, or classes in
18 accordance with the rules adopted by the state board,
19 and rules and standards adopted by the board of
20 educational examiners, and the state plan for
21 vocational education, adopted by ~~that~~ the board for
22 vocational education and approved by the United States
23 department of education, the director of the
24 department of education shall reimburse the school
25 corporation at the end of the fiscal year for its
26 expenditures for salaries and authorized travel of
27 vocational teachers from federal and state funds.
28 However, a school corporation shall not receive from
29 federal and state funds a larger amount than one-half
30 the sum which has been expended by the school
31 corporation for that particular type of program. If
32 federal and state funds are not sufficient to make the
33 reimbursement to the extent provided in this section,
34 the director shall prorate the respective amounts
35 available to the corporations entitled to
36 reimbursement.

37 The director may use federal funds to reimburse
38 approved teacher-training practitioner preparation
39 schools, departments, or classes for the training of
40 teachers of agriculture, home economics, trades and
41 industrial education, distributive education, and for
42 the training of guidance counselors.

43 Sec. 33. Section 258.6, Code 1989, is amended to
44 read as follows:

45 258.6 DEFINITIONS.

46 "Approved school, department, or class" ~~shall-mean~~
47 means a school, department, or class approved by said
48 the board as entitled under the-provisions-of this
49 chapter to federal and state moneys for the salaries
50 and authorized travel of teachers of vocational

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1 subjects. "Approved teachers-training practitioner
2 preparation school, department, or class" ~~shall-mean~~
3 means a school, department, or class approved by the
4 board as entitled under ~~the-provisions-of~~ this chapter
5 to federal moneys for the training of teachers of
6 vocational subjects.

7 Sec. 34. Section 273.3, subsections 5 and 11, Code
8 1989, are amended to read as follows:

9 5. Be authorized, subject to rules ~~and-regulations~~
10 of the state board of education, to provide directly
11 or by contractual arrangement with public or private
12 agencies for special education programs and services,
13 media services, and educational programs and services
14 requested by the local boards of education as provided
15 in this chapter, including but not limited to
16 contracts for the area education agency to provide
17 programs or services to the local school districts and
18 contracts for local school districts, other
19 educational agencies, and public and private agencies
20 to provide programs and services to the local school
21 districts in the area education agency in lieu of the
22 area education agency providing the services.
23 Contracts may be made with public or private agencies
24 located outside the state if the programs and services
25 comply with the rules of the state board. Rules
26 adopted by the state board of education shall be
27 consistent with rules, adopted by the board of
28 educational examiners, relating to licensing of
29 practitioners.

30 11. Employ personnel to carry out the functions of
31 the area education agency which shall include the
32 employment of an administrator who shall possess a
33 certificate license issued under section-260-9 chapter
34 260. The administrator shall be employed pursuant to
35 section 279.20 and sections 279.23, 279.24 and 279.25.
36 The salary for an area education agency administrator
37 shall be established by the board based upon the
38 previous experience and education of the
39 administrator. ~~The-provisions-of-section~~ Section
40 279.13 shall-apply applies to the area education
41 agency board and to all teachers employed by the area
42 education agency. ~~The-provisions-of-sections~~ Sections
43 279.23, 279.24 and 279.25 shall apply to the area
44 education board and to all administrators employed by
45 the area education agency.

46 Sec. 35. Section 279.19B, Code 1989, is amended to
47 read as follows:

48 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

49 The board of directors of a school district shall
50 offer an extracurricular contract for varsity head

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1 coach of the interscholastic athletic activities of
2 football, basketball, track not including cross-
3 country, baseball, softball, volleyball, gymnastics,
4 hockey, and wrestling only to an individual possessing
5 a teaching certificate license with a coaching
6 endorsement issued pursuant to chapter 260.

7 The board of directors of a school district may
8 employ for head coach of other interscholastic
9 athletic activities or for assistant coach of any
10 interscholastic athletic activity, an individual who
11 possesses a coaching authorization issued by the
12 department-of-education board of educational
13 examiners. An individual who has been issued a
14 coaching authorization or who possesses a teaching
15 certificate license with a coaching endorsement but is
16 not issued a teaching contract under section 279.13
17 and who is employed by the board of directors of a
18 school district serves at the pleasure of the board of
19 directors and is not subject to sections 279.13
20 through 279.19, and 279.27. ~~Chapter-272A-and~~
21 subsection Subsection 1 of section 279.19A apply
22 applies to coaching authorizations.

23 Sec. 36. Section 282.3, subsection 2, unnumbered
24 paragraph 2, Code 1989, is amended to read as follows:

25 No A child under the age of six years on the
26 fifteenth of September of the current school year
27 shall not be admitted to any a public school unless
28 the board of directors of the school ~~shall-have~~ has
29 adopted and put into effect courses of study for the
30 school year immediately preceding the first grade,
31 approved by the department of education, and ~~shall~~
32 have has employed a ~~teacher-or-teachers~~ practitioner
33 or practitioners for this work with standards of
34 training approved by the ~~department-of-education~~ board
35 of educational examiners.

36 Sec. 37. Section 294.3, Code 1989, is amended to
37 read as follows:

38 294.3 STATE AID AND TUITION.

39 No A school shall not be deprived of its right to
40 be approved for state aid or approved for tuition by
41 reason of the employment of any teacher practitioner
42 as authorized under section ~~294-2~~ 260.9.

43 Sec. 38. Section 294A.2, subsections 3, 4, and 5,
44 Code 1989, are amended to read as follows:

45 3. "General training requirements" means
46 requirements prescribed by a board of directors that
47 provide for the acquisition of additional semester
48 hours of graduate credit from an institution of higher
49 education approved by the ~~board-of-educational~~
50 examiners state board of education or the completion

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1 of staff development activities approved licensed by
2 the department-of-education board of educational
3 examiners, except for programs developed by
4 practitioner preparation institutions, for renewal of
5 certificates licenses issued under chapter 260.

6 4. "Specialized training requirements" means
7 requirements prescribed by a board of directors to
8 meet specific needs of the school district identified
9 by the board of directors that provide for the
10 acquisition of clearly defined skills through formal
11 or informal education that are beyond the requirements
12 necessary for initial certification licensing under
13 chapter 260.

14 5. "Teacher" means an individual holding a
15 teaching-certificate practitioner's license issued
16 under chapter 260, ~~letter-of-authorization, or a~~
17 ~~statement-of-professional-recognition~~ issued by the
18 board of educational examiners, who is employed in a
19 nonadministrative position by a school district or
20 area education agency pursuant to a contract issued by
21 a board of directors under section 279.13. A teacher
22 may be employed in both an administrative and a
23 nonadministrative position by a board of directors and
24 shall be considered a part-time teacher for the
25 portion of time that the teacher is employed in a
26 nonadministrative position.

27 Effective July 1, 1988, "teacher" includes an
28 individual employed on less than a full-time basis by
29 a school district through a contract between the
30 school district and an institution of higher education
31 with an-approved-teacher-education a practitioner
32 preparation program in which the teacher is enrolled
33 in a graduate teacher-education practitioner
34 preparation program.

35 Sec. 39. Section 321.180, subsection 1, Code 1989,
36 is amended to read as follows:

37 1. A person who is at least fourteen years of age
38 and who, except for the person's lack of instructions
39 in operating a motor vehicle, would be qualified to
40 obtain an operator's license, shall, upon meeting the
41 requirements of section 321.186 other than a driving
42 demonstration, and upon paying the required fee, be
43 issued a temporary instruction permit by the
44 department. Subject to the limitations in this
45 subsection, a temporary instruction permit entitles
46 the permittee, while having the permit in the
47 permittee's immediate possession, to drive a motor
48 vehicle upon the highways for a period of two years
49 from the date of issuance. The permittee must be
50 accompanied by a licensed operator or chauffeur who is

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1 at least eighteen years of age, who is an approved
2 driver education instructor, or who is a prospective
3 driver education instructor enrolled in and
4 specifically designated by a ~~teacher-education~~
5 ~~institution practitioner preparation program~~ with a
6 safety education program approved by the department
7 state board of education, and who is actually
8 occupying a seat beside the driver. The temporary
9 instruction permit issued to a person who is less than
10 sixteen years of age entitles the permittee to drive a
11 motor vehicle upon the highways only when accompanied
12 by a licensed operator or chauffeur who is the parent
13 or guardian of the permittee, an approved driver
14 education instructor, a prospective driver education
15 instructor who is enrolled in and has been
16 specifically designated by a ~~teacher-education~~
17 ~~institution practitioner preparation program~~ with a
18 safety education program approved by the department
19 state board of education, or a person who is twenty-
20 five years of age or more if written permission is
21 granted by the parent or guardian, and who is actually
22 occupying a seat beside the driver.

23 Sec. 40. Sections 232.69, 256.18, 256.19, 256.30,
24 261.51, 262.9, 275.56, 275.59, 279.12, 279.13,
25 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24,
26 294A.25, and 808A.1, Code 1989, are amended by
27 striking the words "certificated" and
28 "noncertificated" and inserting in lieu thereof the
29 word "licensed" or "unlicensed".

30 Sec. 41. Sections 261.45, 281.2, and 299.1, Code
31 1989, are amended by striking the word "certified" and
32 inserting in lieu thereof the word "licensed".

33 Sec. 42. Sections 261.51, 261.52, and 279.19B,
34 Code 1989, are amended by striking the words
35 "certificate" and "certificates" and inserting in lieu
36 thereof the word "license" or "licenses".

37 Sec. 43. REPEALS. Sections 256.31, 260.12,
38 260.14, 260.15, 260.19, 260.20, 260.21, 260.23,
39 260.27, 260.28, and 294.2, and chapter 272A, Code
40 1989, are repealed.

41 Sec. 44. USE OF FUNDS. Funds appropriated to the
42 department of education for the purpose of operating
43 advisory committees for certification shall be made
44 available by the department for use by the board of
45 educational examiners created under this Act. Staff,
46 office equipment and materials, records, and other
47 assets currently held by the department for the
48 purpose of carrying out the state board of education's
49 duties as the board of educational examiners shall
50 also be made available for use by the board created

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1 under this Act. Professional and nonprofessional
2 staff employed on the effective date of this Act whose
3 duties involve certification of practitioners shall be
4 reassigned as employees of the department of education
5 under the direction of the board created under this
6 Act. However, the number of full-time equivalent
7 positions currently assigned to duties involving the
8 certification of practitioners shall not be reduced
9 below the level maintained by the department as of
10 January 1, 1989, for the board's operation after the
11 effective date of this Act."

By RICHARD VARN

S-4135 FILED MAY 5, 1989

Adopted 5/6 (J. 2034)

HOUSE FILE 794

S-4141

1 Amend House File 794 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 10, the
4 following:

5 "_____. "School service personnel" means those
6 persons holding a practitioner's certificate who
7 provide support services for students enrolled in a
8 school or to practitioners employed in a school."

B 9 2. Page 4, line 30, by inserting after the word
10 "designee." the following: "The other public member
11 shall be a person who does not hold a practitioner's
12 license, but has a demonstrated interest in
13 education."

C 14 3. Page 13, by inserting after line 33 the
15 following:

16 "Sec. _____. NEW SECTION. 260.35 EXAMINATIONS.

