

House Study Bill 661

Bill Text

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1 1 Section 1. Section [256.7](#), subsection 21, unnumbered
1 2 paragraph 1, Code Supplement 2001, is amended to read as
1 3 follows:
1 4 Develop and adopt rules

~~by July 1, 1999,~~

- incorporating

1 5 accountability for student achievement into the standards and
1 6 accreditation process described in section 256.11. The rules
1 7 shall provide for all of the following:

1 8 Sec. 2. Section [256.7](#), subsection 21, paragraph c, Code
1 9 Supplement 2001, is amended to read as follows:

1 10 c. A requirement that all school districts and accredited
1 11 nonpublic schools annually report to the department and the
1 12 local community the district-wide progress made in attaining
1 13 student achievement goals on the academic and other core
1 14 indicators and the district-wide progress made in attaining
1 15 locally established student learning goals. The school
1 16 districts and accredited nonpublic schools shall demonstrate
1 17 the use of multiple assessment measures in determining student
1 18 achievement levels. The school districts and accredited
1 19 nonpublic schools shall also report the number of students who
1 20 drop out of school in the ninth through twelfth grades, by
1 21 grade level; the number of students who enter ninth grade but
1 22 do not graduate from the school or school district; and the
1 23 number of students who are tested using the multiple
1 24 assessment measures and the percentage of students who are so
1 25 tested annually. The board shall develop and adopt uniform
1 26 definitions that school districts and accredited nonpublic
1 27 schools shall use in reporting the data required by this
1 28 paragraph. The school districts and accredited nonpublic
1 29 schools may report on other locally determined factors
1 30 influencing student achievement. The school districts and
1 31 accredited nonpublic schools shall also report to the local
1 32 community their results by individual attendance center.

1 33 Sec. 3. Section [256.11](#), subsections 3 and 4, Code
1 34 Supplement 2001, are amended to read as follows:

1 35 3. The following areas shall be taught in grades one
2 1 through six: English-language arts, social studies,
2 2 mathematics, science, health, human growth and development,
2 3 physical education, traffic safety, music, and visual art.
2 4 The health curriculum shall include the characteristics of
2 5 communicable diseases including acquired immune deficiency
2 6 syndrome. The science curriculum shall be scientifically
2 7 accurate. The state board as part of accreditation standards
2 8 shall adopt curriculum definitions for implementing the
2 9 elementary program.

2 10 4. The following shall be taught in grades seven and
2 11 eight: English-language arts; social studies; mathematics;
2 12 science; health; human growth and development, family,
2 13 consumer, career, and technology education; physical
2 14 education; music; and visual art. The health curriculum shall
2 15 include the characteristics of sexually transmitted diseases
2 16 and acquired immune deficiency syndrome. The science
2 17 curriculum shall be scientifically accurate. The state board
2 18 as part of accreditation standards shall adopt curriculum

2 19 definitions for implementing the program in grades seven and
2 20 eight. However, this subsection shall not apply to the
2 21 teaching of family, consumer, career, and technology education
2 22 in nonpublic schools.

2 23 Sec. 4. Section [256.11](#), subsection 5, paragraph a, Code
2 24 Supplement 2001, is amended to read as follows:

2 25 a. Five units of science including physics and chemistry;
2 26 the units of physics and chemistry may be taught in alternate
2 27 years. The science curriculum shall be scientifically
2 28 accurate.

2 29 Sec. 5. Section [256.11](#), Code Supplement 2001, is amended
2 30 by adding the following new subsection:

2 31 NEW SUBSECTION. 15. "Scientifically accurate", as used in
2 32 this section, means supported by research conducted in
2 33 compliance with accepted scientific methods; recognized as
2 34 accurate and objective by leading professional organizations
2 35 and agencies with relevant expertise in the field, which may
3 1 include but shall not be limited to the American college of
3 2 obstetricians and gynecologists and the centers for disease
3 3 control and prevention of the United States department of
3 4 health and human services; or published in peer-reviewed
3 5 publications where appropriate.

3 6 Sec. 6. Section [257.16](#), Code 2001, is amended to read as
3 7 follows:

3 8 257.16 APPROPRIATIONS.

3 9 1. There is appropriated each year from the general fund
3 10 of the state an amount necessary to pay the foundation aid and
3 11 supplementary aid under section 257.4, subsection 2.

