

MAR 13 2003
Place On Calendar

HOUSE FILE 549
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 223)

Passed House, Date Passed 3/19/03 Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties and operations of the department of
2 education and school boards.

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

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HF 549

1 Section 1. Section 256.9, subsection 50, Code 2003, is
2 amended to read as follows:

3 50. Develop core knowledge and skill criteria ~~models~~,
4 based upon the Iowa teaching standards, for the evaluation,
5 the advancement, and for teacher career development purposes
6 pursuant to chapter 284. The ~~model~~ criteria shall further
7 define the characteristics of quality teaching as established
8 by the Iowa teaching standards. The director, in consultation
9 with the board of educational examiners, shall also develop a
10 transition plan for implementation of the career development
11 standards developed pursuant to section 256.7, subsection 25,
12 with regard to licensure renewal requirements. The plan shall
13 include a requirement that practitioners be allowed credit for
14 career development completed prior to implementation of the
15 career development standards developed pursuant to section
16 256.7, subsection 25.

17 Sec. 2. Section 256.9, Code 2003, is amended by adding the
18 following new subsection:

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

32 Sec. 3. Section 272.28, Code 2003, is amended to read as
33 follows:

34 272.28 MENTORING AND INDUCTION REQUIREMENT.

35 1. Effective July 1, 2003, requirements for teacher

1 licensure beyond ~~a-provisional~~ an initial license shall
2 include successful completion of a beginning teacher mentoring
3 and induction program approved by the state board of
4 education.

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

11 Sec. 4. Section 273.8, subsection 2, Code 2003, is amended
12 by striking the subsection and inserting in lieu thereof the
13 following:

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

20 a. Notice of the election shall be published by the area
21 education agency administrator not later than July 15 in at
22 least one newspaper of general circulation in the director
23 district. The cost of publication shall be paid by the area
24 education agency.

25 b. A candidate for election to the area education agency
26 board shall file a statement of candidacy with the area
27 education agency secretary not later than August 15, on forms
28 prescribed by the department of education. The statement of
29 candidacy shall include the candidate's name, address, and
30 school district. The list of candidates shall be sent by the
31 secretary of the area education agency in ballot form by
32 ordinary mail to the presidents of the boards of directors of
33 all school districts within the director district not later
34 than September 1. In order for the ballot to be counted, the
35 ballot must be received in the secretary's office by the end

1 of the normal business day on September 30 or be clearly
2 postmarked by an officially authorized postal service not
3 later than September 29 and received by the secretary not
4 later than noon on the first Monday following September 30.

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

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

23 Sec. 5. Section 273.8, Code 2003, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 2A. Director district convention. If no
26 candidate files with the area education agency secretary by
27 the deadline specified in subsection 2, or a vacancy occurs,
28 or if otherwise required as provided in section 273.23,
29 subsection 3, a director district convention, attended by
30 members of the boards of directors of the local school
31 districts located within the director district, shall be
32 called to elect a board member for that director district.
33 The convention location shall be determined by the area
34 education agency administrator. Notice of the time, date, and
35 place of a director district convention shall be published by

1 the area education agency administrator in at least one
2 newspaper of general circulation in the director district at
3 least thirty days prior to the day of the convention. The
4 cost of publication shall be paid by the area education
5 agency. A candidate for election to the area education agency
6 board shall file a statement of candidacy with the area
7 education agency secretary at least ten days prior to the date
8 of the director district convention, on forms prescribed by
9 the department of education, or nominations may be made at the
10 convention by a delegate from a board of directors of a school
11 district located within the director district. A statement of
12 candidacy shall include the candidate's name, address, and
13 school district. Delegates to director district conventions
14 shall not be bound by a school board or any school board
15 member to pledge their votes to any candidate prior to the
16 date of the convention.

17 Sec. 6. Section 273.21, subsection 2, Code 2003, is
18 amended read as follows:

19 2. If twenty percent or more of the school districts
20 within an affected area education agency file a petition by
21 ~~March~~ December 1 with the affected area education agency board
22 to consider reorganization, the affected board shall consider
23 the request and vote on the petition. If a majority of the
24 affected board members vote to study the reorganization of the
25 affected area education agency, the affected board shall
26 immediately begin the study to consider reorganization
27 effective by July 1 of the next year.

28 Sec. 7. Section 273.21, subsection 3, paragraph g, Code
29 2003, is amended to read as follows:

30 g. Transmit the completed plan to the state board by
31 ~~November-1~~ July 15. Plans received by the state board after
32 ~~November-1~~ July 15 shall be considered for area education
33 agency reorganization taking effect no sooner than July 1
34 after the next succeeding fiscal year.

35 Sec. 8. Section 273.21, subsection 4, Code 2003, is

1 amended to read as follows:

2 4. The state board shall review the reorganization plan
3 and shall, prior to ~~February-1~~ September 30, either approve
4 the plan ~~or return as submitted~~, approve the plan contingent
5 upon compliance with the state board's recommendations, or
6 disapprove the plan. ~~An-unapproved~~ A contingently approved
7 plan ~~may~~ shall be resubmitted with modifications to the
8 department not later than ~~February-10~~ October 30. An approved
9 plan shall take effect on July 1 of the fiscal year following
10 the date of approval by the state board, ~~except that plans~~
11 ~~submitted to the state board after November 1 shall take~~
12 ~~effect no sooner than July 1 after the next succeeding fiscal~~
13 ~~year.~~

14 Sec. 9. Section 273.22, Code 2003, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 4A. Not later than fifteen days after the
17 state board notifies an area education agency of its approval
18 of the area education agency's reorganization plan or
19 dissolution proposal, the area education agency shall notify,
20 by certified mail, the school districts located within the
21 area education agency boundaries, the school districts and
22 area education agencies that are contiguous to its boundaries,
23 and any other school district under contract with the area
24 education agency, of the state board's approval of the plan or
25 proposal, and shall provide the department of education with a
26 copy of any notice sent in accordance with this subsection. A
27 petition to join an area education agency or for release from
28 a contract with an area education agency, in accordance with
29 subsections 4, 6, and 7, shall be filed not later than forty-
30 five days after the state board approves a reorganization plan
31 or dissolution proposal in accordance with this chapter.

32 Sec. 10. Section 273.22, subsections 5 and 6, Code 2003,
33 are amended to read as follows:

34 5. The Within forty-five days of the state board's
35 approval, the board of directors of a school district that is

1 contiguous to a newly reorganized area education agency may
2 petition the board of directors of their current area
3 education agency and the newly reorganized area education
4 agency to join the newly reorganized area education agency.
5 If both-area-education-agency-boards the initial, or new board
6 if established in time under section 273.23, subsection 3, and
7 the board of the contiguous area education agency approve the
8 petition, the reorganization shall take effect in accordance
9 with the dates established under section 273.21, subsection 4.
10 Both the initial, or new, and the contiguous area education
11 agency boards must act within forty-five days of the filing of
12 the school district's petition. A school district may appeal
13 to the state board the decision of an area education agency
14 board to deny the school district's petition.

15 6. The Within forty-five days of the state board's
16 approval, the board of directors of a school district that is
17 within a newly reorganized area education agency and whose
18 school district ~~was~~ is contiguous to another area education
19 agency ~~prior-to-the-reorganization~~ not included in the newly
20 reorganized area education agency may petition the board of
21 directors of the newly reorganized area education agency and
22 the contiguous area education agency to join that area
23 education agency. If both-area-education-agency-boards the
24 initial, or new board if established in time under section
25 273.23, subsection 3, and the board of the contiguous area
26 education agency approve the petition, the reorganization
27 shall take effect in accordance with the dates established
28 under section 273.21, subsection 4. Both the initial, or new,
29 and the contiguous area education agency boards must act
30 within forty-five days of the filing of the school district's
31 petition. A school district may appeal to the state board the
32 decision of an area education agency board to deny the school
33 district's petition.

34 Sec. 11. Section 273.22, subsection 7, Code 2003, is
35 amended by striking the subsection.

1 Sec. 12. Section 273.23, subsections 2, 3, and 5, Code
2 2003, are amended to read as follows:

3 2. Prior to the organization meeting of the board of
4 directors of the newly formed area education agency, the
5 boards of the former area education agencies shall designate
6 directors to be retained as members to serve on the initial
7 board of the newly formed area education agency. A vacancy
8 occurs if an insufficient number of former board members
9 reside within the newly formed area education agency's
10 boundaries or if an insufficient number of former board
11 members are willing to serve on the board of the newly formed
12 area education agency. Vacancies, as defined in section
13 277.29, in the membership of the newly formed area education
14 agency board shall be filled for the unexpired portion of the
15 term at a ~~special~~ director district convention called and
16 conducted in the manner provided in section 273.8 for ~~regular~~
17 director district conventions.

18 3. ~~Prior-to-the-effective-date-of-the-reorganization~~ Not
19 later than January 15 of the calendar year in which the
20 reorganization takes effect, the initial board shall call a
21 director district convention under the provisions of section
22 273.8, subsection 2 2A, for the purpose of electing a board
23 for the reorganized area education agency. The new board
24 shall have control of the employment of all personnel for the
25 newly formed area education agency for the ensuing school
26 year. Following the organization of the new board, the board
27 shall have authority to establish policy, enter into
28 contracts, and complete such planning and take such action as
29 is essential for the efficient management of the newly formed
30 area education agency.

31 5. The initial board, or new board if established in time
32 under section 273.23, subsection 3, of the newly formed agency
33 shall prepare an annual budget estimating income and
34 expenditures for programs and services as provided in sections
35 273.1 through 273.9 and chapter 256B within the limits of

1 funds provided under section 256B.9 and chapter 257. The
2 board shall give notice of a public hearing on the proposed
3 budget by publication in an official county newspaper in each
4 county in the territory of the area education agency in which
5 the principal place of business of a school district that is a
6 part of the area education agency is located. The notice
7 shall specify the date, which shall not be later than March 1,
8 the time, and the location of the public hearing. The
9 proposed budget as approved by the board shall be submitted to
10 the state board, on forms provided by the department, no later
11 than March 15 for approval. The state board shall review the
12 proposed budget of the newly formed area education agency and
13 shall, before April 1, either grant approval or return the
14 budget without approval with comments of the state board
15 included. An unapproved budget shall be resubmitted to the
16 state board for final approval not later than April 15. The
17 state board shall give final approval only to budgets
18 submitted by area education agencies accredited by the state
19 board or that have been given conditional accreditation by the
20 state board.

21 Sec. 13. Section 273.23, subsection 11, Code 2003, is
22 amended to read as follows:

23 11. Unless the reorganization of an area education agency
24 takes effect less than two years before the taking of the next
25 federal decennial census, a newly formed area education agency
26 shall, within one year of the effective date of the
27 reorganization, redraw the boundary lines of director
28 districts in the area education agency if a petition filed by
29 a school district to join the newly formed area education
30 agency, or for release from the newly formed area education
31 agency, in accordance with section 273.22, subsections 4
32 through, 6, and 7, was approved. Until the boundaries are
33 redrawn, the boundaries for the newly formed area education
34 agency shall be as provided in the reorganization plan
35 approved by the state board in accordance with section 273.21.

1 Sec. 14. Section 273.27, subsection 2, Code 2003, is
2 amended to read as follows:

3 2. Within thirty days of the hearing, the affected board
4 shall call a director district convention in accordance with
5 section 273.8, subsection 2A, which shall include the boards
6 of directors in the area served by the area education agencies
7 to which an area of the affected area education agency will be
8 attached under the dissolution proposal, for the purpose of
9 voting on the dissolution proposal.

10 Sec. 15. Section 279.3, unnumbered paragraph 2, Code 2003,
11 is amended to read as follows:

12 These officers shall be appointed from outside the
13 membership of the board ~~for-terms-of-one-year-beginning-with~~
14 ~~the-date-of-appointment~~, and the appointment and qualification
15 shall be entered of record in the minutes of the secretary.
16 They shall qualify within ten days following appointment by
17 taking the oath of office in the manner required by section
18 277.28 and filing a bond as required by section 291.2 and
19 shall hold office until their successors are appointed and
20 qualified.

21 Sec. 16. Section 279.10, subsection 1, Code 2003, is
22 amended to read as follows:

23 1. The school year shall begin annually on the first-day
24 of July and each regularly-established elementary and
25 secondary school shall begin no sooner than a day during the
26 calendar week in which the first day of September falls but no
27 later than the first Monday in December. -- However, if the
28 first day of September falls on a Sunday, school may begin on
29 a day during the calendar week which immediately precedes the
30 first day of September. -- School 1 and end on June 30 of the
31 following year. The school calendar shall continue for
32 consist of at least one hundred eighty days, except as
33 provided in subsection 3, and may be maintained during the
34 entire calendar school year. The board of directors of a
35 school district shall, at a regular meeting of the board,

1 approve the school calendar for the next succeeding school
2 year. However, if the board of directors of a district
3 extends the school calendar because inclement weather caused
4 the district to temporarily close school during the regular
5 school calendar, the district may excuse a graduating senior
6 who has met district or school requirements for graduation
7 from attendance during the extended school calendar. A school
8 corporation may begin employment of personnel for in-service
9 training and development purposes before the date to begin
10 elementary and secondary school.

11 Sec. 17. Section 279.10, subsection 4, Code 2003, is
12 amended by striking the subsection.

13 Sec. 18. Section 279.11, Code 2003, is amended to read as
14 follows:

15 279.11 NUMBER OF SCHOOLS -- ATTENDANCE -- TERMS.

16 1. The board of directors shall determine the number of
17 schools to be taught, divide the corporation into such wards
18 or other divisions for school purposes as may be proper,
19 determine the particular school which each child shall attend,
20 and designate the period each school shall be held beyond the
21 time required by law.

22 2. In order to create a positive learning environment for
23 all students, the board of directors may consider the racial
24 and socioeconomic makeup of all of the schools in the district
25 when the district makes changes in the district's boundaries
26 as attendance centers are added or removed.

27 Sec. 19. Section 279.46, Code 2003, is amended to read as
28 follows:

29 279.46 RETIREMENT INCENTIVES -- TAX.

30 The board of directors of a school district may adopt a
31 program for payment of a monetary bonus, continuation of
32 health or medical insurance coverage, or other incentives for
33 encouraging its employees to retire before the normal
34 retirement date as defined in chapter 97B. The program is
35 available only to employees who notify the board of directors

1 prior to April 1 of the fiscal year that they intend to retire
2 not later than the start of the next following ~~June-30~~ school
3 calendar. The age at which employees shall be designated
4 eligible for the program shall be at the discretion of the
5 board. An employee retiring under this section may apply for
6 a retirement allowance under chapter 97B or chapter 294. The
7 board may include in the district management levy an amount to
8 pay the total estimated accumulated cost to the school
9 district of the health or medical insurance coverage, bonus,
10 or other incentives for employees within the age range of
11 fifty-five to sixty-five years of age who retire under this
12 section.

13 Sec. 20. Section 284.2, subsections 1 and 3, Code 2003,
14 are amended to read as follows:

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

24 3. "Comprehensive evaluation" means a summative evaluation
25 of a beginning teacher conducted by an evaluator for purposes
26 of determining a beginning teacher's level of competency,
27 ~~relative-to-the-Iowa-teaching-standards-and~~ for recommendation
28 for licensure based upon ~~models-developed-pursuant-to-section~~
29 ~~256-97-subsection-50~~ the Iowa teaching standards, and to
30 determine whether the teacher's practice meets the school
31 district expectations for a career teacher.

32 Sec. 21. Section 284.3, subsection 2, paragraphs a and b,
33 Code 2003, are amended to read as follows:

34 a. ~~By July 17, 2002, for~~ For purposes of comprehensive
35 evaluations for beginning teachers required to allow beginning

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

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

1 Sec. 22. Section 284.3, subsection 3, Code 2003, is
2 amended to read as follows:

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

6 Sec. 23. Section 284.4, subsection 1, paragraphs c and d,
7 Code 2003, are amended to read as follows:

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

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

28 Sec. 24. Section 284.5, subsection 6, Code 2003, is
29 amended to read as follows:

30 6. Upon completion of the program, the beginning teacher
31 shall be comprehensively evaluated to determine if the teacher
32 meets expectations to move to the career level. The school
33 district or area education agency that employs the beginning
34 teacher shall recommend for ~~an educational~~ a standard license
35 a beginning teacher who is determined through a comprehensive

1 evaluation to demonstrate competence in the Iowa teaching
2 standards. A school district or area education agency may
3 offer a beginning teacher a third year of participation in the
4 program if, after conducting a comprehensive evaluation, the
5 school district determines that the teacher is likely to
6 successfully complete the mentoring and induction program by
7 the end of the third year of eligibility. A teacher granted a
8 third year of eligibility shall develop a teacher's mentoring
9 and induction program plan in accordance with this chapter and
10 shall undergo a comprehensive evaluation at the end of the
11 third year. The board of educational examiners shall grant a
12 one-year extension of the beginning teacher's ~~provisional~~
13 initial license upon notification by the school district that
14 the teacher will participate in a third year of the school
15 district's program.

16 Sec. 25. Section 284.6, subsection 5, Code 2003, is
17 amended to read as follows:

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

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

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

35 Sec. 27. Section 284.7, subsection 2, paragraph a,

1 subparagraph (1), Code 2003, is amended to read as follows:

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

10 Sec. 28. Section 284.7, subsection 4, Code 2003, is
11 amended to read as follows:

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

22 Sec. 29. Section 284.7, subsection 6, paragraph a, Code
23 2003, is amended to read as follows:

24 a. ~~For-the-school-year-beginning-July-1,--2002,--and-ending~~
25 ~~June-30,--2003,--if~~ If the licensed employees of a school
26 district or area education agency receiving funds pursuant to
27 section 284.13, subsection 1, paragraph "g" or "h", for
28 purposes of this section, are organized under chapter 20 for
29 collective bargaining purposes, the board of directors and the
30 certified bargaining representative for the licensed employees
31 shall mutually agree upon a formula for distributing the funds
32 among the teachers employed by the school district or area
33 education agency. However, the school district must comply
34 with the salary minimums provided for in this section. The
35 parties shall follow the negotiation and bargaining procedures

1 specified in chapter 20 except that if the parties reach an
2 impasse, neither impasse procedures agreed to by the parties
3 nor sections 20.20 through 20.22 shall apply and the funds
4 shall be paid as provided in paragraph "b". Negotiations
5 under this section are subject to the scope of negotiations
6 specified in section 20.9. If a board of directors and the
7 certified bargaining representative for licensed employees
8 have not reached mutual agreement ~~by July 15, 2002~~, for the
9 distribution of funds received pursuant to section 284.13,
10 subsection 1, paragraph "g" or "h", by July 15 of the fiscal
11 year for which the funds are distributed, paragraph "b" of
12 this subsection shall apply.

13 Sec. 30. Section 284.8, subsection 2, Code 2003, is
14 amended to read as follows:

15 2. If a supervisor or an evaluator determines, at any
16 time, as a result of a teacher's performance that the teacher
17 is not meeting district expectations under the Iowa teaching
18 standards specified in section 284.3, subsection 1, paragraphs
19 "a" through "g", the ~~model~~ criteria for the Iowa teaching
20 standards developed by the department in accordance with
21 section 256.9, subsection 50, ~~or~~ and any other standards or
22 criteria established in the collective bargaining agreement,
23 the evaluator shall, at the direction of the teacher's
24 supervisor, recommend to the district that the teacher
25 participate in an intensive assistance program. The intensive
26 assistance program and its implementation are not subject to
27 negotiation or grievance procedures established pursuant to
28 chapter 20. By July 1, ~~2004~~ 2005, all school districts must
29 be prepared to offer an intensive assistance program.

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

32 3. To assure fairness and consistency in the evaluation
33 process, the review panels may perform random audits of the
34 comprehensive evaluations and performance reviews conducted by
35 evaluators throughout the state, and may randomly review

1 ~~performance-based-evaluation-models~~ how the evaluators are
2 evaluating teachers based upon the Iowa teaching standards
3 ~~developed-by-school-districts-in-accordance-with-section~~
4 ~~284.37-subsection-2.~~ The review of the evaluation models
5 ~~shall ensure that the model is at least equivalent to the~~
6 ~~state models developed pursuant to section 256.97-subsection~~
7 ~~50.~~

8 Sec. 32. Section 284.10, subsections 4 and 5, Code 2003,
9 are amended to read as follows:

10 4. ~~By July 17, 2003, a~~ A higher education institution
11 approved by the state board to provide an administrator
12 preparation program shall incorporate the evaluator training
13 program into the program offered by the institution.

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

17 Sec. 33. Section 284.13, subsection 1, paragraph a, Code
18 2003, is amended by striking the paragraph.

19 Sec. 34. Section 285.10, subsection 7, paragraph b, Code
20 2003, is amended to read as follows:

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

35 Sec. 35. Section 299.4, Code 2003, is amended to read as

1 follows:

2 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

3 The parent, guardian, or legal custodian of a child who is
4 of compulsory attendance age, who places the child under
5 competent private instruction under either section 299A.2 or
6 299A.3, not in an accredited school or a home school
7 assistance program operated by a public or accredited
8 nonpublic school, shall furnish to the public school district,
9 by September 15 annually, a report in duplicate on forms
10 provided by the public school district, ~~to the district by the~~
11 ~~earliest starting date specified in section 279.107 subsection~~
12 ~~1.~~ The secretary shall retain and file one copy and forward
13 the other copy to the district's area education agency. The
14 report shall state the name and age of the child, the period
15 of time during which the child has been or will be under
16 competent private instruction for the year, an outline of the
17 course of study, texts used, and the name and address of the
18 instructor. The parent, guardian, or legal custodian of a
19 child, who is placing the child under competent private
20 instruction for the first time, shall also provide the
21 district with evidence that the child has had the
22 immunizations required under section 139A.8. The term
23 "outline of course of study" shall include subjects covered,
24 lesson plans, and time spent on the areas of study.

25 Sec. 36. Section 321J.22, subsection 2, paragraph d, Code
26 2003, is amended to read as follows:

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

35 Sec. 37. MINIMUM TEACHER SALARY REQUIREMENTS -- FY 2003-

1 2004.

2 1. Notwithstanding section 284.7, subsection 1, paragraph
3 "a", subparagraph (2), the minimum teacher salary paid by a
4 school district or area education agency for purposes of
5 teacher compensation in accordance with chapter 284, for the
6 fiscal year beginning July 1, 2003, and ending June 30, 2004,
7 shall be the minimum salary amount the school district or area
8 education agency paid to a first-year beginning teacher or,
9 the minimum salary amount the school district or area
10 education agency would have paid a first-year beginning
11 teacher if the school district or area education agency had
12 participated in the program in the 2001-2002 school year, in
13 accordance with section 284.7, subsection 1, Code Supplement
14 2001. If the school district or area education agency did not
15 employ a first-year beginning teacher in the 2001-2002 school
16 year, the minimum salary is the amount that the district would
17 have paid a first-year beginning teacher under chapter 284 in
18 the 2001-2002 school year.

19 2. Notwithstanding section 284.7, subsection 1, paragraph
20 "b", subparagraph (2), the minimum career teacher salary paid
21 to a career teacher who was a beginning teacher in the 2001-
22 2002 school year, by a school district or area education
23 agency participating in the student achievement and teacher
24 quality program, for the school year beginning July 1, 2003,
25 and ending June 30, 2004, shall be, unless the school district
26 has a minimum career teacher salary that exceeds thirty
27 thousand dollars, one thousand dollars greater than the
28 minimum salary amount the school district or area education
29 agency paid to a first-year beginning teacher if the school
30 district or area education agency participated in the program
31 during the 2001-2002 school year, or the minimum salary amount
32 the school district or area education agency would have paid a
33 first-year beginning teacher if the school district or area
34 education agency had participated in the program in the 2001-
35 2002 school year, in accordance with section 284.7, subsection

1 1, Code Supplement 2001.

2 3. Notwithstanding section 284.7, subsection 1, paragraph
3 "b", subparagraph (2), and except as provided in subsection 2,
4 the minimum career teacher salary paid by a school district or
5 area education agency participating in the student achievement
6 and teacher quality program, for purposes of teacher
7 compensation in accordance with chapter 284, for the school
8 year beginning July 1, 2003, and ending June 30, 2004, shall
9 be the minimum salary amount the school district or area
10 education agency paid to a career teacher if the school
11 district or area education agency participated in the program
12 during the 2001-2002 school year, or, the minimum salary
13 amount the school district or area education agency would have
14 paid a career teacher if the school district or area education
15 agency had participated in the program in the 2001-2002 school
16 year, in accordance with section 284.7, subsection 1, Code
17 Supplement 2001.

18 Sec. 38. Sections 257.17 and 284.11, Code 2003, are
19 repealed.

20

EXPLANATION

21 This bill relates to the duties and operations of the
22 department of education, school districts, and area education
23 agencies as follows:

24 DEPARTMENT SYSTEMS. The bill directs the department of
25 education to create a comprehensive management information
26 system and permits the director of the department to establish
27 a uniform coding and reporting system including a statewide
28 uniform student identification system.

29 SCHOOL BOARD STAFF. The bill abolishes the one-year term
30 of appointment for school board secretaries and treasurers.

