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SENATE FILE 112

BY HATCH and LARSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the operations of the state board of  
2 education, the department of education, school districts,  
3 accredited nonpublic schools, and other state and local  
4 agencies with regard to attendance and truancy, academic  
5 standards, and related matters.

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

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SF 112 EDUCATION

1 Section 1. SHORT TITLE. This Act shall be known and may  
2 be cited as the "Education Accountability Act of 2003".

3 Sec. 2. Section 256.7, subsection 21, unnumbered paragraph  
4 1, Code 2003, is amended to read as follows:

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

9 Sec. 3. Section 256.7, subsection 21, Code 2003, is  
10 amended by adding the following new paragraphs:

11 NEW PARAGRAPH. d. A requirement that all school districts  
12 and accredited nonpublic schools that administer the Iowa test  
13 of basic skills or the Iowa test of educational development  
14 annually report to the department and the local community the  
15 results of the test, including the number of students taking  
16 the test who are defined by the school district or school as  
17 advanced, competent, and developmental or nonproficient; the  
18 number of students exempted from taking the tests and the  
19 reasons, in general, the students received exemptions; and the  
20 number of students that failed to take the test due to illness  
21 or other absence, including those who failed to take the test  
22 because they have dropped out of school.

23 NEW PARAGRAPH. e. Beginning October 1, 2005, a  
24 requirement that school districts and accredited nonpublic  
25 schools submit to the department key data area information in  
26 accordance with the definitions adopted pursuant to subsection  
27 26, annually as a component of the comprehensive school  
28 improvement plan required pursuant to this subsection. The  
29 department's purpose of collecting the data from these key  
30 areas is to provide the greatest possible insight into the  
31 needs and condition of the state's students.

32 Sec. 4. Section 256.7, Code 2003, is amended by adding the  
33 following new subsections:

34 NEW SUBSECTION. 26. On or by June 30, 2004, adopt rules  
35 specifying clear, accurate, and unambiguous definitions for

1 key data areas, including but not limited to truancy, drop-out  
2 and graduation rates, expulsion, suspension, excused absence,  
3 and unexcused absence. A public hearing shall be held in each  
4 congressional district prior to the adoption of rules by the  
5 state board pursuant to this subsection.

6 NEW SUBSECTION. 27. Adopt rules establishing statewide  
7 academic standards and expectations for students to advance  
8 from kindergarten through grade twelve and to graduate from  
9 high school with a diploma, including, but not limited to,  
10 adequate grade point averages, subject competencies,  
11 attendance requirements, demonstrated proficiencies on  
12 standardized and criterion-referenced tests for grade  
13 advancement, and completion of minimum core requirements and  
14 demonstrated proficiency for graduation. The standards  
15 adopted shall prohibit the practice of social promotion.

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

18 NEW SUBSECTION. 52. Develop and implement a specific  
19 process for monitoring compliance with all state and federal  
20 education laws at the state and school district or school  
21 levels. The process shall provide for the identification of  
22 conflicting laws and for resolution of conflicts occurring in  
23 the laws. If the department fails to implement the process as  
24 required under this subsection, any aggrieved person may seek  
25 a writ of mandamus from the district court to compel the  
26 department to take the action required pursuant to this  
27 subsection.

28 NEW SUBSECTION. 53. Establish by June 30, 2004, to the  
29 maximum degree possible, procedures for cooperation with area  
30 education agencies, community colleges, the department of  
31 human services and its districts, and judicial districts, to  
32 promote continuity in the delivery of services to students and  
33 their families.

34 Sec. 6. Section 256.11, subsection 10, unnumbered  
35 paragraph 3, Code 2003, is amended to read as follows:

1 The department shall conduct site visits to schools and  
2 school districts to address accreditation issues identified in  
3 the desk audit. Such a visit may be conducted by an  
4 individual departmental consultant or may be a comprehensive  
5 site visit by a team of departmental consultants and other  
6 educational professionals. The purpose of a comprehensive  
7 site visit is to determine that a district is in compliance  
8 with minimum standards, all applicable federal and state  
9 education laws, and to provide a general assessment of  
10 educational practices in a school or school district and make  
11 recommendations with regard to the visit findings for the  
12 purposes of improving educational practices above the level of  
13 minimum compliance. The department shall establish a long-  
14 term schedule of site visits that includes visits of all  
15 accredited schools and school districts as needed.