3 12 2. All state aids paid under this chapter, unless
3 13 otherwise stated, shall be paid in monthly installments
3 14 beginning on September 15 of a budget year and ending on or
3 15 about June 15 of the budget year as determined by the
3 16 department of management, taking into consideration the
3 17 relative budget and cash position of the state resources.

3 18 3. All moneys received by a school district from the state
3 19 under this chapter shall be deposited in the general fund of
3 20 the school district, and may be used for any school general
3 21 fund purpose.

3 22 4. Notwithstanding any provision to the contrary, if the
3 23 governor orders budget reductions in accordance with section
3 24 8.31, reductions in the appropriations provided in accordance
3 25 with this section shall be distributed on a per pupil basis.

3 26 Sec. 7. Section [260F.6](#), Code Supplement 2001, is amended
3 27 by adding the following new subsection:

3 28 NEW SUBSECTION. 4. If the department determines that a
3 29 business that received an advance from the job training fund
3 30 failed to increase its employment base during the time it
3 31 participated in the jobs training program, the department
3 32 shall establish a plan for repayment of the principal of and
3 33 interest on the advance over a ten-year period.

3 34 Sec. 8. Section [260G.4A](#), subsections 2 and 3, Code
3 35 Supplement 2001, are amended to read as follows:

4 1 2. Eligibility for program job credits shall be based on
4 2 certification of program job positions and program job wages
4 3 by the employer at the time established in the agreement. An
4 4 amount up to ten percent of the gross program job wage as
4 5 certified by the employer in the agreement shall be credited
4 6 from the total payment made by an employer pursuant to section
4 7 422.16.

~~The~~

- Except as provided in subsection 3, the employer

4 8 shall receive a credit against all withholding taxes due by
4 9 the employer regardless of whether or not the withholding from
4 10 the employer of current program job wages is less than ten
4 11 percent. The employer shall remit the amount of the credit
4 12 quarterly in the same manner as withholding payments are

4 13 reported to the department of revenue and finance, to the
4 14 community college to be allocated to and when collected paid
4 15 into a special fund of the community college to pay, in part,
4 16 the program costs. When the program costs have been paid, the
4 17 employer credits shall cease and any moneys received after the
4 18 program costs have been paid shall be remitted to the
4 19 treasurer of state to be deposited in the general fund of the
4 20 state.

4 21 3. The employer shall certify to the department of revenue
4 22 and finance that the program job credit is in accordance with
4 23 the agreement and shall provide other information the
4 24 department may require. Notwithstanding subsection 2, if the
4 25 employer cannot certify that the business's employment base
4 26 increased during the time the business participated in the
4 27 program, the business shall be ineligible to receive a program
4 28 job credit from withholding in accordance with this section.

4 29 Sec. 9. Section [272.2](#), subsection 15, Code Supplement
4 30 2001, is amended to read as follows:

4 31 15. Adopt rules that require specificity in written
4 32 complaints that are filed by individuals who have personal
4 33 knowledge of an alleged violation and which are accepted by
4 34 the board, provide that the jurisdictional requirements as set
4 35 by the board in administrative rule are met on the face of the
5 1 complaint before initiating an investigation of allegations,
5 2 provide that any investigation be limited to the allegations
5 3 contained on the face of the complaint, provide for an
5 4 adequate interval between the receipt of a complaint and
5 5 public notice of the complaint, permit parties to a complaint
5 6 to mutually agree to a resolution of the complaint filed with
5 7 the board, allow the respondent the right to review any
5 8 investigative report upon a finding of probable cause for
5 9 further action by the board, require that the conduct
5 10 providing the basis for the complaint occurred within three
5 11 years of discovery of the event by the complainant unless good
5 12 cause can be shown for an extension of this limitation, and
5 13 require the investigation of complaints

~~to be resolved~~

~~and~~

5 14 determination of probable cause by the board within one
5 15 hundred

~~eighty~~

~~twenty~~ days unless good cause can be shown for
5 16 an extension of this limitation.

5 17 Sec. 10. Section [272.7](#), Code 2001, is amended to read as
5 18 follows:

5 19 272.7 VALIDITY OF LICENSE.

5 20 1. A license issued under board authority is valid for the
5 21 period of time for which it is issued, unless the license is
5 22 suspended or revoked. A license issued by the board is valid
5 23 until the last day of the practitioner's birth month in the
5 24 year in which the license expires. No permanent licenses
5 25 shall be issued.

~~A~~

~~Except as provided in subsection 2, a~~

5 26 person employed as a practitioner shall hold a valid license
5 27 with an endorsement for the type of service for which the
5 28 person is employed. This section does not limit the duties or
5 29 powers of a school board to select or discharge practitioners
5 30 or to terminate practitioners' contracts. A professional
5 31 development program, except for a program offered by a
5 32 practitioner preparation institution or area education agency
5 33 and approved by the state board of education, must possess a
5 34 valid license for the types of programs offered.

5 35 2. The executive director of the board may grant or deny

6 1 license applications, applications for renewal of a license,
6 2 and suspension or revocation of a license. A denial of an
6 3 application for a license, the denial of an application for
6 4 renewal, or a suspension or revocation of a license may be
6 5 appealed by the practitioner to the board. The executive
6 6 director of the board may waive the licensure requirements of
6 7 this chapter for an individual who is employed as a
6 8 superintendent for a school district with an enrollment of
6 9 seven thousand five hundred or more students.

6 10 3. The board may issue emergency renewal or temporary,
6 11 limited-purpose licenses upon petition by a current or former
6 12 practitioner. An emergency renewal or a temporary, limited-
6 13 purpose license may be issued for a period not to exceed two
6 14 years, if a petitioner demonstrates, to the satisfaction of
6 15 the board, good cause for failure to comply with board
6 16 requirements for a regular license and provides evidence that
6 17 the petitioner will comply with board requirements within the
6 18 period of the emergency or temporary license. Under
6 19 exceptional circumstances, an emergency license may be renewed
6 20 by the board for one additional year. A previously unlicensed
6 21 person is not eligible for an emergency or temporary license,
6 22 except that a student who is enrolled in a licensed
6 23 practitioner preparation program may be issued a temporary,
6 24 limited-purpose license, without payment of a fee, as part of
6 25 a practicum or internship program.

6 26 Sec. 11. Section [422.16A](#), Code Supplement 2001, is amended
6 27 to read as follows:

6 28 422.16A JOB TRAINING WITHHOLDING CERTIFICATION AND
6 29 TRANSFER.

6 30 Upon the completion by a business of its repayment
6 31 obligation for a training project funded under chapter 260E,
6 32 including a job training project funded under section 15A.8 or
6 33 repaid in whole or in part by the supplemental new jobs credit
6 34 from withholding under section 15A.7 or section 15.331, the
6 35 sponsoring community college shall report to the department of
7 1 economic development the amount of withholding paid by the
7 2 business to the community college during the final twelve
7 3 months of withholding payments and the number of new jobs
7 4 created by the business added to the business's employment
7 5 figures during the same time period.

~~The~~

- If the business

7 6 added jobs during the period, the department of economic
7 7 development shall notify the department of revenue and finance
7 8 of

~~that~~

- the amount of withholding paid by the business. The

7 9 department shall credit to the workforce development fund
7 10 account established in section 15.342A twenty-five percent of
7 11 that amount each quarter for a period of ten years. If the
7 12 amount of withholding from the business or employer is
7 13 insufficient, the department shall prorate the quarterly
7 14 amount credited to the workforce development fund account.
7 15 The maximum amount from all employers which shall be
7 16 transferred to the workforce development fund account in any
7 17 year is four million dollars.

7 18 Sec. 12. DEPARTMENT OF EDUCATION STUDIES.

7 19 1. The department of education shall conduct the following
7 20 studies:

7 21 a. A study of average daily attendance, which shall
7 22 include a review of average daily attendance policies and
7 23 efforts from other states and their levels of success in
7 24 achieving higher daily attendance figures, determine whether
7 25 other states are using a poverty factor to compensate for
7 26 average daily attendance problems, and analyze the measures

7 27 school districts and accredited nonpublic schools with
7 28 unexpectedly high attendance averages are taking to positively
7 29 influence attendance. The study shall be designed to gather
7 30 information that the department shall use in designing a
7 31 coordinated and systematic approach that schools in this state
7 32 may use to improve school attendance.

7 33 b. A study of contract days, which the department shall
7 34 conduct in consultation with the Iowa association of school
7 35 boards, the school administrators of Iowa, and the Iowa state
8 1 education association. The department shall review the ways
8 2 school districts and accredited nonpublic schools use contract
8 3 days and define the term "contract days"; review the number of
8 4 days teachers are in class with students; and review the
8 5 number of contract days used for in-service, parent-teacher
8 6 conferences, and holidays. The department shall develop
8 7 recommendations for a statewide definition for the term
8 8 "contract days".

