

FEB 6 2002

EDUCATION

HOUSE FILE

2228

BY MASCHER

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the permissible use of moneys distributed to
2 school districts and area education agencies under phase III
3 of the educational excellence program for purposes of teacher
4 career development.

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

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HF 2228

1 Section 1. Section 256.18, subsection 2, Code 2001, is
2 amended by striking the subsection.

3 Sec. 2. Section 258.17, subsection 4, Code 2001, is
4 amended to read as follows:

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

21 Sec. 3. Section 294A.1, subsection 3, Code 2001, is
22 amended to read as follows:

23 3. Phase III -- The enhancement of the quality and
24 effectiveness of teachers through ~~the-utilization-of~~
25 performance-pay career development.

26 Sec. 4. Section 294A.12, Code 2001, is amended to read as
27 follows:

28 294A.12 GOAL.

29 1. The goal of phase III is to enhance the quality,
30 effectiveness, and performance of Iowa's teachers by promoting
31 teacher excellence. This will be accomplished through the
32 development and implementation of ~~performance-based-pay-plans~~
33 ~~and-supplemental-pay~~ teacher career development plans
34 ~~requiring-additional-instructional-work-assignments-which-may~~
35 ~~include-specialized-training-or-differential-training-or-both~~

1 that align with student learning and teacher development needs
2 in order to achieve attendance center and district-wide
3 student achievement goals outlined in the district
4 comprehensive school improvement plan submitted in accordance
5 with section 256.7, subsection 21; with the individual teacher
6 career development plan developed in accordance with section
7 284.6 if the district is participating in the student
8 achievement and teacher quality program; and with area
9 education agency achievement goals outlined in plans submitted
10 as provided in section 294A.16.

11 2. It is the intent of the general assembly that school
12 districts and area education agencies incorporate into their
13 ~~planning for-performance-based-pay-plans-and-supplemental-pay~~
14 ~~plans~~, implementation of recommendations from recently issued
15 national and state reports relating to the requirements of the
16 educational system for meeting future educational needs,
17 especially as they relate to the preparation, working
18 conditions, and responsibilities of teachers, including but
19 not limited to assistance to new teachers, development of
20 teachers as instructional leaders in their schools and school
21 districts, using teachers for evaluation and diagnosis of
22 other teachers' techniques, and the implementation of
23 sabbatical leaves. ~~It-is-also-the-intent-of-the-general~~
24 ~~assembly-that-a-performance-based-pay-plan-and-supplemental~~
25 ~~pay-plan-submitted-by-a-district-include-a-parent-involvement~~
26 ~~policy-designed-to-increase-student-achievement-and-self-~~
27 ~~esteem-by-bringing-home-and-school-into-closer-relationship~~
28 ~~and-that-provides-methods-by-which-parents-and-teachers-may~~
29 ~~cooperate-intelligently-in-the-education-of-children.~~ It is
30 further the intent of the general assembly that real and
31 fundamental change in the educational system must emerge from
32 the school site if the education system is to remain relevant
33 and that plans funded in this program must be an integral part
34 of a comprehensive school district or area education agency
35 effort toward meeting identified district or agency goals or

1 needs, and meeting teachers' career development goals if
2 developed in accordance with section 284.6.

3 Sec. 5. Section 294A.13, Code 2001, is amended to read as
4 follows:

5 294A.13 PHASE III PROGRAM.

6 For the school year beginning July 1, ~~1987~~ 2002, and
7 succeeding school years, each school district and area
8 education agency that meets the requirements of this division
9 is eligible to receive moneys for the implementation under
10 phase III of ~~a performance-based-pay-plan-or-supplemental-pay~~
11 ~~plan, or a combination of the two~~ teacher career development
12 plans as provided in section 294A.12, subsection 1, and
13 section 294A.16.

14 Sec. 6. Section 294A.14, Code Supplement 2001, is amended
15 to read as follows:

16 294A.14 PHASE III PAYMENTS.