17 The board shall consult with state associations and
18 state agencies interested in education in this state
19 in adopting basic skills assessment and professional
20 and subject matter proficiency examinations required
21 by this chapter. The board may consult with officials
22 from other states that administer similar examinations
23 for practitioners.

24 The board may contract with an institution of
25 higher education or an educational testing service to
26 develop, score, and provide appropriate analyses of
27 the examinations.

28 Sec. _____. NEW SECTION. 260.36 BASIC SKILLS
29 ASSESSMENT EXAMINATION.

30 An applicant for a license shall present evidence
31 to the board that the applicant has successfully
32 completed the basic skills assessment examination
33 adopted by the board demonstrating competency in the
34 basic skills required for teaching. The basic skills
35 examination shall be administered each year beginning
36 with the fiscal year commencing July 1, 1990, and is
37 required for licenses issued on or after October 1,
38 1991. The examination shall be administered by the
39 board at least once a year and may be given initially
40 to students during their sophomore year in college.

41 The examination shall test all of the following:

42 1. The ability to write in a logical and concise
43 style with appropriate grammar and sentence structure.

44 2. The ability to read, comprehend, and interpret
45 professional and other written material.

46 3. The ability to comprehend and work with
47 fundamental mathematical concepts.

48 An applicant for a license who is from another
49 state, but who otherwise meets the requirements of
50 this section, shall take the examinations in the

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1 manner prescribed by the board.

2 Sec. ____ . NEW SECTION. 260.37 PROFESSIONAL AND
3 SUBJECT MATTER PROFICIENCY EXAMINATIONS.

4 An applicant for a license shall present evidence
5 to the board that the applicant has successfully
6 completed a professional and subject matter
7 proficiency examination for any subject area in which
8 the license applied for would permit the applicant to
9 teach. The examination shall test knowledge of
10 subject matter and education philosophy and concepts.

11 The board may administer as many examinations per
12 year as are necessary, but shall administer the
13 examination for each subject matter proficiency at
14 least once a year. The scope of the examinations and
15 the methods of procedure shall be prescribed by the
16 board.

17 The board may withdraw approval of the practitioner
18 preparation program at an institution of higher
19 education in this state if, during each of three
20 consecutive years, more than fifty percent of its
21 students, taking the professional and subject matter
22 proficiency examination before graduation, receive
23 failing scores.

24 The examination shall be administered each year
25 beginning with the fiscal year commencing July 1,
26 1991, and is required for licenses issued on or after
27 October 1, 1992. The examination may be given to
28 students during their senior year in college.

29 An applicant for a license who is from another
30 state, but who otherwise meets the requirements of
31 this section, shall take the examination in the manner
32 prescribed by the board.

33 Sec. ____ . NEW SECTION. 260.38 EXAMINATION
34 PROCEDURE.

35 An examination may be conducted by representatives
36 of the board. The identity of the person taking the
37 examination shall be concealed until after the
38 examination has been graded. An applicant who has
39 failed the examination once shall be allowed to take
40 the examination at the next scheduled time. An
41 applicant who has failed the examination more than
42 once shall be allowed to take the examination at the
43 discretion of the board. An applicant who has failed
44 the examination may make a written request for
45 information from the board concerning the applicant's
46 examination grade and questions which the applicant
47 failed to answer correctly. If, however, the board
48 administers a standardized examination, the board
49 shall only be required to provide the examination
50 grade and other information concerning the applicant's

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1 examination results that are available to the board."

2 4. By renumbering as necessary.

By RAY TAYLOR

S-4141 FILED MAY 5, 1989

DIV. C-LOST 5-5-81 (p. 1995)

As B placed o/s 5/6 (p. 2025)

HOUSE FILE 794

S-4147

1 Amend House File 794, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 24, by inserting after line 33 the
4 following:

5 "Sec. ____ . 1988 Iowa Acts, chapter 1259, sections
6 7, 8, and 9, are amended to read as follows:

7 SEC. 7. Notwithstanding section 802.4,
8 prosecutions for violations of chapter 299, which
9 occur between the effective date of this Act and July
10 1, ~~1989~~ 1991, shall be deferred until after July 1,
11 ~~1989~~ 1991 unless the parent, guardian, or custodian
12 fails to meet the requirements of section 299.4.

13 This section does not apply to any parent,
14 guardian, or custodian who has enrolled a child in an
15 equivalent instruction program which meets the
16 requirements of section 299.1 on or prior to the
17 effective date of this Act.

18 SEC. 8. Until July 1, ~~1989~~ 1991, any person
19 providing equivalent instruction under section 299.1
20 shall provide evidence, as part of the report
21 submitted under section 299.4, that any child
22 instructed has complied with the immunization
23 requirements of section 139.9.

24 SEC. 9. Until July 1, ~~1989~~ 1991, a person who is
25 not a certified instructor, but who is providing
26 equivalent instruction under section 299.1, is a
27 mandatory reporter of child abuse under section
28 232.69."

29 2. By renumbering as necessary.

By RAY TAYLOR

S-4147 FILED MAY 5, 1989

w/d 5/6 (p. 2034)

HOUSE FILE 794

S-4153

1 Amend House File 794, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, by striking lines 28 through 33.

4 2. Page 7, line 19, by striking the words
5 "executive director of the".

6 3. Page 7, line 24, by striking the word "board"
7 and inserting the following: "state board of
8 education".

9 4. Page 8, by striking lines 13 and 14 and in-
10 serting the following: "board. The board may enter
11 into reciprocity agreements with another".

12 5. Page 9, line 26, by striking the words "the
13 executive director of".

14 6. Page 9, line 27, by striking the words "execu-
15 tive director" and inserting the following: "board".

16 7. Page 9, line 29, by striking the words "execu-
17 tive director" and inserting the following: "board".

18 8. Page 10, line 1, by striking the words "execu-
19 tive director of the".

20 9. By numbering as necessary.

By DALE TIEDEN

S-4153 FILED MAY 5, 1989

LOST

5-5-89 (p. 1996)

SENATE AMENDMENT TO HOUSE FILE 794

H-4496

- 1 Amend House File 794, as amended, passed, and
2 reprinted by the House as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 260.1, Code 1989, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 260.1 DEFINITIONS.
9 1. "Administrator" means a person who is licensed
10 to coordinate, supervise, or direct an educational
11 program or the activities of other practitioners.
12 2. "Board" means the board of educational
13 examiners.
14 3. "Department" means the state department of
15 education.
16 4. "License" means the authority that is given to
17 allow a person to legally serve as a practitioner, a
18 school, an institution, or a course of study to
19 legally offer professional development programs, other
20 than those programs offered by practitioner
21 preparation schools, institutions, or courses of
22 study.
23 5. "Practitioner" means an administrator, teacher,
24 or other licensed professional who does not hold or
25 receive a license from a professional licensing board
26 other than the board of educational examiners and who
27 provides educational assistance to students.
28 6. "Practitioner preparation program" means a
29 program approved by the state board of education which
30 prepares a person to obtain a license as a
31 practitioner.
32 7. "Principal" means a licensed member of a
33 school's instructional staff who serves as an
34 instructional leader, coordinates the process and
35 substance of educational and instructional programs,
36 coordinates the budget of the school, provides
37 formative evaluation for all practitioners and other
38 persons in the school, recommends or has effective
39 authority to appoint, assign, promote, or transfer
40 personnel in a school building, implements the local
41 school board's policy in a manner consistent with
42 professional practice and ethics, and assists in the
43 development and supervision of a school's student
44 activities program.
45 8. "Professional development program" means a
46 course or program which is offered by a person or
47 agency for the purpose of providing continuing
48 education for the renewal or upgrading of a
49 practitioner's license.
50 9. "School" means a school under section 280.2, a

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1 merged area school, an area education agency, and a
2 school operated by a state agency for special
3 purposes.

4 10. "School service personnel" means those persons
5 holding a practitioner's license who provide support
6 services for a student enrolled in school or to
7 practitioners employed in a school.

8 11. "Student" means a person who is enrolled in a
9 course of study at a school or practitioner
10 preparation program, or who is receiving direct or
11 indirect assistance from a practitioner.

12 12. "Superintendent" means an administrator who
13 promotes, demotes, transfers, assigns, or evaluates
14 practitioners or other personnel, and carries out the
15 policies of a governing board in a manner consistent
16 with professional practice and ethics.

17 13. "Teacher" means a licensed member of a
18 school's instructional staff who diagnoses,
19 prescribes, evaluates, and directs student learning in
20 a manner which is consistent with professional
21 practice and school objectives, shares responsibility
22 for the development of an instructional program and
23 any coordinating activities, evaluates or assesses
24 student progress before and after instruction, and who
25 uses the student evaluation or assessment information
26 to promote additional student learning.

27 Sec. 2. Section 260.2, Code 1989, is amended by
28 striking the section and inserting in lieu thereof the
29 following:

30 260.2 BOARD OF EXAMINERS CREATED.

31 The board of educational examiners is created to
32 exercise the exclusive authority to:

33 1. License practitioners, who do not hold or
34 receive a license from another professional licensing
35 board, and professional development programs, except
36 for programs developed and offered by practitioner
37 preparation institutions or area education agencies
38 and approved by the state board of education.
39 Licensing authority includes the authority to
40 establish criteria for the licenses, including but not
41 limited to, issuance and renewal requirements,
42 creation of application and renewal forms, creation of
43 licenses that authorize different instructional
44 functions or specialties, development of a code of
45 professional rights and responsibilities, practice,
46 and ethics, and the authority to develop any other
47 classifications, distinctions, and procedures which
48 may be necessary to exercise licensing duties. A code
49 of professional rights and responsibilities, practice,
50 and ethics shall address but not be limited to the

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- 1 habitual failure of a practitioner to fulfill
- 2 contractual obligations under section 279.13.
- 3 2. Establish, collect, and refund fees for a
- 4 license.
- 5 3. Enter into reciprocity agreements with other
- 6 equivalent state boards or a national certification
- 7 board to provide for licensing of applicants from
- 8 other states or nations.
- 9 4. Enforce rules adopted by the board through
- 10 revocation or suspension of a license, or by other
- 11 disciplinary action against a practitioner or
- 12 professional development program licensed by the board
- 13 of educational examiners.
- 14 5. Apply for and receive federal or other funds on
- 15 behalf of the state for purposes related to its
- 16 duties.
- 17 6. Evaluate and conduct studies of board
- 18 standards.
- 19 7. Hire an executive director, legal counsel, and
- 20 other personnel and control the personnel
- 21 administration of persons employed by the board.
- 22 8. Hear appeals regarding application, renewal,
- 23 suspension, or revocation of a license. Board action
- 24 is final agency action for purposes of chapter 17A.
- 25 9. Establish standards for the determination of
- 26 whether an applicant is qualified to perform the
- 27 duties required for a given license.
- 28 10. Issue statements of professional recognition
- 29 to school service personnel who are licensed by
- 30 another professional licensing board.
- 31 11. Make recommendations to the state board of
- 32 education concerning standards for the approval of
- 33 professional development programs.
- 34 12. Establish, under chapter 17A, rules necessary
- 35 to carry out board duties, and establish a budget
- 36 request.
- 37 13. By January 1, 1991, adopt rules and establish
- 38 classifications for temporary substitute teaching, for
- 39 persons who hold a bachelor's degree from an
- 40 accredited college or university, but who do not meet
- 41 other requirements for licensure. Rules adopted shall
- 42 provide that temporary substitute teaching licenses
- 43 shall be valid for two years, or until the holder has
- 44 completed an alternative training program, whichever
- 45 occurs first. Temporary substitute teaching license
- 46 holders, whose licenses expire because of completion
- 47 of an alternative training program, shall be eligible
- 48 for an appropriate standard license upon application
- 49 and submission of proof of satisfactory completion of
- 50 the alternative training program.