8 9 2. The department shall submit findings and
8 10 recommendations resulting from the studies conducted pursuant
8 11 to this section in a report to the senate and house standing
8 12 committees on education and the joint appropriations
8 13 subcommittee on education by December 15, 2005.

8 14 Sec. 13. STATE MANDATE FUNDING SPECIFIED. In accordance
8 15 with section 25B.2, subsection 3, the state cost of requiring
8 16 compliance with any state mandate included in this Act shall
8 17 be paid by a school district from state school foundation aid
8 18 received by the school district under section 257.16. This
8 19 specification of the payment of the state cost shall be deemed
8 20 to meet all the state funding-related requirements of section
8 21 25B.2, subsection 3, and no additional state funding shall be
8 22 necessary for the full implementation of this Act by and
8 23 enforcement of this Act against all affected school districts.

8 24 EXPLANATION

8 25 This bill amends a number of Code provisions relating to
8 26 the operations of and programs for kindergarten through grade
8 27 14 educational institutions.

8 28 The bill requires the state board of education to adopt
8 29 rules affecting the comprehensive school improvement plans and
8 30 reports submitted by school districts and accredited nonpublic
8 31 schools by requiring that all schools and school districts
8 32 annually report to the department and the local community data
8 33 relating to drop-out rates, percentages of ninth through
8 34 twelfth grade students that graduate, and the numbers and
8 35 percentages of students tested using multiple assessment
9 1 measures. The state board is further required to develop and
9 2 adopt common definitions for schools and school districts to
9 3 use when reporting the data.

9 4 The bill requires that the science curriculum provided by
9 5 school districts and accredited nonpublic schools must be
9 6 scientifically accurate.

9 7 The bill requires that any across-the-board budget
9 8 reductions to state foundation aid and supplementary aid made
9 9 by the governor must be distributed on a per pupil basis.

9 10 The bill also provides that tax credits provided to
9 11 businesses under the Iowa industrial new jobs training Act or
9 12 the accelerated career education program Act are conditioned
9 13 on the business's ability to provide evidence that the
9 14 business increased its employment base during the time it
9 15 participated in a program. The bill also amends the Iowa jobs
9 16 training Act to require the repayment of any state assistance
9 17 a business received as an advance if the department determines
9 18 that a business failed to increase its employment base during
9 19 the time it participated in the program. The bill directs the
9 20 department to deposit moneys repaid into the job training
9 21 fund.

9 22 The bill permits the executive director of the board of
9 23 educational examiners to waive licensure requirements for

9 24 superintendents of school districts with an enrollment of at
9 25 least 7,500 students.

9 26 The bill strikes language requiring the board of
9 27 educational examiners to resolve a complaint filed with the
9 28 board within 180 days unless good cause can be shown for an
9 29 extension of the limitation. The bill replaces that
9 30 limitation with language requiring the board to investigate
9 31 complaints and determine probable cause within 120 days unless
9 32 good cause can be shown for an extension of the 120-day
9 33 limitation.

9 34 The bill directs the department of education to conduct two
9 35 studies. The first is a study of average daily attendance
10 1 that is to include a review of other states' policies and
10 2 efforts and their levels of success in achieving higher daily
10 3 attendance figures. The department is directed to analyze the
10 4 measures school districts and accredited nonpublic schools
10 5 with unexpectedly high attendance averages are taking to
10 6 positively influence attendance. The study must be designed
10 7 to gather information for use in designing a coordinated and
10 8 systematic approach that schools in this state may use to
10 9 improve school attendance. The department is also directed to
10 10 study contract days and review the ways school districts and
10 11 accredited nonpublic schools use contract days and to define
10 12 the term. The department is directed to develop
10 13 recommendations for a statewide definition for the term
10 14 "contract days". Reports from both studies must be submitted
10 15 to the senate and house standing committees on education and
10 16 the joint appropriations subcommittee on education by December
10 17 15, 2005.

10 18 The bill may include a state mandate as defined in Code
10 19 section 25B.3. The bill requires that the state cost of any
10 20 state mandate included in the bill be paid by a school
10 21 district from state school foundation aid received by the
10 22 school district under Code section 257.16. The specification
10 23 is deemed to constitute state compliance with any state
10 24 mandate funding-related requirements of Code section 25B.2.
10 25 The inclusion of this specification is intended to reinstate
10 26 the requirement of political subdivisions to comply with any
10 27 state mandates included in the bill.

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