31 ELECTION OF AEA DIRECTORS. The bill requires that AEA
32 directors be elected by a vote of the members of the boards of
33 directors of the school districts located within the director
34 districts. Currently, local board directors elect AEA
35 directors at director district conventions. Under the bill, a

1 convention need only be called if no candidate files, if a
2 vacancy occurs, or when a board is elected for a newly
3 reorganized AEA. Under the bill, notice regarding a
4 convention must be published 30 days prior to the convention.
5 The current Code requires a 45-day notice.

6 AEA REORGANIZATION NOTIFICATION. The bill directs an AEA
7 that must notify school districts and other AEAs of state
8 board approval of its reorganization plan or proposal to do so
9 by certified mail and to submit a copy of the notice to the
10 department of education. The bill requires an initial AEA
11 board to call a director district convention for the purpose
12 of electing a new board by January 15. Boards contemplating
13 reorganization must, under the bill, transmit their plans to
14 the state board by July 15, rather than by the current Code
15 deadline of November 1. The bill also advances the date for
16 state board approval or return of the plan to September 30,
17 rather than February 1, and moves the deadline for
18 resubmission of a contingently approved plan to October 30.
19 The bill also establishes a 45-day deadline for school
20 districts to petition to join an AEA when the district is
21 affected by a reorganization. The district's board and the
22 appropriate AEA board must act within 45 days of the filing of
23 the school district's petition. The bill changes the
24 placement of a provision in Code section 273.22.

25 SCHOOL START DATE. The bill eliminates language specifying
26 the earliest date a school can begin its calendar and provides
27 that the school year shall begin annually on July 1 and end on
28 June 30 of the following year. The bill also states that the
29 school calendar consists of 180 days unless the school
30 district requests approval from the department of education
31 for a pilot program for an innovative school year. The bill
32 strikes a related provision that permits the director of the
33 department to waive the requirement for the school start date
34 upon the request of a school. The bill also provides that a
35 report filed for a child placed under competent private

1 instruction, which current Code states must be filed by the
2 earliest school start date, must be filed by September 15
3 annually. The bill repeals a provision that reduces state aid
4 payments to a school if the school commences classes prior to
5 the earliest starting date.

6 ATTENDANCE CENTER BOUNDARIES. The bill permits school
7 districts to consider the racial and socioeconomic makeup of
8 the district when making attendance center boundary changes.

9 SCHOOL BOARD RETIREMENT INCENTIVES. The bill extends the
10 date by which a school employee must retire in order for the
11 district to include the cost of the retirement incentive
12 program in the district management levy. Currently, employees
13 must retire by June 30 of the next following school year. The
14 bill extends the deadline to the start of the next following
15 school calendar.

16 SCHOOL BUSES. The bill strikes language that requires
17 separate bids for school bus bodies and chassis.

18 ADMINISTRATIVE FEES FOR OWI OFFENDERS. The bill permits
19 the department of education to establish reasonable fees to
20 defray the expense of forwarding to the courts enrollment,
21 attendance, and successful and nonsuccessful course completion
22 data for out-of-state persons ordered to enroll, attend, and
23 successfully complete a course for drinking drivers.

24 "MODEL" STANDARDS AND CRITERIA. The bill removes
25 references to "model" core knowledge and skill criteria that
26 Senate File 476, enacted in 2001, required the director of the
27 department of education to develop and the state board of
28 education to adopt. Schools participating in the program must
29 use the criteria developed by the director in developing a
30 beginning teacher mentoring and induction plan, determining
31 teacher evaluation plans, and, by July 1, 2005, for purposes
32 of conducting performance reviews for teachers other than
33 beginning teachers. A district may develop standards and
34 criteria in addition to the statewide standards and criteria.

35 MENTORING AND INDUCTION. The bill strikes language

1 requiring that a teacher from an accredited nonpublic school
2 or from out of state document three years of successful
3 teaching within the past five years, though they still must
4 document three years of successful teaching experience.

5 LICENSURE DESIGNATIONS. To match licensure designations
6 used by other states and used under the federal No Child Left
7 Behind Act of 2001, the board of educational examiners changed
8 the name of the license it issues to individuals seeking
9 licensure as a beginning teacher from "provisional" to
10 "initial", and the license issued to teachers beyond their
11 probationary periods from "educational" to "standard".

12 CONTRACT DAYS. The bill delays until a school district's
13 fifth year of participation in the student achievement and
14 teacher quality program the requirements that the district add
15 two additional contract days to the school year for additional
16 teacher career development.

17 DISTRICT TEACHER CAREER DEVELOPMENT PLANS. The bill
18 provides that a district must adopt a district-wide teacher
19 career development plan and, for each individual teacher, a
20 teacher career development plan.

21 PROFESSIONAL DEVELOPMENT NETWORK. The bill directs the
22 department to coordinate not only a statewide network of
23 career development for Iowa teachers, as currently provided by
24 the Code, but a statewide network of career and professional
25 development.

26 TEACHER CAREER DEVELOPMENT PLAN. A teacher must meet
27 annually with an evaluator to review the teacher's progress in
28 meeting career development goals in the plan, review
29 collaborative work with other staff, and modify as necessary
30 the teacher's individual plan to reflect the individual
31 teacher's and the school district's needs. Under the present
32 Code, the teacher's supervisor reviews, modifies, or accepts
33 modifications made to the teacher's individual plan. The bill
34 provides that the evaluator, in consultation with the
35 supervisor, will review, modify, or accept the modifications

1 to the plan.

2 INTENSIVE ASSISTANCE. The bill extends for one year, until
3 July 1, 2005, the date by which all school districts must be
4 prepared to offer an intensive assistance program for teachers
5 who do not meet district expectations and state teaching
6 standards and criteria.

7 MINIMUM TEACHER SALARIES 2003-2004. The bill makes an
8 exception to current law regarding minimum teacher salaries to
9 provide that the minimum salary amount a school district or
10 AEA must pay to a first-year beginning teacher is the amount
11 the district or AEA paid, or would have paid, a first-year
12 beginning teacher in the 2001-2002 school year. The minimum
13 career teacher salary paid to a career teacher who was a
14 beginning teacher in the 2001-2002 school year must be \$1,000
15 greater than the minimum amount paid to a first-year beginning
16 teacher in the 2001-2002 school year, unless the minimum
17 career salary paid by the district or AEA exceeds \$30,000.
18 The minimum career teacher salary paid for the 2003-2004
19 school year must be the minimum career salary paid to a career
20 teacher in FY 2001-2002.

21 PILOT PROGRAM REPEAL. The bill strikes references to the
22 team-based variable pay pilot program, which was conducted by
23 the department of education over the 2001-2002 school year.
24 The department issued a report on the pilot program in
25 December 2002.

26 The bill also updates various provisions of the Code
27 chapter.

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HOUSE FILE 549

H-1054

1 Amend House File 549 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 256.7, subsection 24, Code
5 2003, is amended to read as follows:

6 24. Adopt rules on or before January 1, 2001, to
7 require school districts and accredited nonpublic
8 schools to adopt local policies relating to health
9 services, media services programs, and guidance
10 programs, as part of the general accreditation
11 standards applicable to school districts pursuant to
12 section 256.11. This subsection shall be applicable
13 strictly for reporting purposes and shall not be
14 interpreted to require school districts and accredited
15 nonpublic schools to provide or offer health services,
16 ~~media services programs, or guidance programs.~~"

17 2. Page 1, by inserting after line 31, the
18 following:

19 "Sec. ____ . Section 256.11, Code 2003, is amended
20 by adding the following new subsection:

21 NEW SUBSECTION. 9. Unless a waiver has been
22 obtained under section 256.11A, each accredited
23 nonpublic school or school district shall have the
24 following:

25 a. A media center in each attendance center
26 accessible to students throughout the school day and a
27 qualified school media services specialist who meets
28 the licensing standards prescribed by the board of
29 educational examiners and who is responsible for media
30 center supervision.

31 b. An articulated sequential elementary-secondary
32 guidance program for grades kindergarten through
33 twelve and a guidance counselor who meets the
34 licensing standards prescribed by the board of
35 educational examiners.

36 In determining the requirements of this subsection
37 for an accredited nonpublic school, the department
38 shall evaluate the accredited nonpublic school on an
39 accredited nonpublic school system basis rather than
40 on an individual accredited nonpublic school basis.

41 Sec. ____ . Section 256.11A, subsection 1, Code
42 2003, is amended to read as follows:

43 1. ~~Schools Accredited nonpublic schools and school~~
44 ~~districts unable to meet the standard adopted by the~~
45 ~~state board requiring each school or school district~~
46 ~~operating a kindergarten through grade twelve program~~
47 ~~to provide an articulated sequential elementary-~~
48 ~~secondary guidance program~~ may, not later than August
49 1, ~~1995~~ 2003, for the school year beginning July 1,
50 ~~1995~~ 2003, file a written request to the department of

H-1054

1 education that the department waive one or more of the
2 requirement for requirements established in section
3 256.11, subsection 9, that an accredited nonpublic
4 school or school district have a media center and a
5 qualified school media services specialist and that an
6 accredited nonpublic school or school district
7 operating a kindergarten through grade twelve program
8 provide an articulated sequential elementary-secondary
9 guidance program. The procedures specified in
10 subsection 3 apply to the request. Not later than
11 August 1, ~~1996~~ 2004, for the school year beginning
12 July 1, ~~1996~~ 2004, the board of directors of a school
13 district or the authorities in charge of a nonpublic
14 school may request a one-year extension of the waiver.

15 Sec. ____ . Section 256.11A, subsection 2, Code
16 2003, is amended by striking the subsection."

17 3. Page 20, by inserting after 19, the following:

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

30 4. By renumbering as necessary.

By WINCKLER of Scott

H-1054 FILED MARCH 17, 2003

Lost 3/19/03

HOUSE FILE 549

H-1066

1 Amend House File 549 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 232.2, subsection 12, Code
5 2003, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. d. The violation of section 299.6
8 by a child twelve years of age or older.

9 Sec. _____. Section 232.22, subsection 8, Code 2003,
10 is amended to read as follows:

11 8. Notwithstanding any other provision of the Code
12 to the contrary, a child shall not be placed in
13 detention for a violation of section 123.47 or 299.6,
14 or for failure to comply with a dispositional order
15 which provides for performance of community service
16 for a violation of section 123.47 or 299.6."

17 2. Page 18, by inserting after line 24 the
18 following:

19 "Sec. _____. Section 299.5A, unnumbered paragraph 4,
20 Code 2003, is amended to read as follows:

21 The school district shall be responsible for
22 monitoring any agreements arrived at through
23 mediation. If a parent, guardian, ~~or~~ legal or actual
24 custodian, or the child if the child is twelve years
25 of age or older, refuses to engage in mediation or
26 violates a term of the agreement, the matter shall be
27 rereferred to the county attorney for prosecution
28 under section 299.6. The county attorney's office or
29 the mediation service shall require the parent,
30 guardian, or legal or actual custodian and the school
31 to pay a fee to help defray the administrative cost of
32 mediation services. The county attorney's office or
33 the mediation service shall establish a sliding scale
34 of fees to be charged parents, guardians, and legal or
35 actual custodians based upon ability to pay. A
36 parent, guardian, or legal or actual custodian shall
37 not be denied the services of a mediator solely
38 because of inability to pay the fee.

39 Sec. _____. Section 299.6, unnumbered paragraph 1,
40 Code 2003, is amended to read as follows:

41 Any person who violates a mediation agreement under
42 section 299.5A, who is referred for prosecution under
43 section 299.5A and is convicted of a violation of any
44 of the provisions of sections 299.1 through 299.5, who
45 violates any of the provisions of sections 299.1
46 through 299.5, or who refuses to participate in
47 mediation under section 299.5A, for a first offense,
48 is guilty of a simple misdemeanor. If a child twelve
49 years of age or older violates a mediation agreement
50 under section 299.5A, or refuses to participate in

H-1066

H-1066

Page 2

1 mediation under section 299.5A, the child commits a
2 delinquent act."

3 3. Title page, line 2, by inserting after the
4 word "boards" the following: "and the responsibility
5 of certain children to attend school".

By MASCHER of Johnson

H-1066 FILED MARCH 17, 2003

Withdrawn 3/19/03

HOUSE FILE 549

H-1067

1 Amend House File 549 as follows:

2 1. Page 11, lines 27 and 28, by striking the
3 words "for recommendation for licensure" and inserting
4 the following: "~~for recommendation for licensure~~".

5 2. Page 13, line 28, by striking the words and
6 figures "subsection 6, Code 2003, is" and inserting
7 the following: "subsections 6 and 8, Code 2003, are".

8 3. Page 14, by inserting after line 15 the
9 following:

10 "8. If the general assembly appropriates moneys
11 for purposes of this section, a school district or
12 area education agency is eligible to receive state
13 assistance for up to two years under this section for
14 each teacher the school district or area education
15 agency employs who was formerly employed in an
16 accredited nonpublic school or in another state as a
17 first-year teacher. The school district or area
18 education agency employing the teacher shall determine
19 the conditions and requirements of a teacher
20 participating in a program in accordance with this
21 subsection. ~~The school district or area education~~
22 ~~agency that employs the teacher shall recommend the~~
23 ~~teacher for an educational license if the teacher,~~
24 ~~through a comprehensive evaluation, is determined to~~
25 ~~demonstrate competence in the Iowa teaching~~
26 ~~standards."~~

By MASCHER of Johnson

H-1067 FILED MARCH 17, 2003

Lost 3/19/03

HOUSE FILE 549

H-1074

- 1 Amend House File 549 as follows:
2 1. Page 6, line 8, by inserting after the word
3 "reorganization" the following: "including any
4 school district whose petition to join the newly
5 reorganized area education agency has been approved,".
6 2. Page 6, line 11, by inserting before the word
7 "filing" the following: "deadline, as set forth in
8 this subsection, for the".
9 3. Page 6, line 26, by inserting after the word
10 "reorganization" the following: "excluding any
11 school district whose petition to join an area
12 education agency contiguous to the newly reorganized
13 area education agency has been approved,".
14 4. Page 6, line 30, by inserting before the word
15 "filing" the following: "deadline, as set forth in
16 this subsection, for the".

By CHAMBERS of O'Brien

H-1074 FILED MARCH 18, 2003

Adopted 3/19/03

HOUSE FILE 549

H-1077

- 1 Amend House File 549 as follows:
2 1. Page 11, by inserting after line 12, the
3 following:
4 "Sec. ____ . Section 280.14, Code 2003, is amended
5 to read as follows:
6 280.14 SCHOOL REQUIREMENTS -- ADMINISTRATION.
7 1. The board or governing authority of each school
8 or school district subject to the provisions of this
9 chapter shall establish and maintain adequate
10 administration, school staffing, personnel assignment
11 policies, teacher qualifications, certification
12 requirements, facilities, equipment, grounds,
13 graduation requirements, instructional requirements,
14 instructional materials, maintenance procedures and
15 policies on extracurricular activities. In addition
16 the board or governing authority of each school or
17 school district shall provide such principals as it
18 finds necessary to provide effective supervision and
19 administration for each school and its faculty and
20 student body.
21 2. An individual who is employed or contracted as
22 a superintendent by a school or school district may
23 also serve as an elementary or secondary principal in
24 the same school or school district."
25 2. By renumbering as necessary.

By TJEPKES of Webster
WISE of Lee
CHAMBERS of O'Brien

H-1077 FILED MARCH 18, 2003

Adopted 3/19/03

HOUSE FILE 549

H-1082

- 1 Amend House File 549 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. ____ . Section 256.7, Code 2003, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 26. Adopt rules, not later than
7 July 1, 2004, establishing guidelines and a review
8 process for school districts that adopt voluntary
9 desegregation plans. The guidelines shall include, at
10 a minimum, criteria and standards that a school
11 district shall follow when developing a plan for
12 purposes that include, but are not limited to,
13 establishing attendance center boundaries or
14 implementing the provisions of section 282.18,
15 subsection 3. The department shall provide technical
16 assistance to a school district that is seeking to
17 adopt a voluntary desegregation plan. A school
18 district implementing a voluntary desegregation plan
19 prior to July 1, 2004, shall have until July 1, 2006,
20 to comply with guidelines."
21 2. By renumbering as necessary.

By GIPP of Winneshiek

H-1082 FILED MARCH 18, 2003

Withdrawn

HOUSE FILE 549

H-1088

- 1 Amend House File 549 as follows:
2 1. By striking page 9, line 21, through page 10,
3 line 12.
4 2. By striking page 17, line 35 through page 18,
5 line 24.
6 3. Page 20, by striking line 18 and inserting the
7 following:
8 "Sec. ____ . Section 284.11, Code 2003, is".
9 4. By renumbering as necessary.

By RAECKER of Polk

H-1088 FILED MARCH 18, 2003

Lost 3/19/03

HOUSE FILE 549

H-1096

- 1 Amend the amendment, H-1082, to House File 549 as
2 follows:
3 1. Page 1, line 20, by inserting after the word
4 "guidelines." the following: "The adoption of rules
5 and the establishment of guidelines and a review
6 process pursuant to this subsection are subject to an
7 appropriation by the general assembly for that
8 purpose."

By WISE of Lee

H-1096 FILED MARCH 19, 2003

OUT OF ORDER

HOUSE FILE 549

H-1100

1 Amend the amendment, H-1074, to House File 549, as
2 follows:

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

5 "____. Page 1, by inserting after line 31 the
6 following:

7 "Sec. ____ . Section 272.25, subsection 4, Code
8 2003, is amended to read as follows:

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

27 2. By renumbering as necessary.

By CARROLL of Poweshiek
MASCHER of Johnson

H-1100 FILED MARCH 19, 2003

ADOPTED

HOUSE FILE 549

H-1101

1 Amend the amendment, H-1074, to House File 549, as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "____. By striking page 2, line 11, through page
6 4, line 16."
7 2. Page 1, by inserting after line 16 the
8 following:
9 "____. Page 7, line 1, by striking the figures "2,
10 3," and inserting the following: "3".
11 _____. Page 7, by striking lines 3 through 17.
12 _____. Page 7, line 22, by striking the figures "2
13 2A" and inserting the following: "2".
14 _____. Page 7, line 23, by inserting after the word
15 "agency." the following: "However, notwithstanding
16 the provisions of section 273.8, subsection 2, the
17 notice of the time, date, and place of the director
18 district convention shall be published at least thirty
19 days prior to the day of the district convention in at
20 least one newspaper of general circulation in the
21 director district."
22 _____. Page 9, by striking lines 1 through 9."
23 3. By renumbering as necessary.

By JACOBS of Polk

H-1101 FILED MARCH 19, 2003
WITHDRAWN

HOUSE FILE 549

H-1107

1 Amend the amendment, H-1067, to House File 549, as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "____. Page 10, by inserting after line 26 the
6 following:
7 "Sec. _____. Section 279.19, unnumbered paragraph 2,
8 Code 2003, is amended to read as follows:
9 In the case of the termination of a probationary
10 teacher's contract, the provisions of sections 279.15
11 and 279.16 shall apply. ~~However, if the probationary~~
12 ~~teacher is a beginning teacher who fails to~~
13 ~~demonstrate competence in the Iowa teaching standards~~
14 ~~in accordance with chapter 284, the provisions of~~
15 ~~sections 279.17 and 279.18 shall also apply.~~
16 Sec. _____. Section 279.19, unnumbered paragraph 4,
17 Code 2003, is amended by striking the unnumbered
18 paragraph.""
19 2. By renumbering as necessary.

By MASCHER of Johnson

H-1107 FILED MARCH 19, 2003
WITHDRAWN 3/19/03

Description

House File 549 provides a number of statutory changes to the duties and operations of the Department of Education and local school boards. It includes:

- Changes to the Student Achievement and Teacher Quality Program to reflect the current level of implementation of the Program. It maintains the minimum teacher salary under the Program for FY 2004 at the same level as FY 2003.
- A provision directing the Department to develop and implement a comprehensive management information system to provide for the electronic transfer of student records between schools, districts, post-secondary institutions, and the Department.
- An extension in the annual deadline for school district employees to notify the local board of their intent to avail themselves of an early retirement option.
- Elimination of the requirement that school districts purchasing school buses seek separate bids on the body and the chassis.
- A provision allowing the Division of Community Colleges and Workforce Development to charge higher fees for programs for out-of-state OWI offenders.

Assumptions

1. Maintaining FY 2003 minimum salary levels for beginning teachers, first-year career teachers, and second-year career teachers will cost local school districts \$4.7 million.
 2. Funding of \$230,000, set aside out of the standing General Fund appropriation of \$80.9 million for the Educational Excellence Program in Section 294A.25(g), Code of Iowa, will be sufficient for the Department to manage the costs of developing and implementing the statewide student record management information system.
 3. The deadline extension for early retirement may lead to additional employees electing and/or qualifying for retirement. The number of individuals is unknown, but the impact on local property taxes will be minimal.
 4. There may be some cost savings to local school districts as a result of eliminating the requirement for separate bids for a school bus body and chassis. The actual amount of savings statewide cannot be estimated but is expected to be minimal.
 5. The increase in fees to cover the cost associated with approving appropriate programs for out-of-state OWI offenders will generate \$17,000 in annual revenue for the Division of Community Colleges and Workforce Development, which will be used to defray the cost of programming.
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Fiscal Impact

The statewide fiscal impact of House File 549 on local school districts is \$4.7 million. The Department of Education has requested an FY 2004 appropriation of \$44.7 million for the Student Achievement and Teacher Quality Program, an increase of \$4.7 million compared to the total FY 2003 appropriation. The total FY 2003 appropriation for the Program was \$40.0 million, including \$16.1 million from the General Fund and \$23.9 million in non-General Fund appropriations.

Source

Department of Education

/s/ Dennis C Prouty

March 19, 2003

HOUSE FILE 549

H-1106

1 Amend the amendment, H-1066, to House File 549 as
2 follows:

3 1. Page 1, line 4, by striking the figure "12"
4 and inserting the following: "6".

5 2. Page 1, by striking lines 7 and 8 and
6 inserting the following:

7 "NEW PARAGRAPH. r. Who is twelve years of age or
8 older and violates a mediation agreement or refuses to
9 participate in mediation pursuant to section 299.5A."

10 3. Page 1, by striking lines 9 through 16.

11 4. Page 1, by striking lines 19 through 38.

12 5. Page 2, by striking lines 1 and 2, and
13 inserting the following: "mediation under section
14 299.5A, probable cause exists to believe that the
15 child is a child in need of assistance pursuant to
16 section 232.2, subsection 6, paragraph "r".

17 Sec. _____. Section 299.8, Code 2003, is amended to
18 read as follows:

19 299.8 "TRUANT" DEFINED.

20 Any child of compulsory attendance age who fails to
21 attend school as provided in this chapter, or as
22 required by the school board's or school governing
23 body's attendance policy, or who fails to attend
24 competent private instruction under chapter 299A,
25 without reasonable excuse for the absence, shall be
26 deemed to be a truant. ~~A finding that a child is~~
27 ~~truant, however, shall not by itself mean that the~~
28 ~~child is a child in need of assistance within the~~
29 ~~meaning of chapter 232 and shall not be the sole basis~~
30 ~~for a child in need of assistance petition."~~

31 6. By renumbering as necessary.

By MASCHER of Johnson

H-1106 FILED MARCH 19, 2003

LOST

HOUSE FILE 549
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 223)

(As Amended and Passed by the House March 19, 2003)

Passed House, Date 5/1/03 3/19/03 Passed Senate, Date 4/30/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 5/30/03

A BILL FOR

1 An Act relating to the duties and operations of the department of
2 education and school boards.

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

4

5

House Amendments _____

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HT 547

1 Section 1. Section 256.9, subsection 50, Code 2003, is
2 amended to read as follows:

3 50. Develop core knowledge and skill criteria models,
4 based upon the Iowa teaching standards, for the evaluation,
5 the advancement, and for teacher career development purposes
6 pursuant to chapter 284. The model criteria shall further
7 define the characteristics of quality teaching as established
8 by the Iowa teaching standards. The director, in consultation
9 with the board of educational examiners, shall also develop a
10 transition plan for implementation of the career development
11 standards developed pursuant to section 256.7, subsection 25,
12 with regard to licensure renewal requirements. The plan shall
13 include a requirement that practitioners be allowed credit for
14 career development completed prior to implementation of the
15 career development standards developed pursuant to section
16 256.7, subsection 25.

17 Sec. 2. Section 256.9, Code 2003, is amended by adding the
18 following new subsection:

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

32 Sec. 3. Section 272.25, subsection 4, Code 2003, is
33 amended to read as follows:

34 4. A requirement that prescribes minimum experiences and
35 responsibilities to be accomplished during the student

1 director district. The procedure for conducting the elections
2 shall be as follows:

3 a. Notice of the election shall be published by the area
4 education agency administrator not later than July 15 in at
5 least one newspaper of general circulation in the director
6 district. The cost of publication shall be paid by the area
7 education agency.