16 Sec. 7. Section 299.1, Code 2003, is amended to read as  
17 follows:

18 299.1 ATTENDANCE REQUIREMENTS.

19 1. Except as provided in section 299.2, the parent,  
20 guardian, or legal or actual custodian of a child who is of  
21 compulsory attendance age, shall cause the child to attend  
22 some public school, an accredited nonpublic school, or  
23 competent private instruction in accordance with the  
24 provisions of chapter 299A, during a school year, as defined  
25 under section 279.10. The board of directors of a public  
26 school district or the governing body of an accredited  
27 nonpublic school shall set the number of days of required  
28 attendance for the schools under its control.

29 2. The board of directors of a public or the governing  
30 body of an accredited nonpublic school ~~may~~ shall, by  
31 resolution, require attendance for the entire time when the  
32 schools are in session in any school year and adopt a policy  
33 or rules relating to the reasons considered to be valid or  
34 acceptable excuses for absence from school. The policy shall  
35 provide for the following:

1 a. Not more than two unexcused absences or five excused  
2 absences per semester per student, with the exception of a  
3 student who suffers from an illness or injury when the illness  
4 or injury is documented by a physician licensed in accordance  
5 with chapter 148 or 150A, a physician's assistant, advanced  
6 registered nurse practitioner, or chiropractor or any other  
7 person identified by federal or state law as authorized to  
8 perform physical examinations; or the death of a member of the  
9 student's immediate family as defined in section 722.11,  
10 subsection 1; or in case of an emergency or other dire  
11 necessity, which shall be documented by the school district or  
12 school building administrative staff and approved by the  
13 central administrative staff. The number of excused absences  
14 permitted under this paragraph shall be reduced by the number  
15 of unexcused absences recorded on behalf of a student.

16 b. A written warning after a student's first unexcused  
17 absence, which shall be sent by the school district or school  
18 to the student's parent, guardian, or legal or actual  
19 custodian, and shall explain the consequences and penalties  
20 specified under this chapter for failure to attend and failure  
21 to cause the child's attendance.

22 c. Referral of the matter to the county attorney for  
23 mediation or prosecution in accordance with sections 299.5A,  
24 299.6, 299.6A, and 299.13, if the student accumulates three or  
25 more unexcused absences. The school district or school shall  
26 send notice of the referral by certified mail to the parent,  
27 guardian, or legal or actual custodian of the child. If the  
28 school district or school fails to refer the matter to the  
29 county attorney, or the county attorney fails to act on the  
30 referral, the state board or the department, a school  
31 district, the authorities in charge of an accredited nonpublic  
32 school, or the parent, guardian, or legal or actual custodian  
33 of the child deemed truant by the school district or school  
34 may seek a writ of mandamus from the district court to compel  
35 the school district or school or the county attorney to take

1 the actions required pursuant to this chapter.

2 Sec. 8. Section 299.1B, Code 2003, is amended to read as  
3 follows:

4 299.1B FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE.

5 A person who does not attend a public school, an accredited  
6 nonpublic school, competent private instruction in accordance  
7 with the provisions of chapter 299A, an alternative school, or  
8 an adult education classes, or who is not employed at least  
9 twenty-hours-per-week class shall not receive a motor vehicle  
10 operator's license until age eighteen. A person under age  
11 eighteen who has been issued a motor vehicle operator's  
12 license who does not attend a public school, an accredited  
13 nonpublic school, competent private instruction in accordance  
14 with the provisions of chapter 299A, an alternative school, or  
15 an adult education classes class, shall surrender the license  
16 and be issued a temporary restricted license under section  
17 321.215.

18 Sec. 9. EDUCATION STUDIES.

19 1. a. An attendance-based state school aid committee is  
20 established within the department of education to advise and  
21 make recommendations to the general assembly and the governor  
22 regarding the feasibility, benefits, and consequences of  
23 converting from an enrollment-based state school foundation  
24 aid formula to an attendance-based state school foundation aid  
25 formula. The committee shall include in the study a review of  
26 possible sanctions for failure of a school district to  
27 maintain accurate attendance records and a review of  
28 attendance-based state school foundation aid formulas used by  
29 other states and their levels of success in achieving higher  
30 daily attendance figures.

31 b. The committee shall consist of nine members. The  
32 governor shall appoint three members. Six members shall be  
33 appointed by the general assembly, three from each chamber,  
34 with no more than two appointed from the same political party  
35 in each chamber. Each member shall serve a one-year term.

1 The director of the department of education or the director's  
2 designee shall serve as an ex officio member of the committee  
3 and shall serve as the nonvoting chair of the committee. The  
4 members of the committee are entitled to receive reimbursement  
5 for actual expenses incurred while engaged in the performance  
6 of the duties of the committee. The members may also be  
7 eligible to receive compensation as provided in section 7E.6.

8 2. a. An education law enforcement advisory committee is  
9 established within the department of education to advise and  
10 make recommendations to the general assembly and the governor  
11 regarding sanctions for failure of a school district or  
12 accredited nonpublic school to comply with federal and state  
13 education laws.

14 b. The committee shall consist of nine members. The  
15 governor shall appoint three members. One member shall be the  
16 attorney general or the attorney general's designee. One  
17 member shall be the director of the department of education or  
18 the director's designee. Four members shall be appointed by  
19 the general assembly, two from each chamber, with no more than  
20 one appointed from the same political party in each chamber.  
21 Each member shall serve a one-year term. The director of the  
22 department of education, or the director's designee, shall  
23 serve as the chair of the committee. The members of the  
24 committee are entitled to receive reimbursement for actual  
25 expenses incurred while engaged in the performance of the  
26 duties of the committee. The members may also be eligible to  
27 receive compensation as provided in section 7E.6.

28 3. Each committee shall submit its findings and  
29 recommendations in a report to the senate and house standing  
30 committees on education and the joint appropriations  
31 subcommittee on education by December 15, 2004.

32 Sec. 10. STATE MANDATE FUNDING SPECIFIED. In accordance  
33 with section 25B.2, subsection 3, the state cost of requiring  
34 compliance with any state mandate included in this Act shall  
35 be paid by a school district from state school foundation aid

1 received by the school district under section 257.16. This  
2 specification of the payment of the state cost shall be deemed  
3 to meet all the state funding-related requirements of section  
4 25B.2, subsection 3, and no additional state funding shall be  
5 necessary for the full implementation of this Act by and  
6 enforcement of this Act against all affected school districts.

7 EXPLANATION

8 This bill, titled the "Education Accountability Act of  
9 2003", requires the state board of education and the  
10 department of education to define key data areas, requires the  
11 establishment of statewide academic standards, requires school  
12 districts and accredited nonpublic schools to require  
13 attendance for the entire time when the schools are in session  
14 in any school year, requires the department to conduct a study  
15 of attendance-based state school aid and to monitor compliance  
16 with federal and state education laws, establishes an  
17 education law enforcement advisory committee within the  
18 department to advise and make recommendations to the general  
19 assembly and the governor regarding sanctions for failure by a  
20 school district or accredited nonpublic school to comply with  
21 federal and state education laws, requires school districts  
22 and schools that administer the Iowa test of basic skills and  
23 the Iowa test of educational development to report their  
24 scores to the department and their local communities, and  
25 requires the department to cooperate with other state and  
26 local agencies to promote continuity of service to students  
27 and their families.