17 1. For each fiscal year, the department shall allocate the
18 remainder of the moneys appropriated by the general assembly
19 to the fund for phase III, subject to section ~~294A.18~~ 294A.25,
20 subsection 7. If fifty million dollars is allocated for phase
21 III, the payments for an approved plan for a school district
22 shall be equal to the product of a district's certified
23 enrollment and ninety-eight dollars and sixty-three cents, and
24 for an area education agency shall be equal to the product of
25 an area education agency's enrollment served and four dollars
26 and sixty cents. If the moneys allocated for phase III are
27 either greater than or less than fifty million dollars, the
28 department of education shall adjust the amount for each
29 student in certified enrollment and each student in enrollment
30 served based upon the amount allocated for phase III.

31 2. If a school district has discontinued grades under
32 section 282.7, subsection 1, or students attend school in
33 another school district, under an agreement with the board of
34 the other school district, the board of directors of the
35 district of residence either shall transmit the phase III

1 moneys allocated to the district for those students based upon
2 the full-time equivalent attendance of those students to the
3 board of the school district of attendance of the students or
4 shall transmit to the board of the school district of
5 attendance of the students a portion of the phase III moneys
6 allocated to the district of residence based upon an agreement
7 between the board of the resident district and the board of
8 the district of attendance.

9 3. A teacher career development plan shall be developed
10 ~~using the procedure specified under~~ in accordance with section
11 ~~294A.15. The plan shall provide for the establishment of a~~
12 ~~performance-based pay plan, a supplemental pay plan, a~~
13 ~~combination of the two pay plans, or comprehensive school~~
14 ~~transformation programs, and~~ 294A.12, subsection 1, or section
15 294A.16 shall include a budget for the cost of implementing
16 the plan. In addition to the costs of providing additional
17 salary for teachers and the amount required to pay the
18 employers' share of the federal social security and Iowa
19 public employees' retirement system, or a pension and annuity
20 retirement system established under chapter 294, and payments
21 on the additional salary, the budget may include costs
22 associated with providing specialized or general training.
23 Moneys received under phase III shall not be used to employ
24 additional employees of a school district, except that phase
25 III moneys may be used to employ substitute teachers, part-
26 time teachers, and other employees needed to implement plans
27 that provide innovative staffing patterns, or require that a
28 teacher employed on a full-time basis be absent from the
29 classroom for specified periods for fulfilling other
30 instructional duties or to participate on a peer review team
31 or in peer coaching efforts. However, all teachers employed
32 are eligible to receive additional salary under an approved
33 plan.

34 ~~For the purpose of this section, a performance-based pay~~
35 ~~plan shall provide for salary increases for teachers who~~

1 demonstrate superior performance in completing assigned
2 duties.--The plan shall include the method used to determine
3 superior performance of a teacher.--For school districts, the
4 plan may include assessments of teaching performance,
5 assessments of student performance, assessments of other
6 characteristics associated with effective teaching, or a
7 combination of these criteria.

8 For school districts, a performance-based pay plan may
9 provide for additional salary for individual teachers, for
10 teachers assigned to a specific discipline, or for all
11 teachers assigned to an attendance center.--For area education
12 agencies, a performance-based pay plan may provide for
13 additional salary for individual teachers, for additional
14 salary for all teachers assigned to a specific discipline
15 within an area education agency, or for additional salary for
16 individual teachers assigned to a multidisciplinary team
17 within an area education agency.--If the plan provides
18 additional salary for all teachers assigned to an attendance
19 center, specific discipline, or multidisciplinary team, the
20 receipt of additional salary by those teachers shall be
21 determined on the basis of whether that attendance center,
22 specific discipline, or multidisciplinary team meets specific
23 objectives adopted for that attendance center, specific
24 discipline, or multidisciplinary team.--For school districts,
25 the objectives may include, but are not limited to, decreasing
26 the dropout rate, increasing the attendance rate, or
27 accelerating the achievement growth of students enrolled in
28 that attendance center through the use of learning techniques
29 that may include, but are not limited to, reading instruction
30 in phonics or whole language techniques.