8 b. A candidate for election to the area education agency
9 board shall file a statement of candidacy with the area
10 education agency secretary not later than August 15, on forms
11 prescribed by the department of education. The statement of
12 candidacy shall include the candidate's name, address, and
13 school district. The list of candidates shall be sent by the
14 secretary of the area education agency in ballot form by
15 ordinary mail to the presidents of the boards of directors of
16 all school districts within the director district not later
17 than September 1. In order for the ballot to be counted, the
18 ballot must be received in the secretary's office by the end
19 of the normal business day on September 30 or be clearly
20 postmarked by an officially authorized postal service not
21 later than September 29 and received by the secretary not
22 later than noon on the first Monday following September 30.

23 c. The board of each separate school district that is
24 located entirely or partially inside an area education agency
25 director district shall cast a vote for director of the area
26 education agency board based upon the ratio that the
27 population of the school district, or portion of the school
28 district, in the director district bears to the total
29 population in the director district. The population of each
30 school district or portion shall be determined by the
31 department of education. The member of the area education
32 agency board to be elected may be a member of a local school
33 district board of directors and shall be an elector and a
34 resident of the director district, but shall not be a school
35 district employee.

1 d. Vacancies, as defined in section 277.29, in the
2 membership of the area education agency board shall be filled
3 for the unexpired portion of the term at a director district
4 convention called and conducted in the manner provided in
5 subsection 2A.

6 Sec. 6. Section 273.8, Code 2003, is amended by adding the
7 following new subsection:

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

35 Sec. 7. Section 273.21, subsection 2, Code 2003, is

1 6. The Within forty-five days of the state board's
2 approval, the board of directors of a school district that is
3 within a newly reorganized area education agency and whose
4 school district was is contiguous to another area education
5 agency prior-to-the-reorganization not included in the newly
6 reorganized area education agency may petition the board of
7 directors of the newly reorganized area education agency and
8 the contiguous area education agency to join that area
9 education agency. If both-area-education-agency-boards the
10 initial, or new board if established in time under section
11 273.23, subsection 3, and the board of the contiguous area
12 education agency approve the petition, the reorganization,
13 excluding any school district whose petition to join an area
14 education agency contiguous to the newly reorganized area
15 education agency has been approved, shall take effect in
16 accordance with the dates established under section 273.21,
17 subsection 4. Both the initial, or new, and the contiguous
18 area education agency boards must act within forty-five days
19 of the deadline, as set forth in this subsection, for the
20 filing of the school district's petition. A school district
21 may appeal to the state board the decision of an area
22 education agency board to deny the school district's petition.

23 Sec. 12. Section 273.22, subsection 7, Code 2003, is
24 amended by striking the subsection.

25 Sec. 13. Section 273.23, subsections 2, 3, and 5, Code
26 2003, are amended to read as follows:

27 2. Prior to the organization meeting of the board of
28 directors of the newly formed area education agency, the
29 boards of the former area education agencies shall designate
30 directors to be retained as members to serve on the initial
31 board of the newly formed area education agency. A vacancy
32 occurs if an insufficient number of former board members
33 reside within the newly formed area education agency's
34 boundaries or if an insufficient number of former board
35 members are willing to serve on the board of the newly formed

1 area education agency. Vacancies, as defined in section
2 277.29, in the membership of the newly formed area education
3 agency board shall be filled for the unexpired portion of the
4 term at a ~~special~~ director district convention called and
5 conducted in the manner provided in section 273.8 for regular
6 director district conventions.

7 3. ~~Prior to the effective date of the reorganization~~ Not
8 later than January 15 of the calendar year in which the
9 reorganization takes effect, the initial board shall call a
10 director district convention under the provisions of section
11 273.8, subsection 2 2A, for the purpose of electing a board
12 for the reorganized area education agency. The new board
13 shall have control of the employment of all personnel for the
14 newly formed area education agency for the ensuing school
15 year. Following the organization of the new board, the board
16 shall have authority to establish policy, enter into
17 contracts, and complete such planning and take such action as
18 is essential for the efficient management of the newly formed
19 area education agency.

20 5. The initial board, or new board if established in time
21 under section 273.23, subsection 3, of the newly formed agency
22 shall prepare an annual budget estimating income and
23 expenditures for programs and services as provided in sections
24 273.1 through 273.9 and chapter 256B within the limits of
25 funds provided under section 256B.9 and chapter 257. The
26 board shall give notice of a public hearing on the proposed
27 budget by publication in an official county newspaper in each
28 county in the territory of the area education agency in which
29 the principal place of business of a school district that is a
30 part of the area education agency is located. The notice
31 shall specify the date, which shall not be later than March 1,
32 the time, and the location of the public hearing. The
33 proposed budget as approved by the board shall be submitted to
34 the state board, on forms provided by the department, no later
35 than March 15 for approval. The state board shall review the

1 proposed budget of the newly formed area education agency and
2 shall, before April 1, either grant approval or return the
3 budget without approval with comments of the state board
4 included. An unapproved budget shall be resubmitted to the
5 state board for final approval not later than April 15. The
6 state board shall give final approval only to budgets
7 submitted by area education agencies accredited by the state
8 board or that have been given conditional accreditation by the
9 state board.

10 Sec. 14. Section 273.23, subsection 11, Code 2003, is
11 amended to read as follows:

12 11. Unless the reorganization of an area education agency
13 takes effect less than two years before the taking of the next
14 federal decennial census, a newly formed area education agency
15 shall, within one year of the effective date of the
16 reorganization, redraw the boundary lines of director
17 districts in the area education agency if a petition filed by
18 a school district to join the newly formed area education
19 agency, or for release from the newly formed area education
20 agency, in accordance with section 273.22, subsections 4
21 through, 6, and 7, was approved. Until the boundaries are
22 redrawn, the boundaries for the newly formed area education
23 agency shall be as provided in the reorganization plan
24 approved by the state board in accordance with section 273.21.

25 Sec. 15. Section 273.27, subsection 2, Code 2003, is
26 amended to read as follows:

27 2. Within thirty days of the hearing, the affected board
28 shall call a director district convention in accordance with
29 section 273.8, subsection 2A, which shall include the boards
30 of directors in the area served by the area education agencies
31 to which an area of the affected area education agency will be
32 attached under the dissolution proposal, for the purpose of
33 voting on the dissolution proposal.

34 Sec. 16. Section 279.3, unnumbered paragraph 2, Code 2003,
35 is amended to read as follows:

1 These officers shall be appointed from outside the
2 membership of the board ~~for-terms-of-one-year-beginning-with~~
3 ~~the-date-of-appointment,~~ and the appointment and qualification
4 shall be entered of record in the minutes of the secretary.
5 They shall qualify within ten days following appointment by
6 taking the oath of office in the manner required by section
7 277.28 and filing a bond as required by section 291.2 and
8 shall hold office until their successors are appointed and
9 qualified.

10 Sec. 17. Section 279.10, subsection 1, Code 2003, is
11 amended to read as follows:

12 1. The school year shall begin annually on ~~the-first-day~~
13 ~~of July and-each-regularly-established-elementary-and~~
14 ~~secondary-school-shall-begin-no-sooner-than-a-day-during-the~~
15 ~~calendar-week-in-which-the-first-day-of-September-falls-but-no~~
16 ~~later-than-the-first-Monday-in-December.---However,-if-the~~
17 ~~first-day-of-September-falls-on-a-Sunday,-school-may-begin-on~~
18 ~~a-day-during-the-calendar-week-which-immediately-precedes-the~~
19 ~~first-day-of-September.---School~~ 1 and end on June 30 of the
20 following year. The school calendar shall continue-for
21 consist of at least one hundred eighty days, except as
22 provided in subsection 3, and may be maintained during the
23 entire calendar school year. The board of directors of a
24 school district shall, at a regular meeting of the board,
25 approve the school calendar for the next succeeding school
26 year. However, if the board of directors of a district
27 extends the school calendar because inclement weather caused
28 the district to temporarily close school during the regular
29 school calendar, the district may excuse a graduating senior
30 who has met district or school requirements for graduation
31 from attendance during the extended school calendar. A school
32 corporation may begin employment of personnel for in-service
33 training and development purposes before the date to begin
34 elementary and secondary school.

35 Sec. 18. Section 279.10, subsection 4, Code 2003, is

1 amended by striking the subsection.

2 Sec. 19. Section 279.11, Code 2003, is amended to read as
3 follows:

4 279.11 NUMBER OF SCHOOLS -- ATTENDANCE -- TERMS.

5 1. The board of directors shall determine the number of
6 schools to be taught, divide the corporation into such wards
7 or other divisions for school purposes as may be proper,
8 determine the particular school which each child shall attend,
9 and designate the period each school shall be held beyond the
10 time required by law.

11 2. In order to create a positive learning environment for
12 all students, the board of directors may consider the racial
13 and socioeconomic makeup of all of the schools in the district
14 when the district makes changes in the district's boundaries
15 as attendance centers are added or removed.

16 Sec. 20. Section 279.46, Code 2003, is amended to read as
17 follows:

18 279.46 RETIREMENT INCENTIVES -- TAX.

19 The board of directors of a school district may adopt a
20 program for payment of a monetary bonus, continuation of
21 health or medical insurance coverage, or other incentives for
22 encouraging its employees to retire before the normal
23 retirement date as defined in chapter 97B. The program is
24 available only to employees who notify the board of directors
25 prior to April 1 of the fiscal year that they intend to retire
26 not later than the start of the next following June-30 school
27 calendar. The age at which employees shall be designated
28 eligible for the program shall be at the discretion of the
29 board. An employee retiring under this section may apply for
30 a retirement allowance under chapter 97B or chapter 294. The
31 board may include in the district management levy an amount to
32 pay the total estimated accumulated cost to the school
33 district of the health or medical insurance coverage, bonus,
34 or other incentives for employees within the age range of
35 fifty-five to sixty-five years of age who retire under this

1 section.

2 Sec. 21. Section 280.14, Code 2003, is amended to read as
3 follows:

4 280.14 SCHOOL REQUIREMENTS -- ADMINISTRATION.

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

17 2. An individual who is employed or contracted as a
18 superintendent by a school or school district may also serve
19 as an elementary or secondary principal in the same school or
20 school district.

21 Sec. 22. Section 284.2, subsections 1 and 3, Code 2003,
22 are amended to read as follows:

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

32 3. "Comprehensive evaluation" means a summative evaluation
33 of a beginning teacher conducted by an evaluator for purposes
34 of determining a beginning teacher's level of competency,
35 ~~relative-to-the-iowa-teaching-standards-and~~ for recommendation

1 for licensure based upon ~~models developed pursuant to section~~
2 ~~256.97, subsection 50~~ the Iowa teaching standards, and to
3 determine whether the teacher's practice meets the school
4 district expectations for a career teacher.

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

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

31 b. By July 1, ~~2004~~ 2005, for purposes of performance
32 reviews for teachers other than beginning teachers,
33 evaluations that contain, at a minimum, the Iowa teaching
34 standards specified in subsection 1, as well as the ~~model~~
35 criteria for the Iowa teaching standards developed by the

1 department in accordance with section 256.9, subsection 50. A
2 local school board and its certified bargaining representative
3 may negotiate, pursuant to chapter 20, additional teaching
4 standards and criteria. A local school board and its
5 certified bargaining representative may negotiate, pursuant to
6 chapter 20, evaluation and grievance procedures for teachers
7 other than beginning teachers that are not in conflict with
8 this chapter.

9 Sec. 24. Section 284.3, subsection 3, Code 2003, is
10 amended to read as follows:

11 3. The state board shall adopt by rule pursuant to chapter
12 17A the ~~model~~ criteria developed by the department in
13 accordance with section 256.9, subsection 50.

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

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

34 d. Adopt a district and teacher career development program
35 plans in accordance with this chapter.

1 Sec. 26. Section 284.5, subsection 6, Code 2003, is
2 amended to read as follows:

3 6. Upon completion of the program, the beginning teacher
4 shall be comprehensively evaluated to determine if the teacher
5 meets expectations to move to the career level. The school
6 district or area education agency that employs the beginning
7 teacher shall recommend for ~~an-educational~~ a standard license
8 a beginning teacher who is determined through a comprehensive
9 evaluation to demonstrate competence in the Iowa teaching
10 standards. A school district or area education agency may
11 offer a beginning teacher a third year of participation in the
12 program if, after conducting a comprehensive evaluation, the
13 school district determines that the teacher is likely to
14 successfully complete the mentoring and induction program by
15 the end of the third year of eligibility. A teacher granted a
16 third year of eligibility shall develop a teacher's mentoring
17 and induction program plan in accordance with this chapter and
18 shall undergo a comprehensive evaluation at the end of the
19 third year. The board of educational examiners shall grant a
20 one-year extension of the beginning teacher's ~~provisional~~
21 initial license upon notification by the school district that
22 the teacher will participate in a third year of the school
23 district's program.

24 Sec. 27. Section 284.6, subsection 5, Code 2003, is
25 amended to read as follows:

26 5. The teacher's evaluator shall annually meet with the
27 teacher to review progress in meeting the goals in the
28 teacher's individual plan. The teacher shall present to the
29 evaluator evidence of progress. The purpose of the meeting
30 shall be to review the teacher's progress in meeting career
31 development goals in the plan and to review collaborative work
32 with other staff on student achievement goals and to modify as
33 necessary the teacher's individual plan to reflect the
34 individual teacher's and the school district's needs and the
35 individual's progress in meeting the goals in the plan. The

1 ~~teacher's-supervisor~~ evaluator shall review, modify, or accept
2 modifications made to the teacher's individual plan.

3 Sec. 28. Section 284.7, subsection 1, paragraph a,
4 subparagraph (1), subparagraph subdivision (b), Code 2003, is
5 amended to read as follows:

6 (b) Holds ~~a-provisional~~ an initial teacher license issued
7 by the board of educational examiners.

8 Sec. 29. Section 284.7, subsection 2, paragraph a,
9 subparagraph (1), Code 2003, is amended to read as follows:

10 (1) A career II teacher is a teacher who meets the
11 requirements of subsection 1, paragraph "b", has met the
12 requirements established by the school district that employs
13 the teacher, and is evaluated by the school district as
14 demonstrating the competencies of a career II teacher. The
15 teacher shall have successfully completed a comprehensive
16 evaluation performance review in order to be classified as a
17 career II teacher.

18 Sec. 30. Section 284.7, subsection 4, Code 2003, is
19 amended to read as follows:

20 4. If a comprehensive-evaluation performance review for a
21 teacher is conducted in the fifth year of the teacher's status
22 at the career level, and indicates that the teacher's practice
23 no longer meets the standards for that level, a comprehensive
24 evaluation performance review shall be conducted in the next
25 following school year. If the comprehensive-evaluation
26 performance review establishes that the teacher's practice
27 fails to meet the standards for that level, the teacher shall
28 be ineligible for any additional pay increase other than a
29 cost-of-living increase.

30 Sec. 31. Section 284.7, subsection 6, paragraph a, Code
31 2003, is amended to read as follows:

32 a. ~~For-the-school-year-beginning-July-17-2002,-and-ending~~
33 ~~June-30,-2003,-if~~ If the licensed employees of a school
34 district or area education agency receiving funds pursuant to
35 section 284.13, subsection 1, paragraph "g" or "h", for

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

21 Sec. 32. Section 284.8, subsection 2, Code 2003, is
22 amended to read as follows:

23 2. If a supervisor or an evaluator determines, at any
24 time, as a result of a teacher's performance that the teacher
25 is not meeting district expectations under the Iowa teaching
26 standards specified in section 284.3, subsection 1, paragraphs
27 "a" through "g", the ~~model~~ criteria for the Iowa teaching
28 standards developed by the department in accordance with
29 section 256.9, subsection 50, ~~or~~ and any other standards or
30 criteria established in the collective bargaining agreement,
31 the evaluator shall, at the direction of the teacher's
32 supervisor, recommend to the district that the teacher
33 participate in an intensive assistance program. The intensive
34 assistance program and its implementation are not subject to
35 negotiation or grievance procedures established pursuant to

1 chapter 20. By July 1, ~~2004~~ 2005, all school districts must
2 be prepared to offer an intensive assistance program.

3 Sec. 33. Section 284.9, subsection 3, Code 2003, is
4 amended to read as follows:

5 3. To assure fairness and consistency in the evaluation
6 process, the review panels may perform random audits of the
7 comprehensive evaluations and performance reviews conducted by
8 evaluators throughout the state, and may randomly review
9 ~~performance-based-evaluation-models~~ how the evaluators are
10 evaluating teachers based upon the Iowa teaching standards
11 ~~developed-by-school-districts-in-accordance-with-section~~
12 ~~284.37-subsection-2. The-review-of-the-evaluation-models~~
13 ~~shall-ensure-that-the-model-is-at-least-equivalent-to-the~~
14 ~~state-models-developed-pursuant-to-section-256.97-subsection~~
15 ~~50.~~

16 Sec. 34. Section 284.10, subsections 4 and 5, Code 2003,
17 are amended to read as follows:

18 4. ~~By July 17, 2003, a~~ A higher education institution
19 approved by the state board to provide an administrator
20 preparation program shall incorporate the evaluator training
21 program into the program offered by the institution.

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

25 Sec. 35. Section 284.13, subsection 1, paragraph a, Code
26 2003, is amended by striking the paragraph.

27 Sec. 36. Section 285.10, subsection 7, paragraph b, Code
28 2003, is amended to read as follows:

29 b. May purchase buses and enter into contracts to pay for
30 such buses over a five-year period as follows: one-fourth of
31 the cost when the bus is delivered and the balance in equal
32 annual installments, plus simple interest due. The interest
33 rate shall be the lowest rate available and shall not exceed
34 the rate in effect under section 74A.2. The bus shall serve
35 as security for balance due. Competitive bids on comparable

1 equipment shall be requested on all school bus ~~body-and~~
2 ~~chassis~~ purchases and shall be based upon minimum construction
3 standards established by the department of education.
4 ~~Separate-body-and-chassis-bids~~ Bids shall be requested unless
5 the bus is ~~constructed-as-an-integral-unit,-inseparable-as-to~~
6 ~~body-and-chassis,-by-the-manufacturer-or-is~~ a used or
7 demonstrator bus.

8 Sec. 37. Section 299.4, Code 2003, is amended to read as
9 follows:

10 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

11 The parent, guardian, or legal custodian of a child who is
12 of compulsory attendance age, who places the child under
13 competent private instruction under either section 299A.2 or
14 299A.3, not in an accredited school or a home school
15 assistance program operated by a public or accredited
16 nonpublic school, shall furnish to the public school district,
17 by September 15 annually, a report in duplicate on forms
18 provided by the public school district, ~~to-the-district-by-the~~
19 ~~earliest-starting-date-specified-in-section-279.10,-subsection~~
20 ~~1.~~ The secretary shall retain and file one copy and forward
21 the other copy to the district's area education agency. The
22 report shall state the name and age of the child, the period
23 of time during which the child has been or will be under
24 competent private instruction for the year, an outline of the
25 course of study, texts used, and the name and address of the
26 instructor. The parent, guardian, or legal custodian of a
27 child, who is placing the child under competent private
28 instruction for the first time, shall also provide the
29 district with evidence that the child has had the
30 immunizations required under section 139A.8. The term
31 "outline of course of study" shall include subjects covered,
32 lesson plans, and time spent on the areas of study.

33 Sec. 38. Section 321J.22, subsection 2, paragraph d, Code
34 2003, is amended to read as follows:

35 d. The department of education shall establish reasonable

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

8 Sec. 39. MINIMUM TEACHER SALARY REQUIREMENTS -- FY 2003-
9 2004.

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

27 2. Notwithstanding section 284.7, subsection 1, paragraph
28 "b", subparagraph (2), the minimum career teacher salary paid
29 to a career teacher who was a beginning teacher in the 2001-
30 2002 school year, by a school district or area education
31 agency participating in the student achievement and teacher
32 quality program, for the school year beginning July 1, 2003,
33 and ending June 30, 2004, shall be, unless the school district
34 has a minimum career teacher salary that exceeds thirty
35 thousand dollars, one thousand dollars greater than the

1 minimum salary amount the school district or area education
2 agency paid to a first-year beginning teacher if the school
3 district or area education agency participated in the program
4 during the 2001-2002 school year, or the minimum salary amount
5 the school district or area education agency would have paid a
6 first-year beginning teacher if the school district or area
7 education agency had participated in the program in the 2001-
8 2002 school year, in accordance with section 284.7, subsection
9 1, Code Supplement 2001.

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

26 Sec. 40. Sections 257.17 and 284.11, Code 2003, are
27 repealed.

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HF 549 - Statutory Revisions (LSB 1265 HV.1)

Analyst: Robin Madison (Phone: (515) 281-5270) (robin.madison@legis.state.ia.us)

Fiscal Note Version — As Amended and Passed by the House

Description

House File 549, as amended and passed by the House, provides a number of statutory changes to the duties and operations of the Department of Education and local school boards, including:

- Changes to the Student Achievement and Teacher Quality Program to reflect the current level of implementation of the Program. The minimum teacher salary is maintained under the Program for FY 2004 at the same level as FY 2003.
- A provision directing the Department to develop and implement a comprehensive management information system to provide for the electronic transfer of student records between schools, districts, post-secondary institutions, and the Department.
- An extension in the annual deadline for school district employees to notify the local board of their intent to avail themselves of an early retirement option.
- Elimination of the requirement that school districts purchasing school buses seek separate bids on the body and the chassis.
- A provision allowing the Division of Community Colleges and Workforce Development to charge higher fees for programs for out-of-state OWI offenders.

Assumptions

1. Maintaining FY 2003 minimum salary levels for beginning teachers, first-year career teachers, and second-year career teachers will cost local school districts \$4.7 million.
2. Funding of \$230,000, set aside out of the standing General Fund appropriation of \$80.9 million for the Educational Excellence Program in Section 294A.25(g), Code of Iowa, will be sufficient for the Department to manage the costs of developing and implementing the statewide student record management information system.
3. The deadline extension for early retirement may lead to additional employees electing and/or qualifying for retirement. The number of individuals is unknown, but the impact on local property taxes will be minimal.
4. There may be some cost savings to local school districts as a result of eliminating the requirement for separate bids for a school bus body and chassis. The actual amount of savings statewide cannot be estimated, but is expected to be minimal.
5. The increase in fees to cover the cost associated with approving appropriate programs for out-of-state OWI offenders will generate \$17,000 in annual revenue for the Division of Community Colleges and Workforce Development, which will be used to defray the cost of programming.

Fiscal Impact

The statewide fiscal impact of House File 549, as amended and passed by the House, on local school districts is \$4.7 million. The Department of Education has requested an FY 2004 appropriation of \$44.7 million for the Student Achievement and Teacher Quality Program, an increase of \$4.7 million compared to the total FY 2003 appropriation. The total FY 2003

appropriation for the Program was \$40.0 million, including \$16.1 million from the General Fund and \$23.9 million in non-General Fund appropriations.

Sources

Department of Education

/s/ Dennis C Prouty

April 2, 2003

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Sources

Department of Education

/s/ Dennis C Prouty

April 2, 2003

HOUSE FILE 549

S-3332

1 Amend House File 549, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 256.5A, Code 2003, is amended
6 to read as follows:
7 256.5A NONVOTING MEMBER.
8 The governor shall appoint the one nonvoting
9 student member of the state board for a term of one
10 year beginning and ending as provided in section
11 69.19. The nonvoting student member shall be
12 appointed from a list of names submitted by the state
13 board of education. Students enrolled in either grade
14 ten or eleven in a public school may apply to the
15 state board to serve as a nonvoting student member.
16 The department shall develop an application process
17 that requires the consent of the student's parent or
18 guardian if the student is a minor, initial
19 application approval by the school district in which
20 the student applicant is enrolled, and submission of
21 approved applications by a school district to the
22 department. The nonvoting student member's school
23 district of enrollment shall notify the student's
24 parents if the student's grade point average falls
25 during the period in which the student is a member of
26 the state board. The state board shall adopt rules
27 under chapter 17A specifying criteria for the
28 selection of applicants whose names shall be submitted
29 to the governor. Criteria shall include, but are not
30 limited to, academic excellence, participation in
31 extracurricular and community activities, and interest
32 in serving on the board. Rules adopted by the state
33 board shall also require, if the student is a minor,
34 supervision of the student by the student's parent or
35 guardian while the student is engaged in authorized
36 state board business at a location other than the
37 community in which the student resides, unless the
38 student's parent or guardian submits to the state
39 board a signed release indicating the parent or
40 guardian has determined that supervision of the
41 student by the parent or guardian is unnecessary. The
42 nonvoting student member ~~shall be appointed without~~
43 ~~regard to political affiliation~~ appointment is not
44 subject to section 69.16 or 69.16A. The nonvoting
45 student member shall have been enrolled in a public
46 school in Iowa for at least one year prior to the
47 member's appointment. A nonvoting student member who
48 will not graduate from high school prior to the end of
49 a second term may apply to the state board for
50 submission of candidacy to the governor for a second

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1 one-year term. A nonvoting student member shall be
2 paid a per diem as provided in section 7E.6 and the
3 student and the student's parent or guardian shall be
4 reimbursed for actual and necessary expenses incurred
5 in the performance of the student's duties as a
6 nonvoting member of the state board. A vacancy in the
7 membership of the nonvoting student member shall not
8 be filled until the expiration of the term.