28 STATE BOARD OF EDUCATION. The bill requires the state  
29 board to adopt rules specifying clear, accurate, and  
30 unambiguous definitions for key data areas, including but not  
31 limited to truancy, drop-out and graduation rates, expulsion,  
32 suspension, excused absence, and unexcused absence, and to  
33 hold public hearings in each congressional district prior to  
34 the adoption of the rules; to adopt rules establishing  
35 statewide academic standards and expectations for students to



1 advance from kindergarten through grade 12 and to graduate  
2 from high school with a diploma, and to establish a  
3 requirement that all school districts and accredited nonpublic  
4 schools that administer the Iowa test of basic skills or the  
5 Iowa test of educational development annually report the test  
6 results to the department and the local community.

7 DEPARTMENT OF EDUCATION. The bill requires the director of  
8 the department to develop and implement a specific process for  
9 monitoring compliance with all state and federal education  
10 laws at the state and school district or school levels. If  
11 the department fails to implement the process, the bill allows  
12 any aggrieved person to seek a writ of mandamus from the  
13 district court to compel the state board to take the action.  
14 The bill expands the purpose of the comprehensive school  
15 accreditation site visit to include determination of whether a  
16 district is in compliance with all applicable federal and  
17 state education laws. The bill also requires the director to  
18 establish by June 30, 2004, to the maximum degree possible,  
19 cooperation with area education agencies, community colleges,  
20 the department of human services and its districts, and  
21 judicial districts to promote continuity in the delivery of  
22 services to students and their families.

23 SCHOOL DISTRICTS AND SCHOOLS. The bill requires school  
24 districts and accredited nonpublic schools, beginning October  
25 1, 2005, to submit key data area information to the department  
26 annually as a component of their comprehensive school  
27 improvement plans.

28 TRUANCY REQUIREMENTS. The bill directs school districts  
29 and accredited nonpublic schools to require attendance for the  
30 entire time schools are in session in any school year and to  
31 adopt a policy or rules relating to the reasons considered to  
32 be valid or acceptable excuses for absence from school. Under  
33 the bill, the policy must provide for not more than two  
34 unexcused absences or five excused absences per semester per  
35 student. The number of excused absences must be reduced by

1 the number of unexcused absences a student has on record.  
2 After the first unexcused absence, the school must send  
3 written warning to the truant student's parent or guardian.  
4 The school district or school must refer the matter to the  
5 county attorney if the student accumulates three or more  
6 unexcused absences. If the school district or school fails to  
7 refer the matter, or the county attorney fails to act, the  
8 state board or the department, the school district or school,  
9 or the parent or guardian may seek a writ of mandamus.

10 FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE. The bill  
11 strikes a provision that currently allows a person who is  
12 under age 18 and who works at least 20 hours per week, but who  
13 does not attend a public school, an accredited nonpublic  
14 school, competent private instruction, or an alternative  
15 school, to attain and keep a motor vehicle license.

16 EDUCATION STUDIES. The bill establishes an attendance-  
17 based state school aid committee within the department of  
18 education to advise and make recommendations to the general  
19 assembly and the governor regarding the feasibility, benefits,  
20 and consequences of converting from an enrollment-based state  
21 school foundation aid formula to an attendance-based state  
22 school foundation aid formula. The bill also establishes an  
23 education law enforcement advisory committee within the  
24 department to advise and make recommendations to the general  
25 assembly and the governor regarding sanctions for failure by a  
26 school district or accredited nonpublic school to comply with  
27 federal and state education laws. Committee findings and  
28 recommendations are due to the senate and house standing  
29 committees on education and the joint appropriations  
30 subcommittee on education by December 15, 2004.

31 STATE MANDATE. The bill may include a state mandate as  
32 defined in Code section 25B.3. The bill requires that the  
33 state cost of any state mandate included in the bill be paid  
34 by a school district from state school foundation aid received  
35 by the school district under Code section 257.16. The

1 specification is deemed to constitute state compliance with  
2 any state mandate funding-related requirements of Code section  
3 25B.2. The inclusion of this specification is intended to  
4 reinstate the requirement of political subdivisions to comply  
5 with any state mandates included in the bill.

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