31 If a performance-based pay plan provides additional salary
32 for individual teachers:

33 1.--The plan may provide for salary moneys in addition to
34 the existing salary schedule of the school district or area
35 education agency and may require the participation by the

1 teacher-in-specialized-training-requirements-

2 2.--The-plan-may-provide-for-salary-moneys-by-replacing-the
3 existing-salary-schedule-or-as-an-option-to-the-existing
4 salary-schedule-and-may-include-specialized-training
5 requirements,-general-training-requirements,-and-experience
6 requirements-

7 A-supplemental-pay-plan-may-provide-for-supplementing-the
8 costs-of-vocational-agriculture-programs-as-provided-in
9 section-294A-17-

10 For-the-purpose-of-this-section,-a-supplemental-pay-plan-in
11 a-school-district-shall-provide-for-the-payment-of-additional
12 salary-to-teachers-who-participate-in-either-additional
13 instructional-work-assignments-or-specialized-training-during
14 the-regular-school-day-or-during-an-extended-school-day,
15 school-week,-or-school-year.--A-supplemental-pay-plan-in-an
16 area-education-agency-shall-provide-for-the-payment-of
17 additional-salary-to-teachers-who-participate-in-either
18 additional-work-assignments-or-improvement-of-instruction
19 activities-with-school-districts-during-the-regular-school-day
20 or-during-an-extended-school-day,-school-week,-or-school-year-

21 For-school-districts,-additional-instructional-work
22 assignments-may-include-but-are-not-limited-to-general
23 curriculum-planning-and-development,-vertical-articulation-of
24 curriculum,-horizontal-curriculum-coordination,-development-of
25 educational-measurement-practices-for-the-school-district,
26 participation-in-assessment-activities-leading-to
27 certification-by-the-national-board-for-professional-teaching
28 standards,-attendance-at-workshops-and-other-programs-for
29 service-as-cooperating-teachers-for-student-teachers,
30 development-of-plans-for-assisting-beginning-teachers-during
31 their-first-year-of-teaching,-attendance-at-summer-staff
32 development-programs,-development-of-staff-development
33 programs-for-other-teachers-to-be-presented-during-the-school
34 year,-participation-in-family-support-programs,-development-of
35 programs-which-provide-instruction-in-conflict-resolution-and

1 mediation-techniques-for-staff-and-students,-development-of
2 anger-management-instructional-programs-for-students, and
3 other-plans-locally-determined-in-the-manner-specified-in
4 section-294A-15-and-approved-by-the-department-of-education
5 under-section-294A-16-that-are-of-equal-importance-or-more
6 appropriately-meet-the-educational-needs-of-the-school
7 district;

8 For-area-education-agencies, additional-instructional-work
9 assignments-may-include-but-are-not-limited-to-providing
10 assistance-and-support-to-school-districts-in-general
11 curriculum-planning-and-development, providing-assistance-to
12 school-districts-in-vertical-articulation-of-curriculum-and
13 horizontal-curriculum-coordination, development-of-educational
14 measurement-practices-for-school-districts-in-the-area
15 education-agency, development-of-plans-for-assisting-beginning
16 teachers-during-their-first-year-of-teaching, attendance-or
17 instruction-at-summer-staff-development-programs, development
18 of-staff-development-programs-for-school-district-teachers-to
19 be-presented-during-the-school-year, participation-in-family
20 support-programs, development-of-staff-development-programs
21 which-provide-instruction-in-conflict-resolution-and-mediation
22 techniques, assisting-school-district-teachers-in-the
23 development-of-anger-management-instructional-programs-for
24 students, and-other-plans-determined-in-the-manner-specified
25 in-section-294A-15-and-approved-by-the-department-of-education
26 under-section-294A-16-that-are-of-equal-importance-or-more
27 appropriately-meet-the-educational-needs-of-the-area-education
28 agency;

29 Any-summer-school-program, for-which-the-teacher's-salary
30 is-paid-or-supplemented-under-a-supplemental-pay-plan, shall
31 be-open-to-nonpublic-school-students-in-the-manner-provided-in
32 section-256-12;

33 For-purposes-of-this-section, "comprehensive-school
34 transformation" means-activities-which-focus-on-the
35 improvement-of-student-achievement-and-the-attainment-of

1 student-achievement-goals-under-section-280-12--A
2 comprehensive-school-transformation-plan-submitted-by-a-school
3 district-shall-demonstrate-the-manner-in-which-the-components
4 of-the-plan-are-integrated-with-a-school's-student-achievement
5 goals--Components-of-the-plan-may-include,-but-are-not
6 limited-to,-providing-salary-increases-to-teachers-who
7 implement-site-based-shared-decision-making,-building-based
8 goal-oriented-compensation-mechanism,-or-approved-innovative
9 educational-programs,-who-focus-on-student-outcomes,-who
10 direct-accountability-for-student-achievement-or
11 accountability-for-organizational-success,-and-who-work-to
12 foster-relationships-between-a-school-and-businesses-or-public
13 agencies-which-provide-health-and-social-services-

14 Sec. 7. Section 294A.16, Code 2001, is amended to read as
15 follows:

16 294A.16 PLAN -- MONEYS.

17 1. A plan adopted by the board of directors of a school
18 district or area education agency shall be submitted to the
19 department of education not later than May 31 of a school year
20 for that school year for a school district, and not later than
21 June 15 of a school year for that school year for an area
22 education agency--Amendments to multiple-year plans may be
23 submitted annually. Each area education agency shall annually
24 develop a plan, or amend an existing plan as needed, to assist
25 in meeting their teacher career development needs as set forth
26 in comprehensive school improvement plans submitted by the
27 districts in accordance with section 256.7, subsection 21.
28 The plan shall describe how the area education agency intends
29 to support school districts with staff development and
30 training. The department shall approve each plan or plan
31 modification prior to the disbursement of funds.

32 2. If a school district uses teachers under a contract
33 between the district and the area education agency in which
34 the district is located and both the school district and the
35 area education agency have approved phase III plans, the

1 school district shall transmit to the employing area education
2 agency a portion of its phase III moneys based upon the
3 portion that the salaries of teachers employed by the area
4 education agency and assigned to the school district for the
5 school year bears to the total teacher salaries paid in the
6 district for that school year, including the salaries of the
7 teachers employed by the area education agency. If the area
8 education agency has an approved phase III plan and the school
9 district does not, the department of management shall transmit
10 phase III moneys to the area education agency for those
11 teachers from the phase III money that would have been paid to
12 the school district if the school district had had an approved
13 phase III plan using the formula that would have been used if
14 the school district had had an approved phase III plan.

15 3. The department of education shall review each plan and
16 its budget and notify the department of management of the
17 names of school districts and area education agencies with
18 approved plans. ~~In-considering-the-approval-of-a-plan~~
19 ~~submitted-by-a-school-district,-the-department-shall-give~~
20 ~~emphasis-to-plans-which-include-a-comprehensive-school~~
21 ~~transformation-plan-or-which-include-a-component-which-is-part~~
22 ~~of-a-statewide-systemic-school-transformation-initiative;-in~~
23 ~~considering-the-approval-of-a-plan-submitted-by-an-area~~
24 ~~education-agency,-the-department-shall-give-emphasis-to-plans~~
25 ~~which-are-integrated-with-and-supportive-of-the-comprehensive~~
26 ~~school-transformation-plans-submitted-by-the-school-districts~~
27 ~~within-the-area-education-agency.~~

28 ~~A-school-district-or-area-education-agency,-which-receives~~
29 ~~money-for-a-school-year-for-an-approved-phase-III-plan,-may~~
30 ~~retain-up-to-fifty-percent-of-the-moneys-allocated-to-the~~
31 ~~district-or-area-education-agency-for-the-next-succeeding~~
32 ~~school-year,-in-order-to-continue-the-approved-plan.-Any-of~~
33 ~~the-retained-phase-III-moneys-remaining-in-the-district-or~~
34 ~~area-education-agency-account-after-the-second-year-of-the~~
35 ~~plan-shall-revert-to-the-general-fund-of-the-state-as-provided~~

1 ~~in section 8.33:~~

2 Any moneys allocated or retained for an approved phase III
3 plan, and any interest accrued on the moneys, shall not be
4 commingled with state aid payments made, under sections 257.16
5 and 257.35, to a school district or area education agency and
6 shall be accounted for by the school district or area
7 education agency separately from state aid payment accounts. A
8 school district or area education agency shall maintain a
9 separate listing within its budget for payments received and
10 expenditures made pursuant to this division.

11 Sec. 8. Section 294A.19, Code 2001, is amended to read as
12 follows:

13 294A.19 REPORTS -- LIMIT ON CHARGING.

14 1. Each school district, as a component of its
15 comprehensive school improvement plan, and each area education
16 agency receiving moneys for phase III during a school year
17 shall file a report with the department of education. ~~School~~
18 ~~district reports shall be filed by July 1 of the next~~
19 ~~following school year, and area~~ Area education agency reports
20 shall be filed by September 1 of the next following school
21 year. The report shall describe the plan, its objectives, its
22 implementation, the expenditures made under the plan including
23 the salary increases paid to each eligible employee, and the
24 extent to which its objectives were attained. The report may
25 include any proposed amendments to the plan for the next
26 following school year.

27 Annually, by November 1, the department shall summarize the
28 information contained in the phase III reports filed by the
29 school districts and area education agencies. ~~The summary~~
30 ~~shall contain information including the numbers of districts~~
31 ~~and area education agencies that have implemented a~~
32 ~~performance-based pay plan, a supplemental pay plan, a~~
33 ~~combination of a performance-based and supplemental pay plan,~~
34 ~~and the number of districts and area education agencies that~~
35 ~~have established comprehensive school transformation programs.~~

1 The summary shall highlight and briefly describe innovative
2 and successful uses of phase III funds that have had a
3 positive effect on student achievement within the district as
4 measured by means of a widely recognized educational
5 assessment tool or test. The department, in conjunction with
6 the legislative fiscal bureau, shall identify additional items
7 to be reported. Copies of the annual summary shall be
8 submitted to each school district, the general assembly, and
9 the legislative fiscal bureau by December 1.

10 ~~School-districts-and-area-education-agencies-shall-not~~
11 ~~charge-other-school-districts-or-area-education-agencies-for~~
12 ~~plans-or-information-about-innovative-phase-III-plans-that~~
13 ~~they-have-developed.~~

14 Sec. 9. Section 294A.22, unnumbered paragraph 3, Code
15 2001, is amended to read as follows:

16 Payments made to a teacher by a school district or area
17 education agency under this chapter are wages for the purposes
18 of chapter 91A ~~except-for-payments-made-under-an-approved~~
19 ~~phase-III-plan-where-a-modified-payment-plan-has-either-been~~
20 ~~mutually-agreed-upon-by-the-board-of-directors-and-the~~
21 ~~certified-bargaining-representative-for-certificated-employees~~
22 ~~or-for-a-district-that-is-not-organized-for-collective~~
23 ~~bargaining-purposes-where-a-modified-payment-plan-is-adopted~~
24 ~~by-the-board.~~

25 Sec. 10. Sections 294A.15, 294A.17, 294A.18, and 294A.20,
26 Code 2001, are repealed.

27 EXPLANATION

28 This bill strikes Code language that establishes phase III
29 of the educational excellence program as a performance-based
30 or supplemental pay plan for teachers and provides that phase
31 III be used instead for teacher career development purposes.
32 Language struck from the Code includes provisions permitting
33 the use of phase III funds in the establishment of the
34 character education pilot program, workstart programs, and for
35 comprehensive school transformation programs.

1 Under the bill, the phase III goal of enhancing the
2 quality, effectiveness, and performance of Iowa's teachers by
3 promoting teacher excellence will be accomplished through the
4 development and implementation of teacher career development
5 plans that align with student learning and teacher development
6 needs outlined in the district's comprehensive school
7 improvement plan and with the individual teacher career
8 development plan a teacher must develop if employed by a
9 district that is participating in the student achievement and
10 teacher quality program.

11 The bill requires each area education agency to develop a
12 plan to assist school districts in meeting their career
13 development needs. Each area education agency must describe
14 how the agency intends to support school districts with staff
15 development and training. The department shall approve each
16 plan prior to the disbursement of phase III funds to the
17 agency.

18 The bill requires that each school district include in its
19 comprehensive school improvement plan a report that describes
20 the plan, its objectives and implementation, the expenditures
21 made under the plan, and the extent to which its objectives
22 were maintained. Area education agencies must also file a
23 report describing their plans to the department annually by
24 September 1 of the next following school year.

25 The bill repeals Code sections related to the establishment
26 of a committee to develop phase III plans, a supplemental pay
27 plan for supplementing the costs of vocational agriculture
28 programs, determination of phase III allocations, and the
29 reversion of phase III moneys to the general fund.

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