9 Sec. _____. Section 256.7, subsection 21, unnumbered
10 paragraph 1, Code 2003, is amended to read as follows:

11 Develop and adopt rules ~~by July 1, 1999,~~
12 incorporating accountability for, and reporting of,
13 student achievement into the standards and
14 accreditation process described in section 256.11.

15 The rules shall provide for all of the following:"

16 2. Page 1, by inserting after line 31 the
17 following:

18 "Sec. _____. Section 256.9, Code 2003, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 53. Develop and implement a
21 statewide program of educational assessment reporting.
22 The director shall provide information needed to
23 improve public schools by collecting and disseminating
24 data and information resulting from assessments made
25 of public school students, to aid in the development
26 and evaluation of educational programs and policies by
27 school districts, and to inform parents of the
28 educational progress of their children in the public
29 schools. Information collected under the department's
30 statewide program of educational assessment reporting
31 shall be utilized as part of the state report card on
32 school performance and on statewide progress by the
33 state in accordance with implementation of the federal
34 No Child Left Behind Act of 2001, Pub. L. No. 107-110.

35 a. Not later than July 1, 2004, the department
36 shall maintain an internet site that reports the
37 following:

38 (1) Iowa tests of basic skills scores for each
39 school district that administers the test and for each
40 attendance center within the school district for
41 grades three through eight. Each school district
42 administering the Iowa test of basic skills shall
43 provide a report to the department relating to each
44 attendance center's test score averages and a
45 longitudinal analysis chart.

46 The report shall contain attendance-center-level
47 test results for the Iowa test of basic skills in the
48 areas of reading, expression, social studies,
49 mathematics, and science. The report shall include,
50 but shall not be limited to the number of students

1 tested, the number of test results used to compute the
2 averages, average standard score, the corresponding
3 grade equivalent score, average stanine score for the
4 group, and the normal curve equivalent of average
5 standard scores, and percentile ranks based on student
6 norms.

7 The longitudinal analysis chart shall use the
8 growth scores of the same group each year using
9 available reading, mathematics, and science scores.
10 The district shall develop a chart that provides grade
11 equivalent scores for grades three through eight and
12 gains between consecutive pairs of grades for each
13 attendance center and provides for a districtwide
14 study of grade equivalent scores.

15 (2) Iowa test of educational development scores
16 for each school district that administers the test and
17 for each attendance center within the school district
18 for grades nine through eleven. Each school district
19 administering the Iowa test of educational development
20 shall provide a report to the department relating to
21 each attendance center's test score averages.

22 b. Scores required to be reported under paragraph
23 "a", subparagraphs (1) and (2), shall be presented in
24 percentiles that allow for comparisons between
25 participating schools. The internet site shall
26 include background information regarding the tests,
27 including guidance for interpreting test scores and
28 the number of students that did not participate in the
29 tests and the reasons the students did not
30 participate.

31 Sec. _____. Section 256.18, subsection 2, unnumbered
32 paragraph 2, Code 2003, is amended by striking the
33 unnumbered paragraph.

34 Sec. _____. Section 256.39, subsection 8, Code 2003,
35 is amended by striking the subsection.

36 Sec. _____. Section 256A.4, subsection 1, unnumbered
37 paragraph 1, Code 2003, is amended to read as follows:

38 The board of directors of each school district may
39 develop and offer a program which provides outreach
40 and incentives for the voluntary participation of
41 expectant parents and parents of children in the
42 period of life from birth through age five, who reside
43 within district boundaries, in educational family
44 support experiences designed to assist parents in
45 learning about the physical, mental, and emotional
46 development of their children. ~~A district providing a
47 family support program, which seeks additional funding
48 under sections 294A.13 through 294A.16, shall meet the
49 requirements of this section and the program shall be
50 subject to approval by the department of education. A~~

1 board may contract with another school district or
2 public or private nonprofit agency for provision of
3 the approved program or program site.

4 Sec. 101. Section 256D.9, Code 2003, is amended to
5 read as follows:

6 256D.9 FUTURE REPEAL.

7 This chapter is repealed effective July 1, 2003
8 2004.

9 Sec. 102. Section 257.3, subsection 2, Code 2003,
10 is amended to read as follows:

11 2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

12 a. Notwithstanding subsection 1, a reorganized
13 school district shall cause a foundation property tax
14 of four dollars and forty cents per thousand dollars
15 of assessed valuation to be levied on all taxable
16 property which, in the year preceding a
17 reorganization, was within a school district affected
18 by the reorganization as defined in section 275.1, or
19 in the year preceding a dissolution was a part of a
20 school district that dissolved if the dissolution
21 proposal has been approved by the director of the
22 department of education pursuant to section 275.55.
23 ~~In the year preceding the reorganization or~~
24 ~~dissolution, the school district affected by the~~
25 ~~reorganization or the school district that dissolved~~
26 ~~must have had a certified enrollment of fewer than six~~
27 ~~hundred in order for the four-dollar-and-forty-cent~~
28 ~~levy to apply.~~

29 b. In succeeding school years, the foundation
30 property tax levy on that portion shall be increased
31 to the rate of four dollars and ninety cents per
32 thousand dollars of assessed valuation the first
33 succeeding year, five dollars and fifteen cents per
34 thousand dollars of assessed valuation the second
35 succeeding year, and five dollars and forty cents per
36 thousand dollars of assessed valuation the third
37 succeeding year and each year thereafter.

38 c. The foundation property tax levy reduction
39 pursuant to this subsection shall be available if
40 either of the following apply:

41 (1) In the year preceding the reorganization or
42 dissolution, the school district affected by the
43 reorganization or the school district that dissolved
44 had a certified enrollment of fewer than six hundred
45 pupils.

46 (2) In the year preceding the reorganization or
47 dissolution, the school district affected by the
48 reorganization or the school district that dissolved
49 had a certified enrollment of six hundred pupils or
50 greater, and entered into a reorganization or

1 dissolution with one or more school districts with a
2 certified enrollment of fewer than six hundred pupils.
3 The amount of foundation property tax reduction
4 received by a school district qualifying for the
5 reduction pursuant to this subparagraph shall not
6 exceed the highest reduction amount provided in
7 paragraphs "a" and "b" received by any of the school
8 districts with a certified enrollment of fewer than
9 six hundred pupils involved in the reorganization
10 pursuant to subparagraph (1) of this paragraph "c".

11 d. For purposes of this section, a reorganized
12 school district is one which absorbs at least thirty
13 percent of the enrollment of the school district
14 affected by a reorganization or dissolved during a
15 dissolution and in which action to bring about a
16 reorganization or dissolution is initiated by a vote
17 of the board of directors or jointly by the affected
18 boards of directors to take effect on or after July 1,
19 2002, and on or before July 1, 2006. Each district
20 which initiated, by a vote of the board of directors
21 or jointly by the affected boards, action to bring
22 about a reorganization or dissolution to take effect
23 on or after July 1, 2002, and on or before July 1,
24 2006, shall certify the date and the nature of the
25 action taken to the department of education by January
26 1 of the year in which the reorganization or
27 dissolution takes effect.

28 Sec. ____ . Section 257.11, subsection 2, paragraph
29 c, subparagraph (2), Code 2003, is amended to read as
30 follows:

31 (2) A school district which was not participating
32 in a whole grade sharing arrangement during the budget
33 year beginning July 1, 2000, which executes a whole
34 grade sharing agreement pursuant to sections 282.10
35 through 282.12 for the budget year beginning July 1,
36 2002, ~~or~~ July 1, 2003, July 1, 2004, or July 1, 2005,
37 and which adopts a resolution jointly with the other
38 affected boards to study the question of undergoing a
39 reorganization or dissolution to take effect on or
40 before July 1, 2006, shall receive a weighting of one-
41 tenth of the percentage of the pupil's school day
42 during which the pupil attends classes in another
43 district, attends classes taught by a teacher who is
44 jointly employed under section 280.15, or attends
45 classes taught by a teacher who is employed by another
46 school district. A district shall be eligible for
47 supplementary weighting pursuant to this subparagraph
48 for a maximum of three years. Receipt of
49 supplementary weighting for a second and third year
50 shall be conditioned upon submission of information

1 resulting from the study to the school budget review
2 committee indicating progress toward the objective of
3 reorganization on or before July 1, 2006.

4 Sec. _____. Section 258.17, subsection 4, Code 2003,
5 is amended to read as follows:

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

24 Sec. _____. Section 262.9, Code 2003, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 29. Develop a policy, not later
27 than August 1, 2003, that each institution of higher
28 education under the control of the board shall
29 approve, institute, and enforce, which prohibits
30 students, faculty, and staff from harassing,
31 intimidating, or displaying untoward negative behavior
32 directed at a student or any other person on
33 institution property who is wearing the uniform of, or
34 a distinctive part of the uniform of, the armed forces
35 of the United States. A policy developed in
36 accordance with this subsection shall not prohibit an
37 individual from wearing such a uniform on institution
38 property if the individual is authorized to wear the
39 uniform under the laws of a state or the United
40 States. The policy shall provide for appropriate
41 sanctions.

42 Sec. _____. Section 272.2, subsection 14, paragraph
43 b, subparagraph (1), subparagraph subdivision (b),
44 Code 2003, is amended by adding the following new
45 subparagraph subdivision part:

46 NEW SUBPARAGRAPH SUBDIVISION PART. (viii) Sexual
47 exploitation by a school employee.

48 Sec. _____. Section 272.2, Code 2003, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 17. Adopt criteria for

1 administrative endorsements that allow a person to
2 achieve the endorsement authorizing the person to
3 serve as an elementary or secondary principal without
4 regard to the grade level at which the person accrued
5 teaching experience.

6 Sec. ____ . NEW SECTION. 272.15 SCHOOL REPORTING
7 REQUIREMENT.

8 The board of directors of a school district or area
9 education agency, the superintendent of a school
10 district or the chief administrator of an area
11 education agency, and the authorities in charge of a
12 nonpublic school shall report to the board the
13 nonrenewal or termination, for reasons of alleged or
14 actual misconduct, of a person's contract executed
15 under sections 279.12, 279.13, 279.15 through 279.21,
16 279.23, and 279.24, and the resignation of a person
17 who holds a license, certificate, or authorization
18 issued by the board as a result of or following an
19 incident or allegation of misconduct that, if proven,
20 would constitute a violation of the rules adopted by
21 the board to implement section 272.2, subsection 14,
22 paragraph "b", subparagraph (1), when the board or
23 reporting official has a good faith belief that the
24 incident occurred or the allegation is true.

25 Information reported to the board in accordance with
26 this section is privileged and confidential, and,
27 except as provided in section 272.13, is not subject
28 to discovery, subpoena, or other means of legal
29 compulsion for its release to a person other than the
30 respondent and the board and its employees and agents
31 involved in licensee discipline, and is not admissible
32 in evidence in a judicial or administrative proceeding
33 other than the proceeding involving licensee
34 discipline. The board shall review the information
35 reported to determine whether a complaint should be
36 initiated. In making that determination, the board
37 shall consider the factors enumerated in section
38 272.2, subsection 14, paragraph "a". For purposes of
39 this section, unless the context otherwise requires,
40 "misconduct" means an action disqualifying an
41 applicant for a license or causing the license of a
42 person to be revoked or suspended in accordance with
43 the rules adopted by the board to implement section
44 272.2, subsection 14, paragraph "b", subparagraph
45 (1)."

46 3. Page 3, line 15, by striking the word
47 "ordinary" and inserting the following: "certified".

48 4. By striking page 10, line 10, through page 11,
49 line 1.

50 5. Page 11, by striking lines 2 through 15.

1 6. Page 11, by inserting before line 16, the
2 following:

3 "Sec. _____. Section 279.13, Code 2003, is amended
4 by adding the following new subsection:

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

20 Sec. _____. Section 279.23, Code 2003, is amended by
21 adding the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
23 other provisions of this section, a temporary contract
24 may be issued to an administrator to fill a vacancy
25 created by a leave of absence in accordance with the
26 provisions of section 29A.28, which contract shall
27 automatically terminate upon return from military
28 leave of the former incumbent of the administrator
29 position and which contract shall not be subject to
30 the provisions of sections 279.24 and section 279.25."

31 7. Page 12, by inserting after line 20 the
32 following:

33 "Sec. 103. Section 282.18, subsection 3, Code
34 2003, is amended to read as follows:

35 3. In all districts involved with voluntary or
36 court-ordered desegregation, minority and nonminority
37 pupil ratios shall be maintained according to the
38 desegregation plan or order. The superintendent of a
39 district subject to voluntary or court-ordered
40 desegregation may deny a request for transfer under
41 this section if the superintendent finds that
42 enrollment or release of a pupil will adversely affect
43 the district's implementation of the desegregation
44 order or plan, unless the transfer is requested by a
45 pupil whose sibling is already participating in open
46 enrollment to another district, or unless the request
47 for transfer is submitted to the district in a timely
48 manner as required under subsection 2 prior to the
49 adoption of a desegregation plan by the district. If
50 a transfer request would facilitate a voluntary or

1 court-ordered desegregation plan, the district shall
2 give priority to granting the request over other
3 requests.

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

26 Sec. ____ . Section 282.18, subsection 7, Code 2003,
27 is amended to read as follows:

28 7. A pupil participating in open enrollment shall
29 be counted, for state school foundation aid purposes,
30 in the pupil's district of residence. A pupil's
31 residence, for purposes of this section, means a
32 residence under section 282.1. The board of directors
33 of the district of residence shall pay to the
34 receiving district the state cost per pupil for the
35 previous school year, plus any moneys received for the
36 pupil as a result of the non-English speaking
37 weighting under section 280.4, subsection 3, for the
38 previous school year multiplied by the state cost per
39 pupil for the previous year. ~~The district of~~
40 ~~residence shall also transmit the phase III moneys~~
41 ~~allocated to the district for the previous year for~~
42 ~~the full-time equivalent attendance of the pupil, who~~
43 ~~is the subject of the request, to the receiving~~
44 ~~district specified in the request for transfer. If~~
45 the pupil participating in open enrollment is also an
46 eligible pupil under chapter 261C, the receiving
47 district shall pay the tuition reimbursement amount to
48 an eligible postsecondary institution as provided in
49 section 261C.6."

50 8. Page 16, line 1, by striking the words

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1 "~~teacher's supervisor~~" and inserting the following:
2 "teachers's supervisor and the".

3 9. Page 18, by striking lines 25 and 26 and
4 inserting the following:

5 "Sec. ____ . Section 284.11, subsections 1 and 6,
6 Code 2003, are amended to read as follows:

7 1. It is the intent of the general assembly to
8 create a statewide team-based variable pay program to
9 reward individual attendance centers for improvement
10 in student achievement. A pilot program is
11 established to give Iowa school districts with one or
12 more participating attendance centers the opportunity
13 to explore and demonstrate successful methods to
14 implement team-based variable pay and to compare
15 student achievement gains in school districts
16 participating in the program with gains in school
17 districts similar in nature that are not participating
18 in the program. The department shall develop and
19 administer the pilot program and shall provide
20 technical assistance in the areas of goal setting and
21 student assessments to school districts approved to
22 participate in the pilot program. Preference shall be
23 given to school districts that were previously
24 approved to participate in a pilot program
25 administered by the department in accordance with this
26 section. Each school district approved by the
27 department to participate in the pilot program shall
28 administer valid and reliable standardized assessments
29 at the beginning and end of the school year to
30 demonstrate growth in student achievement.

31 6. A district electing to initiate a team-based
32 variable pay plan according to this section during the
33 school year beginning July 1, ~~2001~~ 2003, shall notify
34 the department of its election in writing no later
35 than August 1, ~~2001~~ 2003. The department shall
36 certify the school district plan by October 1, ~~2001~~
37 2003."

38 10. Page 18, by inserting before line 27 the
39 following:

40 "Sec. ____ . Section 285.5, subsection 9, Code 2003,
41 is amended to read as follows:

42 9. All bus drivers, except substitute and part-
43 time bus drivers, for school-owned equipment shall be
44 under contract with the board. The director of the
45 department of education shall prepare a uniform
46 contract containing provision not in conflict with
47 this chapter which shall be used by all school boards
48 in contracting with drivers of school-owned vehicles."

49 11. Page 19, by inserting after line 7 the
50 following:

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1 "Sec. _____. Section 294A.1, unnumbered paragraph 1,
2 Code 2003, is amended to read as follows:

3 The purpose of this chapter is to promote
4 excellence in education. In order to maintain and
5 advance the educational excellence in the state of
6 Iowa, this chapter establishes the Iowa educational
7 excellence program. The program shall consist of
8 ~~three~~ two major phases addressing the following:

9 Sec. _____. Section 294A.1, subsection 3, Code 2003,
10 is amended by striking the subsection.

11 Sec. _____. Section 294A.3, unnumbered paragraph 2,
12 Code 2003, is amended by striking the unnumbered
13 paragraph.

14 Sec. _____. Section 294A.22, unnumbered paragraph 3,
15 Code 2003, is amended to read as follows:

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

26 12. Page 19, by striking lines 8 through 32.

27 13. Page 19, by inserting before line 33 the
28 following:

29 "Sec. _____. Section 321.375, subsection 2,
30 unnumbered paragraph 1, Code 2003, is amended to read
31 as follows:

32 Any of the following shall constitute grounds for a
33 school bus driver's immediate suspension from duties,
34 pending a termination hearing by the board of
35 directors of a public school district or the
36 authorities in charge in a nonpublic school if the bus
37 driver is under contract, pending confirmation of the
38 grounds by the school district or accredited nonpublic
39 school if the bus driver is a part-time or substitute
40 bus driver who is not under contract, or pending
41 confirmation of the grounds by the employer of the
42 school bus driver if the employer is not a school
43 district or accredited nonpublic school by the board:

44 Sec. _____. Section 321.375, subsection 2, Code
45 2003, is amended by adding the following new
46 paragraph:

47 NEW PARAGRAPH. e. A change in circumstances
48 indicating that the driver is no longer physically or
49 mentally competent. For the purpose of an insulin-
50 dependent diabetic, a change in circumstances includes

1 the following:

2 (1) Results of a glycosylated hemoglobin test
3 indicating values less than 6.0 percent or greater
4 than 9.5 percent unless accompanied by the required
5 medical opinion that the event was incidental and not
6 an indication of failure to control glucose levels.

7 (2) Results of self-monitoring indicate glucose
8 levels less than one hundred milligrams per deciliter
9 or greater than three hundred milligrams per
10 deciliter, until self-monitoring indicates compliance
11 with specifications.

12 (3) Experiencing a loss of consciousness or
13 control relating to diabetes.

14 (4) Failing to maintain or falsifying the required
15 reports.

16 Sec. ____ . Section 321.375, Code 2003, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 3. a. Notwithstanding any
19 provision to the contrary, an insulin-dependent
20 diabetic may qualify under subsection 1, paragraph
21 "d", for purposes of operating a school bus under this
22 section if a person identified by federal or state law
23 as authorized to perform physical examinations
24 annually provides a signed statement indicating that
25 based upon an annual physical examination the
26 individual is physically able to perform the required
27 functions despite insulin dependency. The insulin-
28 dependent diabetic shall not qualify to operate a
29 school bus if, at minimum, the individual results of a
30 glycosylated hemoglobin test indicate values less than
31 6.0 percent or greater than 9.5 percent on other than
32 an incidental basis and not as a result of failure to
33 control glucose levels. The statement shall also
34 indicate that within the past three years the insulin-
35 dependent diabetic has completed instruction to
36 address diabetes management and driving safety, signs
37 and symptoms of hypoglycemia and hyperglycemia, and
38 what procedures must be followed if complications
39 arise.

40 b. A school district or authorities in charge of
41 the nonpublic school that employs or otherwise secures
42 the services of an individual with an authorization
43 who is an insulin-dependent diabetic shall monitor the
44 insulin-dependent diabetic to determine that they are
45 in compliance with all of the following:

46 (1) Self-monitoring blood glucose and
47 demonstrating conformance with requirements, more than
48 one hundred milligrams per deciliter and less than
49 three hundred milligrams per deciliter, within one
50 hour before driving a school bus and approximately

1 every four hours while on duty using a United States
2 food and drug administration approved device.

3 (2) Reporting immediately to the school district
4 or school any failure to comply with specific glucose
5 level requirements as listed in subparagraph (1) or
6 loss of consciousness or control.

7 (3) Carrying a source of readily absorbable, fast-
8 acting glucose while on duty.

9 (4) Maintaining a daily log of all glucose test
10 results for the previous six-month period and
11 providing copies to the school district or school, the
12 examining physician, and the department of education
13 upon request.

14 (5) Submitting all required department of
15 education forms within the prescribed timelines."

16 14. Page 20, by inserting after line 7 the
17 following:

18 "Sec. ____ . Section 331.909, subsection 2, Code
19 2003, is amended to read as follows:

20 2. The activities of a multidisciplinary community
21 services team shall not duplicate the activities of a
22 multidisciplinary team for child abuse under section
23 235A.13, dependent adult abuse activities under
24 section 235B.6, ~~area education agency activities under~~
25 ~~section 294A.14~~, or child victim services provided
26 under section 915.35.

27 Sec. ____ . Section 614.1, subsection 12, Code 2003,
28 is amended to read as follows:

29 12. SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A
30 COUNSELOR, OR THERAPIST, OR SCHOOL EMPLOYEE. An
31 action for damages for injury suffered as a result of
32 sexual abuse, as defined in section 709.1, by a
33 counselor, ~~or~~ therapist, or school employee, as
34 defined in section 709.15, or as a result of sexual
35 exploitation by a counselor, ~~or~~ therapist, or school
36 employee shall be brought within five years of the
37 date the victim was last treated by the counselor or
38 therapist, or within five years of the date the victim
39 was last enrolled in or attended the school.

40 Sec. ____ . Section 692A.1, subsection 10, Code
41 2003, is amended to read as follows:

42 10. "Sexual exploitation" means sexual
43 exploitation by a counselor, ~~or~~ therapist, or school
44 employee under section 709.15.

45 Sec. ____ . Section 702.11, subsection 2, paragraph
46 d, Code 2003, is amended to read as follows:

47 d. Sexual exploitation by a counselor, ~~or~~
48 therapist, or school employee in violation of section
49 709.15.

50 Sec. ____ . Section 709.15, Code 2003, is amended to

1 read as follows:

2 709.15 SEXUAL EXPLOITATION BY A COUNSELOR, OR
3 THERAPIST, OR SCHOOL EMPLOYEE.

4 1. As used in this section:

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

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

22 For the purposes of ~~paragraph "f"~~ subsection 2, a
23 former patient or client is presumed to be emotionally
24 dependent for one year following the termination of
25 the provision of mental health services.

26 c. "Former patient or client" means a person who
27 received mental health services from the counselor or
28 therapist.

29 d. "Mental health service" means the treatment,
30 assessment, or counseling of another person for a
31 cognitive, behavioral, emotional, mental, or social
32 dysfunction, including an intrapersonal or
33 interpersonal dysfunction.

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

37 f. "School employee" means a practitioner as
38 defined in section 272.1.

39 g. "Student" means a person who is currently
40 enrolled in or attending a public or nonpublic
41 elementary or secondary school, or who was a student
42 enrolled in or attended a public or nonpublic
43 elementary or secondary school within thirty days of
44 any violation of subsection 3.

45 ~~f. 2. "Sexual Sexual exploitation by a counselor~~
46 ~~or therapist" therapist occurs when any of the~~
47 following are found:

48 ~~(1) a. A pattern or practice or scheme of conduct~~
49 to engage in any of the conduct described in
50 ~~subparagraph (2) or (3) paragraph "b" or "c".~~

1 ~~(2)~~ b. Any sexual conduct, with an emotionally
2 dependent patient or client or emotionally dependent
3 former patient or client for the purpose of arousing
4 or satisfying the sexual desires of the counselor or
5 therapist or the emotionally dependent patient or
6 client or emotionally dependent former patient or
7 client, which includes but is not limited to the
8 following: kissing; touching of the clothed or
9 unclothed inner thigh, breast, groin, buttock, anus,
10 pubes, or genitals; or a sex act as defined in section
11 702.17.

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

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

30 3. Sexual exploitation by a school employee occurs
31 when any of the following are found:

32 a. A pattern or practice or scheme of conduct to
33 engage in any of the conduct described in paragraph
34 "b".

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

42 Sexual exploitation by a school employee does not
43 include touching that is necessary in the performance
44 of the school employee's duties while acting within
45 the scope of employment.

46 ~~2.~~ 4. a. A counselor or therapist who commits
47 sexual exploitation in violation of subsection ~~1~~ 2,
48 paragraph ~~"f"~~ "a", ~~subparagraph (1)~~, commits a class
49 "D" felony.

50 ~~3.~~ b. A counselor or therapist who commits sexual

1 exploitation in violation of subsection ~~1~~ 2, paragraph
2 "~~f~~" "b", ~~subparagraph (2)~~, commits an aggravated
3 misdemeanor.

4 ~~4. c.~~ A counselor or therapist who commits sexual
5 exploitation in violation of subsection ~~1~~ 2, paragraph
6 "~~f~~" "c", ~~subparagraph (3)~~, commits a serious
7 misdemeanor. In lieu of the sentence provided for
8 under section 903.1, subsection 1, paragraph "b", the
9 offender may be required to attend a sexual abuser
10 treatment program.