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1 Sec. 3. Section 260.3, Code 1989, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 260.3 MEMBERSHIP.

5 The board of educational examiners consists of
6 eleven members. Two must be members of the general
7 public and the remaining nine must be licensed
8 practitioners. One of the public members shall also
9 be the director of the department of education, or the
10 director's designee. The other public member shall be
11 a person who does not hold a practitioner's license,
12 but has a demonstrated interest in education. The
13 nine practitioners shall be selected from the
14 following areas and specialties of the teaching
15 profession:

- 16 1. Elementary teachers.
- 17 2. Secondary teachers.
- 18 3. Special education or other similar teachers.
- 19 4. Counselors or other special purpose
20 practitioners.
- 21 5. Merged area school faculty members.
- 22 6. Administrators.
- 23 7. School service personnel.

24 A majority of the licensed practitioner members
25 shall be nonadministrative practitioners. Four of the
26 members shall be administrators. Membership of the
27 board shall comply with the requirements of sections
28 69.16 and 69.16A. A quorum of the board shall consist
29 of six members. The director of the department of
30 education shall serve as the chairperson of the board.
31 Members, except for the director of the department of
32 education, shall be appointed by the governor and the
33 appointments are subject to confirmation by the
34 senate.

35 Sec. 4. NEW SECTION. 260.4. TERMS OF OFFICE.

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

- 46 1. A nonpublic member's license expires, is
47 suspended, or is revoked.
- 48 2. A nonpublic member retires or terminates
49 employment as a practitioner.
- 50 3. A member dies, resigns, is removed from office,

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1 or is otherwise physically unable to perform the
2 duties of office.

4. A member's term of office expires.

4 Terms of office for regular appointments begin on
5 July 1, and for vacancies on the date of appointment.
6 Members may be removed for cause by a state court with
7 competent jurisdiction after notice and opportunity
8 for hearing. The board may remove a member for three
9 consecutive absences or for cause.

10 Sec. 5. Section 260.5, Code 1989, is amended by
11 striking the section and inserting in lieu thereof the
12 following:

13 260.5 COMPENSATION.

14 Members shall be reimbursed for actual and
15 necessary expenses incurred while engaged in their
16 official duties and may be entitled to per diem
17 compensation as authorized under section 7E.6. For
18 duties performed during an ordinary school day by a
19 member who is employed by a school corporation or
20 state university, the member shall also receive
21 regular compensation from the school or university.
22 However, the member shall reimburse the school or
23 university in the amount of the per diem compensation
24 received.

25 Sec. 6. Section 260.6, Code 1989, is amended by
26 striking the section and inserting in lieu thereof the
following:

260.6 QUALIFICATIONS FOR PRACTITIONERS.

29 The board shall determine whether an applicant is
30 qualified to perform the duties for which a license is
31 sought. Applicants shall be disqualified for any of
32 the following reasons:

33 1. The applicant is less than twenty-one years of
34 age. However, a student enrolled in a practitioner
35 preparation program who meets board requirements for a
36 temporary, limited-purpose license who is seeking to
37 teach as part of a practicum or internship may be less
38 than twenty-one years of age.

39 2. The applicant has been convicted of child abuse
40 or sexual abuse of a child.

41 3. The applicant has been convicted of a felony.

42 4. The applicant's application is fraudulent.

43 5. The applicant's license or certification from
44 another state is suspended or revoked.

45 6. The applicant fails to meet board standards for
46 application for an initial or renewed license.

47 Qualifications or criteria for the granting or
48 revocation of a license or the determination of an
49 individual's professional standing shall not include
50 membership or nonmembership in any teachers'

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1 organization.

2 Sec. 7. Section 260.7, Code 1989, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 260.7 VALIDITY OF LICENSE.

6 A license issued under board authority is valid for
7 the period of time for which it is issued, unless the
8 license is suspended or revoked. A license issued by
9 the board is valid until June 30 of the year in which
10 the license expires. No permanent licenses shall be
11 issued. A person employed as a practitioner shall
12 hold a valid license for the type of service for which
13 the person is employed. This section does not limit
14 the duties or powers of a school board to select or
15 discharge practitioners or to terminate practitioners'
16 contracts. A professional development program, except
17 for a program offered by a practitioner preparation
18 institution or area education agency and approved by
19 the state board of education, must possess a valid
20 license for the types of programs offered.

21 The executive director of the board may grant or
22 deny license applications, applications for renewal of
23 a license, and suspension or revocation of a license.
24 A denial of an application for a license, the denial
25 of an application for renewal, or a suspension or
26 revocation of a license may be appealed by the
27 practitioner to the board.

28 The board may issue emergency renewal or temporary,
29 limited-purpose licenses upon petition by a current or
30 former practitioner. An emergency renewal or a
31 temporary, limited-purpose license may be issued for a
32 period not to exceed two years, if a petitioner
33 demonstrates, to the satisfaction of the board, good
34 cause for failure to comply with board requirements
35 for a regular license and provides evidence that the
36 petitioner will comply with board requirements within
37 the period of the emergency or temporary license.

38 Under exceptional circumstances, an emergency license
39 may be renewed by the board for one additional year.
40 A previously unlicensed person is not eligible for an
41 emergency or temporary license, except that a student
42 who is enrolled in a licensed practitioner preparation
43 program may be issued a temporary, limited-purpose
44 license, without payment of a fee, as part of a
45 practicum or internship program.

46 Sec. 8. Section 260.8, Code 1989, is amended by
47 striking the section and inserting in lieu thereof the
48 following:

49 260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR
50 COUNTRIES.

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1 The board may issue a license to an applicant from
2 another state or country if the applicant files
3 evidence of the possession of the required or
4 equivalent requirements with the board. The executive
5 director of the board may, subject to board approval,
6 enter into reciprocity agreements with another state
7 or country for the licensing of practitioners on an
8 equitable basis of mutual exchange, when the action is
9 in conformity with law.

10 Practitioner preparation and professional
11 development programs offered in this state by out-of-
12 state institutions must be approved by the board in
13 order to fulfill requirements for licensure or renewal
14 of a license by an applicant.

15 Sec. 9. Section 260.9, Code 1989, is amended by
16 striking the section and inserting in lieu thereof the
17 following:

18 260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

19 A certificate which was issued by the board of
20 educational examiners to a practitioner before the
21 effective date of this Act, continues to be in force
22 as long as the certificate complies with the rules and
23 statutes in effect on the effective date of this Act.
24 Requirements for the renewal of licenses, under this
25 chapter, do not apply retroactively to renewal of
26 certificates. However, this section does not limit
27 the duties or powers of a school board to select or
28 discharge practitioners or to terminate practitioners'
29 contracts.

30 A practitioner who holds a certificate issued
31 before the effective date of this Act shall, upon
32 application and payment of a fee, be granted a license
33 which will permit the practitioner to perform the same
34 duties and functions as the practitioner was entitled
35 to perform with the certificate held at the time of
36 application. A practitioner shall be permitted to
37 convert a permanent certificate to a term certificate,
38 after the effective date of this Act, without payment
39 of a fee.

40 A professional development program provided by a
41 school district and approved by the state board of
42 education before the effective date of this Act shall
43 be permitted to continue until the term, for which the
44 program was approved, expires.

45 Sec. 10. CONTINUITY OF RULES. Administrative
46 rules adopted by the board of educational examiners or
47 the professional teaching practices commission
48 relating to licenses or professional practices in
49 effect on April 15, 1989, remain in effect until
50 modified or repealed by the board of educational

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1 examiners after the effective date of this Act.

2 Sec. 11. Section 260.10, Code 1989, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 260.10 FEES.

6 It is the intent of the general assembly that
7 licensing fees established by the board of educational
8 examiners be sufficient to finance the activities of
9 the board under this chapter.

10 Licensing fees are payable to the treasurer of
11 state and shall be deposited with the executive
12 director of the board. The executive director shall
13 deposit the fees with the treasurer of state and the
14 fees shall be credited to the general fund of the
15 state. The executive director shall keep an accurate
16 and detailed account of fees received and paid to the
17 treasurer of state.

18 Sec. 12. Section 260.11, Code 1989, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 260.11 EXPENDITURES AND REFUNDS.

22 Expenditures and refunds made by the board under
23 this chapter shall be certified by the executive
24 director of the board to the director of revenue and
25 finance, and if found correct, the director of revenue
26 and finance shall approve the expenditures and refunds
27 and draw warrants upon the treasurer of state from the
28 funds appropriated for that purpose.

29 Sec. 13. Section 260.12, Code 1989, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 260.12 HEARING PROCEDURES.

33 Hearings before the board shall be conducted in the
34 same manner as contested cases under chapter 17A. The
35 board may subpoena books, papers, records, and any
36 other real evidence necessary for the board to decide
37 whether it should institute a contested case hearing.
38 At the hearing the board may administer oaths and
39 issue subpoenas to compel the attendance of witnesses
40 and the production of other evidence. Subpoenas may
41 be issued by the board to a party to a hearing, if the
42 party demonstrates that the evidence or witnesses'
43 testimony is relevant and material to the hearing.
44 Service of process and subpoenas for board hearings
45 shall be conducted in accordance with the law
46 applicable to the service of process and subpoenas in
47 civil actions.

48 Witnesses subpoenaed to appear before the board
49 shall be reimbursed for mileage and necessary expenses
50 and shall receive per diem compensation by the board,

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1 unless the witness is an employee of the state or a
2 political subdivision, in which case the witness shall
3 receive reimbursement only for mileage and necessary
4 expenses.

5 Sec. 14. Section 260.25, unnumbered paragraph 1,
6 and subsections 1 and 5 through 9, Code 1989, are
7 amended to read as follows:

8 Not later than January 1, ~~1990~~ 1991, the ~~board-of~~
9 ~~educational-examiners~~ state board of education shall
10 adopt rules pursuant to chapter 17A to implement the
11 following for approved teacher-education practitioner
12 preparation programs:

13 1. A requirement that each student admitted to an
14 approved teacher-education practitioner preparation
15 program must participate in field experiences that
16 include both observation and participation in teaching
17 activities in a variety of school settings. These
18 field experiences shall comprise a total of at least
19 fifty hours' duration, at least forty hours of which
20 shall occur after a student's admission to an approved
21 teacher-education practitioner preparation program.
22 The student teaching experience shall be a minimum of
23 twelve weeks in duration during the student's final
24 year of the teacher-education practitioner preparation
25 program.

26 5. A requirement that each approved teacher
27 education practitioner preparation or professional
28 development institution annually offer a workshop of
29 at least one day in duration for prospective
30 cooperating teachers. The workshop shall define the
31 objectives of the student teaching experience, review
32 the responsibilities of the cooperating teacher, and
33 provide the cooperating teacher other information and
34 assistance the institution deems necessary.

35 6. A requirement that teacher-education
36 practitioner preparation students receive instruction
37 in the use of electronic technology for classroom and
38 instructional purposes.

