

MAR 2 1998
APPROPRIATIONS

HOUSE FILE 2501
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 593)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to teachers' contracts and certification by the
2 national board for professional teaching standards, creating a
3 beginning teacher induction program, providing for the Act's
4 applicability, and making appropriations.

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

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HF 2501

1 Section 1. DEPARTMENT OF EDUCATION. There is appropriated
2 from the general fund of the state to the department of
3 education for the fiscal year beginning July 1, 1998, and
4 ending June 30, 1999, the following amount, or so much thereof
5 as is necessary, to be used for the purpose designated:

6 For beginning teacher induction program grants as provided
7 in chapter 256E:
8 \$ 180,000

9 It is the intent of the general assembly that grants
10 awarded using moneys appropriated under this section shall
11 provide support to a minimum of 100 teams of mentors and
12 beginning teachers.

13 Sec. 2. NEW SECTION. 256.44 NATIONAL BOARD CERTIFICATION
14 AWARD -- APPROPRIATION.

15 1. A teacher, as defined in section 272.1, who registers
16 for and achieves a national board for professional teaching
17 standards certificate and is employed by a school district in
18 Iowa shall be eligible for a registration award and an annual
19 award of ten thousand dollars for each year the certificate is
20 valid as provided in this section.

21 2. To receive a partial registration award in the amount
22 of one-half of the registration fee charged by the national
23 board for professional teaching standards, the teacher shall
24 apply to the department of education within one year of
25 registration, submitting to the department any documentation
26 the department requires. A teacher shall receive a final
27 registration award in the amount of the remaining registration
28 fee charged by the national board if the teacher notifies the
29 department of the teacher's certification achievement and
30 submits any documentation requested by the department.

31 3. To receive a five-year annual award for achieving
32 certification by the national board of professional teaching
33 standards, a teacher shall apply to the department within one
34 year of eligibility. Payment for awards shall be made only
35 upon departmental approval of an application or

1 recertification of eligibility. A nonrenewable term of
2 eligibility shall be for five years or for the years the
3 certificate is valid, whichever time period is shorter. In
4 order to continue receipt of payments, a recipient shall
5 annually recertify eligibility.

6 4. A national board for professional teaching standards
7 certification fund is established in the office of treasurer
8 of state to be administered by the department. Moneys
9 appropriated by the general assembly for deposit in the fund
10 shall be paid as follows:

11 a. Upon receipt of award documentation as provided in
12 subsection 2.

13 b. On January 15 to teachers whose applications and
14 recertifications for annual awards as provided in subsection 3
15 are approved by the department. The treasurer of state shall
16 act as custodian of the fund and may invest the moneys
17 deposited in the fund. The income from any investment shall
18 be credited to and deposited in the fund. The director of
19 revenue and finance shall issue warrants upon the fund
20 pursuant to the order of the department and such warrants
21 shall be paid from the fund by the treasurer of state.
22 Notwithstanding section 8.33, unencumbered or unobligated
23 moneys remaining in the fund on June 30 of the fiscal year for
24 which the funds were appropriated shall not revert but shall
25 be available for subsequent fiscal years for the purposes of
26 this section.

27 5. An individual shall not qualify for a term of annual
28 award eligibility unless the individual applies, certifying
29 eligibility, to the department prior to June 30, 2001.

30 6. There is appropriated from the general fund of the
31 state to the office of treasurer of state for the fiscal year
32 beginning July 1, 1998, and ending June 30, 1999, the sum of
33 two hundred fifty thousand dollars for deposit in the national
34 board for professional teaching standards certification fund
35 established and administered pursuant to this section.

1 Sec. 3. NEW SECTION. 256E.1 BEGINNING TEACHER INDUCTION
2 PROGRAM ESTABLISHED -- GRANTS.

3 If the general assembly appropriates moneys for purposes of
4 teacher induction, the department of education shall
5 coordinate a beginning teacher induction program to promote
6 excellence in teaching, to build a supportive environment
7 within school districts, to increase the retention of
8 promising beginning teachers, and to promote the personal and
9 professional well-being of teachers. The department of
10 education shall develop a process for awarding beginning
11 teacher induction grants to school districts, and shall adopt
12 rules pursuant to chapter 17A relating to the equitable
13 distribution of grants to school districts to reflect
14 diversity geographically and by population.