11 5. a. A school employee who commits sexual
12 exploitation in violation of subsection 3, paragraph
13 "a", commits a class "D" felony.

14 b. A school employee who commits sexual
15 exploitation in violation of subsection 3, paragraph
16 "b", commits an aggravated misdemeanor.

17 Sec. _____. Section 802.2A, subsection 2, Code 2003,
18 is amended to read as follows:

19 2. An indictment or information for sexual
20 exploitation by a counselor, ~~or~~ therapist, or school
21 employee under section 709.15 committed on or with a
22 person who is under the age of eighteen shall be found
23 within ten years after the person upon whom the
24 offense is committed attains eighteen years of age.
25 An information or indictment for any other sexual
26 exploitation shall be found within ten years of the
27 date the victim was last treated by the counselor or
28 therapist, or within ten years of the date the victim
29 was enrolled in or attended the school.

30 Sec. _____. Section 903B.1, subsection 4, paragraph
31 h, Code 2003, is amended to read as follows:

32 h. Sexual exploitation by a counselor in violation
33 of section 709.15."

34 15. Page 21, by inserting after line 25 the
35 following:

36 "Sec. 104. READING INSTRUCTION PILOT PROGRAM.

37 1. Recognizing the state's goals of assisting
38 children to grow, develop, and learn to their fullest
39 extent, empowering students in grades kindergarten
40 through eight to become good readers, and supporting
41 student achievement and overall academic performance,
42 and recognizing the importance of instructional
43 methodologies and strategies for reading, a reading
44 instruction pilot program is established. The
45 objective of the program shall be to improve student
46 reading achievement and provide interventions needed
47 to assist struggling readers by increasing teacher
48 capacity to provide reading instruction.

49 2. The program shall be established for the school
50 year beginning July 1, 2003, in a school district with

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

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

33 4. The program shall be administered by the
34 department of education. The department shall provide
35 notice to school districts regarding the existence of
36 the program, shall provide technical assistance
37 regarding application submission and information
38 regarding program objectives and operation, and shall
39 provide program implementation assistance to the
40 school district or group of districts selected. A
41 school district or group of districts wishing to
42 participate shall submit an application to the
43 department and the department shall, before July 1,
44 2003, select a school district or group of districts
45 for participation in the pilot program. In the
46 application the school district or group of districts
47 shall propose a districtwide plan for effective
48 reading interventions involving an approach to
49 beginning reading instruction and boosting the reading
50 levels of students using systematic intensive phonics

1 instruction and direct instruction. A school district
2 submitting an application shall also indicate a
3 willingness to provide faculty committed to
4 implementation of the program and participation in the
5 in-service training, and shall include a plan for
6 conducting pretesting and posttesting to demonstrate
7 results. The department shall select for
8 participation a school district or group of districts,
9 after consultation with the chairpersons and ranking
10 members of the senate and house standing committees on
11 education, which demonstrates an ability to implement
12 program requirements and adhere to the national
13 institute for literacy standards.

14 5. Upon completion of the pilot program, the
15 school district shall submit a report to the
16 department regarding the impact of the program on
17 student academic achievement. The department shall
18 prepare a report summarizing these results, and
19 comparing them to student academic achievement gains
20 in similar school districts that did not participate
21 in the program. The department report shall include
22 recommendations for statewide implementation of the
23 pilot program, and shall be submitted to the
24 chairpersons and ranking members of the senate and
25 house standing committees on education by December 15,
26 2004.

27 6. The establishment of the program pursuant to
28 this section shall be contingent upon an appropriation
29 for purposes of the program for the fiscal year
30 beginning July 1, 2003, and ending June 30, 2004.
31 Funds provided to the school district or group of
32 districts selected shall be used by the district or
33 group of districts to provide stipends and travel
34 expense payments during the summer teacher in-service
35 training, ongoing training and support during the
36 school year, expense payments relating to data
37 collection, and payments for the costs of reading
38 instruction relating to the program."

39 16. Page 21, by striking line 26 and inserting
40 the following:

41 "Sec. _____. Sections 294A.12 through 294A.20, and
42 294A.23, Code 2003, are".

43 17. Page 21, by inserting after line 27 the
44 following:

45 "Sec. _____. EFFECTIVE DATES.

46 1. Section 101 of this Act, relating to the repeal
47 of chapter 256D, being deemed of immediate importance
48 takes effect upon enactment.

49 2. Section 102 of this Act, relating to school
50 reorganization incentives, being deemed of immediate

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1 importance, takes effect upon enactment.

2 3. Section 104 of this Act, relating to a reading
3 instruction pilot program, being deemed of immediate
4 importance, takes effect upon enactment.

5 Sec. ____ . EFFECTIVE AND RETROACTIVE APPLICABILITY
6 PROVISION. Section 103 of this Act, relating to a
7 request for open enrollment submitted to a district
8 prior to the district's adoption of a desegregation
9 plan, being deemed of immediate importance, takes
10 effect upon enactment and applies retroactively to
11 July 1, 2002, for open enrollment transfer requests
12 received by a school district on or after July 1,
13 2002."

14 18. Title page, by striking line 2, and inserting
15 the following: "education, the board of educational
16 examiners, the state board of regents and its
17 universities, and school boards, and to property tax
18 school reorganization incentives; requiring the
19 establishment of a reading instruction pilot program;
20 and including effective and retroactive applicability
21 date provisions."

22 19. By renumbering, redesignating, and correcting
23 internal references as necessary.

By NANCY BOETTGER

S-3332 FILED APRIL 28, 2003

adopted 4/30/03

HOUSE FILE 549

S-3341

1 Amend the amendment, S-3332, to House File 549, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 6, by striking lines 30 through 32 and
5 inserting the following: "students, faculty, and
6 staff from harassing or intimidating a student or any
7 other person on".

By NANCY BOETTGER

S-3341 FILED APRIL 29, 2003

adopted 4/30/03

HOUSE FILE 549

S-3342

1 Amend the amendment, S-3332, to House File 549, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 34, by inserting after the figure
5 "107-110." the following: "The program shall include
6 the assignment of a unique student identifier to each
7 student attending kindergarten through grade twelve."
8 2. Page 2, line 45, by striking the word "chart"
9 and inserting the following: "of student progress as
10 specified in paragraph "c".
11 3. Page 2, line 48, by striking the word
12 "expression,".
13 4. Page 3, by striking lines 6 through 14 and
14 inserting the following: "norms, as well as measures
15 of student progress as specified in paragraph "c"."
16 5. Page 3, line 21, by inserting after the word
17 "averages" the following: "and a longitudinal
18 analysis of student progress as specified in paragraph
19 "c".
20 6. Page 3, by inserting after line 30 the
21 following:
22 "c. The department shall approve the use of a
23 single value-added system to calculate annually the
24 amount of academic growth for each student, school,
25 and school district in reading and mathematics, and
26 other core academic areas where possible. The system
27 shall at a minimum contain the following capabilities:
28 (1) Use of a mixed-model statistical analysis that
29 has the ability to use all achievement test data for
30 each student, including the data for students with
31 missing test scores, that does not adjust downward
32 expectations for student progress based on race,
33 poverty, or gender, and that will provide the best
34 linear unbiased predictions of school or other
35 educational entity effects to minimize the impact of
36 fortuitous accumulation of random errors.
37 (2) The ability to work with test data from a
38 variety of sources, including data that are not
39 vertically scaled, and to provide a variety of
40 analyses of such data.
41 (3) The capacity to receive and report results
42 electronically and provide support for districts
43 utilizing the system.
44 (4) The ability to create for each school district
45 a chart that reports grade-equivalent scores for
46 grades three through eight and gains between
47 consecutive pairs of grades for each attendance center
48 and provides for a district-wide study of grade
49 equivalent scores. The system shall create a chart
50 for each district in accordance with this

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1 subparagraph.

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

7 7. By renumbering, redesignating, and correcting
8 internal references as necessary.

By NANCY BOETTGER

S-3342 FILED APRIL 29, 2003 *Adopted 4/30/03*

HOUSE FILE 549

S-3354

1 Amend the amendment, S-3332, to House File 549, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 2, line 9, through page 3,
5 line 30.

6 2. By striking page 3, line 31, through page 4,
7 line 3.

8 3. Page 4, by inserting before line 4 the
9 following:

10 "Sec. ____ . Section 256D.4, subsection 2,
11 unnumbered paragraph 1, Code 2003, is amended to read
12 as follows:

13 For each fiscal year in the fiscal period beginning
14 July 1, 2001, and ending June 30, ~~2003~~ 2006, moneys
15 appropriated pursuant to section 256D.5, subsection 3,
16 shall be allocated to school districts as follows:

17 Sec. ____ . Section 256D.5, subsection 3, Code 2003,
18 is amended to read as follows:

19 3. For each fiscal year of the fiscal period
20 beginning July 1, 2001, and ending June 30, ~~2003~~ 2006,
21 the sum of thirty million dollars."

22 4. Page 4, line 8, by striking the figure "2004"
23 and inserting the following: "2006".

24 5. Page 6, by striking lines 4 through 23.

25 6. Page 7, by striking lines 48 and 49.

26 7. Page 7, by striking line 50.

27 8. Page 8, by striking lines 31 and 32.

28 9. By striking page 8, line 33, through page 9,
29 line 25.

30 10. Page 9, by striking lines 26 through 49.

31 11. By striking page 9, line 50, through page 10,
32 line 2.

33 12. By striking page 10, line 49, through page
34 11, line 25.

35 13. Page 11, by striking line 26.

36 14. Page 13, by striking lines 16 through 26.

37 15. By striking page 16, line 34, through page
38 18, line 38.

39 16. Page 18, by striking lines 39 through 42 and
40 inserting the following:

41 " ____ . Page 21, line 26, by striking the words and
42 figure "Sections 257.17 and 284.11, Code 2003, are"
43 and inserting the following: "Section 257.17, Code
44 2003, is".

45 17. Page 19, by striking lines 2 through 4.

46 18. Page 19, by striking lines 5 through 13.

47 19. Page 19, line 18, by striking the words
48 "requiring the".

49 20. Page 19, by striking line 19.

50 21. Page 19, line 20, by striking the words "and

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1 retroactive applicability".

2 22. By renumbering, redesignating, and correcting

3 internal references as necessary.

By MIKE CONNOLLY

S-3354 FILED APRIL 30, 2003

LOST

HOUSE FILE 549

S-3264

1 Amend House File 549, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31 the
4 following:

5 "Sec. _____. Section 257.11, subsection 5, paragraph
6 b, Code 2003, is amended to read as follows:

7 b. A school district which establishes a regional
8 academy shall be eligible to assign its resident
9 pupils attending classes at the academy a weighting of
10 one-tenth of the percentage of the pupil's school day
11 during which the pupil attends classes at the regional
12 academy. For the purposes of this subsection,
13 "regional academy" means an educational institution
14 established by a school district to which multiple
15 schools send pupils in grades ~~seven~~ nine through
16 twelve, and may include a virtual academy. A regional
17 academy shall include in its curriculum advanced-level
18 courses and may include in its curriculum vocational-
19 technical ~~programs~~ courses. The maximum amount of
20 additional weighting for which a school district
21 establishing a regional academy shall be eligible is
22 an amount corresponding to fifteen additional pupils.
23 The minimum amount of additional weighting for which a
24 school district establishing a regional academy shall
25 be eligible is an amount corresponding to ten
26 additional pupils if the academy provides both
27 advanced-level courses and vocational technical
28 courses.

29 Sec. _____. Section 257.11, Code 2003, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 7A. SHARED SUPPORT SERVICES. For
32 the school budget years beginning July 1, 2003, July
33 1, 2004, and July 1, 2005, a school district which
34 shares with or purchases from an eligible entity a
35 significant portion of one or more support services,
36 student transportation services, or personnel or other
37 operational types of services shall be eligible to
38 assign its resident students an additional weighting.
39 For purposes of this subsection, "significant portion"
40 means that at least fifty percent of the services are
41 shared or purchased. Eligible sharing and purchasing
42 entities shall include other school districts, area
43 education agencies, community colleges, cities, or
44 counties. Eligible support services shall include but
45 not be limited to budgeting, receiving and disbursing
46 funds, financial and property accounting, payroll,
47 planning research and evaluation, personnel services,
48 and administrative technology services; and shall
49 exclude cooperative purchasing programs and
50 activities. A school district shall be eligible for

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1 additional weighting for services not previously
 2 shared or purchased prior to July 1, 2003, from other
 3 school districts, area education agencies, community
 4 colleges, cities, or counties. A school district that
 5 qualifies under this subsection shall assign to its
 6 resident pupils an additional weight of two-
 7 hundredths. The maximum additional weight shall be
 8 ten additional pupils. If the sum of the funding
 9 amount calculated for all districts under this
 10 subsection exceeds two million dollars for the school
 11 year beginning July 1, 2004, and each succeeding
 12 fiscal year, the director of the department of
 13 management shall prorate the amount calculated for
 14 each district. The proration shall be based upon the
 15 amount calculated for each district when compared to
 16 the sum of the amount for all districts.

17 Sec. _____. Section 257.11A, Code 2003, is amended
 18 by adding the following new subsection:

19 NEW SUBSECTION. 3A. SHARED SUPERINTENDENTS. For
 20 the school budget years beginning July 1, 2003, July
 21 1, 2004, and July 1, 2005, resident pupils enrolled in
 22 a school district in which the superintendent is
 23 employed jointly under section 273.7A or under section
 24 280.15, are assigned a weighting of five-hundredths
 25 for the superintendent who is jointly employed times
 26 the percent of the superintendent's time in which the
 27 superintendent is employed in the school district.
 28 However, the total additional weighting assigned under
 29 this subsection for a budget year for a school
 30 district shall not exceed five and the total
 31 additional weighting added cumulatively to the
 32 enrollment of school districts sharing a
 33 superintendent shall not exceed fifteen. If the
 34 school district has approved an action to bring about
 35 a reorganization to take effect on or before July 1,
 36 2006, the reorganized school district shall include,
 37 for a period of one year following the effective date
 38 of reorganization, additional pupils added by the
 39 application of the supplementary weighting plan, equal
 40 to the pupils added by the application of the
 41 supplementary weighting plan in the year preceding the
 42 effective date of reorganization. For purposes of
 43 this subsection, the weighted enrollment for the
 44 period of one year following the effective date of
 45 reorganization shall include the supplementary
 46 weighting in the base year used for determining the
 47 combined district cost for the first year of the
 48 reorganization. However, the weighting shall be
 49 reduced by the supplementary weighting added for a
 50 pupil whose residency is not within the reorganized

1 district."

2 2. By renumbering as necessary.

By MIKE CONNOLLY

HOUSE FILE 549

S-3355

1 Amend the amendment, S-3332, to House File 549, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 6, by inserting after line 3 the
5 following:

6 "Sec. ____ . Section 257.11, subsection 5, paragraph
7 b, Code 2003, is amended to read as follows:

8 b. A school district which establishes a regional
9 academy shall be eligible to assign its resident
10 pupils attending classes at the academy a weighting of
11 one-tenth of the percentage of the pupil's school day
12 during which the pupil attends classes at the regional
13 academy. For the purposes of this subsection,
14 "regional academy" means an educational institution
15 established by a school district to which multiple
16 schools send pupils in grades ~~seven~~ nine through
17 twelve, and may include a virtual academy. A regional
18 academy shall include in its curriculum advanced-level
19 courses and may include in its curriculum vocational-
20 technical ~~programs~~ courses. The maximum amount of
21 additional weighting for which a school district
22 establishing a regional academy shall be eligible is
23 an amount corresponding to fifteen additional pupils.
24 The minimum amount of additional weighting for which a
25 school district establishing a regional academy shall
26 be eligible is an amount corresponding to ten
27 additional pupils if the academy provides both
28 advanced-level courses and vocational technical
29 courses.

30 Sec. ____ . Section 257.11, Code 2003, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 7A. SHARED SUPPORT SERVICES. For
33 the school budget years beginning July 1, 2003, July
34 1, 2004, and July 1, 2005, a school district which
35 shares with or purchases from an eligible entity a
36 significant portion of one or more support services,
37 student transportation services, or personnel or other
38 operational types of services shall be eligible to
39 assign its resident students an additional weighting.
40 For purposes of this subsection, "significant portion"
41 means that at least fifty percent of the services are
42 shared or purchased. Eligible sharing and purchasing
43 entities shall include other school districts, area
44 education agencies, community colleges, cities, or
45 counties. Eligible support services shall include but
46 not be limited to budgeting, receiving and disbursing
47 funds, financial and property accounting, payroll,
48 planning research and evaluation, personnel services,
49 and administrative technology services; and shall
50 exclude cooperative purchasing programs and

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1 activities. A school district shall be eligible for
2 additional weighting for services not previously
3 shared or purchased prior to July 1, 2003, from other
4 school districts, area education agencies, community
5 colleges, cities, or counties. A school district that
6 qualifies under this subsection shall assign to its
7 resident pupils an additional weight of two-
8 hundredths. The maximum additional weight shall be
9 ten additional pupils. If the sum of the funding
10 amount calculated for all districts under this
11 subsection exceeds two million dollars for the school
12 year beginning July 1, 2004, and each succeeding
13 fiscal year, the director of the department of
14 management shall prorate the amount calculated for
15 each district. The proration shall be based upon the
16 amount calculated for each district when compared to
17 the sum of the amount for all districts.

18 Sec. ____ . Section 257.11A, Code 2003, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 3A. SHARED SUPERINTENDENTS. For
21 the school budget years beginning July 1, 2003, July
22 1, 2004, and July 1, 2005, resident pupils enrolled in
23 a school district in which the superintendent is
24 employed jointly under section 273.7A or under section
25 280.15, are assigned a weighting of five-hundredths
26 for the superintendent who is jointly employed times
27 the percent of the superintendent's time in which the
28 superintendent is employed in the school district.
29 However, the total additional weighting assigned under
30 this subsection for a budget year for a school
31 district shall not exceed five and the total
32 additional weighting added cumulatively to the
33 enrollment of school districts sharing a
34 superintendent shall not exceed fifteen. If the
35 school district has approved an action to bring about
36 a reorganization to take effect on or before July 1,
37 2006, the reorganized school district shall include,
38 for a period of one year following the effective date
39 of reorganization, additional pupils added by the
40 application of the supplementary weighting plan, equal
41 to the pupils added by the application of the
42 supplementary weighting plan in the year preceding the
43 effective date of reorganization. For purposes of
44 this subsection, the weighted enrollment for the
45 period of one year following the effective date of
46 reorganization shall include the supplementary
47 weighting in the base year used for determining the
48 combined district cost for the first year of the
49 reorganization. However, the weighting shall be
50 reduced by the supplementary weighting added for a

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1 pupil whose residency is not within the reorganized
2 district."

3 2. By renumbering as necessary.

By MIKE CONNOLLY

S-3355 FILED APRIL 30, 2003

LOST

HOUSE FILE 549

H-1603

1 Amend the Senate amendment, H-1578, to House File
2 549, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 11, by striking line 24 and inserting the
5 following: "is amended by striking the subsection."

6 2. Page 11, by striking lines 25 through 31.

7 3. Page 12, by striking lines 20 through 26 and
8 inserting the following: "driver is employed by the
9 school district or accredited nonpublic school, or
10 pending confirmation of the carrier who employs the
11 bus driver and who provides transportation under a
12 contract with the public school under section 285.5:"

By WISE of Lee

H-1603 FILED MAY 1, 2003

LOST

HOUSE FILE 549

H-1611

1 Amend the Senate amendment, H-1578, to House File
2 549, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 2, line 9 through page 4,
5 line 14.

6 2. By renumbering as necessary.

By WINCKLER of Scott

H-1611 FILED MAY 1, 2003

WITHDRAWN

SENATE AMENDMENT TO
HOUSE FILE 549

H-1578

1 Amend House File 549, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 256.5A, Code 2003, is amended
6 to read as follows:

7 256.5A NONVOTING MEMBER.

8 The governor shall appoint the one nonvoting
9 student member of the state board for a term of one
10 year beginning and ending as provided in section
11 69.19. The nonvoting student member shall be
12 appointed from a list of names submitted by the state
13 board of education. Students enrolled in either grade
14 ten or eleven in a public school may apply to the
15 state board to serve as a nonvoting student member.
16 The department shall develop an application process
17 that requires the consent of the student's parent or
18 guardian if the student is a minor, initial
19 application approval by the school district in which
20 the student applicant is enrolled, and submission of
21 approved applications by a school district to the
22 department. The nonvoting student member's school
23 district of enrollment shall notify the student's
24 parents if the student's grade point average falls
25 during the period in which the student is a member of
26 the state board. The state board shall adopt rules
27 under chapter 17A specifying criteria for the
28 selection of applicants whose names shall be submitted
29 to the governor. Criteria shall include, but are not
30 limited to, academic excellence, participation in
31 extracurricular and community activities, and interest
32 in serving on the board. Rules adopted by the state
33 board shall also require, if the student is a minor,
34 supervision of the student by the student's parent or
35 guardian while the student is engaged in authorized
36 state board business at a location other than the
37 community in which the student resides, unless the
38 student's parent or guardian submits to the state
39 board a signed release indicating the parent or
40 guardian has determined that supervision of the
41 student by the parent or guardian is unnecessary. The
42 nonvoting student member ~~shall be appointed without~~
43 ~~regard to political affiliation~~ appointment is not
44 subject to section 69.16 or 69.16A. The nonvoting
45 student member shall have been enrolled in a public
46 school in Iowa for at least one year prior to the
47 member's appointment. A nonvoting student member who
48 will not graduate from high school prior to the end of
49 a second term may apply to the state board for
50 submission of candidacy to the governor for a second

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1 one-year term. A nonvoting student member shall be
2 paid a per diem as provided in section 7E.6 and the
3 student and the student's parent or guardian shall be
4 reimbursed for actual and necessary expenses incurred
5 in the performance of the student's duties as a
6 nonvoting member of the state board. A vacancy in the
7 membership of the nonvoting student member shall not
8 be filled until the expiration of the term.

9 Sec. _____. Section 256.7, subsection 21, unnumbered
10 paragraph 1, Code 2003, is amended to read as follows:

11 Develop and adopt rules ~~by July 1, 1999,~~
12 incorporating accountability for, and reporting of,
13 student achievement into the standards and
14 accreditation process described in section 256.11.
15 The rules shall provide for all of the following:"

16 2. Page 1, by inserting after line 31 the
17 following:

18 "Sec. _____. Section 256.9, Code 2003, is amended by
19 adding the following new subsection:

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

38 a. Not later than July 1, 2004, the department
39 shall maintain an internet site that reports the
40 following:

41 (1) Iowa tests of basic skills scores for each
42 school district that administers the test and for each
43 attendance center within the school district for
44 grades three through eight. Each school district
45 administering the Iowa test of basic skills shall
46 provide a report to the department relating to each
47 attendance center's test score averages and a
48 longitudinal analysis of student progress as specified
49 in paragraph "c".

50 The report shall contain attendance-center-level

1 test results for the Iowa test of basic skills in the
2 areas of reading, social studies, mathematics, and
3 science. The report shall include, but shall not be
4 limited to the number of students tested, the number
5 of test results used to compute the averages, average
6 standard score, the corresponding grade equivalent
7 score, average stanine score for the group, and the
8 normal curve equivalent of average standard scores,
9 and percentile ranks based on student norms, as well
10 as measures of student progress as specified in
11 paragraph "c".

12 (2) Iowa test of educational development scores
13 for each school district that administers the test and
14 for each attendance center within the school district
15 for grades nine through eleven. Each school district
16 administering the Iowa test of educational development
17 shall provide a report to the department relating to
18 each attendance center's test score averages and a
19 longitudinal analysis of student progress as specified
20 in paragraph "c".

21 b. Scores required to be reported under paragraph
22 "a", subparagraphs (1) and (2), shall be presented in
23 percentiles that allow for comparisons between
24 participating schools. The internet site shall
25 include background information regarding the tests,
26 including guidance for interpreting test scores and
27 the number of students that did not participate in the
28 tests and the reasons the students did not
29 participate.

30 c. The department shall approve the use of a
31 single value-added system to calculate annually the
32 amount of academic growth for each student, school,
33 and school district in reading and mathematics, and
34 other core academic areas where possible. The system
35 shall at a minimum contain the following capabilities:

36 (1) Use of a mixed-model statistical analysis that
37 has the ability to use all achievement test data for
38 each student, including the data for students with
39 missing test scores, that does not adjust downward
40 expectations for student progress based on race,
41 poverty, or gender, and that will provide the best
42 linear unbiased predictions of school or other
43 educational entity effects to minimize the impact of
44 fortuitous accumulation of random errors.

45 (2) The ability to work with test data from a
46 variety of sources, including data that are not
47 vertically scaled, and to provide a variety of
48 analyses of such data.

49 (3) The capacity to receive and report results
50 electronically and provide support for districts

1 utilizing the system.

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

10 d. Each school district shall have complete access
11 to and utilization of its own value-added assessment
12 reports generated by the system at the student level
13 for the purpose of measuring student achievement at
14 different educational entity levels.

15 Sec. _____. Section 256.18, subsection 2, unnumbered
16 paragraph 2, Code 2003, is amended by striking the
17 unnumbered paragraph.