39 7. A requirement that approved teacher-education
40 practitioner preparation institutions annually solicit
41 the views of the education community regarding the
42 institution's teacher-education practitioner
43 preparation programs.

44 8. A requirement that an approved teacher
45 education practitioner preparation institution submit
46 evidence that the college or department of education
47 is communicating with other colleges or departments in
48 the institution so that teacher-education practitioner
49 preparation students may integrate teaching
50 methodology with subject matter areas of

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1 specialization.
2 9. A requirement that an approved teacher
3 ~~education practitioner preparation~~ program submit
4 evidence that the evaluation of the performance of a
5 student teacher is a cooperative process that involves
6 both the faculty member supervising the student
7 teacher and the cooperating teacher. The rules shall
8 require that each institution develop a written
9 evaluation procedure for use by the cooperating
10 teacher and a form for evaluating student teachers,
11 and require that a copy of the completed form be
12 included in the student teacher's permanent record.

13 Sec. 15. Section 260.31, subsection 1, unnumbered
14 paragraph 1, Code 1989, is amended to read as follows:

15 The minimum requirements for the board to award a
16 coaching ~~authorization~~ license to an applicant are:

17 Sec. 16. Section 260.31, subsection 2, Code 1989,
18 is amended to read as follows:

19 2. The board of educational examiners shall adopt
20 rules under chapter 17A for coaching ~~authorizations~~
21 ~~licenses~~ including, but not limited to, approval of
22 ~~courses~~, validity and expiration, fees, and suspension
23 and revocation of ~~authorizations~~ licenses. The
24 ~~director-of-the-department~~ state board of education
25 shall work with institutions of higher education,
26 private colleges and universities, merged area
27 schools, and area education agencies to ~~insure~~ ensure
28 that the courses required under subsection 1 are
29 offered throughout the state at convenient times and
30 at a reasonable cost.

31 Sec. 17. Section 260.33, Code 1989, is amended to
32 read as follows:

33 260.33 EVALUATOR APPROVAL LICENSE.

34 Effective July 1, 1990, in addition to ~~endorsements~~
35 ~~licenses~~ required under rules adopted pursuant to this
36 chapter, an individual employed as an administrator,
37 supervisor, school service person, or teacher by a
38 school district, area education agency, or area
39 school, who conducts evaluations of the performance of
40 individuals holding ~~certificates~~ licenses under this
41 chapter, shall possess an evaluator ~~approval~~ license.

42 By July 1, ~~1987~~ 1990, the board of educational
43 examiners shall adopt rules establishing requirements
44 for an evaluator ~~approval~~ license including but not
45 limited to ~~approval-of-courses~~, renewal requirements,
46 fees, and suspension and revocation of evaluator
47 ~~approvals~~ licenses. An approved program shall include
48 provisions for determining that an applicant for
49 evaluator ~~approval~~ license has satisfactorily
50 completed the program. The ~~board-of-educational~~

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1 examiners state board of education shall work with
2 institutions of higher education under the state board
3 of regents, private colleges and universities, merged
4 area schools, and area education agencies to insure
5 ensure that the courses required under subsection 1
6 are offered throughout the state at convenient times
7 and at reasonable cost. The requirements shall
8 include completion of a program approved by the board
9 of-educational-examiners state board of education as
10 follows:

11 1. For evaluation of teachers, the development of
12 skills including but not limited to analysis of lesson
13 plans, classroom observation, analysis of data,
14 performance improvement strategies, and communication
15 skills.

16 2. For evaluation of certificated licensed
17 employees other than teachers, the development of
18 skills including but not limited to communication
19 skills, analysis of employee performance, analysis of
20 data, and performance improvement strategies.

21 An-evaluator-approval A license is valid for a
22 period of five years from its issuance.

23 Sec. 18. Section 260.34, Code 1989, is amended to
24 read as follows:

25 | 260.34 ELEMENTARY ENDORSEMENTS LICENSES.

26 | The board of educational examiners in conjunction
with the child development coordinating council, or
other similar agency, shall develop appropriate
29 endorsements licenses for teachers in the early
30 elementary grades, taking into consideration
31 recommendations from the child development
32 coordinating council or other similar agency, the
33 center for early development education, and teacher
34 education personnel.

35 Sec. 19. Section 256.7, subsection 3, Code 1989,
36 is amended by striking the subsection and inserting in
37 lieu thereof the following:

38 3. Prescribe standards and procedures for the
39 approval of practitioner preparation programs and
40 professional development programs, offered by
41 practitioner preparation institutions and area
42 education agencies, in this state. Procedures
43 provided for approval of programs shall include
44 procedures for enforcement of the prescribed standards
45 and shall not include a procedure for the waiving of
46 any of the standards prescribed.

47 Sec. 20. Section 256.7, subsection 9, unnumbered
48 paragraphs 1, 2, and 3, Code 1989, are amended to read
49 as follows:

50 Adopt rules under chapter 17A for the use of

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1 telecommunications as an instructional tool for
2 students enrolled in kindergarten through grade twelve
3 and served by local school districts, accredited or
4 approved nonpublic schools, area education agencies,
5 merged area schools, institutions of higher education
6 under the state board of regents, and independent
7 colleges and universities in elementary and secondary
8 school classes and courses. The rules shall include
9 but need not be limited to rules relating to programs,
10 educational policy, instructional practices, staff
11 development, use of pilot projects, curriculum
12 monitoring, and the accessibility of ~~certificated~~
13 licensed teachers.

14 When curriculum is provided by means of
15 telecommunications, it shall be taught by a
16 ~~certificated~~ an appropriately licensed teacher who is
17 ~~properly-endorsed-or-approved~~. The teacher shall
18 either be present in the classroom, or be present at
19 the location at which the curriculum delivered by
20 means of telecommunications originates.

21 The rules shall provide that when the curriculum is
22 taught by a ~~certificated-and-properly-endorsed-or~~
23 ~~approved~~ an appropriately licensed teacher at the
24 location at which the telecommunications originates,
25 the curriculum received shall be under the supervision
26 of a ~~certificated~~ licensed teacher. For the purposes
27 of this subsection, "supervision" means that the
28 curriculum is monitored by a ~~certificated~~ licensed
29 teacher and the ~~certificated~~ teacher is accessible to
30 the students receiving the curriculum by means of
31 telecommunications.

32 Sec. 21. Section 256.7, subsections 10 and 11,
33 Code 1989, are amended to read as follows:

34 10. Rules adopted under this section shall provide
35 that telecommunications shall not be used by school
36 districts as the exclusive means to provide any course
37 which is required by the minimum educational standards
38 for ~~approval-or~~ accreditation.

39 11. Develop evaluation procedures that will
40 measure the effects of instruction by means of
41 telecommunications on student achievement,
42 socialization, intellectual growth, motivation, and
43 other related factors deemed relevant by the state
44 board, for the development of an educational data
45 base. The state board shall consult with the state
46 board of regents and the ~~teacher-education~~
47 practitioner preparation departments at its
48 institutions, other ~~approved-teacher-education~~
49 practitioner preparation departments located within
50 private colleges and universities, educational

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1 research agencies or facilities, and other agencies
2 deemed appropriate by the state board, in developing
3 these procedures.

4 Sec. 22. Section 256.7, Code 1989, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 13. Not later than January 1,
7 1991, adopt rules under chapter 17A for alternative
8 training programs for persons who hold a temporary
9 substitute teaching license issued under chapter 260.
10 Rules adopted shall provide that alternative training
11 programs be offered by approved practitioner
12 preparation programs. Rules adopted shall also
13 provide that alternative training programs include an
14 evaluation, conducted by an appropriately licensed
15 practitioner who is not an employee of the school
16 corporation participating in the alternative training
17 program, of the performance of a person who holds a
18 temporary substitute teaching license and is employed
19 by a school corporation and that satisfactory
20 completion of the evaluation be a condition precedent
21 to obtaining a standard license under chapter 260.

22 Sec. 23. Section 256.11, subsections 1 and 2, Code
23 1989, are amended to read as follows:

24 1. If a school offers a prekindergarten program,
25 the program shall be designed to help children to work
26 and play with others, to express themselves, to learn
27 to use and manage their bodies, and to extend their
28 interests and understanding of the world about them.
29 The prekindergarten program shall relate the role of
30 the family to the child's developing sense of self and
31 perception of others. Planning and carrying out
32 prekindergarten activities designed to encourage
33 cooperative efforts between home and school shall
34 focus on community resources. A prekindergarten
35 teacher shall hold a certificate license certifying
36 that the holder is qualified to teach in
37 prekindergarten. A nonpublic school which offers only
38 a prekindergarten may, but is not required to, seek
39 and obtain accreditation.

40 2. The kindergarten program shall include
41 experiences designed to develop healthy emotional and
42 social habits and growth in the language arts and
43 communication skills, as well as a capacity for the
44 completion of individual tasks, and protect and
45 increase physical well-being with attention given to
46 experiences relating to the development of life skills
47 and human growth and development. A kindergarten
48 teacher shall be certificated licensed to teach in
49 kindergarten. An accredited nonpublic school must
50 meet the requirements of this subsection only if the

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1 nonpublic school offers a kindergarten program.

2 Sec. 24. Section 256.11, subsection 5, paragraph

3 f, Code 1989, is amended to read as follows:

4 f. Four sequential units of one foreign language.

5 The department may waive the third and fourth years of

6 the foreign language requirement on an annual basis

7 upon the request of the board of directors of a school

8 district or the authorities in charge of a nonpublic

9 school if the board or authorities are able to prove

10 that a ~~certificated~~ licensed teacher was employed and

11 assigned a schedule that would have allowed students

12 to enroll in a foreign language class, the foreign

13 language class was properly scheduled, students were

14 aware that a foreign language class was scheduled, and

15 no students enrolled in the class.

16 Sec. 25. Section 256.11, subsection 9, paragraph

17 b, Code 1989, is amended to read as follows:

18 b. Effective July 1, 1990, unless a waiver has

19 been obtained under section 256.11A, each school or

20 school district shall have a qualified school media

21 specialist who shall meet the ~~certification-and~~

22 ~~approval~~ licensing standards prescribed by the

23 ~~department~~ board of educational examiners and shall be

24 responsible for supervision of the media centers.

25 Each school or school district shall establish a media

26 center, in each attendance center, which shall be

27 accessible to students throughout the school day.

28 Sec. 26. Section 256.11, subsection 9A, Code 1989,

29 is amended to read as follows:

30 9A. Each school or school district shall provide

31 an articulated sequential guidance program for grades

32 kindergarten through twelve. Until July 1, 1991, a

33 school or school district may obtain a waiver from

34 meeting the requirements of this subsection pursuant

35 to section 256.11A. The guidance counselor shall meet

36 the ~~certification-and-approval~~ licensing standards of

37 the ~~department~~ board of educational examiners.

38 Sec. 27. Section 256.16, Code 1989, is amended to

39 read as follows:

40 256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION

41 AND CERTAIN EDUCATORS.

42 Pursuant to section 256.7, subsection 5, the state

43 board shall adopt rules requiring all ~~approved-teacher~~

44 ~~training-institutions~~ higher education institutions

45 providing practitioner preparation to include in the

46 professional education program, preparation that

47 contributes to education of the handicapped and the

48 gifted and talented, which must be successfully

49 completed before graduation from the ~~teacher-training~~

50 practitioner preparation program.

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1 A person initially applying for a certificate
2 ~~endorsement, or approval~~ license shall successfully
3 complete a professional education program containing
4 the subject matter specified in this section, before
5 the initial action by the department board of
6 educational examiners takes place.

7 Sec. 28. Section 256.17, unnumbered paragraph 1,
8 Code 1989, is amended to read as follows:

9 The state board shall review the standards
10 contained in section 256.11, shall review current
11 literature relating to effective schools and learning
12 environments, and shall consult with representatives
13 from the higher education institutions, the board of
14 educational examiners, area education agencies, school
15 board members, school administrators, teachers,
16 parents, students, members of business, industry, and
17 labor, other governmental agencies, associations
18 interested in education, and representatives of
19 communities of various sizes to develop standards for
20 accredited schools and school districts that
21 encompass, but are not limited to the following
22 general areas:

23 Sec. 29. Section 256.17, subsection 5, Code 1989,
24 is amended to read as follows:

25 5. A performance evaluation process for its
26 ~~certificated-staff~~ licensed practitioners using staff
27 members who possess an evaluator approval license
28 ~~under section-260-33~~ rules adopted by the board of
29 educational examiners.

30 Sec. 30. Section 258.3A, subsection 3, Code 1989,
31 is amended to read as follows:

32 3. Adopt rules prescribing standards for approval
33 of schools, departments, and classes; area vocational-
34 technical high schools and programs; and area
35 vocational schools and programs; and teacher-training
36 practitioner preparation schools, departments, and
37 classes, applying for federal and state moneys under
38 this chapter.

39 Sec. 31. Section 258.4, subsections 5, 6, and 7,
40 Code 1989, are amended to read as follows:

41 5. ~~Enforce~~ Make recommendations to the board of
42 educational examiners relating to the enforcement of
43 rules prescribing standards for teachers of subjects
44 listed in subsection 2 in approved accredited schools,
45 departments, and classes.

46 6. Co-operate in the maintenance of teachers
47 training practitioner preparation schools,
48 departments, and classes, supported and controlled by
49 the public, for the training of teachers and
50 supervisors of subjects listed in subsection 2.

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1 7. Annually inspect, as a basis of approval, all
2 schools, departments, and classes, area vocational-
3 technical high schools and programs, area vocational
4 schools and programs and all ~~teachers-training~~
5 practitioner preparation schools, departments, and
6 classes, applying for federal and state moneys under
7 ~~the-provisions-of~~ this chapter.

8 Sec. 32. Section 258.5, Code 1989, is amended to
9 read as follows:

10 258.5 FEDERAL AID -- CONDITIONS.

11 ~~Whenever~~ If a school corporation maintains an
12 approved vocational school, department, or classes in
13 accordance with the rules adopted by the state board,
14 and rules and standards adopted by the board of
15 educational examiners, and the state plan for
16 vocational education, adopted by ~~that~~ the board for
17 vocational education and approved by the United States
18 department of education, the director of the
19 department of education shall reimburse the school
20 corporation at the end of the fiscal year for its
21 expenditures for salaries and authorized travel of
22 vocational teachers from federal and state funds.
23 However, a school corporation shall not receive from
24 federal and state funds a larger amount than one-half
25 the sum which has been expended by the school
26 corporation for that particular type of program. If
27 federal and state funds are not sufficient to make the
28 reimbursement to the extent provided in this section,
29 the director shall prorate the respective amounts
30 available to the corporations entitled to
31 reimbursement.

32 The director may use federal funds to reimburse
33 approved ~~teacher-training~~ practitioner preparation
34 schools, departments, or classes for the training of
35 teachers of agriculture, home economics, trades and
36 industrial education, distributive education, and for
37 the training of guidance counselors.

38 Sec. 33. Section 258.6, Code 1989, is amended to
39 read as follows:

40 258.6 DEFINITIONS.

41 "Approved school, department, or class" ~~shall-mean~~
42 means a school, department, or class approved by said
43 the board as entitled under ~~the-provisions-of~~ this
44 chapter to federal and state moneys for the salaries
45 and authorized travel of teachers of vocational
46 subjects. "Approved ~~teachers-training~~ practitioner
47 preparation school, department, or class" ~~shall-mean~~
48 means a school, department, or class approved by the
49 board as entitled under ~~the-provisions-of~~ this chapter
50 to federal moneys for the training of teachers of

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1 vocational subjects.

2 Sec. 34. Section 273.3, subsections 5 and 11, Code
3 1989, are amended to read as follows:

4 5. Be authorized, subject to rules ~~and-regulations~~
5 of the state board of education, to provide directly
6 or by contractual arrangement with public or private
7 agencies for special education programs and services,
8 media services, and educational programs and services
9 requested by the local boards of education as provided
10 in this chapter, including but not limited to
11 contracts for the area education agency to provide
12 programs or services to the local school districts and
13 contracts for local school districts, other
14 educational agencies, and public and private agencies
15 to provide programs and services to the local school
16 districts in the area education agency in lieu of the
17 area education agency providing the services.
18 Contracts may be made with public or private agencies
19 located outside the state if the programs and services
20 comply with the rules of the state board. Rules
21 adopted by the state board of education shall be
22 consistent with rules, adopted by the board of
23 educational examiners, relating to licensing of
24 practitioners.

25 11. Employ personnel to carry out the functions of
26 the area education agency which shall include the
27 employment of an administrator who shall possess a
28 certificate license issued under section-260-9 chapter
29 260. The administrator shall be employed pursuant to
30 section 279.20 and sections 279.23, 279.24 and 279.25.
31 The salary for an area education agency administrator
32 shall be established by the board based upon the
33 previous experience and education of the
34 administrator. ~~The-provisions-of-section~~ Section
35 279.13 shall-apply applies to the area education
36 agency board and to all teachers employed by the area
37 education agency. ~~The-provisions-of-sections~~ Section
38 279.23, 279.24 and 279.25 shall apply to the area
39 education board and to all administrators employed by
40 the area education agency.

41 Sec. 35. Section 279.19B, Code 1989, is amended to
42 read as follows:

43 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

44 The board of directors of a school district shall
45 offer an extracurricular contract for varsity head
46 coach of the interscholastic athletic activities of
47 football, basketball, track not including cross-
48 country, baseball, softball, volleyball, gymnastics,
49 hockey, and wrestling only to an individual possessing
50 a teaching certificate license with a coaching

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1 endorsement issued pursuant to chapter 260.

2 The board of directors of a school district may
3 employ for head coach of other interscholastic
4 athletic activities or for assistant coach of any
5 interscholastic athletic activity, an individual who
6 possesses a coaching authorization issued by the
7 department-of-education board of educational
8 examiners. An individual who has been issued a
9 coaching authorization or who possesses a teaching
10 certificate license with a coaching endorsement but is
11 not issued a teaching contract under section 279.13
12 and who is employed by the board of directors of a
13 school district serves at the pleasure of the board of
14 directors and is not subject to sections 279.13
15 through 279.19, and 279.27. ~~Chapter-272A-and~~
16 subsection 1 of section 279.19A apply
17 applies to coaching authorizations.

18 Sec. 36. Section 282.3, subsection 2, unnumbered
19 paragraph 2, Code 1989, is amended to read as follows:

20 No A child under the age of six years on the
21 fifteenth of September of the current school year
22 shall not be admitted to any a public school unless
23 the board of directors of the school ~~shall-have~~ has
24 adopted and put into effect courses of study for the
25 school year immediately preceding the first grade,
26 approved by the department of education, and ~~shall~~
27 have has employed a ~~teacher-or-teachers~~ practitioner
28 or practitioners for this work with standards of
29 training approved by the ~~department-of-education board~~
30 of educational examiners.

31 Sec. 37. Section 294.3, Code 1989, is amended to
32 read as follows:

33 294.3 STATE AID AND TUITION.

34 No A school shall not be deprived of its right to
35 be approved for state aid or approved for tuition by
36 reason of the employment of any teacher practitioner
37 as authorized under section ~~294-2~~ 260.9.

38 Sec. 38. Section 294A.2, subsections 3, 4, and 5,
39 Code 1989, are amended to read as follows:

40 3. "General training requirements" means
41 requirements prescribed by a board of directors that
42 provide for the acquisition of additional semester
43 hours of graduate credit from an institution of higher
44 education approved by the ~~board-of-educational~~
45 examiners state board of education or the completion
46 of staff development activities approved licensed by
47 the ~~department-of-education board of educational~~
48 examiners, except for programs developed by
49 practitioner preparation institutions, for renewal of
50 certificates licenses issued under chapter 260.

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1 4. "Specialized training requirements" means
2 requirements prescribed by a board of directors to
3 meet specific needs of the school district identified
4 by the board of directors that provide for the
5 acquisition of clearly defined skills through formal
6 or informal education that are beyond the requirements
7 necessary for initial certification licensing under
8 chapter 260.

9 5. "Teacher" means an individual holding a
10 teaching-certificate practitioner's license issued
11 under chapter 260, ~~letter-of-authorization, or a~~
12 ~~statement-of-professional-recognition~~ issued by the
13 board of educational examiners, who is employed in a
14 nonadministrative position by a school district or
15 area education agency pursuant to a contract issued by
16 a board of directors under section 279.13. A teacher
17 may be employed in both an administrative and a
18 nonadministrative position by a board of directors and
19 shall be considered a part-time teacher for the
20 portion of time that the teacher is employed in a
21 nonadministrative position.

22 Effective July 1, 1988, "teacher" includes an
23 individual employed on less than a full-time basis by
24 a school district through a contract between the
25 school district and an institution of higher education
26 with ~~an-approved-teacher-education~~ a practitioner
27 preparation program in which the teacher is enrolled
28 in a graduate teacher-education practitioner
29 preparation program.

30 Sec. 39. Section 321.180, subsection 1, Code 1989,
31 is amended to read as follows:

32 1. A person who is at least fourteen years of age
33 and who, except for the person's lack of instructions
34 in operating a motor vehicle, would be qualified to
35 obtain an operator's license, shall, upon meeting the
36 requirements of section 321.186 other than a driving
37 demonstration, and upon paying the required fee, be
38 issued a temporary instruction permit by the
39 department. Subject to the limitations in this
40 subsection, a temporary instruction permit entitles
41 the permittee, while having the permit in the
42 permittee's immediate possession, to drive a motor
43 vehicle upon the highways for a period of two years
44 from the date of issuance. The permittee must be
45 accompanied by a licensed operator or chauffeur who is
46 at least eighteen years of age, who is an approved
47 driver education instructor, or who is a prospective
48 driver education instructor enrolled in and
49 specifically designated by a teacher-education
50 institution practitioner preparation program with a

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1 safety education program approved by the department
2 state board of education, and who is actually
3 occupying a seat beside the driver. The temporary
4 instruction permit issued to a person who is less than
5 sixteen years of age entitles the permittee to drive a
6 motor vehicle upon the highways only when accompanied
7 by a licensed operator or chauffeur who is the parent
8 or guardian of the permittee, an approved driver
9 education instructor, a prospective driver education
10 instructor who is enrolled in and has been
11 specifically designated by a teacher-education
12 institution practitioner preparation program with a
13 safety education program approved by the department
14 state board of education, or a person who is twenty-
15 five years of age or more if written permission is
16 granted by the parent or guardian, and who is actually
17 occupying a seat beside the driver.

18 Sec. 40. Sections 232.69, 256.18, 256.19, 256.30,
19 261.51, 262.9, 275.56, 275.59, 279.12, 279.13,
20 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24,
21 294A.25, and 808A.1, Code 1989, are amended by
22 striking the words "certificated" and
23 "noncertificated" and inserting in lieu thereof the
24 word "licensed" or "unlicensed".

25 Sec. 41. Sections 261.45, 281.2, and 299.1, Code
26 1989, are amended by striking the word "certified" and
27 inserting in lieu thereof the word "licensed".

28 Sec. 42. Sections 261.51, 261.52, and 279.19B,
29 Code 1989, are amended by striking the words
30 "certificate" and "certificates" and inserting in lieu
31 thereof the word "license" or "licenses".

32 Sec. 43. REPEALS. Sections 256.31, 260.12,
33 260.14, 260.15, 260.19, 260.20, 260.21, 260.23,
34 260.27, 260.28, and 294.2, and chapter 272A, Code
35 1989, are repealed.

36 Sec. 44. USE OF FUNDS. Funds appropriated to the
37 department of education for the purpose of operating
38 advisory committees for certification shall be made
39 available by the department for use by the board of
40 educational examiners created under this Act. Staff,
41 office equipment and materials, records, and other
42 assets currently held by the department for the
43 purpose of carrying out the state board of education's
44 duties as the board of educational examiners shall
45 also be made available for use by the board created
46 under this Act. Professional and nonprofessional
47 staff employed on the effective date of this Act whose
48 duties involve certification of practitioners shall be
49 reassigned as employees of the department of education
50 under the direction of the board created under this

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1 Act. However, the number of full-time equivalent
2 positions currently assigned to duties involving the
3 certification of practitioners shall not be reduced
4 below the level maintained by the department as of
5 January 1, 1989, for the board's operation after the
6 effective date of this Act."

RECEIVED FROM THE SENATE

H-4496 FILED MAY 6, 1989

CONCURRED (p. 2758)

HOUSE FILE 794

H-4402

- 1 Amend House File 794, as follows:
2 1. Page 12, by striking lines 9 through 12.
3 2. Page 12, line 16, by striking the words
4 "~~authorizations licenses~~" and inserting the following:
5 "authorizations".
6 3. Page 12, line 19, by striking the words
7 "~~authorizations licenses~~" and inserting the following:
8 "authorizations".
9 4. Page 23, line 13, by inserting after the word
10 "institutions" the following: "and area education
11 agencies".
12 5. Page 25, line 12, by striking the word and
13 figures ", 261.52, and 279.19B" and inserting the
14 following: "and 261.52".
15 6. By renumbering as necessary.

By COMMITTEE ON EDUCATION

OLLIE of Clinton, Chairperson

H-4402 FILED MAY 3, 1989

adopted 5-4-89 (p. 2400)

HOUSE FILE 794

AN ACT

ESTABLISHING AN AUTONOMOUS BOARD TO PERFORM THE DUTIES OF THE
PRESENT BOARD OF EDUCATIONAL EXAMINERS AND PROFESSIONAL
PRACTICES COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 260.1, Code 1989, is amended by
striking the section and inserting in lieu thereof the
following:

260.1 DEFINITIONS.

1. "Administrator" means a person who is licensed to coordinate, supervise, or direct an educational program or the activities of other practitioners.
2. "Board" means the board of educational examiners.
3. "Department" means the state department of education.
4. "License" means the authority that is given to allow a person to legally serve as a practitioner, a school, an

institution, or a course of study to legally offer professional development programs, other than those programs offered by practitioner preparation schools, institutions, or courses of study.

5. "Practitioner" means an administrator, teacher, or other licensed professional who does not hold or receive a license from a professional licensing board other than the board of educational examiners and who provides educational assistance to students.

6. "Practitioner preparation program" means a program approved by the state board of education which prepares a person to obtain a license as a practitioner.

7. "Principal" means a licensed member of a school's instructional staff who serves as an instructional leader, coordinates the process and substance of educational and instructional programs, coordinates the budget of the school, provides formative evaluation for all practitioners and other persons in the school, recommends or has effective authority to appoint, assign, promote, or transfer personnel in a school building, implements the local school board's policy in a manner consistent with professional practice and ethics, and assists in the development and supervision of a school's student activities program.

8. "Professional development program" means a course or program which is offered by a person or agency for the purpose of providing continuing education for the renewal or upgrading of a practitioner's license.

9. "School" means a school under section 280.2, a merged area school, an area education agency, and a school operated by a state agency for special purposes.

10. "School service personnel" means those persons holding a practitioner's license who provide support services for a student enrolled in school or to practitioners employed in a school.

11. "Student" means a person who is enrolled in a course of study at a school or practitioner preparation program, or

who is receiving direct or indirect assistance from a practitioner.

12. "Superintendent" means an administrator who promotes, demotes, transfers, assigns, or evaluates practitioners or other personnel, and carries out the policies of a governing board in a manner consistent with professional practice and ethics.

13. "Teacher" means a licensed member of a school's instructional staff who diagnoses, prescribes, evaluates, and directs student learning in a manner which is consistent with professional practice and school objectives, shares responsibility for the development of an instructional program and any coordinating activities, evaluates or assesses student progress before and after instruction, and who uses the student evaluation or assessment information to promote additional student learning.

Sec. 2. Section 260.2, Code 1989, is amended by striking the section and inserting in lieu thereof the following:
260.2 BOARD OF EXAMINERS CREATED.

The board of educational examiners is created to exercise the exclusive authority to:

1. License practitioners, who do not hold or receive a license from another professional licensing board, and professional development programs, except for programs developed and offered by practitioner preparation institutions or area education agencies and approved by the state board of education. Licensing authority includes the authority to establish criteria for the licenses, including but not limited to, issuance and renewal requirements, creation of application and renewal forms, creation of licenses that authorize different instructional functions or specialties, development of a code of professional rights and responsibilities, practice, and ethics, and the authority to develop any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties. A code of professional rights and responsibilities, practice, and ethics

shall address but not be limited to the habitual failure of a practitioner to fulfill contractual obligations under section 279.13.

2. Establish, collect, and refund fees for a license.

3. Enter into reciprocity agreements with other equivalent state boards or a national certification board to provide for licensing of applicants from other states or nations.

4. Enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board of educational examiners.

5. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.

6. Evaluate and conduct studies of board standards.

7. Hire an executive director, legal counsel, and other personnel and control the personnel administration of persons employed by the board.

8. Hear appeals regarding application, renewal, suspension, or revocation of a license. Board action is final agency action for purposes of chapter 17A.

9. Establish standards for the determination of whether an applicant is qualified to perform the duties required for a given license.

10. Issue statements of professional recognition to school service personnel who are licensed by another professional licensing board.

11. Make recommendations to the state board of education concerning standards for the approval of professional development programs.

12. Establish, under chapter 17A, rules necessary to carry out board duties, and establish a budget request.

13. By January 1, 1991, adopt rules and establish classifications for temporary substitute teaching, for persons who hold a bachelor's degree from an accredited college or university, but who do not meet other requirements for licensure. Rules adopted shall provide that temporary

substitute teaching licenses shall be valid for two years, or until the holder has completed an alternative training program, whichever occurs first. Temporary substitute teaching license holders, whose licenses expire because of completion of an alternative training program, shall be eligible for an appropriate standard license upon application and submission of proof of satisfactory completion of the alternative training program.

Sec. 3. Section 260.3, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.3 MEMBERSHIP.

The board of educational examiners consists of eleven members. Two must be members of the general public and the remaining nine must be licensed practitioners. One of the public members shall also be the director of the department of education, or the director's designee. The other public member shall be a person who does not hold a practitioner's license, but has a demonstrated interest in education. The nine practitioners shall be selected from the following areas and specialties of the teaching profession:

1. Elementary teachers.
2. Secondary teachers.
3. Special education or other similar teachers.
4. Counselors or other special purpose practitioners.
5. Merged area school faculty members.
6. Administrators.
7. School service personnel.

A majority of the licensed practitioner members shall be nonadministrative practitioners. Four of the members shall be administrators. Membership of the board shall comply with the requirements of sections 69.16 and 69.16A. A quorum of the board shall consist of six members. The director of the department of education shall serve as the chairperson of the board. Members, except for the director of the department of education, shall be appointed by the governor and the appointments are subject to confirmation by the senate.

Sec. 4. NEW SECTION. 260.4 TERMS OF OFFICE.

Members, except for the director of the department of education, shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms, except for the director of the department of education, who shall serve until the director's term of office expires. A member of the board, except for the two public members, shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

1. A nonpublic member's license expires, is suspended, or is revoked.
2. A nonpublic member retires or terminates employment as a practitioner.
3. A member dies, resigns, is removed from office, or is otherwise physically unable to perform the duties of office.
4. A member's term of office expires.

Terms of office for regular appointments begin on July 1, and for vacancies on the date of appointment. Members may be removed for cause by a state court with competent jurisdiction after notice and opportunity for hearing. The board may remove a member for three consecutive absences or for cause.

Sec. 5. Section 260.5, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.5 COMPENSATION.

Members shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and may be entitled to per diem compensation as authorized under section 7E.6. For duties performed during an ordinary school day by a member who is employed by a school corporation or state university, the member shall also receive regular compensation from the school or university. However, the member shall reimburse the school or university in the amount of the per diem compensation received.

Sec. 6. Section 260.6, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.6 QUALIFICATIONS FOR PRACTITIONERS.

The board shall determine whether an applicant is qualified to perform the duties for which a license is sought.

Applicants shall be disqualified for any of the following reasons:

1. The applicant is less than twenty-one years of age. However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.
2. The applicant has been convicted of child abuse or sexual abuse of a child.
3. The applicant has been convicted of a felony.
4. The applicant's application is fraudulent.
5. The applicant's license or certification from another state is suspended or revoked.
6. The applicant fails to meet board standards for application for an initial or renewed license.

Qualifications or criteria for the granting or revocation of a license or the determination of an individual's professional standing shall not include membership or nonmembership in any teachers' organization.

Sec. 7. Section 260.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.7 VALIDITY OF LICENSE.

A license issued under board authority is valid for the period of time for which it is issued, unless the license is suspended or revoked. A license issued by the board is valid until June 30 of the year in which the license expires. No permanent licenses shall be issued. A person employed as a practitioner shall hold a valid license for the type of service for which the person is employed. This section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts. A professional development program, except for a program offered by a practitioner preparation institution or area education agency and approved by the state board of

education, must possess a valid license for the types of programs offered.

The executive director of the board may grant or deny license applications, applications for renewal of a license, and suspension or revocation of a license. A denial of an application for a license, the denial of an application for renewal, or a suspension or revocation of a license may be appealed by the practitioner to the board.

The board may issue emergency renewal or temporary, limited-purpose licenses upon petition by a current or former practitioner. An emergency renewal or a temporary, limited-purpose license may be issued for a period not to exceed two years, if a petitioner demonstrates, to the satisfaction of the board, good cause for failure to comply with board requirements for a regular license and provides evidence that the petitioner will comply with board requirements within the period of the emergency or temporary license. Under exceptional circumstances, an emergency license may be renewed by the board for one additional year. A previously unlicensed person is not eligible for an emergency or temporary license, except that a student who is enrolled in a licensed practitioner preparation program may be issued a temporary, limited-purpose license, without payment of a fee, as part of a practicum or internship program.

Sec. 8. Section 260.8, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR COUNTRIES.

The board may issue a license to an applicant from another state or country if the applicant files evidence of the possession of the required or equivalent requirements with the board. The executive director of the board may, subject to board approval, enter into reciprocity agreements with another state or country for the licensing of practitioners on an equitable basis of mutual exchange, when the action is in conformity with law.

Practitioner preparation and professional development programs offered in this state by out-of-state institutions must be approved by the board in order to fulfill requirements for licensure or renewal of a license by an applicant.

Sec. 9. Section 260.9, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

A certificate which was issued by the board of educational examiners to a practitioner before the effective date of this Act, continues to be in force as long as the certificate complies with the rules and statutes in effect on the effective date of this Act. Requirements for the renewal of licenses, under this chapter, do not apply retroactively to renewal of certificates. However, this section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts.

A practitioner who holds a certificate issued before the effective date of this Act shall, upon application and payment of a fee, be granted a license which will permit the practitioner to perform the same duties and functions as the practitioner was entitled to perform with the certificate held at the time of application. A practitioner shall be permitted to convert a permanent certificate to a term certificate, after the effective date of this Act, without payment of a fee.

A professional development program provided by a school district and approved by the state board of education before the effective date of this Act shall be permitted to continue until the term, for which the program was approved, expires.

Sec. 10. CONTINUITY OF RULES. Administrative rules adopted by the board of educational examiners or the professional teaching practices commission relating to licenses or professional practices in effect on April 15, 1989, remain in effect until modified or repealed by the board of educational examiners after the effective date of this Act.

Sec. 11. Section 260.10, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.10 FEES.

It is the intent of the general assembly that licensing fees established by the board of educational examiners be sufficient to finance the activities of the board under this chapter.

Licensing fees are payable to the treasurer of state and shall be deposited with the executive director of the board. The executive director shall deposit the fees with the treasurer of state and the fees shall be credited to the general fund of the state. The executive director shall keep an accurate and detailed account of fees received and paid to the treasurer of state.

Sec. 12. Section 260.11, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.11 EXPENDITURES AND REFUNDS.

Expenditures and refunds made by the board under this chapter shall be certified by the executive director of the board to the director of revenue and finance, and if found correct, the director of revenue and finance shall approve the expenditures and refunds and draw warrants upon the treasurer of state from the funds appropriated for that purpose.

Sec. 13. Section 260.12, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.12 HEARING PROCEDURES.

Hearings before the board shall be conducted in the same manner as contested cases under chapter 17A. The board may subpoena books, papers, records, and any other real evidence necessary for the board to decide whether it should institute a contested case hearing. At the hearing the board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of other evidence. Subpoenas may be issued by the board to a party to a hearing, if the party demonstrates that the evidence or witnesses' testimony is relevant and material to the hearing. Service of process

and subpoenas for board hearings shall be conducted in accordance with the law applicable to the service of process and subpoenas in civil actions.

Witnesses subpoenaed to appear before the board shall be reimbursed for mileage and necessary expenses and shall receive per diem compensation by the board, unless the witness is an employee of the state or a political subdivision, in which case the witness shall receive reimbursement only for mileage and necessary expenses.

Sec. 14. Section 260.25, unnumbered paragraph 1, and subsections 1 and 5 through 9, Code 1989, are amended to read as follows:

Not later than January 1, 1990 1991, the board-of-educational-examiners state board of education shall adopt rules pursuant to chapter 17A to implement the following for approved teacher-education practitioner preparation programs:

1. A requirement that each student admitted to an approved teacher-education practitioner preparation program must participate in field experiences that include both observation and participation in teaching activities in a variety of school settings. These field experiences shall comprise a total of at least fifty hours' duration, at least forty hours of which shall occur after a student's admission to an approved teacher-education practitioner preparation program. The student teaching experience shall be a minimum of twelve weeks in duration during the student's final year of the teacher-education practitioner preparation program.

5. A requirement that each approved teacher-education practitioner preparation or professional development institution annually offer a workshop of at least one day in duration for prospective cooperating teachers. The workshop shall define the objectives of the student teaching experience, review the responsibilities of the cooperating teacher, and provide the cooperating teacher other information and assistance the institution deems necessary.

6. A requirement that teacher-education practitioner preparation students receive instruction in the use of electronic technology for classroom and instructional purposes.

7. A requirement that approved teacher-education practitioner preparation institutions annually solicit the views of the education community regarding the institution's teacher-education practitioner preparation programs.

8. A requirement that an approved teacher-education practitioner preparation institution submit evidence that the college or department of education is communicating with other colleges or departments in the institution so that teacher education practitioner preparation students may integrate teaching methodology with subject matter areas of specialization.

9. A requirement that an approved teacher-education practitioner preparation program submit evidence that the evaluation of the performance of a student teacher is a cooperative process that involves both the faculty member supervising the student teacher and the cooperating teacher. The rules shall require that each institution develop a written evaluation procedure for use by the cooperating teacher and a form for evaluating student teachers, and require that a copy of the completed form be included in the student teacher's permanent record.

Sec. 15. Section 260.31, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The minimum requirements for the board to award a coaching authorization license to an applicant are:

Sec. 16. Section 260.31, subsection 2, Code 1989, is amended to read as follows:

2. The board of educational examiners shall adopt rules under chapter 17A for coaching authorizations licenses including, but not limited to, approval of courses, validity and expiration, fees, and suspension and revocation of authorizations licenses. The director-of-the-department state

board of education shall work with institutions of higher education, private colleges and universities, merged area schools, and area education agencies to insure ensure that the courses required under subsection 1 are offered throughout the state at convenient times and at a reasonable cost.

Sec. 17. Section 260.33, Code 1989, is amended to read as follows:

260.33 EVALUATOR APPROVAL LICENSE.

Effective July 1, 1990, in addition to endorsements licenses required under rules adopted pursuant to this chapter, an individual employed as an administrator, supervisor, school service person, or teacher by a school district, area education agency, or area school, who conducts evaluations of the performance of individuals holding certificates licenses under this chapter, shall possess an evaluator approval license.

By July 1, 1987 1990, the board of educational examiners shall adopt rules establishing requirements for an evaluator approval license including but not limited to approval-of courses, renewal requirements, fees, and suspension and revocation of evaluator approvals licenses. An approved program shall include provisions for determining that an applicant for evaluator approval license has satisfactorily completed the program. The board-of-educational-examiners state board of education shall work with institutions of higher education under the state board of regents, private colleges and universities, merged area schools, and area education agencies to insure ensure that the courses required under subsection 1 are offered throughout the state at convenient times and at reasonable cost. The requirements shall include completion of a program approved by the board-of-educational-examiners state board of education as follows:

1. For evaluation of teachers, the development of skills including but not limited to analysis of lesson plans, classroom observation, analysis of data, performance improvement strategies, and communication skills.

2. For evaluation of certificated licensed employees other than teachers, the development of skills including but not limited to communication skills, analysis of employee performance, analysis of data, and performance improvement strategies.

An-evaluator-approval A license is valid for a period of five years from its issuance.

Sec. 18. Section 260.34, Code 1989, is amended to read as follows:

260.34 ELEMENTARY ENDORSEMENTS LICENSES.

The board of educational examiners in conjunction with the child development coordinating council, or other similar agency, shall develop appropriate endorsements licenses for teachers in the early elementary grades, taking into consideration recommendations from the child development coordinating council or other similar agency, the center for early development education, and teacher education personnel.

Sec. 19. Section 256.7, subsection 3, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

3. Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs, offered by practitioner preparation institutions and area education agencies, in this state. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and shall not include a procedure for the waiving of any of the standards prescribed.

Sec. 20. Section 256.7, subsection 9, unnumbered paragraphs 1, 2, and 3, Code 1989, are amended to read as follows:

Adopt rules under chapter 17A for the use of telecommunications as an instructional tool for students enrolled in kindergarten through grade twelve and served by local school districts, accredited or approved nonpublic schools, area education agencies, merged area schools,

institutions of higher education under the state board of regents, and independent colleges and universities in elementary and secondary school classes and courses. The rules shall include but need not be limited to rules relating to programs, educational policy, instructional practices, staff development, use of pilot projects, curriculum monitoring, and the accessibility of certificated licensed teachers.

When curriculum is provided by means of telecommunications, it shall be taught by a certificated an appropriately licensed teacher who ~~is properly endorsed or approved~~. The teacher shall either be present in the classroom, or be present at the location at which the curriculum delivered by means of telecommunications originates.

The rules shall provide that when the curriculum is taught by a ~~certificated and properly endorsed or approved~~ an appropriately licensed teacher at the location at which the telecommunications originates, the curriculum received shall be under the supervision of a certificated licensed teacher. For the purposes of this subsection, "supervision" means that the curriculum is monitored by a certificated licensed teacher and the certificated teacher is accessible to the students receiving the curriculum by means of telecommunications.

Sec. 21. Section 256.7, subsections 10 and 11, Code 1989, are amended to read as follows:

10. Rules adopted under this section shall provide that telecommunications shall not be used by school districts as the exclusive means to provide any course which is required by the minimum educational standards for approval or accreditation.

11. Develop evaluation procedures that will measure the effects of instruction by means of telecommunications on student achievement, socialization, intellectual growth, motivation, and other related factors deemed relevant by the state board, for the development of an educational data base. The state board shall consult with the state board of regents

and the teacher-education practitioner preparation departments at its institutions, other approved-teacher-education practitioner preparation departments located within private colleges and universities, educational research agencies or facilities, and other agencies deemed appropriate by the state board, in developing these procedures.

Sec. 22. Section 256.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Not later than January 1, 1991, adopt rules under chapter 17A for alternative training programs for persons who hold a temporary substitute teaching license issued under chapter 260. Rules adopted shall provide that alternative training programs be offered by approved practitioner preparation programs. Rules adopted shall also provide that alternative training programs include an evaluation, conducted by an appropriately licensed practitioner who is not an employee of the school corporation participating in the alternative training program, of the performance of a person who holds a temporary substitute teaching license and is employed by a school corporation and that satisfactory completion of the evaluation be a condition precedent to obtaining a standard license under chapter 260.

Sec. 23. Section 256.11, subsections 1 and 2, Code 1989, are amended to read as follows:

1. If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall relate the role of the family to the child's developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. A prekindergarten teacher shall hold a certificate license certifying that the holder is qualified to teach in prekindergarten. A nonpublic school which offers only a

prekindergarten may, but is not required to, seek and obtain accreditation.

2. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and human growth and development. A kindergarten teacher shall be certificated licensed to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program.

Sec. 24. Section 256.11, subsection 5, paragraph f, Code 1989, is amended to read as follows:

f. Four sequential units of one foreign language. The department may waive the third and fourth years of the foreign language requirement on an annual basis upon the request of the board of directors of a school district or the authorities in charge of a nonpublic school if the board or authorities are able to prove that a certificated licensed teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign language class, the foreign language class was properly scheduled, students were aware that a foreign language class was scheduled, and no students enrolled in the class.

Sec. 25. Section 256.11, subsection 9, paragraph b, Code 1989, is amended to read as follows:

b. Effective July 1, 1990, unless a waiver has been obtained under section 256.11A, each school or school district shall have a qualified school media specialist who shall meet the certification-and-approval licensing standards prescribed by the department board of educational examiners and shall be responsible for supervision of the media centers. Each school or school district shall establish a media center, in each attendance center, which shall be accessible to students throughout the school day.

Sec. 26. Section 256.11, subsection 9A, Code 1989, is amended to read as follows:

9A. Each school or school district shall provide an articulated sequential guidance program for grades kindergarten through twelve. Until July 1, 1991, a school or school district may obtain a waiver from meeting the requirements of this subsection pursuant to section 256.11A. The guidance counselor shall meet the certification-and-approval licensing standards of the department board of educational examiners.

Sec. 27. Section 256.16, Code 1989, is amended to read as follows:

256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION AND CERTAIN EDUCATORS.

Pursuant to section 256.7, subsection 5, the state board shall adopt rules requiring all approved-teacher-training institutions higher education institutions providing practitioner preparation to include in the professional education program, preparation that contributes to education of the handicapped and the gifted and talented, which must be successfully completed before graduation from the teacher training practitioner preparation program.

A person initially applying for a certificate-endorsement or-approval license shall successfully complete a professional education program containing the subject matter specified in this section, before the initial action by the department board of educational examiners takes place.

Sec. 28. Section 256.17, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The state board shall review the standards contained in section 256.11, shall review current literature relating to effective schools and learning environments, and shall consult with representatives from the higher education institutions, the board of educational examiners, area education agencies, school board members, school administrators, teachers, parents, students, members of business, industry, and labor,

other governmental agencies, associations interested in education, and representatives of communities of various sizes to develop standards for accredited schools and school districts that encompass, but are not limited to the following general areas:

Sec. 29. Section 256.17, subsection 5, Code 1989, is amended to read as follows:

5. A performance evaluation process for its certificated staff licensed practitioners using staff members who possess an evaluator approval license under section-260.33 rules adopted by the board of educational examiners.

Sec. 30. Section 258.3A, subsection 3, Code 1989, is amended to read as follows:

3. Adopt rules prescribing standards for approval of schools, departments, and classes; area vocational-technical high schools and programs; and area vocational schools and programs; and teacher-training practitioner preparation schools, departments, and classes, applying for federal and state moneys under this chapter.

Sec. 31. Section 258.4, subsections 5, 6, and 7, Code 1989, are amended to read as follows:

5. Enforce Make recommendations to the board of educational examiners relating to the enforcement of rules prescribing standards for teachers of subjects listed in subsection 2 in approved accredited schools, departments, and classes.

6. Co-operate in the maintenance of teachers-training practitioner preparation schools, departments, and classes, supported and controlled by the public, for the training of teachers and supervisors of subjects listed in subsection 2.

7. Annually inspect, as a basis of approval, all schools, departments, and classes, area vocational-technical high schools and programs, area vocational schools and programs and all teachers-training practitioner preparation schools, departments, and classes, applying for federal and state moneys under the provisions of this chapter.

Sec. 32. Section 258.5, Code 1989, is amended to read as follows:

258.5 FEDERAL AID -- CONDITIONS.

Whenever If a school corporation maintains an approved vocational school, department, or classes in accordance with the rules adopted by the state board, and rules and standards adopted by the board of educational examiners, and the state plan for vocational education, adopted by that the board for vocational education and approved by the United States department of education, the director of the department of education shall reimburse the school corporation at the end of the fiscal year for its expenditures for salaries and authorized travel of vocational teachers from federal and state funds. However, a school corporation shall not receive from federal and state funds a larger amount than one-half the sum which has been expended by the school corporation for that particular type of program. If federal and state funds are not sufficient to make the reimbursement to the extent provided in this section, the director shall prorate the respective amounts available to the corporations entitled to reimbursement.

The director may use federal funds to reimburse approved teacher-training practitioner preparation schools, departments, or classes for the training of teachers of agriculture, home economics, trades and industrial education, distributive education, and for the training of guidance counselors.

Sec. 33. Section 258.6, Code 1989, is amended to read as follows:

258.6 DEFINITIONS.

"Approved school, department, or class" shall mean means a school, department, or class approved by said the board as entitled under the provisions of this chapter to federal and state moneys for the salaries and authorized travel of teachers of vocational subjects. "Approved teachers-training practitioner preparation school, department, or class" shall

mean means a school, department, or class approved by the board as entitled under the provisions of this chapter to federal moneys for the training of teachers of vocational subjects.

Sec. 34. Section 273.3, subsections 5 and 11, Code 1989, are amended to read as follows:

5. Be authorized, subject to rules and regulations of the state board of education, to provide directly or by contractual arrangement with public or private agencies for special education programs and services, media services, and educational programs and services requested by the local boards of education as provided in this chapter, including but not limited to contracts for the area education agency to provide programs or services to the local school districts and contracts for local school districts, other educational agencies, and public and private agencies to provide programs and services to the local school districts in the area education agency in lieu of the area education agency providing the services. Contracts may be made with public or private agencies located outside the state if the programs and services comply with the rules of the state board. Rules adopted by the state board of education shall be consistent with rules, adopted by the board of educational examiners, relating to licensing of practitioners.

11. Employ personnel to carry out the functions of the area education agency which shall include the employment of an administrator who shall possess a certificate license issued under ~~section 260.9~~ chapter 260. The administrator shall be employed pursuant to section 279.20 and sections 279.23, 279.24 and 279.25. The salary for an area education agency administrator shall be established by the board based upon the previous experience and education of the administrator. The provisions of section Section 279.13 shall apply applies to the area education agency board and to all teachers employed by the area education agency. The provisions of sections Sections 279.23, 279.24 and 279.25 shall apply to the area

education board and to all administrators employed by the area education agency.

Sec. 35. Section 279.19B, Code 1989, is amended to read as follows:

279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

The board of directors of a school district shall offer an extracurricular contract for varsity head coach of the interscholastic athletic activities of football, basketball, track not including cross-country, baseball, softball, volleyball, gymnastics, hockey, and wrestling only to an individual possessing a teaching certificate license with a coaching endorsement issued pursuant to chapter 260.

The board of directors of a school district may employ for head coach of other interscholastic athletic activities or for assistant coach of any interscholastic athletic activity, an individual who possesses a coaching authorization issued by the department-of-education board of educational examiners. An individual who has been issued a coaching authorization or who possesses a teaching certificate license with a coaching endorsement but is not issued a teaching contract under section 279.13 and who is employed by the board of directors of a school district serves at the pleasure of the board of directors and is not subject to sections 279.13 through 279.19, and 279.27. ~~Chapter 272A and subsection Subsection 1~~ of section 279.19A apply applies to coaching authorizations.

Sec. 36. Section 282.3, subsection 2, unnumbered paragraph 2, Code 1989, is amended to read as follows:

No A child under the age of six years on the fifteenth of September of the current school year shall not be admitted to any a public school unless the board of directors of the school shall have has adopted and put into effect courses of study for the school year immediately preceding the first grade, approved by the department of education, and shall have has employed a teacher or teachers practitioner or practitioners for this work with standards of training approved by the department-of-education board of educational examiners.

Sec. 37. Section 294.3, Code 1989, is amended to read as follows:

294.3 STATE AID AND TUITION.

No A school shall not be deprived of its right to be approved for state aid or approved for tuition by reason of the employment of any teacher practitioner as authorized under section 294.2 260.9.

Sec. 38. Section 294A.2, subsections 3, 4, and 5, Code 1989, are amended to read as follows:

3. "General training requirements" means requirements prescribed by a board of directors that provide for the acquisition of additional semester hours of graduate credit from an institution of higher education approved by the board of educational examiners state board of education or the completion of staff development activities approved licensed by the department-of-education board of educational examiners, except for programs developed by practitioner preparation institutions, for renewal of certificates licenses issued under chapter 260.

4. "Specialized training requirements" means requirements prescribed by a board of directors to meet specific needs of the school district identified by the board of directors that provide for the acquisition of clearly defined skills through formal or informal education that are beyond the requirements necessary for initial certification licensing under chapter 260.

5. "Teacher" means an individual holding a teaching certificate practitioner's license issued under chapter 260, letter-of-authorization-or-a-statement-of-professional recognition issued by the board of educational examiners, who is employed in a nonadministrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position.

Effective July 1, 1988, "teacher" includes an individual employed on less than a full-time basis by a school district through a contract between the school district and an institution of higher education with an approved-teacher education a practitioner preparation program in which the teacher is enrolled in a graduate teacher-education practitioner preparation program.

Sec. 39. Section 321.180, subsection 1, Code 1989, is amended to read as follows:

1. A person who is at least fourteen years of age and who, except for the person's lack of instructions in operating a motor vehicle, would be qualified to obtain an operator's license, shall, upon meeting the requirements of section 321.186 other than a driving demonstration, and upon paying the required fee, be issued a temporary instruction permit by the department. Subject to the limitations in this subsection, a temporary instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to drive a motor vehicle upon the highways for a period of two years from the date of issuance. The permittee must be accompanied by a licensed operator or chauffeur who is at least eighteen years of age, who is an approved driver education instructor, or who is a prospective driver education instructor enrolled in and specifically designated by a teacher-education-institution practitioner preparation program with a safety education program approved by the department state board of education, and who is actually occupying a seat beside the driver. The temporary instruction permit issued to a person who is less than sixteen years of age entitles the permittee to drive a motor vehicle upon the highways only when accompanied by a licensed operator or chauffeur who is the parent or guardian of the permittee, an approved driver education instructor, a prospective driver education instructor who is enrolled in and has been specifically designated by a teacher-education-institution practitioner preparation program with a safety education

program approved by the department state board of education, or a person who is twenty-five years of age or more if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver.

Sec. 40. Sections 232.69, 256.18, 256.19, 256.30, 261.51, 262.9, 275.56, 275.59, 279.12, 279.13, 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24, 294A.25, and 808A.1, Code 1989, are amended by striking the words "certificated" and "noncertificated" and inserting in lieu thereof the word "licensed" or "unlicensed".

Sec. 41. Sections 261.45, 281.2, and 299.1, Code 1989, are amended by striking the word "certified" and inserting in lieu thereof the word "licensed".

Sec. 42. Sections 261.51, 261.52, and 279.19B, Code 1989, are amended by striking the words "certificate" and "certificates" and inserting in lieu thereof the word "license" or "licenses".

Sec. 43. REPEALS. Sections 256.31, 260.12, 260.14, 260.15, 260.19, 260.20, 260.21, 260.23, 260.27, 260.28, and 294.2, and chapter 272A, Code 1989, are repealed.

Sec. 44. USE OF FUNDS. Funds appropriated to the department of education for the purpose of operating advisory committees for certification shall be made available by the department for use by the board of educational examiners created under this Act. Staff, office equipment and materials, records, and other assets currently held by the department for the purpose of carrying out the state board of education's duties as the board of educational examiners shall also be made available for use by the board created under this Act. Professional and nonprofessional staff employed on the effective date of this Act whose duties involve certification of practitioners shall be reassigned as employees of the department of education under the direction of the board created under this Act. However, the number of full-time equivalent positions currently assigned to duties involving the certification of practitioners shall not be reduced below

the level maintained by the department as of January 1, 1989, for the board's operation after the effective date of this Act.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 794, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1989

TERRY E. BRANSTAD
Governor