15 Sec. 4. NEW SECTION. 256E.2 DEFINITIONS.

16 As used in this chapter, unless the context otherwise
17 requires:

18 1. "Beginning teacher" means an individual serving under
19 an initial provisional or conditional license, issued by the
20 board of educational examiners under chapter 272, who is
21 assuming a position as a classroom teacher.

22 2. "Board of directors" means the board of directors of a
23 school district or a collaboration of boards of directors of
24 school districts.

25 3. "Classroom teacher" means an individual who holds a
26 valid practitioner's license and who is employed by a school
27 district under sections 279.13 through 279.19 in a school
28 district or area education agency in this state to provide
29 instruction to students.

30 4. "Department" means the department of education.

31 5. "Director" means the director of the department of
32 education.

33 6. "District facilitator" means a licensed professional
34 pursuant to chapter 272 who is appointed by the board of
35 directors, or a collaboration of districts, to serve as the

1 liaison between the board of directors and the department for
2 the beginning teacher induction program.

3 7. "Mentor" means an individual employed by a school
4 district or area education agency as a classroom teacher and
5 who holds a valid license to teach issued under chapter 272.

6 Sec. 5. NEW SECTION. 256E.3 DISTRICT PLAN.

7 1. A board of directors of a school district or the boards
8 of directors of a collaboration of school districts
9 participating in the beginning teacher induction program shall
10 appoint a district facilitator, whose duties shall include,
11 but are not limited to, overseeing the development of a plan
12 for meeting the goals of the program as set forth in section
13 256E.1, and composing a district committee pursuant to
14 subsection 2.

15 2. The membership of the district committee composed by
16 the district facilitator shall include, but is not limited to,
17 licensed practitioners and an area education agency staff
18 development professional.

19 3. The district committee shall adopt a plan and written
20 procedures for a mentor program consistent with this chapter.
21 The plan and the written procedures shall, at a minimum,
22 provide the process for the selection of and the number of
23 mentors; the mentor training process; the timetable by which
24 the plan shall be implemented; placement of mentors and
25 beginning teachers; the minimum amount of contact time between
26 mentors and beginning teachers; the minimum amount of release
27 time for mentors and beginning teachers for meetings for
28 planning, demonstration, observation, feedback, and workshops;
29 the process for dissolving mentoring partnerships; and the
30 process for measuring the results of the program. The
31 district committee shall recommend to the board of directors
32 or boards of directors of a collaboration the names of
33 classroom teachers eligible to be mentors.

34 4. The district facilitator shall submit the plan, and the
35 proposed costs of implementing the plan, to the board of

1 directors or boards of directors of a collaboration, which
2 shall consider the plan and, once approved, submit the plan
3 and a reasonable cost proposal to the department of education,
4 which shall award grants as equitably as possible based on the
5 geographic and population diversity of the school districts
6 submitting plans. Grants may be awarded in subsequent years
7 based upon the most recent plan on file with the department.

8 5. The district committee is encouraged to work with area
9 education agencies and postsecondary institutions in the
10 preparation and implementation of a plan.

11 Sec. 6. NEW SECTION. 256E.4 BEGINNING TEACHER AND MENTOR
12 SELECTION AND PLACEMENT.

13 1. To be eligible to be a mentor, a licensed practitioner
14 shall, at a minimum, be employed by a school district as a
15 classroom teacher, have a record of at least four years of
16 effective practice, have been employed for one full year in
17 the district on a nonprobationary basis, and demonstrate
18 professional commitment to the improvement of teaching and
19 learning, and the development of beginning teachers.

20 2. The district facilitator shall place beginning teachers
21 in a manner that provides the greatest opportunity to
22 participate with the largest number of mentors.

23 Sec. 7. NEW SECTION. 256E.5 BEGINNING TEACHER INDUCTION
24 STATE SUBSIDY -- FUND.

25 1. A teacher who is enrolled as a mentor in an approved
26 beginning teacher induction program shall be eligible for an
27 award of five hundred dollars per semester of participation in
28 the program, which shall be paid from moneys received pursuant
29 to this section by the school district employing the mentor.

30 2. Moneys received by a school district pursuant to this
31 chapter shall be expended to provide mentors with awards in
32 accordance with subsection 1, to implement the plan, to pay
33 the costs of the employer's share of contributions to federal
34 social security and the Iowa public employees' retirement
35 system or a pension and annuity retirement system established

1 under chapter 294, for such amounts paid by the district.

2 3. Moneys received by a school district under this chapter
3 are miscellaneous income for purposes of chapter 257 or are
4 considered encumbered. Each local school district shall
5 maintain a separate listing within their budget for payments
6 received and expenditures made pursuant to this section.

7 4. Moneys received for purposes of this chapter shall not
8 be used for payment of any collective bargaining agreement or
9 arbitrator's decision negotiated or awarded under chapter 20.

10 5. A beginning teacher induction fund is established in
11 the office of the treasurer of state to be administered by the
12 department. Moneys appropriated by the general assembly for
13 deposit in the fund shall be used to provide funding to school
14 districts pursuant to the requirements of this section.

15 6. Notwithstanding section 8.33, unencumbered or
16 unobligated funds remaining on June 30 of the fiscal year for
17 which the funds were appropriated shall not revert but shall
18 be available for expenditure in the following fiscal year for
19 the purposes of this section.

20 Sec. 8. NEW SECTION. 256E.6 REPORTS.

21 The board of directors of a school district or the boards
22 of directors of a collaboration of school districts
23 implementing an approved beginning teacher induction program
24 as provided in this chapter shall submit an assessment of the
25 program's results by July 1 of the fiscal year succeeding the
26 year in which the school district or the collaboration of
27 school districts received moneys under this chapter. The
28 department shall annually report the statewide results of the
29 program to the chairpersons and the ranking members of the
30 house and senate education committees by January 1.

31 Sec. 9. Section 279.15, Code 1997, is amended to read as
32 follows:

33 279.15 NOTICE OF TERMINATION -- REQUEST FOR HEARING.

34 1. The superintendent or the superintendent's designee and
35 the board of director's of the school district shall notify

1 the teacher not later than ~~April-30-that-the-superintendent~~
2 ~~will-recommend-in-writing-to-the-board-at-a-regular-or-special~~
3 ~~meeting-of-the-board,-held-not-later-than-May-15,~~ March 15
4 that the teacher's continuing contract be terminated effective
5 at the end of the current school year. However, if the
6 district is subject to reorganization under chapter 275, the
7 notification shall not occur until after the first
8 organizational meeting of the board of the newly formed
9 district.

10 2. Notification of ~~recommendation-of~~ termination of a
11 teacher's contract shall be in writing, signed by the
12 superintendent and the presiding officer of the board, and
13 shall be personally delivered to the teacher, ~~or-mailed-by~~
14 ~~certified-mail.~~ The notification shall be complete when
15 received by the teacher. The notification and the
16 recommendation to terminate shall contain a short and plain
17 statement of the reasons, which shall be for just cause, why
18 the recommendation is being made. ~~The-notification-shall-be~~
19 ~~given-at-or-before-the-time-the-recommendation-is-given-to-the~~
20 ~~board.~~

21 3. As a part of the termination proceedings, the teacher's
22 complete personnel file of employment by that board shall be
23 available to the teacher, which file shall contain a record of
24 all periodic evaluations between the teacher and appropriate
25 supervisors.

26 4. Within five days of the receipt of the written notice
27 ~~that-the-superintendent-is-recommending~~ of termination of the
28 contract, the teacher may request, in writing to the secretary
29 of the board, a private hearing with ~~the-board~~ an adjudicator
30 selected in accordance with section 279.17. The private
31 hearing shall not be subject to chapter 21 and shall be held
32 no sooner than ten days and no later than twenty days
33 following ~~the-receipt-of-the-request~~ the selection of the
34 adjudicator, unless the parties otherwise agree. The
35 secretary of the board shall notify the teacher in writing of

1 the date, time, and location of the private hearing, and at
2 least ~~five~~ ten days before the hearing shall also furnish to
3 the teacher any documentation which may be presented to by the
4 superintendent and the board at the private hearing and a list
5 of persons who may address the board adjudicator in support of
6 the superintendent's recommendation at the private hearing.
7 At least three days before the hearing, the teacher shall
8 provide any documentation the teacher expects to present at
9 the private hearing, along with the names of any persons who
10 may address the board on behalf of the teacher. This exchange
11 of information shall be at the time specified unless otherwise
12 agreed.

13 Sec. 10. Section 279.16, Code 1997, is amended to read as
14 follows:

15 279.16 PRIVATE HEARING -- DECISION -- RECORD.

16 1. The participants at the private hearing shall be at
17 ~~least-a-majority-of-the~~ interested members of the board, ~~their~~
18 ~~legal-representatives,~~ if any, the superintendent, the
19 superintendent's designated representatives, if any, the
20 teacher's immediate supervisor, the teacher, the teacher's
21 representatives, if any, and the witnesses for the parties.
22 The evidence at the private hearing shall be limited to the
23 specific reasons stated in the superintendent's notice of
24 recommendation of termination. No participant in the hearing
25 shall be liable for any damages to any person if any statement
26 at the hearing is determined to be erroneous as long as the
27 statement was made in good faith. The superintendent shall
28 present evidence and argument on all issues involved and the
29 teacher may cross-examine, respond and present evidence and
30 argument in the teacher's behalf relevant to all issues
31 involved. Evidence may be by stipulation of the parties and
32 informal settlement may be made by stipulation, consent, or
33 default or by any other method agreed upon by the parties in
34 writing. The board shall employ a certified shorthand
35 reporter to keep a record of the private hearing. The

1 ~~proceedings-or-any~~ Any part thereof of the proceedings shall
2 be transcribed at the request of either party with the expense
3 of transcription charged to the requesting party.

4 2. The ~~presiding-officer-of-the-board~~ adjudicator may
5 administer oaths in the same manner and with like effect and
6 under the same penalties as in the case of magistrates
7 exercising criminal or civil jurisdiction. The board
8 adjudicator shall cause subpoenas to be issued for such
9 witnesses and the production of such any books and papers as
10 either the board or the teacher may designate. The subpoenas
11 shall be signed by the ~~presiding-officer-of-the-board~~
12 adjudicator.

13 3. In case a witness is duly subpoenaed and refuses to
14 attend, or in case a witness appears and refuses to testify or
15 to produce required books or papers, the board adjudicator
16 shall, in writing, report such refusal to the district court
17 of the county in which the administrative office of the school
18 district is located, and the court shall proceed with the
19 person or witness as though the refusal had occurred in a
20 proceeding legally pending before the court.

21 The board adjudicator shall not be bound by common law or
22 statutory rules of evidence or by technical or formal rules of
23 procedure, but ~~it~~ the adjudicator shall hold the hearing in
24 such manner as is best suited to ascertain and conserve the
25 substantial rights of the parties. Process and procedure
26 under sections 279.13 to 279.19 shall be as summary as
27 reasonably may be.

28 4. At the conclusion of the private hearing, the
29 superintendent and the teacher may file written briefs and
30 arguments with the board adjudicator within three days or such
31 other time as may be agreed upon.

32 5. If the teacher fails to timely request a private
33 hearing or does not appear at the private hearing, the board
34 may proceed and make a determination upon the superintendent's
35 recommendation. If the teacher fails to timely file a request

1 for a private hearing, the determination shall be not later
2 than ~~May-31~~ April 15. ~~If-the-teacher-fails-to-appear-at-the~~
3 ~~private-hearing,-the-determination-shall-be-not-later-than~~
4 ~~five-days-after-the-scheduled-date-for-the-private-hearing.~~
5 The board shall convene in open session and by roll call vote
6 determine the termination or continuance of the teacher's
7 contract.

8 6. ~~Within-five-days-after-the-private-hearing,-the-board~~
9 ~~shall,-in-executive-session,-meet-to-make-a-final-decision~~
10 ~~upon-the-recommendation-and-the-evidence-as-herein-provided.~~
11 The board adjudicator shall also consider any written brief
12 and arguments submitted by the superintendent and the teacher.

13 7. The record for a private hearing shall include the
14 following:

15 ~~1-~~ a. All pleadings, motions and intermediate rulings.

16 ~~2-~~ b. All evidence received or considered and all other
17 submissions.

18 ~~3-~~ c. A statement of all matters officially noticed.

19 ~~4-~~ d. All questions and offers of proof, objections and
20 rulings thereon.

21 ~~5-~~ e. All findings and exceptions.

22 ~~6-~~ f. Any decision, opinion, or conclusion by the board.

23 ~~7-~~ g. Findings of fact shall be based solely on the
24 evidence in the record and on matters officially noticed in
25 the record.

26 8. The decision of the board adjudicator shall be in
27 writing and shall include findings of fact and conclusions of
28 law, separately stated. Findings of fact, if set forth in
29 statutory language, shall be accompanied by a concise and
30 explicit statement of the underlying facts and supporting the
31 findings. Each conclusion of law shall be supported by cited
32 authority or by reasoned opinion.

33 9. ~~When-the-board-has-reached-a-decision,-opinion,-or~~
34 ~~conclusion,-it-shall-convene-in-open-meeting-and-by-roll-call~~
35 ~~vote-determine-the-continuance-or-discontinuance-of-the~~

1 ~~teacher's contract. The record of the private conference and~~
2 ~~findings of fact and exceptions shall be exempt from the~~
3 ~~provisions of chapter 22. The secretary of the board~~
4 adjudicator shall make a decision within thirty days and
5 shall, upon reaching a decision, immediately mail notice of
6 the board's action decision to the teacher, the
7 superintendent, and the secretary of the board.

8 10. The record of the private hearing and findings of fact
9 and exceptions shall be exempt from the provisions of chapter
10 22.

11 Sec. 11. Section 279.17, Code 1997, is amended to read as
12 follows:

13 279.17 ~~APPEAL BY TEACHER TO~~ SELECTION AND AUTHORITY OF
14 ADJUDICATOR.

15 ~~If the teacher is no longer a probationary teacher, the~~
16 ~~teacher may, within ten days, appeal the determination of the~~
17 ~~board to an adjudicator by filing a notice of appeal with the~~
18 ~~secretary of the board. The notice of appeal shall contain a~~
19 ~~concise statement of the action which is the subject of the~~
20 ~~appeal, the particular board action appealed from, the grounds~~
21 ~~on which relief is sought and the relief sought.~~

22 1. Within five days following receipt by the secretary of
23 the notice of appeal a teacher's request for a private hearing
24 by an adjudicator as provided in section 279.15, the board or
25 the board's legal representative, if any, and the teacher or
26 the teacher's representative, if any, may select an
27 adjudicator who resides within the boundaries of the merged
28 area in which the school district is located. If an
29 adjudicator cannot be mutually agreed upon within the five-day
30 period, the secretary shall notify the chairperson of the
31 public employment relations board by transmitting the notice
32 of appeal request for a private hearing, and the chairperson
33 of the public employment relations board shall within five
34 days provide a list of five adjudicators to the parties.
35 Within three days from receipt of the list of adjudicators,

1 the parties shall select an adjudicator by alternately
2 removing a name from the list until only one name remains.
3 The person whose name remains shall be the adjudicator. The
4 parties shall determine by lot which party shall remove the
5 first name from the list submitted by the chairperson of the
6 public employment relations board. The secretary of the board
7 shall inform the chairperson of the public employee relations
8 board of the name of the adjudicator selected.

9 ~~If the teacher does not timely request an appeal to an~~
10 ~~adjudicator the decision, opinion, or conclusion of the board~~
11 ~~shall become final and binding.~~

12 ~~Within thirty days after filing the notice of appeal, or~~
13 ~~within further time allowed by the adjudicator, the board~~
14 ~~shall transmit to the adjudicator the original or a certified~~
15 ~~copy of the entire record of the private hearing which may be~~
16 ~~the subject of the petition. By stipulation of the parties to~~
17 ~~review the proceedings, the record of the case may be~~
18 ~~shortened. The adjudicator may require or permit subsequent~~
19 ~~corrections or additions to the shortened record.~~

20 ~~The record certified and filed by the board shall be the~~
21 ~~record upon which the appeal shall be heard and no additional~~
22 ~~evidence shall be heard by the adjudicator. In such appeal to~~
23 ~~the adjudicator, especially when considering the credibility~~
24 ~~of witnesses, the adjudicator shall give weight to the fact~~
25 ~~findings of the board, but shall not be bound by them.~~

26 ~~Before the date set for hearing a petition for review of~~
27 ~~board action, which shall be within ten days after receipt of~~
28 ~~the record unless otherwise agreed or unless the adjudicator~~
29 ~~orders additional evidence be taken before the board,~~
30 ~~application may be made to the adjudicator for leave to~~
31 ~~present evidence in addition to that found in the record of~~
32 ~~the case. If it is shown to the adjudicator that the~~
33 ~~additional evidence is material and that there were good~~
34 ~~reasons for failure to present it in the private hearing~~
35 ~~before the board, the adjudicator may order that the~~

1 additional-evidence-be-taken-before-the-board-upon-conditions
2 determined-by-the-adjudicator.--The-board-may-modify-its
3 findings-and-decision-in-the-case-by-reason-of-the-additional
4 evidence-and-shall-file-that-evidence-and-any-modifications,
5 new-findings,-or-decisions,-with-the-adjudicator-and-mail
6 copies-of-the-new-findings-or-decisions-to-the-teacher.

7 2. The adjudicator may affirm board-action-or-remand-to
8 the-board-for-further-proceedings.--The-adjudicator-shall
9 reverse,-modify, the superintendent's recommendation to
10 terminate the teacher's contract or grant-any-appropriate
11 relief-from-the-board-action require the board to continue the
12 teacher's contract if substantial-rights-of-the-teacher-have
13 been-prejudiced-because-the-board-action-is the adjudicator
14 determines that termination of the contract would be any of
15 the following:

16 1- a. In A violation of a board rule or policy or
17 contract,-or.

18 2- b. Unsupported by a preponderance of the competent
19 evidence in the record made before the board adjudicator when
20 that record is viewed as a whole,-or.

21 3- c. Unreasonable, arbitrary or capricious or
22 characterized by an abuse of discretion or a clearly
23 unwarranted exercise of discretion.

24 The-adjudicator-shall,-within-fifteen-days-after-the
25 hearing,-make-a-decision-and-shall-give-a-copy-of-the-decision
26 to-the-teacher-and-the-secretary-of-the-board.--The-decision
27 of-the-adjudicator-shall-become-the-final-and-binding-decision
28 of-the-board-unless-either-party-within-ten-days-notifies-the
29 secretary-of-the-board-that-the-decision-is-rejected.--The
30 board-may-reject-the-decision-by-majority-vote,-by-roll-call,
31 in-open-meeting-and-entered-into-the-minutes-of-the-meeting.
32 The-board-shall-immediately-notify-the-teacher-of-its-decision
33 by-certified-mail.--The-teacher-may-reject-the-adjudicator's
34 decision-by-notifying-the-board's-secretary-in-writing-within
35 ten-days-of-the-filing-of-such-decision.

1 3. All costs of the adjudicator shall be shared equally by
2 the teacher and the board.

3 Sec. 12. Section 279.18, subsection 6, Code 1997, is
4 amended to read as follows:

5 6. Unsupported by ~~a-preponderance-of-the-competent~~
6 substantial evidence in the record made before ~~the-board-and~~
7 the adjudicator when that record is viewed as a whole; or

8 Sec. 13. Section 279.19, unnumbered paragraph 1, Code
9 1997, is amended to read as follows:

10 The first ~~two~~ three consecutive years of employment of a
11 teacher in the same school district are a probationary period.
12 However, a board of directors may waive the probationary
13 period for any teacher who previously has served a
14 probationary period in another school district and the board
15 may extend the probationary period for an additional year with
16 the consent of the teacher. A licensed teacher who has
17 successfully completed a probationary period of employment for
18 a school district located in Iowa is exempt from this section.

19 Sec. 14. INITIAL YEAR.

20 1. The board of directors of a school district, or the
21 boards of directors of a collaboration, determined to
22 participate in the beginning teacher induction program in
23 fiscal year 1998-1999, shall submit the plan required under
24 section 256E.3, as enacted in this Act, to the department of
25 education by October 15, 1998.

26 2. By January 15, 1999, the department of education shall
27 award grants as provided in accordance with section 256E.3, as
28 enacted in this Act.

29 Sec. 15. CURRENT NATIONAL BOARD CERTIFICATE HOLDERS. In
30 order to receive payment under section 256.44, as enacted by
31 this Act, a teacher who by July 1, 1998, meets the
32 qualifications for an award under section 256.44 shall apply
33 to the department for payment under section 256.44 by June 30,
34 1999.

35

EXPLANATION

1 This bill appropriates \$250,000 for fiscal year 1998-1999
2 for purposes of awarding teachers who apply for and achieve a
3 national board for professional teaching standards
4 certificate, appropriates \$180,000 for the creation of a
5 beginning teacher induction program, removes the option for a
6 private hearing with the board currently available to a
7 teacher facing contract termination by a school district, and
8 extends the probationary period for teachers employed by
9 school districts from two to three years, unless the teacher
10 has successfully completed a previous probationary period for
11 a school district in Iowa.

12 The bill provides for a registration award for teachers who
13 pay a registration fee when applying for a national board for
14 professional teaching standards certificate. The teacher
15 receives an award for the first half of the fee upon
16 registration and submission of documentation to the department
17 of education, and receives the remainder of that award upon
18 receiving certification and providing documentation to the
19 department.

20 A teacher who achieves or holds a certificate is also
21 eligible for an annual payment of \$10,000 for up to five years
22 if the teacher is employed by a school district in Iowa. The
23 bill also establishes a national board for professional
24 teaching standards certification fund to be administered by
25 the department of education and appropriates \$250,000 for the
26 1998-1999 fiscal year to the fund.

27 The bill creates a beginning teacher induction program to
28 promote excellence in teaching, to build a supportive
29 environment in school districts, to increase the retention of
30 promising beginning teachers, and promote the personal and
31 professional well-being of teachers. The bill appropriates
32 \$180,000 for the first year of the program, fiscal year 1998-
33 1999.

34 The bill directs the department of education to develop a
35 process to be used in awarding beginning teacher grants.

1 A teacher serving as a mentor under the program is eligible
2 for an award of \$500 per semester of participation. Moneys
3 received by a district shall be expended for awards to
4 mentors, for the costs of the employer's share of
5 contributions to federal social security and the Iowa public
6 employees' retirement system or a pension and annuity
7 retirement system established under chapter 294, for such
8 amounts paid by the districts.

9 The bill establishes a beginning teacher induction fund in
10 the office of the treasurer of state to be administered by the
11 department of education.

12 A school district shall appoint a district facilitator who
13 acts as a liaison between the board and the department of
14 education. The facilitator is also responsible for appointing
15 a district committee, the membership of which includes
16 licensed teachers and an area education agency staff
17 development professional. The district committee must adopt a
18 plan and written procedures for a mentor program which shall,
19 at a minimum, address the application, mentor selection, and
20 mentor training processes; the timetable for plan
21 implementation; placement; minimum release time; measurement
22 of results; and dissolving mentoring partnerships.

23 District committees are encouraged to collaborate with area
24 education agencies and postsecondary institutions in the
25 preparation of plans. The board of directors shall submit the
26 plan and a reasonable cost proposal to the department, which
27 shall award grants to school districts, selecting from the
28 school districts submitting plans based solely upon
29 equitability and geographic and population diversity.

30 To be eligible to be a mentor, a licensed teacher must be
31 employed by a school district as a classroom teacher for at
32 least one full year on a nonprobationary basis, have a record
33 of at least four years of effective practice, and demonstrate
34 professional commitment to the improvement of teaching and
35 learning, and the development of beginning teachers.

1 This bill also removes from the teacher termination process
2 currently within the Code the option for a private hearing
3 with the board currently available to a teacher facing
4 contract termination by a school district.

5 The bill requires the superintendent of a school district
6 and the school board to notify a teacher by March 15 that the
7 teacher's continuing contract will be terminated effective at
8 the end of the current school year, and permits the teacher to
9 request a private hearing with an adjudicator. The Code
10 currently provides for the selection of an adjudicator, and
11 the bill does not change the selection process. Neither does
12 the bill affect the teacher's ability to appeal the
13 adjudicator's decision to the district court. However, the
14 bill changes the standard of evidence for which the court
15 shall reverse, modify, or grant any other appropriate relief
16 from the adjudicator's decision, from a "preponderance of
17 competent evidence" to "substantial evidence."

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*Mitnick
Brought
C. Hoover*

HSB 593

EDUCATION
By

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON GRIES)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of a national board
2 certification award and making an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 256.44 NATIONAL BOARD
2 CERTIFICATION AWARD.

3 1. A teacher who holds a national board for professional
4 teaching standards certificate and is employed by a school
5 district in Iowa shall be eligible for an annual award of ten
6 thousand dollars each year the certificate, which may be
7 renewed by the national board at ten-year intervals, is valid.
8 To receive the award, a teacher shall apply to the department
9 of education upon receipt of certification. Payment shall be
10 made only upon department approval of the application. Annual
11 payments shall be made only for the remaining time for which
12 the teacher holds the national board certificate.

13 2. The department shall notify the school district
14 employing the teacher of the department's payment approval.
15 Upon receiving notification, the school district shall
16 increase the teacher's regular compensation as specified in
17 the teacher's contract by ten thousand dollars, and shall
18 prorate the increase among the payments remaining in the
19 teacher's contract.

20 3. A national board for professional teaching standards
21 certification fund is established in the office of treasurer
22 of state to be administered by the department. Moneys
23 appropriated by the general assembly for deposit in the fund
24 shall be paid to school districts in accordance with this
25 section, and shall be expended only for payments for those
26 teachers duly certified by the national board and approved
27 through the department's application process, and to pay the
28 costs, in addition to the ten thousand dollars specified in
29 subsections 1 and 2, of the employer's share of the federal
30 social security and the Iowa public employees' retirement
31 system, or a pension and annuity retirement system established
32 under chapter 294, due to the increase in the teacher's salary
33 pursuant to subsection 2.

34 Sec. 2. Section 294A.25, Code Supplement 1997, is amended
35 by adding the following new subsection:

1 NEW SUBSECTION. 12. For the fiscal year beginning July 1,
2 1998, and ending June 30, 1999, from phase III moneys, the
3 amount of two hundred thousand dollars, or so much thereof as
4 is necessary, to the office of treasurer of state for deposit
5 in the national board for professional teaching standards
6 certification fund established under section 256.44.

7 EXPLANATION

8 This bill provides for an annual payment of \$10,000 to each
9 teacher employed by a school district in Iowa who holds a
10 national board for professional teaching standards
11 certificate. The bill also establishes a national board for
12 professional teaching standards certification fund to be
13 administered by the department of education, and for fiscal
14 year 1998-1999, appropriates \$200,000 from phase III moneys
15 for deposit in the fund.

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