18 Sec. _____. Section 256.39, subsection 8, Code 2003,
19 is amended by striking the subsection.

20 Sec. _____. Section 256A.4, subsection 1, unnumbered
21 paragraph 1, Code 2003, is amended to read as follows:

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

38 Sec. 101. Section 256D.9, Code 2003, is amended to
39 read as follows:

40 256D.9 FUTURE REPEAL.

41 This chapter is repealed effective July 1, 2003
42 2004.

43 Sec. 102. Section 257.3, subsection 2, Code 2003,
44 is amended to read as follows:

45 2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

46 a. Notwithstanding subsection 1, a reorganized
47 school district shall cause a foundation property tax
48 of four dollars and forty cents per thousand dollars
49 of assessed valuation to be levied on all taxable
50 property which, in the year preceding a

1 reorganization, was within a school district affected
2 by the reorganization as defined in section 275.1, or
3 in the year preceding a dissolution was a part of a
4 school district that dissolved if the dissolution
5 proposal has been approved by the director of the
6 department of education pursuant to section 275.55.
7 ~~In the year preceding the reorganization or~~
8 ~~dissolution, the school district affected by the~~
9 ~~reorganization or the school district that dissolved~~
10 ~~must have had a certified enrollment of fewer than six~~
11 ~~hundred in order for the four-dollar-and-forty-cent~~
12 ~~levy to apply.~~

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

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

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

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

45 d. For purposes of this section, a reorganized
46 school district is one which absorbs at least thirty
47 percent of the enrollment of the school district
48 affected by a reorganization or dissolved during a
49 dissolution and in which action to bring about a
50 reorganization or dissolution is initiated by a vote

1 of the board of directors or jointly by the affected
2 boards of directors to take effect on or after July 1,
3 2002, and on or before July 1, 2006. Each district
4 which initiated, by a vote of the board of directors
5 or jointly by the affected boards, action to bring
6 about a reorganization or dissolution to take effect
7 on or after July 1, 2002, and on or before July 1,
8 2006, shall certify the date and the nature of the
9 action taken to the department of education by January
10 1 of the year in which the reorganization or
11 dissolution takes effect.

12 Sec. _____. Section 257.11, subsection 2, paragraph
13 c, subparagraph (2), Code 2003, is amended to read as
14 follows:

15 (2) A school district which was not participating
16 in a whole grade sharing arrangement during the budget
17 year beginning July 1, 2000, which executes a whole
18 grade sharing agreement pursuant to sections 282.10
19 through 282.12 for the budget year beginning July 1,
20 2002, ~~or~~ July 1, 2003, July 1, 2004, or July 1, 2005,
21 and which adopts a resolution jointly with the other
22 affected boards to study the question of undergoing a
23 reorganization or dissolution to take effect on or
24 before July 1, 2006, shall receive a weighting of one-
25 tenth of the percentage of the pupil's school day
26 during which the pupil attends classes in another
27 district, attends classes taught by a teacher who is
28 jointly employed under section 280.15, or attends
29 classes taught by a teacher who is employed by another
30 school district. A district shall be eligible for
31 supplementary weighting pursuant to this subparagraph
32 for a maximum of three years. Receipt of
33 supplementary weighting for a second and third year
34 shall be conditioned upon submission of information
35 resulting from the study to the school budget review
36 committee indicating progress toward the objective of
37 reorganization on or before July 1, 2006.

38 Sec. _____. Section 258.17, subsection 4, Code 2003,
39 is amended to read as follows:

40 4. Each workstart program shall include a written
41 agreement by the school or school district with one or
42 more businesses from the surrounding community to
43 provide workplace-specific training and learning
44 programs which are related to the skills needed to
45 succeed in those occupational areas. The proposed
46 plan for implementation of the workstart program shall
47 include a copy of the written agreement between the
48 school or school district and the business or
49 businesses and a business support component, which
50 shall consist of financial or in-kind support, or both

1 financial and in-kind support, from the businesses
2 that have entered into the agreement with the school
3 or school district. ~~The plan may provide for the~~
4 ~~utilization of phase III and other available school~~
5 ~~funds in the establishment of the program. A~~
6 ~~workstart program is a comprehensive school~~
7 ~~transformation program under section 294A.14.~~

8 Sec. ____ . Section 262.9, Code 2003, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 29. Develop a policy, not later
11 than August 1, 2003, that each institution of higher
12 education under the control of the board shall
13 approve, institute, and enforce, which prohibits
14 students, faculty, and staff from harassing or
15 intimidating a student or any other person on
16 institution property who is wearing the uniform of, or
17 a distinctive part of the uniform of, the armed forces
18 of the United States. A policy developed in
19 accordance with this subsection shall not prohibit an
20 individual from wearing such a uniform on institution
21 property if the individual is authorized to wear the
22 uniform under the laws of a state or the United
23 States. The policy shall provide for appropriate
24 sanctions.

25 Sec. ____ . Section 272.2, subsection 14, paragraph
26 b, subparagraph (1), subparagraph subdivision (b),
27 Code 2003, is amended by adding the following new
28 subparagraph subdivision part:

29 NEW SUBPARAGRAPH SUBDIVISION PART. (viii) Sexual
30 exploitation by a school employee.

31 Sec. ____ . Section 272.2, Code 2003, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 17. Adopt criteria for
34 administrative endorsements that allow a person to
35 achieve the endorsement authorizing the person to
36 serve as an elementary or secondary principal without
37 regard to the grade level at which the person accrued
38 teaching experience.

39 Sec. ____ . NEW SECTION. 272.15 SCHOOL REPORTING
40 REQUIREMENT.

41 The board of directors of a school district or area
42 education agency, the superintendent of a school
43 district or the chief administrator of an area
44 education agency, and the authorities in charge of a
45 nonpublic school shall report to the board the
46 nonrenewal or termination, for reasons of alleged or
47 actual misconduct, of a person's contract executed
48 under sections 279.12, 279.13, 279.15 through 279.21,
49 279.23, and 279.24, and the resignation of a person
50 who holds a license, certificate, or authorization

1 issued by the board as a result of or following an
2 incident or allegation of misconduct that, if proven,
3 would constitute a violation of the rules adopted by
4 the board to implement section 272.2, subsection 14,
5 paragraph "b", subparagraph (1), when the board or
6 reporting official has a good faith belief that the
7 incident occurred or the allegation is true.
8 Information reported to the board in accordance with
9 this section is privileged and confidential, and,
10 except as provided in section 272.13, is not subject
11 to discovery, subpoena, or other means of legal
12 compulsion for its release to a person other than the
13 respondent and the board and its employees and agents
14 involved in licensee discipline, and is not admissible
15 in evidence in a judicial or administrative proceeding
16 other than the proceeding involving licensee
17 discipline. The board shall review the information
18 reported to determine whether a complaint should be
19 initiated. In making that determination, the board
20 shall consider the factors enumerated in section
21 272.2, subsection 14, paragraph "a". For purposes of
22 this section, unless the context otherwise requires,
23 "misconduct" means an action disqualifying an
24 applicant for a license or causing the license of a
25 person to be revoked or suspended in accordance with
26 the rules adopted by the board to implement section
27 272.2, subsection 14, paragraph "b", subparagraph
28 (1)."

29 3. Page 3, line 15, by striking the word
30 "ordinary" and inserting the following: "certified".

31 4. By striking page 10, line 10, through page 11,
32 line 1.

33 5. Page 11, by striking lines 2 through 15.

34 6. Page 11, by inserting before line 16, the
35 following:

36 "Sec. _____. Section 279.13, Code 2003, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 4. Notwithstanding the other
39 provisions of this section, a temporary contract may
40 be issued to a teacher to fill a vacancy created by a
41 leave of absence in accordance with the provisions of
42 section 29A.28, which contract shall automatically
43 terminate upon return from military leave of the
44 former incumbent of the teaching position and which
45 contract shall not be subject to the provisions of
46 sections 279.15 through 279.19, or section 279.27. A
47 separate extracurricular contract issued pursuant to
48 section 279.19A to a person issued a temporary
49 contract under this section shall automatically
50 terminate with the termination of the temporary

1 contract as required under section 279.19A, subsection
2 8.

3 Sec. _____. Section 279.23, Code 2003, is amended by
4 adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
6 other provisions of this section, a temporary contract
7 may be issued to an administrator to fill a vacancy
8 created by a leave of absence in accordance with the
9 provisions of section 29A.28, which contract shall
10 automatically terminate upon return from military
11 leave of the former incumbent of the administrator
12 position and which contract shall not be subject to
13 the provisions of sections 279.24 and section 279.25."

14 7. Page 12, by inserting after line 20 the
15 following:

16 "Sec. 103. Section 282.18, subsection 3, Code
17 2003, is amended to read as follows:

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

37 A parent or guardian, whose request has been denied
38 because of a desegregation order or plan, may appeal
39 the decision of the superintendent to the board of the
40 district in which the request was denied. The board
41 may either uphold or overturn the superintendent's
42 decision. A decision of the board to uphold the
43 denial of the request is subject to appeal to the
44 district court in the county in which the primary
45 business office of the district is located. By July
46 1, 2004, the state board of education shall adopt
47 rules establishing guidelines and a review process for
48 school districts that adopt voluntary desegregation
49 plans. The guidelines shall include criteria and
50 standards that school districts must follow when

1 developing a voluntary desegregation plan. The
2 department of education shall provide technical
3 assistance to a school district that is seeking to
4 adopt a voluntary desegregation plan. A school
5 district implementing a voluntary desegregation plan
6 prior to July 1, 2004, shall have until July 1, 2006,
7 to comply with guidelines adopted by the state board
8 pursuant to this section.

9 Sec. ____ . Section 282.18, subsection 7, Code 2003,
10 is amended to read as follows:

11 7. A pupil participating in open enrollment shall
12 be counted, for state school foundation aid purposes,
13 in the pupil's district of residence. A pupil's
14 residence, for purposes of this section, means a
15 residence under section 282.1. The board of directors
16 of the district of residence shall pay to the
17 receiving district the state cost per pupil for the
18 previous school year, plus any moneys received for the
19 pupil as a result of the non-English speaking
20 weighting under section 280.4, subsection 3, for the
21 previous school year multiplied by the state cost per
22 pupil for the previous year. ~~The district of~~
23 ~~residence shall also transmit the phase III moneys~~
24 ~~allocated to the district for the previous year for~~
25 ~~the full-time equivalent attendance of the pupil, who~~
26 ~~is the subject of the request, to the receiving~~
27 ~~district specified in the request for transfer. If~~
28 the pupil participating in open enrollment is also an
29 eligible pupil under chapter 261C, the receiving
30 district shall pay the tuition reimbursement amount to
31 an eligible postsecondary institution as provided in
32 section 261C.6."

33 8. Page 16, line 1, by striking the words
34 "~~teacher's supervisor~~" and inserting the following:
35 "teachers's supervisor and the".

36 9. Page 18, by striking lines 25 and 26 and
37 inserting the following:

38 "Sec. ____ . Section 284.11, subsections 1 and 6,
39 Code 2003, are amended to read as follows:

40 1. It is the intent of the general assembly to
41 create a statewide team-based variable pay program to
42 reward individual attendance centers for improvement
43 in student achievement. A pilot program is
44 established to give Iowa school districts with one or
45 more participating attendance centers the opportunity
46 to explore and demonstrate successful methods to
47 implement team-based variable pay and to compare
48 student achievement gains in school districts
49 participating in the program with gains in school
50 districts similar in nature that are not participating

1 in the program. The department shall develop and
2 administer the pilot program and shall provide
3 technical assistance in the areas of goal setting and
4 student assessments to school districts approved to
5 participate in the pilot program. Preference shall be
6 given to school districts that were previously
7 approved to participate in a pilot program
8 administered by the department in accordance with this
9 section. Each school district approved by the
10 department to participate in the pilot program shall
11 administer valid and reliable standardized assessments
12 at the beginning and end of the school year to
13 demonstrate growth in student achievement.

14 6. A district electing to initiate a team-based
15 variable pay plan according to this section during the
16 school year beginning July 1, ~~2001~~ 2003, shall notify
17 the department of its election in writing no later
18 than August 1, ~~2001~~ 2003. The department shall
19 certify the school district plan by October 1, ~~2001~~
20 2003."

21 10. Page 18, by inserting before line 27 the
22 following:

23 "Sec. _____. Section 285.5, subsection 9, Code 2003,
24 is amended to read as follows:

25 9. All bus drivers, except substitute and part-
26 time bus drivers, for school-owned equipment shall be
27 under contract with the board. The director of the
28 department of education shall prepare a uniform
29 contract containing provision not in conflict with
30 this chapter which shall be used by all school boards
31 in contracting with drivers of school-owned vehicles."

32 11. Page 19, by inserting after line 7 the
33 following:

34 "Sec. _____. Section 294A.1, unnumbered paragraph 1,
35 Code 2003, is amended to read as follows:

36 The purpose of this chapter is to promote
37 excellence in education. In order to maintain and
38 advance the educational excellence in the state of
39 Iowa, this chapter establishes the Iowa educational
40 excellence program. The program shall consist of
41 ~~three~~ two major phases addressing the following:

42 Sec. _____. Section 294A.1, subsection 3, Code 2003,
43 is amended by striking the subsection.

44 Sec. _____. Section 294A.3, unnumbered paragraph 2,
45 Code 2003, is amended by striking the unnumbered
46 paragraph.

47 Sec. _____. Section 294A.22, unnumbered paragraph 3,
48 Code 2003, is amended to read as follows:

49 Payments made to a teacher by a school district or
50 area education agency under this chapter are wages for

1 the purposes of chapter 91A ~~except for payments made~~
2 ~~under an approved phase III plan where a modified~~
3 ~~payment plan has either been mutually agreed upon by~~
4 ~~the board of directors and the certified bargaining~~
5 ~~representative for certificated employees or for a~~
6 ~~district that is not organized for collective~~
7 ~~bargaining purposes where a modified payment plan is~~
8 ~~adopted by the board."~~

9 12. Page 19, by striking lines 8 through 32.

10 13. Page 19, by inserting before line 33 the
11 following:

12 "Sec. ____ . Section 321.375, subsection 2,
13 unnumbered paragraph 1, Code 2003, is amended to read
14 as follows:

15 Any of the following shall constitute grounds for a
16 school bus driver's immediate suspension from duties,
17 pending a termination hearing by the board of
18 directors of a public school district or the
19 authorities in charge in a nonpublic school if the bus
20 driver is under contract, pending confirmation of the
21 grounds by the school district or accredited nonpublic
22 school if the bus driver is a part-time or substitute
23 bus driver who is not under contract, or pending
24 confirmation of the grounds by the employer of the
25 school bus driver if the employer is not a school
26 district or accredited nonpublic school by the board:

27 Sec. ____ . Section 321.375, subsection 2, Code
28 2003, is amended by adding the following new
29 paragraph:

30 NEW PARAGRAPH. e. A change in circumstances
31 indicating that the driver is no longer physically or
32 mentally competent. For the purpose of an insulin-
33 dependent diabetic, a change in circumstances includes
34 the following:

35 (1) Results of a glycosylated hemoglobin test
36 indicating values less than 6.0 percent or greater
37 than 9.5 percent unless accompanied by the required
38 medical opinion that the event was incidental and not
39 an indication of failure to control glucose levels.

40 (2) Results of self-monitoring indicate glucose
41 levels less than one hundred milligrams per deciliter
42 or greater than three hundred milligrams per
43 deciliter, until self-monitoring indicates compliance
44 with specifications.

45 (3) Experiencing a loss of consciousness or
46 control relating to diabetes.

47 (4) Failing to maintain or falsifying the required
48 reports.

49 Sec. ____ . Section 321.375, Code 2003, is amended
50 by adding the following new subsection:

1 NEW SUBSECTION. 3. a. Notwithstanding any
2 provision to the contrary, an insulin-dependent
3 diabetic may qualify under subsection 1, paragraph
4 "d", for purposes of operating a school bus under this
5 section if a person identified by federal or state law
6 as authorized to perform physical examinations
7 annually provides a signed statement indicating that
8 based upon an annual physical examination the
9 individual is physically able to perform the required
10 functions despite insulin dependency. The insulin-
11 dependent diabetic shall not qualify to operate a
12 school bus if, at minimum, the individual results of a
13 glycosylated hemoglobin test indicate values less than
14 6.0 percent or greater than 9.5 percent on other than
15 an incidental basis and not as a result of failure to
16 control glucose levels. The statement shall also
17 indicate that within the past three years the insulin-
18 dependent diabetic has completed instruction to
19 address diabetes management and driving safety, signs
20 and symptoms of hypoglycemia and hyperglycemia, and
21 what procedures must be followed if complications
22 arise.

23 b. A school district or authorities in charge of
24 the nonpublic school that employs or otherwise secures
25 the services of an individual with an authorization
26 who is an insulin-dependent diabetic shall monitor the
27 insulin-dependent diabetic to determine that they are
28 in compliance with all of the following:

29 (1) Self-monitoring blood glucose and
30 demonstrating conformance with requirements, more than
31 one hundred milligrams per deciliter and less than
32 three hundred milligrams per deciliter, within one
33 hour before driving a school bus and approximately
34 every four hours while on duty using a United States
35 food and drug administration approved device.

36 (2) Reporting immediately to the school district
37 or school any failure to comply with specific glucose
38 level requirements as listed in subparagraph (1) or
39 loss of consciousness or control.

40 (3) Carrying a source of readily absorbable, fast-
41 acting glucose while on duty.

42 (4) Maintaining a daily log of all glucose test
43 results for the previous six-month period and
44 providing copies to the school district or school, the
45 examining physician, and the department of education
46 upon request.

47 (5) Submitting all required department of
48 education forms within the prescribed timelines."

49 14. Page 20, by inserting after line 7 the
50 following:

1 "Sec. ____ . Section 331.909, subsection 2, Code
2 2003, is amended to read as follows:

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

10 Sec. ____ . Section 614.1, subsection 12, Code 2003,
11 is amended to read as follows:

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

23 Sec. ____ . Section 692A.1, subsection 10, Code
24 2003, is amended to read as follows:

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

28 Sec. ____ . Section 702.11, subsection 2, paragraph
29 d, Code 2003, is amended to read as follows:

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

33 Sec. ____ . Section 709.15, Code 2003, is amended to
34 read as follows:

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

37 1. As used in this section:

38 a. "Counselor or therapist" means a physician,
39 psychologist, nurse, professional counselor, social
40 worker, marriage or family therapist, alcohol or drug
41 counselor, member of the clergy, or any other person,
42 whether or not licensed or registered by the state,
43 who provides or purports to provide mental health
44 services.

45 b. "Emotionally dependent" means that the nature
46 of the patient's or client's or former patient's or
47 client's emotional condition or the nature of the
48 treatment provided by the counselor or therapist is
49 such that the counselor or therapist knows or has
50 reason to know that the patient or client or former

1 patient or client is significantly impaired in the
2 ability to withhold consent to sexual conduct, as
3 described in paragraph "f" subsection 2, by the
4 counselor or therapist.

5 For the purposes of paragraph "f" subsection 2, a
6 former patient or client is presumed to be emotionally
7 dependent for one year following the termination of
8 the provision of mental health services.

9 c. "Former patient or client" means a person who
10 received mental health services from the counselor or
11 therapist.

12 d. "Mental health service" means the treatment,
13 assessment, or counseling of another person for a
14 cognitive, behavioral, emotional, mental, or social
15 dysfunction, including an intrapersonal or
16 interpersonal dysfunction.

17 e. "Patient or client" means a person who receives
18 mental health services from the counselor or
19 therapist.

20 f. "School employee" means a practitioner as
21 defined in section 272.1.

22 g. "Student" means a person who is currently
23 enrolled in or attending a public or nonpublic
24 elementary or secondary school, or who was a student
25 enrolled in or attended a public or nonpublic
26 elementary or secondary school within thirty days of
27 any violation of subsection 3.

28 ~~f. 2. "Sexual Sexual exploitation by a counselor~~
29 ~~or therapist" therapist~~ occurs when any of the
30 following are found:

31 ~~(1) a.~~ A pattern or practice or scheme of conduct
32 to engage in any of the conduct described in
33 ~~subparagraph (2) or (3) paragraph "b" or "c".~~

34 ~~(2) b.~~ Any sexual conduct, with an emotionally
35 dependent patient or client or emotionally dependent
36 former patient or client for the purpose of arousing
37 or satisfying the sexual desires of the counselor or
38 therapist or the emotionally dependent patient or
39 client or emotionally dependent former patient or
40 client, which includes but is not limited to the
41 following: kissing; touching of the clothed or
42 unclothed inner thigh, breast, groin, buttock, anus,
43 pubes, or genitals; or a sex act as defined in section
44 702.17.

45 ~~(3) c.~~ Any sexual conduct with a patient or client
46 or former patient or client within one year of the
47 termination of the provision of mental health services
48 by the counselor or therapist for the purpose of
49 arousing or satisfying the sexual desires of the
50 counselor or therapist or the patient or client or

1 former patient or client which includes but is not
2 limited to the following: kissing; touching of the
3 clothed or unclothed inner thigh, breast, groin,
4 buttock, anus, pubes, or genitals; or a sex act as
5 defined in section 702.17.

6 ~~"Sexual~~ Sexual exploitation by a counselor or
7 ~~therapist"~~ therapist does not include touching which
8 is part of a necessary examination or treatment
9 provided a patient or client by a counselor or
10 therapist acting within the scope of the practice or
11 employment in which the counselor or therapist is
12 engaged.

13 3. Sexual exploitation by a school employee occurs
14 when any of the following are found:

15 a. A pattern or practice or scheme of conduct to
16 engage in any of the conduct described in paragraph
17 "b".

18 b. Any sexual conduct with a student for the
19 purpose of arousing or satisfying the sexual desires
20 of the school employee or the student. Sexual conduct
21 includes but is not limited to the following:

22 kissing; touching of the clothed or unclothed inner
23 thigh, breast, groin, buttock, anus, pubes, or
24 genitals; or a sex act as defined in section 702.17.

25 Sexual exploitation by a school employee does not
26 include touching that is necessary in the performance
27 of the school employee's duties while acting within
28 the scope of employment.

29 ~~2.~~ 4. a. A counselor or therapist who commits
30 sexual exploitation in violation of subsection \pm 2,
31 paragraph ~~"f"~~ "a", subparagraph (1), commits a class
32 "D" felony.

33 ~~3.~~ b. A counselor or therapist who commits sexual
34 exploitation in violation of subsection \pm 2, paragraph
35 ~~"f"~~ "b", subparagraph (2), commits an aggravated
36 misdemeanor.

37 ~~4.~~ c. A counselor or therapist who commits sexual
38 exploitation in violation of subsection \pm 2, paragraph
39 ~~"f"~~ "c", subparagraph (3), commits a serious
40 misdemeanor. In lieu of the sentence provided for
41 under section 903.1, subsection 1, paragraph "b", the
42 offender may be required to attend a sexual abuser
43 treatment program.

44 5. a. A school employee who commits sexual
45 exploitation in violation of subsection 3, paragraph
46 "a", commits a class "D" felony.

47 b. A school employee who commits sexual
48 exploitation in violation of subsection 3, paragraph
49 "b", commits an aggravated misdemeanor.

50 Sec. ____. Section 802.2A, subsection 2, Code 2003,

1 is amended to read as follows:

2 | 2. An indictment or information for sexual
3 exploitation by a counselor, ~~or~~ therapist, or school
4 employee under section 709.15 committed on or with a
5 person who is under the age of eighteen shall be found
6 within ten years after the person upon whom the
7 offense is committed attains eighteen years of age.
8 An information or indictment for any other sexual
9 exploitation shall be found within ten years of the
10 date the victim was last treated by the counselor or
11 therapist, or within ten years of the date the victim
12 was enrolled in or attended the school.

13 Sec. ____ . Section 903B.1, subsection 4, paragraph
14 h, Code 2003, is amended to read as follows:

15 h. Sexual exploitation ~~by a counselor~~ in violation
16 of section 709.15."

17 15. Page 21, by inserting after line 25 the
18 following:

19 "Sec. 104. READING INSTRUCTION PILOT PROGRAM.

20 1. Recognizing the state's goals of assisting
21 children to grow, develop, and learn to their fullest
22 extent, empowering students in grades kindergarten
23 through eight to become good readers, and supporting
24 student achievement and overall academic performance,
25 and recognizing the importance of instructional
26 methodologies and strategies for reading, a reading
27 instruction pilot program is established. The
28 objective of the program shall be to improve student
29 reading achievement and provide interventions needed
30 to assist struggling readers by increasing teacher
31 capacity to provide reading instruction.

32 2. The program shall be established for the school
33 year beginning July 1, 2003, in a school district with
34 an enrollment of at least six hundred pupils in grades
35 kindergarten through twelve, or in two or more school
36 districts, each with enrollments of less than six
37 hundred pupils in grades kindergarten through twelve,
38 jointly participating in the program and with a
39 combined enrollment of at least six hundred pupils in
40 grades kindergarten through twelve. The program shall
41 involve the implementation of systematic intensive
42 phonics reading instruction and direct instruction for
43 students up to and including the eighth grade. The
44 program shall meet the standards set forth by the
45 United States department of education's national
46 institute for literacy, which has identified the five
47 areas of successful reading instruction as phonemic
48 awareness, phonics, fluency, vocabulary, and text
49 comprehension.

50 3. The program shall offer training and ongoing

1 support for participating teachers and provide
2 continuous formal and informal student assessment to
3 demonstrate results. Teachers in the school district
4 or group of districts selected shall, prior to the
5 beginning of classes for the school year beginning
6 July 1, 2003, participate in an in-service training
7 program to prepare for implementation of the program.
8 The in-service training shall include education and
9 training in curriculum content and methods of
10 instruction relating to systematic intensive phonics
11 reading instruction and direct instruction, student
12 assessment procedures and techniques, and effective
13 interventions to address specific reading
14 difficulties, and shall continue on an ongoing basis
15 throughout the school year.

16 4. The program shall be administered by the
17 department of education. The department shall provide
18 notice to school districts regarding the existence of
19 the program, shall provide technical assistance
20 regarding application submission and information
21 regarding program objectives and operation, and shall
22 provide program implementation assistance to the
23 school district or group of districts selected. A
24 school district or group of districts wishing to
25 participate shall submit an application to the
26 department and the department shall, before July 1,
27 2003, select a school district or group of districts
28 for participation in the pilot program. In the
29 application the school district or group of districts
30 shall propose a districtwide plan for effective
31 reading interventions involving an approach to
32 beginning reading instruction and boosting the reading
33 levels of students using systematic intensive phonics
34 instruction and direct instruction. A school district
35 submitting an application shall also indicate a
36 willingness to provide faculty committed to
37 implementation of the program and participation in the
38 in-service training, and shall include a plan for
39 conducting pretesting and posttesting to demonstrate
40 results. The department shall select for
41 participation a school district or group of districts,
42 after consultation with the chairpersons and ranking
43 members of the senate and house standing committees on
44 education, which demonstrates an ability to implement
45 program requirements and adhere to the national
46 institute for literacy standards.

47 5. Upon completion of the pilot program, the
48 school district shall submit a report to the
49 department regarding the impact of the program on
50 student academic achievement. The department shall

1 prepare a report summarizing these results, and
2 comparing them to student academic achievement gains
3 in similar school districts that did not participate
4 in the program. The department report shall include
5 recommendations for statewide implementation of the
6 pilot program, and shall be submitted to the
7 chairpersons and ranking members of the senate and
8 house standing committees on education by December 15,
9 2004.

10 6. The establishment of the program pursuant to
11 this section shall be contingent upon an appropriation
12 for purposes of the program for the fiscal year
13 beginning July 1, 2003, and ending June 30, 2004.
14 Funds provided to the school district or group of
15 districts selected shall be used by the district or
16 group of districts to provide stipends and travel
17 expense payments during the summer teacher in-service
18 training, ongoing training and support during the
19 school year, expense payments relating to data
20 collection, and payments for the costs of reading
21 instruction relating to the program."

22 16. Page 21, by striking line 26 and inserting
23 the following:

24 "Sec. _____. Sections 294A.12 through 294A.20, and
25 294A.23, Code 2003, are".

26 17. Page 21, by inserting after line 27 the
27 following:

28 "Sec. _____. EFFECTIVE DATES.

29 1. Section 101 of this Act, relating to the repeal
30 of chapter 256D, being deemed of immediate importance
31 takes effect upon enactment.

32 2. Section 102 of this Act, relating to school
33 reorganization incentives, being deemed of immediate
34 importance, takes effect upon enactment.

35 3. Section 104 of this Act, relating to a reading
36 instruction pilot program, being deemed of immediate
37 importance, takes effect upon enactment.

38 Sec. _____. EFFECTIVE AND RETROACTIVE APPLICABILITY
39 PROVISION. Section 103 of this Act, relating to a
40 request for open enrollment submitted to a district
41 prior to the district's adoption of a desegregation
42 plan, being deemed of immediate importance, takes
43 effect upon enactment and applies retroactively to
44 July 1, 2002, for open enrollment transfer requests
45 received by a school district on or after July 1,
46 2002."

47 18. Title page, by striking line 2, and inserting
48 the following: "education, the board of educational
49 examiners, the state board of regents and its
50 universities, and school boards, and to property tax

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Page 20

1 school reorganization incentives; requiring the
2 establishment of a reading instruction pilot program;
3 and including effective and retroactive applicability
4 date provisions."

5 19. By renumbering, redesignating, and correcting
6 internal references as necessary.

RECEIVED FROM THE SENATE

H-1578 FILED APRIL 30, 2003

Adopted 5/1/03

Sponsored By
SF 549

HSB 223
EDUCATION

Chair: CHAMBERS
Tymeson
Wise

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

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

A BILL FOR

1 An Act relating to the duties and operations of the department of
2 education and school boards.

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

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2 Section 1. Section 256.9, Code 2003, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 52. Develop and implement a comprehensive
5 management information system designed for the purpose of
6 establishing standardized electronic data collections and
7 reporting protocols that facilitate compliance with state and
8 federal reporting requirements, improve school-to-school and
9 district-to-district information exchanges, and maintain the
10 confidentiality of individual student and staff data. The
11 system shall provide for the electronic transfer of individual
12 student records between schools, districts, postsecondary
13 institutions, and the department. The director may establish,
14 to the extent practicable, a uniform coding and reporting
15 system, including a statewide uniform student identification
16 system.

17 Sec. 2. Section 273.21, subsection 2, Code 2003, is
18 amended read as follows:

19 2. If twenty percent or more of the school districts
20 within an affected area education agency file a petition by
21 ~~March~~ December 1 with the affected area education agency board
22 to consider reorganization, the affected board shall consider
23 the request and vote on the petition. If a majority of the
24 affected board members vote to study the reorganization of the
25 affected area education agency, the affected board shall
26 immediately begin the study to consider reorganization
27 effective by July 1 of the next year.

28 Sec. 3. Section 273.21, subsection 3, paragraph g, Code
29 2003, is amended to read as follows:

30 g. Transmit the completed plan to the state board by
31 ~~November~~ July 15. Plans received by the state board after
32 ~~November~~ July 15 shall be considered for area education
33 agency reorganization taking effect no sooner than July 1
34 after the next succeeding fiscal year.

35 Sec. 4. Section 273.21, subsection 4, Code 2003, is

1 amended to read as follows:

2 4. The state board shall review the reorganization plan
3 and shall, prior to ~~February-1~~ September 30, either approve
4 the plan ~~or-return~~ as submitted, approve the plan contingent
5 upon compliance with the state board's recommendations, or
6 disapprove the plan. ~~An-unapproved~~ A contingently approved
7 plan may shall be resubmitted with modifications to the
8 department not later than ~~February-10~~ October 30. An approved
9 plan shall take effect on July 1 of the fiscal year following
10 the date of approval by the state board, ~~except-that-plans~~
11 ~~submitted-to-the-state-board-after-November-1-shall-take~~
12 ~~effect-no-sooner-than-July-1-after-the-next-succeeding-fiscal~~
13 ~~year~~.

14 Sec. 5. Section 273.22, Code 2003, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 4A. Not later than fifteen days after the
17 state board notifies an area education agency of its approval
18 of the area education agency's reorganization plan or
19 dissolution proposal, the area education agency shall notify,
20 by certified mail, the school districts located within the
21 area education agency boundaries, the school districts and
22 area education agencies that are contiguous to its boundaries,
23 and any other school district under contract with the area
24 education agency, of the state board's approval of the plan or
25 proposal, and shall provide the department of education with a
26 copy of any notice sent in accordance with this subsection. A
27 petition to join an area education agency or for release from
28 a contract with an area education agency, in accordance with
29 subsections 4, 6, and 7, shall be filed not later than forty-
30 five days after the state board approves a reorganization plan
31 or dissolution proposal in accordance with this chapter.

32 Sec. 6. Section 273.22, subsections 5 and 6, Code 2003,
33 are amended to read as follows:

34 5. ~~The~~ Within forty-five days of the state board's
35 approval, the board of directors of a school district that is

1 contiguous to a newly reorganized area education agency may
2 petition the board of directors of their current area
3 education agency and the newly reorganized area education
4 agency to join the newly reorganized area education agency.
5 If both-area-education-agency-boards the initial, or new board
6 if established in time under section 273.23, subsection 3, and
7 the board of the contiguous area education agency approve the
8 petition, the reorganization shall take effect in accordance
9 with the dates established under section 273.21, subsection 4.
10 Both the initial, or new, and the contiguous area education
11 agency boards must act within forty-five days of the filing of
12 the school district's petition. A school district may appeal
13 to the state board the decision of an area education agency
14 board to deny the school district's petition.

15 6. The Within forty-five days of the state board's
16 approval, the board of directors of a school district that is
17 within a newly reorganized area education agency and whose
18 school district was is contiguous to another area education
19 agency prior-to-the-reorganization not included in the newly
20 reorganized area education agency may petition the board of
21 directors of the newly reorganized area education agency and
22 the contiguous area education agency to join that area
23 education agency. If both-area-education-agency-boards the
24 initial, or new board if established in time under section
25 273.23, subsection 3, and the board of the contiguous area
26 education agency approve the petition, the reorganization
27 shall take effect in accordance with the dates established
28 under section 273.21, subsection 4. Both the initial, or new,
29 and the contiguous area education agency boards must act
30 within forty-five days of the filing of the school district's
31 petition. A school district may appeal to the state board the
32 decision of an area education agency board to deny the school
33 district's petition.

34 Sec. 7. Section 273.22, subsection 7, Code 2003, is
35 amended by striking the subsection.

1 Sec. 8. Section 273.23, subsections 3 and 5, Code 2003,
2 are amended to read as follows:

3 3. ~~Prior-to-the-effective-date-of-the-reorganization~~ Not
4 later than January 15 of the calendar year in which the
5 reorganization takes effect, the initial board shall call a
6 director district convention under the provisions of section
7 273.8, subsection 2, for the purpose of electing a board for
8 the reorganized area education agency. However,
9 notwithstanding the provisions of section 273.8, subsection 2,
10 unnumbered paragraph 2, the notice of the time, date, and
11 place of the director district convention shall be published
12 at least thirty days prior to the day of the district
13 convention in at least one newspaper of general circulation in
14 the director district. The new board shall have control of
15 the employment of all personnel for the newly formed area
16 education agency for the ensuing school year. Following the
17 organization of the new board, the board shall have authority
18 to establish policy, enter into contracts, and complete such
19 planning and take such action as is essential for the
20 efficient management of the newly formed area education
21 agency.

22 5. The initial board, or new board if established in time
23 under section 273.23, subsection 3, of the newly formed agency
24 shall prepare an annual budget estimating income and
25 expenditures for programs and services as provided in sections
26 273.1 through 273.9 and chapter 256B within the limits of
27 funds provided under section 256B.9 and chapter 257. The
28 board shall give notice of a public hearing on the proposed
29 budget by publication in an official county newspaper in each
30 county in the territory of the area education agency in which
31 the principal place of business of a school district that is a
32 part of the area education agency is located. The notice
33 shall specify the date, which shall not be later than March 1,
34 the time, and the location of the public hearing. The
35 proposed budget as approved by the board shall be submitted to

1 the state board, on forms provided by the department, no later
2 than March 15 for approval. The state board shall review the
3 proposed budget of the newly formed area education agency and
4 shall, before April 1, either grant approval or return the
5 budget without approval with comments of the state board
6 included. An unapproved budget shall be resubmitted to the
7 state board for final approval not later than April 15. The
8 state board shall give final approval only to budgets
9 submitted by area education agencies accredited by the state
10 board or that have been given conditional accreditation by the
11 state board.

12 Sec. 9. Section 273.23, subsection 11, Code 2003, is
13 amended to read as follows:

14 11. Unless the reorganization of an area education agency
15 takes effect less than two years before the taking of the next
16 federal decennial census, a newly formed area education agency
17 shall, within one year of the effective date of the
18 reorganization, redraw the boundary lines of director
19 districts in the area education agency if a petition filed by
20 a school district to join the newly formed area education
21 agency, or for release from the newly formed area education
22 agency, in accordance with section 273.22, subsections 4
23 through, 6, and 7, was approved. Until the boundaries are
24 redrawn, the boundaries for the newly formed area education
25 agency shall be as provided in the reorganization plan
26 approved by the state board in accordance with section 273.21.

27 Sec. 10. Section 279.3, unnumbered paragraph 2, Code 2003,
28 is amended to read as follows:

29 These officers shall be appointed from outside the
30 membership of the board ~~for-terms-of-one-year-beginning-with~~
31 ~~the-date-of-appointment~~, and the appointment and qualification
32 shall be entered of record in the minutes of the secretary.
33 They shall qualify within ten days following appointment by
34 taking the oath of office in the manner required by section
35 277.28 and filing a bond as required by section 291.2 and

1 shall hold office until their successors are appointed and
2 qualified.

3 Sec. 11. Section 279.10, subsection 1, Code 2003, is
4 amended to read as follows:

5 1. The school year shall begin annually on the first day
6 ~~of July and each regularly established elementary and~~
7 ~~secondary school shall begin no sooner than a day during the~~
8 ~~calendar week in which the first day of September falls but no~~
9 ~~later than the first Monday in December. -- However, if the~~
10 ~~first day of September falls on a Sunday, school may begin on~~
11 ~~a day during the calendar week which immediately precedes the~~
12 ~~first day of September. -- School~~ 1 and end on June 30 of the
13 following year. The school calendar shall continue for
14 consist of at least one hundred eighty days, except as
15 provided in subsection 3, and may be maintained during the
16 entire calendar school year. However, if the board of
17 directors of a district extends the school calendar because
18 inclement weather caused the district to temporarily close
19 school during the regular school calendar, the district may
20 excuse a graduating senior who has met district or school
21 requirements for graduation from attendance during the
22 extended school calendar. A school corporation may begin
23 employment of personnel for in-service training and
24 development purposes before the date to begin elementary and
25 secondary school.

26 Sec. 12. Section 279.10, subsection 4, Code 2003, is
27 amended by striking the subsection.

28 Sec. 13. Section 279.11, Code 2003, is amended to read as
29 follows:

30 279.11 NUMBER OF SCHOOLS -- ATTENDANCE -- TERMS.

31 1. The board of directors shall determine the number of
32 schools to be taught, divide the corporation into such wards
33 or other divisions for school purposes as may be proper,
34 determine the particular school which each child shall attend,
35 and designate the period each school shall be held beyond the

1 time required by law.

2 2. In order to create a positive learning environment for
3 all students, the board of directors shall consider the racial
4 and socioeconomic makeup of all of the schools in the district
5 when the district makes changes in the district's boundaries
6 as attendance centers are added or removed.

7 Sec. 14. Section 285.10, subsection 7, paragraph b, Code
8 2003, is amended to read as follows:

9 b. May purchase buses and enter into contracts to pay for
10 such buses over a five-year period as follows: one-fourth of
11 the cost when the bus is delivered and the balance in equal
12 annual installments, plus simple interest due. The interest
13 rate shall be the lowest rate available and shall not exceed
14 the rate in effect under section 74A.2. The bus shall serve
15 as security for balance due. Competitive bids on comparable
16 equipment shall be requested on all school bus ~~body-and~~
17 ~~chassis~~ purchases and shall be based upon minimum construction
18 standards established by the department of education.
19 ~~Separate-body-and-chassis-bids~~ Bids shall be requested unless
20 the bus is ~~constructed-as-an-integral-unit,-inseparable-as-to~~
21 ~~body-and-chassis,-by-the-manufacturer-or-is~~ a used or
22 demonstrator bus.

23 Sec. 15. Section 299.4, Code 2003, is amended to read as
24 follows:

25 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

26 The parent, guardian, or legal custodian of a child who is
27 of compulsory attendance age, who places the child under
28 competent private instruction under either section 299A.2 or
29 299A.3, not in an accredited school or a home school
30 assistance program operated by a public or accredited
31 nonpublic school, shall furnish to the public school district,
32 by September 15 annually, a report in duplicate on forms
33 provided by the public school district, ~~to-the-district-by-the~~
34 ~~earliest-starting-date-specified-in-section-279-107-subsection~~
35 ~~1.~~ The secretary shall retain and file one copy and forward

1 the other copy to the district's area education agency. The
2 report shall state the name and age of the child, the period
3 of time during which the child has been or will be under
4 competent private instruction for the year, an outline of the
5 course of study, texts used, and the name and address of the
6 instructor. The parent, guardian, or legal custodian of a
7 child, who is placing the child under competent private
8 instruction for the first time, shall also provide the
9 district with evidence that the child has had the
10 immunizations required under section 139A.8. The term
11 "outline of course of study" shall include subjects covered,
12 lesson plans, and time spent on the areas of study.

13 Sec. 16. Section 321J.22, subsection 2, paragraph d, Code
14 2003, is amended to read as follows:

15 d. The department of education shall establish reasonable
16 fees to defray the expense of obtaining classroom space,
17 instructor salaries, and class materials for courses offered
18 both by community colleges and by substance abuse treatment
19 programs licensed under chapter 125, and for administrative
20 expenses incurred by the department of education in
21 implementing subsection 5 on behalf of in-state and out-of-
22 state offenders.

23 Sec. 17. Section 257.17, Code 2003, is repealed.

24 EXPLANATION

25 This bill directs the department of education to create a
26 comprehensive management information system and permits the
27 director of the department to establish a uniform coding and
28 reporting system including a statewide uniform student
29 identification system. The Act also requires area education
30 agencies (AEAs) to send reorganization approval notices by
31 certified mail, makes changes in notification dates related to
32 AEA reorganization, abolishes the term of appointment for
33 school board secretaries and treasurers, eliminates the school
34 start date, eliminates language related to the earliest school
35 start date, strikes language that requires separate bids for

1 school bus bodies and chassis, and permits the department of
2 education to establish reasonable fees for forwarding drinking
3 driver course data to the courts.

4 AEA REORGANIZATION NOTIFICATION. The bill directs an AEA
5 that must notify school districts and other AEAs of state
6 board approval of its reorganization plan or proposal to do so
7 by certified mail and to submit a copy of the notice to the
8 department of education. The bill requires an initial AEA
9 board to call a director district convention for the purpose
10 of electing a new board by January 15, and publish notice of
11 the convention at least 30 days before the convention. Boards
12 contemplating reorganization must, under the bill, transmit
13 their plans to the state board by July 15, rather than by the
14 current Code deadline of November 1. The bill also advances
15 the date for state board approval or return of the plan to
16 September 30, rather than February 1, and moves the deadline
17 for resubmission of a contingently approved plan to October
18 30. The bill also establishes a 45-day deadline for school
19 districts to petition to join an AEA when the district is
20 affected by a reorganization. The district's board and the
21 appropriate AEA board must act within 45 days of the filing of
22 the school district's petition. The bill changes the
23 placement of a provision in Code section 273.22.

24 SCHOOL START DATE. The bill eliminates language specifying
25 the earliest date a school can begin its calendar and provides
26 that the school year shall begin annually on July 1 and end on
27 June 30 of the following year. The bill also states that the
28 school calendar consists of 180 days unless the school
29 district requests approval from the department of education
30 for a pilot program for an innovative school year. The bill
31 strikes a related provision that permits the director of the
32 department to waive the requirement for the school start date
33 upon the request of a school. The bill also provides that a
34 report filed for a child placed under competent private
35 instruction, which current Code states must be filed by the

1 earliest school start date, must be filed by September 15
2 annually. The bill repeals a provision that reduces state aid
3 payments to a school if the school commences classes prior to
4 the earliest starting date.

5 ATTENDANCE CENTER BOUNDARIES. The bill requires school
6 districts to consider the racial and socioeconomic makeup of
7 the district when making attendance center boundary changes.

8 SCHOOL BUSES. The bill strikes language that requires
9 separate bids for school bus bodies and chassis.

10 ADMINISTRATIVE FEES FOR OWI OFFENDERS. The bill permits
11 the department of education to establish reasonable fees to
12 defray the expense of forwarding to the courts enrollment,
13 attendance, and successful and nonsuccessful course completion
14 data for out-of-state persons ordered to enroll, attend, and
15 successfully complete a course for drinking drivers.

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AN ACT

RELATING TO THE DUTIES AND OPERATIONS OF THE DEPARTMENT OF EDUCATION, THE BOARD OF EDUCATIONAL EXAMINERS, THE STATE BOARD OF REGENTS AND ITS UNIVERSITIES, AND SCHOOL BOARDS, AND TO PROPERTY TAX SCHOOL REORGANIZATION INCENTIVES; REQUIRING THE ESTABLISHMENT OF A READING INSTRUCTION PILOT PROGRAM; AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 256.5A, Code 2003, is amended to read as follows:

256.5A NONVOTING MEMBER.

The governor shall appoint the one nonvoting student member of the state board for a term of one year beginning and ending as provided in section 69.19. The nonvoting student member shall be appointed from a list of names submitted by the state board of education. Students enrolled in either grade ten or eleven in a public school may apply to the state board to serve as a nonvoting student member. The department shall develop an application process that requires the consent of the student's parent or guardian if the student is a minor, initial application approval by the school district in which the student applicant is enrolled, and submission of approved applications by a school district to the department. The nonvoting student member's school district of enrollment shall notify the student's parents if the student's grade point average falls during the period in which the student is a member of the state board. The state board shall adopt rules under chapter 17A specifying criteria for the selection of

applicants whose names shall be submitted to the governor. Criteria shall include, but are not limited to, academic excellence, participation in extracurricular and community activities, and interest in serving on the board. Rules adopted by the state board shall also require, if the student is a minor, supervision of the student by the student's parent or guardian while the student is engaged in authorized state board business at a location other than the community in which the student resides, unless the student's parent or guardian submits to the state board a signed release indicating the parent or guardian has determined that supervision of the student by the parent or guardian is unnecessary. The nonvoting student member ~~shall be appointed without regard to political affiliation~~ appointment is not subject to section 69.16 or 69.16A. The nonvoting student member shall have been enrolled in a public school in Iowa for at least one year prior to the member's appointment. A nonvoting student member who will not graduate from high school prior to the end of a second term may apply to the state board for submission of candidacy to the governor for a second one-year term. A nonvoting student member shall be paid a per diem as provided in section 7E.6 and the student and the student's parent or guardian shall be reimbursed for actual and necessary expenses incurred in the performance of the student's duties as a nonvoting member of the state board. A vacancy in the membership of the nonvoting student member shall not be filled until the expiration of the term.

Sec. 2. Section 256.7, subsection 21, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Develop and adopt rules ~~by July 17, 1999,~~ incorporating accountability for, and reporting of, student achievement into the standards and accreditation process described in section 256.11. The rules shall provide for all of the following:

Sec. 3. Section 256.9, subsection 50, Code 2003, is amended to read as follows:

50. Develop core knowledge and skill criteria models, based upon the Iowa teaching standards, for the evaluation, the advancement, and for teacher career development purposes pursuant to chapter 284. The model criteria shall further define the characteristics of quality teaching as established by the Iowa teaching standards. The director, in consultation with the board of educational examiners, shall also develop a transition plan for implementation of the career development standards developed pursuant to section 256.7, subsection 25, with regard to licensure renewal requirements. The plan shall include a requirement that practitioners be allowed credit for career development completed prior to implementation of the career development standards developed pursuant to section 256.7, subsection 25.

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

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

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

NEW SUBSECTION. 53. Develop and implement a statewide program of educational assessment reporting. The director shall provide information needed to improve public schools by collecting and disseminating data and information resulting

from assessments made of public school students, to aid in the development and evaluation of educational programs and policies by school districts, and to inform parents of the educational progress of their children in the public schools. Information collected under the department's statewide program of educational assessment reporting shall be utilized as part of the state report card on school performance and on statewide progress by the state in accordance with implementation of the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110. The program shall include the assignment of a unique student identifier to each student attending kindergarten through grade twelve.

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

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

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

(2) Iowa test of educational development scores for each school district that administers the test and for each attendance center within the school district for grades nine

through eleven. Each school district administering the Iowa test of educational development shall provide a report to the department relating to each attendance center's test score averages and a longitudinal analysis of student progress as specified in paragraph "c".

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

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

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

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

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

(4) The ability to create for each school district a chart that reports grade-equivalent scores for grades three through eight and gains between consecutive pairs of grades for each

attendance center and provides for a district-wide study of grade equivalent scores. The system shall create a chart for each district in accordance with this subparagraph.

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

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

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

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

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

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

256D.9 FUTURE REPEAL.

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

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

2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

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

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

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

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

(2) In the year preceding the reorganization or dissolution, the school district affected by the reorganization or the school district that dissolved had a certified enrollment of six hundred pupils or greater, and entered into a reorganization or dissolution with one or more school districts with a certified enrollment of fewer than six

hundred pupils. The amount of foundation property tax reduction received by a school district qualifying for the reduction pursuant to this subparagraph shall not exceed the highest reduction amount provided in paragraphs "a" and "b" received by any of the school districts with a certified enrollment of fewer than six hundred pupils involved in the reorganization pursuant to subparagraph (1) of this paragraph "c".

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

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

(2) A school district which was not participating in a whole grade sharing arrangement during the budget year beginning July 1, 2000, which executes a whole grade sharing agreement pursuant to sections 282.10 through 282.12 for the budget year beginning July 1, 2002, ~~or July 1, 2003,~~ July 1, 2004, or July 1, 2005, and which adopts a resolution jointly with the other affected boards to study the question of undergoing a reorganization or dissolution to take effect on or before July 1, 2006, shall receive a weighting of one-tenth of the percentage of the pupil's school day during which the pupil attends classes in another district, attends classes

taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district. A district shall be eligible for supplementary weighting pursuant to this subparagraph for a maximum of three years. Receipt of supplementary weighting for a second and third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress toward the objective of reorganization on or before July 1, 2006.

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

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

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

NEW SUBSECTION. 29. Develop a policy, not later than August 1, 2003, that each institution of higher education under the control of the board shall approve, institute, and enforce, which prohibits students, faculty, and staff from harassing or intimidating a student or any other person on institution property who is wearing the uniform of, or a

distinctive part of the uniform of, the armed forces of the United States. A policy developed in accordance with this subsection shall not prohibit an individual from wearing such a uniform on institution property if the individual is authorized to wear the uniform under the laws of a state or the United States. The policy shall provide for appropriate sanctions.

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

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

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

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

Sec. 16. NEW SECTION. 272.15 SCHOOL REPORTING REQUIREMENT.

The board of directors of a school district or area education agency, the superintendent of a school district or the chief administrator of an area education agency, and the authorities in charge of a nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person's contract executed under sections 279.12, 279.13, 279.15 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the rules adopted by the board to implement section 272.2, subsection 14, paragraph "b", subparagraph (1), when the board

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

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

4. A requirement that prescribes minimum experiences and responsibilities to be accomplished during the student teaching experience by the student teacher and by the cooperating teacher based upon recommendations of the department of education after consultation with teacher education faculty members in colleges and universities. The student teaching experience shall include opportunities for the student teacher to become knowledgeable about the Iowa teaching standards, including a mock evaluation performed by the cooperating teacher. The mock evaluation shall not be used as an assessment tool by the practitioner preparation program. The student teaching experience shall consist of interactive experiences involving the college or university personnel, the student teacher, the cooperating teacher, and

administrative personnel from the cooperating teacher's school district.

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

272.28 MENTORING AND INDUCTION REQUIREMENT.

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

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

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

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

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

b. A candidate for election to the area education agency board shall file a statement of candidacy with the area education agency secretary not later than August 15, on forms prescribed by the department of education. The statement of candidacy shall include the candidate's name, address, and

school district. The list of candidates shall be sent by the secretary of the area education agency in ballot form by certified mail to the presidents of the boards of directors of all school districts within the director district not later than September 1. In order for the ballot to be counted, the ballot must be received in the secretary's office by the end of the normal business day on September 30 or be clearly postmarked by an officially authorized postal service not later than September 29 and received by the secretary not later than noon on the first Monday following September 30.

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

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

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

NEW SUBSECTION. 2A. Director district convention. If no candidate files with the area education agency secretary by the deadline specified in subsection 2, or a vacancy occurs, or if otherwise required as provided in section 273.23, subsection 3, a director district convention, attended by

members of the boards of directors of the local school districts located within the director district, shall be called to elect a board member for that director district. The convention location shall be determined by the area education agency administrator. Notice of the time, date, and place of a director district convention shall be published by the area education agency administrator in at least one newspaper of general circulation in the director district at least thirty days prior to the day of the convention. The cost of publication shall be paid by the area education agency. A candidate for election to the area education agency board shall file a statement of candidacy with the area education agency secretary at least ten days prior to the date of the director district convention, on forms prescribed by the department of education, or nominations may be made at the convention by a delegate from a board of directors of a school district located within the director district. A statement of candidacy shall include the candidate's name, address, and school district. Delegates to director district conventions shall not be bound by a school board or any school board member to pledge their votes to any candidate prior to the date of the convention.

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

2. If twenty percent or more of the school districts within an affected area education agency file a petition by ~~March~~ December 1 with the affected area education agency board to consider reorganization, the affected board shall consider the request and vote on the petition. If a majority of the affected board members vote to study the reorganization of the affected area education agency, the affected board shall immediately begin the study to consider reorganization effective by July 1 of the next year.

Sec. 22. Section 273.21, subsection 3, paragraph g, Code 2003, is amended to read as follows:

g. Transmit the completed plan to the state board by ~~November-1~~ July 15. Plans received by the state board after ~~November-1~~ July 15 shall be considered for area education agency reorganization taking effect no sooner than July 1 after the next succeeding fiscal year.

Sec. 23. Section 273.21, subsection 4, Code 2003, is amended to read as follows:

4. The state board shall review the reorganization plan and shall, prior to ~~February-1~~ September 30, either approve the plan ~~or return as submitted~~, approve the plan contingent upon compliance with the state board's recommendations, or disapprove the plan. ~~An-unapproved~~ A contingently approved plan may shall be resubmitted with modifications to the department not later than ~~February-10~~ October 30. An approved plan shall take effect on July 1 of the fiscal year following the date of approval by the state board, ~~except that plans submitted to the state board after November-1 shall take effect no sooner than July-1 after the next succeeding fiscal year.~~

Sec. 24. Section 273.22, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. Not later than fifteen days after the state board notifies an area education agency of its approval of the area education agency's reorganization plan or dissolution proposal, the area education agency shall notify, by certified mail, the school districts located within the area education agency boundaries, the school districts and area education agencies that are contiguous to its boundaries, and any other school district under contract with the area education agency, of the state board's approval of the plan or proposal, and shall provide the department of education with a copy of any notice sent in accordance with this subsection. A petition to join an area education agency or for release from a contract with an area education agency, in accordance with subsections 4, 6, and 7, shall be filed not later than forty-

five days after the state board approves a reorganization plan or dissolution proposal in accordance with this chapter.

Sec. 25. Section 273.22, subsections 5 and 6, Code 2003, are amended to read as follows:

5. The Within forty-five days of the state board's approval, the board of directors of a school district that is contiguous to a newly reorganized area education agency may petition the board of directors of their current area education agency and the newly reorganized area education agency to join the newly reorganized area education agency. If both-area-education-agency-boards the initial, or new board if established in time under section 273.23, subsection 3, and the board of the contiguous area education agency approve the petition, the reorganization, including any school district whose petition to join the newly reorganized area education agency has been approved, shall take effect in accordance with the dates established under section 273.21, subsection 4. Both the initial, or new, and the contiguous area education agency boards must act within forty-five days of the deadline, as set forth in this subsection, for the filing of the school district's petition. A school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

6. The Within forty-five days of the state board's approval, the board of directors of a school district that is within a newly reorganized area education agency and whose school district was is contiguous to another area education agency prior-to-the-reorganization not included in the newly reorganized area education agency may petition the board of directors of the newly reorganized area education agency and the contiguous area education agency to join that area education agency. If both-area-education-agency-boards the initial, or new board if established in time under section 273.23, subsection 3, and the board of the contiguous area education agency approve the petition, the reorganization,

excluding any school district whose petition to join an area education agency contiguous to the newly reorganized area education agency has been approved, shall take effect in accordance with the dates established under section 273.21, subsection 4. Both the initial, or new, and the contiguous area education agency boards must act within forty-five days of the deadline, as set forth in this subsection, for the filing of the school district's petition. A school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

Sec. 26. Section 273.22, subsection 7, Code 2003, is amended by striking the subsection.

Sec. 27. Section 273.23, subsections 2, 3, and 5, Code 2003, are amended to read as follows:

2. Prior to the organization meeting of the board of directors of the newly formed area education agency, the boards of the former area education agencies shall designate directors to be retained as members to serve on the initial board of the newly formed area education agency. A vacancy occurs if an insufficient number of former board members reside within the newly formed area education agency's boundaries or if an insufficient number of former board members are willing to serve on the board of the newly formed area education agency. Vacancies, as defined in section 277.29, in the membership of the newly formed area education agency board shall be filled for the unexpired portion of the term at a ~~special~~ director district convention called and conducted in the manner provided in section 273.8 for ~~regular~~ director district conventions.

3. ~~Prior-to-the-effective-date-of-the-reorganization~~ Not later than January 15 of the calendar year in which the reorganization takes effect, the initial board shall call a director district convention under the provisions of section 273.8, subsection 2 2A, for the purpose of electing a board for the reorganized area education agency. The new board

shall have control of the employment of all personnel for the newly formed area education agency for the ensuing school year. Following the organization of the new board, the board shall have authority to establish policy, enter into contracts, and complete such planning and take such action as is essential for the efficient management of the newly formed area education agency.

5. The initial board, or new board if established in time under section 273.23, subsection 3, of the newly formed agency shall prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 through 273.9 and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall not be later than March 1, the time, and the location of the public hearing. The proposed budget as approved by the board shall be submitted to the state board, on forms provided by the department, no later than March 15 for approval. The state board shall review the proposed budget of the newly formed area education agency and shall, before April 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than April 15. The state board shall give final approval only to budgets submitted by area education agencies accredited by the state board or that have been given conditional accreditation by the state board.

Sec. 28. Section 273.23, subsection 11, Code 2003, is amended to read as follows:

11. Unless the reorganization of an area education agency takes effect less than two years before the taking of the next federal decennial census, a newly formed area education agency shall, within one year of the effective date of the reorganization, redraw the boundary lines of director districts in the area education agency if a petition filed by a school district to join the newly formed area education agency, or for release from the newly formed area education agency, in accordance with section 273.22, subsections 4 through, 6, and 7, was approved. Until the boundaries are redrawn, the boundaries for the newly formed area education agency shall be as provided in the reorganization plan approved by the state board in accordance with section 273.21.

Sec. 29. Section 273.27, subsection 2, Code 2003, is amended to read as follows:

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

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

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

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

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

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

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

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

279.46 RETIREMENT INCENTIVES -- TAX.

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

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

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

280.14 SCHOOL REQUIREMENTS -- ADMINISTRATION.

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

2. An individual who is employed or contracted as a superintendent by a school or school district may also serve as an elementary or secondary principal in the same school or school district.

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

3. In all districts involved with voluntary or court-ordered desegregation, minority and nonminority pupil ratios shall be maintained according to the desegregation plan or order. The superintendent of a district subject to voluntary or court-ordered desegregation may deny a request for transfer

under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or plan, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to the adoption of a desegregation plan by the district. If a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.

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

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

7. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for

purposes of this section, means a residence under section 282.1. The board of directors of the district of residence shall pay to the receiving district the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. ~~The district of residence shall also transmit the phase III moneys allocated to the district for the previous year for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer.~~ If the pupil participating in open enrollment is also an eligible pupil under chapter 261C, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261C.6.

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

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

3. "Comprehensive evaluation" means a summative evaluation of a beginning teacher conducted by an evaluator for purposes of determining a beginning teacher's level of competency, ~~relative to the Iowa teaching standards and for recommendation for licensure based upon models developed pursuant to section 256-97-subsection-50~~ the Iowa teaching standards, and to determine whether the teacher's practice meets the school district expectations for a career teacher.

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

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

b. By July 1, ~~2004~~ 2005, for purposes of performance reviews for teachers other than beginning teachers, evaluations that contain, at a minimum, the Iowa teaching standards specified in subsection 1, as well as the ~~model~~ criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 50. A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, additional teaching standards and criteria. A local school board and its

certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for teachers other than beginning teachers that are not in conflict with this chapter.

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

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

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

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

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

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

6. Upon completion of the program, the beginning teacher shall be comprehensively evaluated to determine if the teacher

meets expectations to move to the career level. The school district or area education agency that employs the beginning teacher shall recommend for ~~an educational~~ a standard license a beginning teacher who is determined through a comprehensive evaluation to demonstrate competence in the Iowa teaching standards. A school district or area education agency may offer a beginning teacher a third year of participation in the program if, after conducting a comprehensive evaluation, the school district determines that the teacher is likely to successfully complete the mentoring and induction program by the end of the third year of eligibility. A teacher granted a third year of eligibility shall develop a teacher's mentoring and induction program plan in accordance with this chapter and shall undergo a comprehensive evaluation at the end of the third year. The board of educational examiners shall grant a one-year extension of the beginning teacher's ~~provisional~~ initial license upon notification by the school district that the teacher will participate in a third year of the school district's program.

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

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

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

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

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

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

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

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

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

a. ~~For-the-school-year-beginning-July-17-2002,-and-ending June-30,-2003,-if~~ If the licensed employees of a school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "g" or "h", for purposes of this section, are organized under chapter 20 for collective bargaining purposes, the board of directors and the certified bargaining representative for the licensed employees shall mutually agree upon a formula for distributing the funds among the teachers employed by the school district or area

education agency. However, the school district must comply with the salary minimums provided for in this section. The parties shall follow the negotiation and bargaining procedures specified in chapter 20 except that if the parties reach an impasse, neither impasse procedures agreed to by the parties nor sections 20.20 through 20.22 shall apply and the funds shall be paid as provided in paragraph "b". Negotiations under this section are subject to the scope of negotiations specified in section 20.9. If a board of directors and the certified bargaining representative for licensed employees have not reached mutual agreement ~~by July 15, 2002~~, for the distribution of funds received pursuant to section 284.13, subsection 1, paragraph "g" or "h", by July 15 of the fiscal year for which the funds are distributed, paragraph "b" of this subsection shall apply.

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

2. If a supervisor or an evaluator determines, at any time, as a result of a teacher's performance that the teacher is not meeting district expectations under the Iowa teaching standards specified in section 284.3, subsection 1, paragraphs "a" through "g", the ~~model~~ criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 50, ~~or~~ and any other standards or criteria established in the collective bargaining agreement, the evaluator shall, at the direction of the teacher's supervisor, recommend to the district that the teacher participate in an intensive assistance program. The intensive assistance program and its implementation are not subject to negotiation or grievance procedures established pursuant to chapter 20. By July 1, ~~2004~~ 2005, all school districts must be prepared to offer an intensive assistance program.

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

3. To assure fairness and consistency in the evaluation process, the review panels may perform random audits of the comprehensive evaluations and performance reviews conducted by evaluators throughout the state, and may randomly review performance-based-evaluation-models how the evaluators are evaluating teachers based upon the Iowa teaching standards developed-by-school-districts-in-accordance-with-section 284-3, subsection-2. The-review-of-the-evaluation-models shall-ensure-that-the-model-is-at-least-equivalent-to-the state-models-developed-pursuant-to-section-256-9, subsection 50.

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

4. ~~By July 17, 2003, a~~ A higher education institution approved by the state board to provide an administrator preparation program shall incorporate the evaluator training program into the program offered by the institution.

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

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

1. It is the intent of the general assembly to create a statewide team-based variable pay program to reward individual attendance centers for improvement in student achievement. A pilot program is established to give Iowa school districts with one or more participating attendance centers the opportunity to explore and demonstrate successful methods to implement team-based variable pay and to compare student achievement gains in school districts participating in the program with gains in school districts similar in nature that are not participating in the program. The department shall develop and administer the pilot program and shall provide technical assistance in the areas of goal setting and student assessments to school districts approved to participate in the

pilot program. Preference shall be given to school districts that were previously approved to participate in a pilot program administered by the department in accordance with this section. Each school district approved by the department to participate in the pilot program shall administer valid and reliable standardized assessments at the beginning and end of the school year to demonstrate growth in student achievement.

6. A district electing to initiate a team-based variable pay plan according to this section during the school year beginning July 1, ~~2001~~ 2003, shall notify the department of its election in writing no later than August 1, ~~2001~~ 2003. The department shall certify the school district plan by October 1, ~~2001~~ 2003.

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

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

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

b. May purchase buses and enter into contracts to pay for such buses over a five-year period as follows: one-fourth of the cost when the bus is delivered and the balance in equal annual installments, plus simple interest due. The interest rate shall be the lowest rate available and shall not exceed the rate in effect under section 74A.2. The bus shall serve as security for balance due. Competitive bids on comparable equipment shall be requested on all school bus ~~body-and chassis~~ purchases and shall be based upon minimum construction standards established by the department of education.

~~Separate-body-and-chassis-bids~~ Bids shall be requested unless the bus is ~~constructed-as-an-integral-unit, inseparable-as-to~~

~~body-and-chassis,--by-the-manufacturer-or-is~~ a used or demonstrator bus.

Sec. 53. Section 294A.1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The purpose of this chapter is to promote excellence in education. In order to maintain and advance the educational excellence in the state of Iowa, this chapter establishes the Iowa educational excellence program. The program shall consist of ~~three~~ two major phases addressing the following:

Sec. 54. Section 294A.1, subsection 3, Code 2003, is amended by striking the subsection.

Sec. 55. Section 294A.3, unnumbered paragraph 2, Code 2003, is amended by striking the unnumbered paragraph.

Sec. 56. Section 294A.22, unnumbered paragraph 3, Code 2003, is amended to read as follows:

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

Sec. 57. Section 321.375, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

Any of the following shall constitute grounds for a school bus driver's immediate suspension from duties, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school if the bus driver is under contract, pending confirmation of the grounds by the school district or accredited nonpublic school if the bus driver is a part-time or substitute bus driver who is not under contract, or pending confirmation of the grounds by the employer of the school bus

driver if the employer is not a school district or accredited nonpublic school by the board:

Sec. 58. Section 321.375, subsection 2, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. A change in circumstances indicating that the driver is no longer physically or mentally competent. For the purpose of an insulin-dependent diabetic, a change in circumstances includes the following:

(1) Results of a glycosylated hemoglobin test indicating values less than 6.0 percent or greater than 9.5 percent unless accompanied by the required medical opinion that the event was incidental and not an indication of failure to control glucose levels.

(2) Results of self-monitoring indicate glucose levels less than one hundred milligrams per deciliter or greater than three hundred milligrams per deciliter, until self-monitoring indicates compliance with specifications.

(3) Experiencing a loss of consciousness or control relating to diabetes.

(4) Failing to maintain or falsifying the required reports.

Sec. 59. Section 321.375, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. Notwithstanding any provision to the contrary, an insulin-dependent diabetic may qualify under subsection 1, paragraph "d", for purposes of operating a school bus under this section if a person identified by federal or state law as authorized to perform physical examinations annually provides a signed statement indicating that based upon an annual physical examination the individual is physically able to perform the required functions despite insulin dependency. The insulin-dependent diabetic shall not qualify to operate a school bus if, at minimum, the individual results of a glycosylated hemoglobin test indicate values less than 6.0 percent or greater than 9.5 percent on other than an

incidental basis and not as a result of failure to control glucose levels. The statement shall also indicate that within the past three years the insulin-dependent diabetic has completed instruction to address diabetes management and driving safety, signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise.

b. A school district or authorities in charge of the nonpublic school that employs or otherwise secures the services of an individual with an authorization who is an insulin-dependent diabetic shall monitor the insulin-dependent diabetic to determine that they are in compliance with all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

10. "Sexual exploitation" means sexual exploitation by a counselor, or therapist, or school employee under section 709.15.

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

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

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

709.15 SEXUAL EXPLOITATION BY A COUNSELOR, OR THERAPIST, OR SCHOOL EMPLOYEE.

1. As used in this section:

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

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

For the purposes of ~~paragraph-"f"~~ subsection 2, a former patient or client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.

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

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

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

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

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

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

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

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

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

~~Sexual~~ Sexual exploitation by a counselor or therapist" therapist does not include touching which is part of a necessary examination or treatment provided a patient or client by a counselor or therapist acting within the scope of

the practice or employment in which the counselor or therapist is engaged.

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

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

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

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

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

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

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

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

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

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

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

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

h. Sexual exploitation ~~by-a-counselor~~ in violation of section 709.15.

Sec. 68. MINIMUM TEACHER SALARY REQUIREMENTS -- FY 2003-2004.

1. Notwithstanding section 284.7, subsection 1, paragraph "a", subparagraph (2), the minimum teacher salary paid by a school district or area education agency for purposes of teacher compensation in accordance with chapter 284, for the fiscal year beginning July 1, 2003, and ending June 30, 2004, shall be the minimum salary amount the school district or area education agency paid to a first-year beginning teacher or, the minimum salary amount the school district or area education agency would have paid a first-year beginning teacher if the school district or area education agency had participated in the program in the 2001-2002 school year, in accordance with section 284.7, subsection 1, Code Supplement 2001. If the school district or area education agency did not employ a first-year beginning teacher in the 2001-2002 school year, the minimum salary is the amount that the district would have paid a first-year beginning teacher under chapter 284 in the 2001-2002 school year.

2. Notwithstanding section 284.7, subsection 1, paragraph "b", subparagraph (2), the minimum career teacher salary paid

to a career teacher who was a beginning teacher in the 2001-2002 school year, by a school district or area education agency participating in the student achievement and teacher quality program, for the school year beginning July 1, 2003, and ending June 30, 2004, shall be, unless the school district has a minimum career teacher salary that exceeds thirty thousand dollars, one thousand dollars greater than the minimum salary amount the school district or area education agency paid to a first-year beginning teacher if the school district or area education agency participated in the program during the 2001-2002 school year, or the minimum salary amount the school district or area education agency would have paid a first-year beginning teacher if the school district or area education agency had participated in the program in the 2001-2002 school year, in accordance with section 284.7, subsection 1, Code Supplement 2001.

3. Notwithstanding section 284.7, subsection 1, paragraph "b", subparagraph (2), and except as provided in subsection 2, the minimum career teacher salary paid by a school district or area education agency participating in the student achievement and teacher quality program, for purposes of teacher compensation in accordance with chapter 284, for the school year beginning July 1, 2003, and ending June 30, 2004, shall be the minimum salary amount the school district or area education agency paid to a career teacher if the school district or area education agency participated in the program during the 2001-2002 school year, or, the minimum salary amount the school district or area education agency would have paid a career teacher if the school district or area education agency had participated in the program in the 2001-2002 school year, in accordance with section 284.7, subsection 1, Code Supplement 2001.

Sec. 69. READING INSTRUCTION PILOT PROGRAM.

1. Recognizing the state's goals of assisting children to grow, develop, and learn to their fullest extent, empowering

students in grades kindergarten through eight to become good readers, and supporting student achievement and overall academic performance, and recognizing the importance of instructional methodologies and strategies for reading, a reading instruction pilot program is established. The objective of the program shall be to improve student reading achievement and provide interventions needed to assist struggling readers by increasing teacher capacity to provide reading instruction.

2. The program shall be established for the school year beginning July 1, 2003, in a school district with an enrollment of at least six hundred pupils in grades kindergarten through twelve, or in two or more school districts, each with enrollments of less than six hundred pupils in grades kindergarten through twelve, jointly participating in the program and with a combined enrollment of at least six hundred pupils in grades kindergarten through twelve. The program shall involve the implementation of systematic intensive phonics reading instruction and direct instruction for students up to and including the eighth grade. The program shall meet the standards set forth by the United States department of education's national institute for literacy, which has identified the five areas of successful reading instruction as phonemic awareness, phonics, fluency, vocabulary, and text comprehension.

3. The program shall offer training and ongoing support for participating teachers and provide continuous formal and informal student assessment to demonstrate results. Teachers in the school district or group of districts selected shall, prior to the beginning of classes for the school year beginning July 1, 2003, participate in an in-service training program to prepare for implementation of the program. The in-service training shall include education and training in curriculum content and methods of instruction relating to systematic intensive phonics reading instruction and direct

instruction, student assessment procedures and techniques, and effective interventions to address specific reading difficulties, and shall continue on an ongoing basis throughout the school year.

4. The program shall be administered by the department of education. The department shall provide notice to school districts regarding the existence of the program, shall provide technical assistance regarding application submission and information regarding program objectives and operation, and shall provide program implementation assistance to the school district or group of districts selected. A school district or group of districts wishing to participate shall submit an application to the department and the department shall, before July 1, 2003, select a school district or group of districts for participation in the pilot program. In the application the school district or group of districts shall propose a districtwide plan for effective reading interventions involving an approach to beginning reading instruction and boosting the reading levels of students using systematic intensive phonics instruction and direct instruction. A school district submitting an application shall also indicate a willingness to provide faculty committed to implementation of the program and participation in the in-service training, and shall include a plan for conducting pretesting and posttesting to demonstrate results. The department shall select for participation a school district or group of districts, after consultation with the chairpersons and ranking members of the senate and house standing committees on education, which demonstrates an ability to implement program requirements and adhere to the national institute for literacy standards.

5. Upon completion of the pilot program, the school district shall submit a report to the department regarding the impact of the program on student academic achievement. The department shall prepare a report summarizing these results,

and comparing them to student academic achievement gains in similar school districts that did not participate in the program. The department report shall include recommendations for statewide implementation of the pilot program, and shall be submitted to the chairpersons and ranking members of the senate and house standing committees on education by December 15, 2004.

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

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

Sec. 71. EFFECTIVE DATES.

1. Section 9 of this Act, relating to the repeal of chapter 256D, being deemed of immediate importance, takes effect upon enactment.

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

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

Sec. 72. EFFECTIVE AND RETROACTIVE APPLICABILITY PROVISION. Section 35 of this Act, relating to a request for open enrollment submitted to a district prior to the district's adoption of a desegregation plan, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2002, for open enrollment transfer

requests received by a school district on or after July 1,
2002.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

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

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor