

APR 6 2006  
APPROPRIATIONS CALENDAR

HOUSE FILE 2792  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2710)  
(SUCCESSOR TO HSB 758)

Passed House, Date 5-2-06 Passed Senate, Date 5/3/06  
Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0  
Approved June 1, 2006

A BILL FOR

1 An Act providing for a statewide core curriculum and standards  
2 study.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2792

1 Section 1. STATEWIDE CORE CURRICULUM AND STANDARDS STUDY.  
2 The department of education shall conduct a study of the  
3 advantages and disadvantages of existing state law and  
4 administrative rules related to content, performance, and  
5 graduation standards for kindergarten through grade twelve  
6 programs offered by school districts. The study shall include  
7 recommendations related to appropriate policy adjustments, as  
8 necessary. Additionally, the department shall determine  
9 methods for supporting and coordinating the model core  
10 curriculum implementation efforts by school districts  
11 throughout the state. The department shall develop language  
12 that clearly explains kindergarten through grade twelve  
13 education standards in a statewide context. The department  
14 shall submit a progress report to the chairpersons and ranking  
15 members of the senate and house of representatives standing  
16 education committees and to the chairpersons and ranking  
17 members of the joint appropriations subcommittee on education  
18 by January 1, 2007. The department shall submit a report  
19 summarizing the results of the study and making  
20 recommendations to the chairpersons and ranking members of the  
21 senate and house of representatives standing education  
22 committees and to the chairpersons and ranking members of the  
23 joint appropriations subcommittee on education by July 1,  
24 2007.

25

**EXPLANATION**

26 This bill directs the department of education to conduct a  
27 statewide core curriculum and standards study to determine the  
28 advantages and disadvantages of current law and administrative  
29 rules related to content, performance, and graduation  
30 standards for kindergarten through grade 12 programs offered  
31 by school districts. The department is also directed to  
32 determine methods for supporting and coordinating school  
33 district model core curriculum implementation efforts and to  
34 develop language explaining K-12 education standards in a  
35 statewide context.

1 The department must submit a progress report to the  
2 chairpersons and ranking members of the house and senate  
3 education committees and the chairpersons and ranking members  
4 of the joint appropriations subcommittee on education by  
5 January 1, 2007, and a final report summarizing the results of  
6 the study and making recommendations by July 1, 2007.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 2792 - State Standards (LSB 5821 HZ)

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

Fiscal Note Version - New

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**Description**

House File 2792 requires the Department of Education to conduct a study of the advantages and disadvantages of existing statute and administrative rules related to K-12 content, performance and graduation standards and to make recommendations for policy adjustments. The Bill further requires the Department to determine methods for supporting and coordinating the efforts of school districts in implementing the core curriculum and to develop language to explain current K-12 education standards in a statewide context. The Bill requires the Department to submit a progress report to the General Assembly by January 1, 2007, with a final report and recommendations due by July 1, 2007.

**Assumptions**

1. Completion of the study within a one-year time period will require an additional 2.0 FTE positions for the full-time services of an education consultant and an assistant.
2. Salary and benefits for an education consultant for one year will cost \$84,000.
3. Salary and benefits for an assistant for one year will cost \$40,000.
4. Computer and supplies for the additional staff will cost \$6,000.

**Fiscal Impact**

The cost of implementing HF 2792 is estimated to be \$130,000 in FY 2007. The Bill does not include an appropriation for this purpose. Without additional funding for the Department of Education, the Bill would result in a reallocation of resources within the Department's budget.

**Source**

Department of Education

/s/ Holly M. Lyons

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April 9, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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HOUSE FILE 2792

H-8627

1 Amend House File 2792 as follows:

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

4 "Section 1. Section 257.31, subsection 5,  
5 paragraph j, Code 2005, is amended to read as follows:

6 j. Unusual need to continue providing a program or  
7 other special assistance to non-English speaking  
8 pupils after the expiration of the ~~three-year~~  
9 four-year period specified in section 280.4.

10 Sec. \_\_\_\_\_. Section 280.4, subsection 3, Code 2005,  
11 is amended to read as follows:

12 3. In order to provide funds for the excess costs  
13 of instruction of limited English proficient students  
14 above the costs of instruction of pupils in a regular  
15 curriculum, students identified as limited English  
16 proficient shall be assigned an additional weighting  
17 of twenty-two hundredths, and that weighting shall be  
18 included in the weighted enrollment of the school  
19 district of residence for a period not exceeding ~~three~~  
20 four years. However, the school budget review  
21 committee may grant supplemental aid or modified  
22 allowable growth to a school district to continue  
23 funding a program for students after the expiration of  
24 the ~~three-year~~ four-year period."

25 2. Page 1, by inserting after line 24 the  
26 following:

27 "Sec. \_\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. The  
28 sections of this Act amending sections 257.31 and  
29 280.4, being deemed of immediate importance, take  
30 effect upon enactment and are applicable for the  
31 school budget year beginning July 1, 2006, and  
32 succeeding budget years."

33 3. Title page, line 1, by inserting after the  
34 word "Act" the following: "relating to education  
35 standards and services by".

36 4. Title page, line 2, by inserting after the  
37 word "study" the following: ", providing for an  
38 increase in the number of years for which  
39 supplementary weighting for limited English proficient  
40 students may be obtained, and providing effective and  
41 applicability dates".

By DOLECHECK of Ringgold  
KAUFMANN of Cedar

WENDT of Woodbury  
OLDSON of Polk

H-8627 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2792

H-8630

1 Amend House File 2792 as follows:

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

4 "Section 1. Section 257.4, subsection 1, Code  
5 2005, is amended to read as follows:

6 1. COMPUTATION OF TAX.

7 a. A school district shall cause an additional  
8 property tax to be levied each year. The rate of the  
9 additional property tax levy in a school district  
10 shall be determined by the department of management  
11 and shall be calculated to raise the difference  
12 between the combined district cost for the budget year  
13 and the sum of the products of the regular program  
14 foundation base per pupil times the weighted  
15 enrollment in the district and the special education  
16 support services foundation base per pupil times the  
17 special education support services weighted enrollment  
18 in the district.

19 b. For the budget year beginning July 1, 2006, and  
20 succeeding budget years, the department of management  
21 shall determine an adjusted additional property tax  
22 levy and a statewide maximum adjusted additional  
23 property tax levy rate. For purposes of this  
24 paragraph, the adjusted additional property tax levy  
25 shall be that portion of the additional property tax  
26 levy corresponding to the state cost per pupil  
27 multiplied by a school district's weighted enrollment,  
28 and then multiplied by one hundred percent less the  
29 regular program foundation base per pupil percentage  
30 pursuant to section 257.1. The district shall receive  
31 adjusted additional property tax levy aid in an amount  
32 equal to the difference between the adjusted  
33 additional property tax levy rate and the statewide  
34 maximum adjusted additional property tax levy rate, as  
35 applied per thousand dollars of assessed valuation on  
36 all taxable property in the district. The statewide  
37 maximum adjusted additional property tax levy rate  
38 shall be annually determined by the department taking  
39 into account amounts allocated pursuant to section  
40 257.15, subsection 4.

41 Sec. 2. Section 257.15, Code 2005, is amended by  
42 adding the following new subsection:

43 NEW SUBSECTION. 4. The department of management  
44 shall allocate from amounts appropriated pursuant to  
45 section 257.16, subsection 1, for the purpose of  
46 calculating the statewide maximum adjusted additional  
47 property tax levy rate and providing adjusted  
48 additional property tax levy aid as provided in  
49 section 257.4, subsection 1, paragraph "b", an amount  
50 not to exceed the following:

H-8630

1 a. For the budget year beginning July 1, 2006, six  
2 million dollars.

3 b. For the budget year beginning July 1, 2007,  
4 twelve million dollars.

5 c. For the budget year beginning July 1, 2008,  
6 eighteen million dollars.

7 d. For the budget year beginning July 1, 2009, and  
8 succeeding budget years, twenty-four million dollars.

9 Sec. 3. Section 257.16, subsection 1, Code 2005,  
10 is amended to read as follows:

11 1. There is appropriated each year from the  
12 general fund of the state an amount necessary to pay  
13 the foundation aid, ~~and~~ supplementary aid under  
14 section 257.4, subsection 2, and adjusted additional  
15 property tax levy aid under section 257.15, subsection  
16 4.

17 Sec. 4. Section 423B.7, subsection 6, Code 2005,  
18 is amended to read as follows:

19 6. Local sales and services tax moneys received by  
20 a city or county may be expended for any lawful  
21 purpose of the city or county.

22 a. Notwithstanding the provisions of this  
23 subsection, sales and services tax moneys received  
24 from a tax imposed by a county pursuant to this  
25 chapter shall not be expended by or for the benefit of  
26 a school district located in whole or in part in the  
27 county unless the county is imposing a local option  
28 sales and services tax for school infrastructure  
29 purposes pursuant to chapter 423E.

30 b. Paragraph "a" of this subsection is repealed  
31 December 31, 2022.

32 Sec. 5. Section 423E.4, Code Supplement 2005, is  
33 amended by adding the following new subsection:

34 NEW SUBSECTION. 7. Notwithstanding subsection 2  
35 of this section or any other provision to the  
36 contrary, a school district that is located in whole  
37 or in part in a county that has not previously imposed  
38 the local sales and services tax for school  
39 infrastructure, and which votes on and approves the  
40 tax at a rate of one percent on or before July 1,  
41 2008, shall receive an amount equal to its pro rata  
42 share of the local sales and services tax receipts as  
43 provided in section 423E.3, subsection 5, paragraph  
44 "d", for a period corresponding to one-half the  
45 duration of the tax authorized by the voters. For the  
46 second half of the duration of the tax authorized by  
47 the voters, local sales and services tax receipts  
48 shall be distributed as otherwise applicable pursuant  
49 to subsection 2 of this section.

50 Sec. 6. EQUITY IN PROPERTY TAXATION INTERIM STUDY

1 COMMITTEE.

2 1. The legislative council is requested to  
3 establish an equity in property taxation interim study  
4 committee to review the provisions of chapter 257 and  
5 develop one or more proposals that will equalize  
6 property tax rates applicable pursuant to the basic  
7 school foundation aid formula. The review shall  
8 include but not be limited to finance formulas that  
9 specifically address equalizing property tax rates,  
10 and shall be authorized for and conducted over a two-  
11 year period during the 2006 and 2007 legislative  
12 interims.

13 2. The membership of the committee shall include  
14 the following:

15 a. Two members of the senate standing committee on  
16 education.

17 b. Two members of the house standing committee on  
18 education.

19 c. Two members of the senate standing committee on  
20 ways and means.

21 d. Two members of the house standing committee on  
22 ways and means.

23 e. Persons representing education associations and  
24 stakeholders, urban and rural property tax interests,  
25 and other associations, groups, or interested parties  
26 as may be identified by the council, or added by the  
27 chairperson or co-chairpersons of the study committee  
28 designated by the council.

29 3. Staffing assistance shall be provided by the  
30 department of education, with the assistance of the  
31 department of management and the department of  
32 revenue. The committee shall report its findings and  
33 recommendations, including proposed legislation, to  
34 the general assembly no later than January 1, 2008."

35 2. Page 1, by inserting after line 24 the  
36 following:

37 "Sec. 6. EFFECTIVE DATE. The sections of this Act  
38 amending section 257.4, subsection 1, relating to the  
39 calculation of an adjusted additional property tax  
40 levy and a statewide maximum adjusted additional  
41 property tax levy rate, enacting section 257.15,  
42 subsection 4, relating to allocating funds for  
43 calculation of the statewide maximum adjusted  
44 additional property tax levy rate and providing  
45 adjusted additional property tax levy aid, amending  
46 section 257.16, subsection 1, relating to conforming  
47 changes, amending section 423B.7, relating to  
48 prohibiting expenditure of sales and services tax  
49 moneys under specified circumstances, and enacting  
50 section 423E.4, subsection 7, relating to the



1 distribution of local option sales and services tax  
2 revenue under specified circumstances, take effect  
3 upon enactment."

4 3. Title page, line 2, by inserting after the  
5 word "study" the following: ", providing for adjusted  
6 additional property tax levy aid for school districts,  
7 allocating and restricting utilization of local option  
8 sales and services tax moneys under specified  
9 circumstances, providing for an equity in property  
10 taxation interim study, making an appropriation, and  
11 providing an effective date".

12 4. By renumbering as necessary.

**By** RANTS of Woodbury

WENDT of Woodbury

TYMESON of Madison

WHITEAD of Woodbury

**H-8630** FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2792

H-8634

1 Amend House File 2792 as follows:

2 1. Page 1, by inserting after line 24 the  
3 following:

4 "Sec. 101. PARTICIPATION IN AN INSTRUCTIONAL  
5 SUPPORT PROGRAM BY SCHOOL DISTRICTS -- SUSPENSION OF  
6 REQUIREMENTS. Notwithstanding any contrary provision  
7 in chapter 257, including sections 257.18 through  
8 257.21, a school district that has participated in a  
9 board-approved instructional support program during  
10 the fiscal year beginning July 1, 2005, and ending  
11 June 30, 2006, may continue to participate in the  
12 board-approved instructional support program for the  
13 fiscal year beginning July 1, 2006, and ending June  
14 30, 2007, to the extent established by the board's  
15 resolution, as if it had complied with those sections,  
16 if all of the following apply:

17 1. The board of directors of the school district  
18 has adopted or adopts a resolution not later than May  
19 15, 2006, to participate in the board-approved  
20 instructional support program as otherwise provided in  
21 section 257.18. If the board of directors has adopted  
22 a budget which did not account for the board-approved  
23 instructional support program, the board of directors  
24 may adjust its budget to account for the  
25 board-approved instructional support program as  
26 approved by the department of management.

27 2. The secretary of the board of directors does  
28 not receive a petition as authorized in section  
29 257.18, subsection 2, within twenty-eight days  
30 following the adoption of the resolution by the board  
31 of directors of the school district to participate in  
32 the board-approved instructional support program as  
33 provided in subsection 1, which asks that an election  
34 be called to approve or disapprove the action of the  
35 board of directors in adopting the resolution.

36 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 101 of this  
37 division of this Act, being deemed of immediate  
38 importance, takes effect upon enactment."

39 2. Title page, line 1, by inserting before the  
40 word "providing" the following: "providing for  
41 participation in an instructional support program by  
42 school districts, and".

43 3. By renumbering as necessary..

By TYMESON of Madison

H-8634 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2792

H-8635

1 Amend House File 2792 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:

4 "DIVISION I

5 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

6 Section 1. DEPARTMENT OF EDUCATION. There is  
7 appropriated from the general fund of the state to the  
8 department of education for the designated fiscal  
9 years of the fiscal period beginning July 1, 2006, and  
10 ending June 30, 2009, the following amounts, or so  
11 much thereof as is necessary, to be used for the  
12 purposes designated:

13 For purposes, as provided in law, of the student  
14 achievement and teacher quality program established  
15 pursuant to chapter 284:

16	FY 2006-2007.....	\$104,593,894
17	FY 2007-2008.....	\$139,593,894
18	FY 2008-2009.....	\$174,593,894

19 Sec. 2. Section 256.11, Code Supplement 2005, is  
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 9. Beginning July 1, 2006, each  
22 school district shall have a qualified teacher  
23 librarian who shall be licensed by the board of  
24 educational examiners under chapter 272. The state  
25 board shall establish in rule a definition of and  
26 standards for an articulated sequential kindergarten  
27 through grade twelve media program. A school district  
28 that has entered into a contract with an individual  
29 for employment as a media specialist or librarian  
30 during the 2005-2006 school year shall be considered  
31 to be in compliance with this subsection until the  
32 individual leaves the employ of the school district.

33 Sec. 3. Section 256.11A, Code 2005, is amended to  
34 read as follows:

35 ~~256.11A GUIDANCE PROGRAM TEACHER LIBRARIAN --~~  
36 ~~MEDIA SERVICES PROGRAM -- WAIVER.~~

37 ~~1. Schools and school districts unable to meet the~~  
38 ~~standard adopted by the state board requiring each~~  
39 ~~school or school district operating a kindergarten-~~  
40 ~~through grade twelve program to provide an articulated-~~  
41 ~~sequential elementary-secondary guidance program. The~~  
42 board of directors of a school district may, not later  
43 than August 1, 1995 2006, for the school year  
44 beginning July 1, 1995 2006, file a written request to  
45 the department of education that the department waive  
46 the requirement for adopted by the state board  
47 pursuant to section 256.11, subsection 9, that school-  
48 or the school district have a qualified teacher  
49 librarian. The procedures specified in subsection 3  
50 apply to the request. Not later than August 1, 1996

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1 2007, for the school year beginning July 1, ~~1996~~ 2007,  
2 the board of directors of a school district ~~or the~~  
3 ~~authorities in charge of a nonpublic school~~ may  
4 request a one-year extension of the waiver.

5 ~~2. Not later than August 1, 1995, for the school~~  
6 ~~year beginning July 1, 1995, the board of directors of~~  
7 ~~a school district, or authorities in charge of a~~  
8 ~~nonpublic school, may file a written request with the~~  
9 ~~department of education that the department waive the~~  
10 ~~rule adopted by the state board to establish and~~  
11 ~~operate a media services program to support the total~~  
12 ~~curriculum for that district or school. The~~  
13 ~~procedures specified in subsection 3 apply to the~~  
14 ~~request. Not later than August 1, 1996, for the~~  
15 ~~school year beginning July 1, 1996, the board of~~  
16 ~~directors of a school district or the authorities in~~  
17 ~~charge of a nonpublic school may request an additional~~  
18 ~~one-year extension of the waiver.~~

19 ~~3. 2.~~ A request for a waiver filed by the board  
20 of directors of a school district ~~or authorities in~~  
21 ~~charge of a nonpublic school~~ shall describe actions  
22 being taken by the district ~~or school~~ to meet the  
23 requirement for which the district ~~or school~~ has  
24 requested a waiver.

25 Sec. 4. Section 256.44, subsection 1, paragraph a,  
26 Code Supplement 2005, is amended to read as follows:

27 a. If a teacher registers for national board for  
28 professional teaching standards certification prior to  
29 June 30, ~~2006~~ 2007; a one-time initial reimbursement  
30 award in the amount of up to one-half of the  
31 registration fee paid by the teacher for registration  
32 for certification by the national board for  
33 professional teaching standards. The teacher shall  
34 apply to the department of education within one year  
35 of registration, submitting to the department any  
36 documentation the department requires. A teacher who  
37 receives an initial reimbursement award shall receive  
38 a one-time final registration award in the amount of  
39 the remaining national board registration fee paid by  
40 the teacher if the teacher notifies the department of  
41 the teacher's certification achievement and submits  
42 any documentation requested by the department.

43 Sec. 5. Section 284.1, unnumbered paragraph 1,  
44 Code 2005, is amended to read as follows:

45 A student achievement and teacher quality program  
46 is established to promote high student achievement.  
47 The program shall consist of the following ~~four~~ five  
48 major elements:

49 Sec. 6. Section 284.1, Code 2005, is amended by  
50 adding the following new subsection:

1 NEW SUBSECTION. 5. Evaluation of teachers against  
2 the Iowa teaching standards.

3 Sec. 7. Section 284.2, subsection 1, Code 2005, is  
4 amended to read as follows:

5 1. "Beginning teacher" means an individual serving  
6 under an initial or intern license, issued by the  
7 board of educational examiners under chapter 272, who  
8 is assuming a position as a ~~classroom~~ teacher. For  
9 purposes of the beginning teacher mentoring and  
10 induction program created pursuant to section 284.5,  
11 "beginning teacher" also includes preschool teachers  
12 who are licensed by the board of educational examiners  
13 under chapter 272 and are employed by a school  
14 district or area education agency.

15 Sec. 8. Section 284.2, subsection 2, Code 2005, is  
16 amended by striking the subsection.

17 Sec. 9. Section 284.2, subsection 8, Code 2005, is  
18 amended to read as follows:

19 8. "Mentor" means an individual employed by a  
20 school district or area education agency as a  
21 ~~classroom~~ teacher or a retired teacher who holds a  
22 valid license issued under chapter 272. The  
23 individual must have a record of four years of  
24 successful teaching practice, must be employed on a  
25 nonprobationary basis, and must demonstrate  
26 professional commitment to both the improvement of  
27 teaching and learning and the development of beginning  
28 teachers.

29 Sec. 10. Section 284.2, subsection 12, Code 2005,  
30 is amended to read as follows:

31 12. "Teacher" means an individual holding a  
32 practitioner's license issued under chapter 272, who  
33 is employed in a nonadministrative position as a  
34 teacher, teacher librarian, ~~media specialist,~~  
35 preschool teacher, or counselor by a school district  
36 or area education agency pursuant to a contract issued  
37 by a board of directors under section 279.13.

38 However, an individual who is employed by an area  
39 education agency shall only be considered a teacher  
40 for purposes of this chapter if the individual  
41 directly delivers instruction to school or school  
42 district students for fifty percent or more of the  
43 individual's contracted time. A teacher may be  
44 employed in both an administrative and a  
45 nonadministrative position by a board of directors and  
46 shall be considered a part-time teacher for the  
47 portion of time that the teacher is employed in a  
48 nonadministrative position. "Teacher" includes a  
49 licensed individual employed on a less than full-time  
50 basis by a school district through a contract between

1 the school district and an institution of higher  
2 education with a practitioner preparation program in  
3 which the licensed teacher is enrolled.

4 Sec. 11. Section 284.4, subsection 1, paragraph e,  
5 Code Supplement 2005, is amended to read as follows:

6 e. Adopt a teacher evaluation plan that, at  
7 minimum, requires a performance review of teachers in  
8 the ~~participating~~ district at least once every three  
9 years based upon the Iowa teaching standards and  
10 individual career development plans, and requires  
11 administrators to complete evaluator training in  
12 accordance with section 284.10.

13 Sec. 12. Section 284.5, subsections 1, 3, 4, and  
14 7, Code Supplement 2005, are amended to read as  
15 follows:

16 1. A beginning teacher mentoring and induction  
17 program is created to promote excellence in teaching,  
18 enhance student achievement, build a supportive  
19 environment within school districts and area education  
20 agencies, increase the retention of promising  
21 beginning teachers, and promote the personal and  
22 professional well-being of ~~classroom~~ teachers.

23 3. Each school district and area education agency  
24 shall provide a beginning teacher mentoring and  
25 induction program for all ~~classroom~~ teachers who are  
26 beginning teachers, and notwithstanding section 284.4,  
27 subsection 1, a school district and an area education  
28 agency shall be eligible to receive moneys under  
29 section 284.13, subsection 1, paragraph "b", for  
30 purposes of implementing a beginning teacher mentoring  
31 and induction program in accordance with this section.

32 4. Each ~~participating~~ school district and area  
33 education agency shall develop an initial beginning  
34 teacher mentoring and induction plan. A school  
35 district shall include its plan in the school  
36 district's comprehensive school improvement plan  
37 submitted pursuant to section 256.7, subsection 21.  
38 The beginning teacher mentoring and induction plan  
39 shall, at a minimum, provide for a two-year sequence  
40 of induction program content and activities to support  
41 the Iowa teaching standards and beginning teacher  
42 professional and personal needs; mentor training that  
43 includes, at a minimum, skills of classroom  
44 demonstration and coaching, and district expectations  
45 for beginning teacher competence on Iowa teaching  
46 standards; placement of mentors and beginning  
47 teachers; the process for dissolving mentor and  
48 beginning teacher partnerships; district  
49 organizational support for release time for mentors  
50 and beginning teachers to plan, provide demonstration

1 of classroom practices, observe teaching, and provide  
2 feedback; structure for mentor selection and  
3 assignment of mentors to beginning teachers; a  
4 district facilitator; and program evaluation.

5 7. If a beginning teacher who is participating in  
6 a mentoring and induction program leaves the employ of  
7 a ~~participating~~ school district or area education  
8 agency prior to completion of the program, the  
9 ~~participating~~ school district or area education agency  
10 subsequently hiring the beginning teacher shall credit  
11 the beginning teacher with the time earned in the  
12 program prior to the subsequent hiring.

13 Sec. 13. Section 284.6, subsection 1, unnumbered  
14 paragraph 1, Code 2005, is amended to read as follows:

15 The department shall coordinate a statewide network  
16 of career development for Iowa teachers. A

17 ~~participating~~ school district or career development  
18 provider that offers a career development program in  
19 accordance with section 256.9, subsection 50, shall  
20 demonstrate that the program contains the following:

21 Sec. 14. Section 284.6, subsections 3 and 4, Code  
22 2005, are amended to read as follows:

23 3. A ~~participating~~ school district shall  
24 incorporate a district career development plan into  
25 the district's comprehensive school improvement plan  
26 submitted to the department in accordance with section  
27 256.7, subsection 21. The district career development  
28 plan shall include a description of the means by which  
29 the school district will provide access to all  
30 teachers in the district to career development  
31 programs or offerings that meet the requirements of  
32 subsection 1. The plan shall align all career  
33 development with the school district's long-range  
34 student learning goals and the Iowa teaching  
35 standards. The plan shall indicate the school  
36 district's approved career development provider or  
37 providers.

38 4. In cooperation with the teacher's evaluator,  
39 the career teacher employed by a ~~participating~~ school  
40 district shall develop an individual teacher career  
41 development plan. The evaluator shall consult with  
42 the teacher's supervisor on the development of the  
43 individual teacher career development plan. The  
44 purpose of the plan is to promote individual and group  
45 career development. The individual plan shall be  
46 based, at minimum, on the needs of the teacher, the  
47 Iowa teaching standards, and the student achievement  
48 goals of the attendance center and the school district  
49 as outlined in the comprehensive school improvement  
50 plan.

1 Sec. 15. Section 284.7, unnumbered paragraph 1,  
2 Code Supplement 2005, is amended to read as follows:  
3 To promote continuous improvement in Iowa's quality  
4 teaching workforce and to give Iowa teachers the  
5 opportunity for career recognition that reflects the  
6 various roles teachers play as educational leaders, an  
7 Iowa teacher career path is established for teachers  
8 employed by ~~participating~~ school districts. A  
9 ~~participating~~ school district shall use funding  
10 allocated under section 284.13, subsection 1,  
11 paragraph ~~"d"~~ "h", to raise teacher salaries to meet  
12 the requirements of this section. The Iowa teacher  
13 career path and salary minimums are as follows:

14 Sec. 16. Section 284.7, subsection 1, unnumbered  
15 paragraph 1, Code Supplement 2005, is amended to read  
16 as follows:

17 ~~Effective July 1, 2001, the~~ The following career  
18 path levels are established and shall be implemented  
19 in accordance with this chapter:

20 Sec. 17. Section 284.7, subsection 1, paragraph a,  
21 subparagraph (1), subparagraph subdivisions (a) and  
22 (b), Code 2005, are amended to read as follows:

23 (a) Has successfully completed an approved  
24 practitioner preparation program as defined in section  
25 272.1 or holds an intern teacher license issued by the  
26 board of educational examiners under chapter 272.

27 (b) Holds an initial or intern teacher license  
28 issued by the board of educational examiners.

29 Sec. 18. Section 284.7, subsection 1, paragraph a,  
30 subparagraph (2), Code Supplement 2005, is amended by  
31 striking the subparagraph and inserting in lieu  
32 thereof the following:

33 (2) Beginning July 1, 2006, the minimum salary for  
34 a beginning teacher shall be twenty-five thousand five  
35 hundred dollars.

36 Sec. 19. Section 284.7, subsection 1, paragraph b,  
37 subparagraph (2), Code Supplement 2005, is amended by  
38 striking the subparagraph and inserting in lieu  
39 thereof the following:

40 (2) Beginning July 1, 2006, the minimum salary for  
41 a first-year career teacher shall be twenty-six  
42 thousand five hundred dollars and the minimum salary  
43 for all other career teachers shall be twenty-seven  
44 thousand five hundred dollars.

45 Sec. 20. Section 284.7, subsection 5, Code  
46 Supplement 2005, is amended to read as follows:

47 5. A teacher employed in a ~~participating~~ district  
48 shall not receive less compensation in that  
49 ~~participating~~ district than the teacher received in  
50 the school year preceding participation, as set forth



1 in section 284.4 due to implementation of this  
2 chapter. A teacher who achieves national board for  
3 professional teaching standards certification and  
4 meets the requirements of section 256.44 shall  
5 continue to receive the award as specified in section  
6 256.44 in addition to the compensation set forth in  
7 this section.

8 Sec. 21. Section 284.7, subsection 6, paragraphs a  
9 and b, Code Supplement 2005, are amended to read as  
10 follows:

11 a. If the licensed employees of a school district  
12 or area education agency receiving funds pursuant to  
13 section 284.13, subsection 1, paragraph ~~"d"~~ "h" or ~~"e"~~  
14 "i", for purposes of this section, are organized under  
15 chapter 20 for collective bargaining purposes, the  
16 board of directors and the certified bargaining  
17 representative for the licensed employees shall  
18 mutually agree upon a formula for distributing the  
19 funds among the teachers employed by the school  
20 district or area education agency. However, the  
21 school district must comply with the salary minimums  
22 provided for in this section. The parties shall  
23 follow the negotiation and bargaining procedures  
24 specified in chapter 20 except that if the parties  
25 reach an impasse, neither impasse procedures agreed to  
26 by the parties nor sections 20.20 through 20.22 shall  
27 apply and the funds shall be paid as provided in  
28 paragraph "b". Negotiations under this section are  
29 subject to the scope of negotiations specified in  
30 section 20.9. If a board of directors and the  
31 certified bargaining representative for licensed  
32 employees have not reached mutual agreement for the  
33 distribution of funds received pursuant to section  
34 284.13, subsection 1, paragraph ~~"d"~~ "h" or ~~"e"~~ "i", by  
35 July 15 of the fiscal year for which the funds are  
36 distributed, paragraph "b" of this subsection shall  
37 apply.

38 b. If, once the minimum salary requirements of  
39 this section have been met by the school district or  
40 area education agency, and the school district or area  
41 education agency receiving funds pursuant to section  
42 284.13, subsection 1, paragraph ~~"d"~~ "h" or ~~"e"~~ "i",  
43 for purposes of this section, and the certified  
44 bargaining representative for the licensed employees  
45 have not reached an agreement for distribution of the  
46 funds remaining, in accordance with paragraph "a", the  
47 board of directors shall divide the funds remaining  
48 among full-time teachers employed by the district or  
49 area education agency whose regular compensation is  
50 equal to or greater than the minimum career teacher

1 salary specified in this section. The payment amount  
2 for teachers employed on less than a full-time basis  
3 shall be prorated.

4 Sec. 22. Section 284.8, subsection 1, Code 2005,  
5 is amended to read as follows:

6 1. A participating school district shall review a  
7 teacher's performance at least once every three years  
8 for purposes of assisting teachers in making  
9 continuous improvement, documenting continued  
10 competence in the Iowa teaching standards, identifying  
11 teachers in need of improvement, or to determine  
12 whether the teacher's practice meets school district  
13 expectations for career advancement in accordance with  
14 section 284.7. The review shall include, at minimum,  
15 classroom observation of the teacher, the teacher's  
16 progress, and implementation of the teacher's  
17 individual career development plan; shall include  
18 supporting documentation from other evaluators,  
19 teachers, parents, and students; and may include video  
20 portfolios as evidence of teaching practices.

21 Sec. 23. Section 284.10, subsection 5, Code 2005,  
22 is amended to read as follows:

23 5. By July 1, ~~2005~~ 2007, the director shall  
24 develop and implement an evaluator training  
25 certification renewal program for administrators and  
26 other practitioners who need to renew a certificate  
27 issued pursuant to this section.

28 Sec. 24. Section 284.11, Code 2005, is amended by  
29 striking the section and inserting in lieu thereof the  
30 following:

31 284.11 MARKET FACTOR TEACHER SALARIES.

32 1. The general assembly finds that Iowa school  
33 districts need to be more competitive in recruiting  
34 and retaining talented professionals into the teaching  
35 profession. To ensure that school districts in all  
36 areas of the state have the ability to attract highly  
37 qualified teachers, it is the intent of the general  
38 assembly to encourage school districts to establish  
39 teacher compensation opportunities that recognize the  
40 need for geographic or other locally determined wage  
41 differentials and provide incentives for traditionally  
42 hard-to-staff schools and subject-area shortages.  
43 This section provides for state assistance to allow  
44 school districts to add a market factor to teacher  
45 salaries paid by the school districts.

46 2. A school district shall be paid annually, from  
47 moneys allocated for market factor salaries pursuant  
48 to section 284.13, subsection 1, paragraph "f", an  
49 amount of state assistance to create market factor  
50 incentives for classroom teachers in the school

1 district. Market factor incentives may include but  
2 are not limited to improving salaries due to  
3 geographic differences, recruitment and retention  
4 needs of the school district in such areas as hard-  
5 to-staff schools, subject-area shortages, or improving  
6 the racial or ethnic diversity on local teaching  
7 staffs. The school district shall have the sole  
8 discretion to award funds received by the school  
9 district in accordance with section 284.13, subsection  
10 1, paragraph "f", to classroom teachers on an annual  
11 basis. The funds shall supplement, but not supplant,  
12 wages and salaries paid as a result of a collective  
13 bargaining agreement reached pursuant to chapter 20 or  
14 as a result of funds appropriated elsewhere in this  
15 chapter, in chapter 256D, or in chapter 294A.

16 3. The allocations to each school district shall  
17 be made in one payment on or about October 15 of the  
18 fiscal year for which the appropriation is made,  
19 taking into consideration the relative budget and cash  
20 position of the state resources. Moneys received  
21 under this section shall not be commingled with state  
22 aid payments made under section 257.16 to a school  
23 district and shall be accounted for by the local  
24 school district separately from state aid payments.  
25 Payments made to school districts under this section  
26 are miscellaneous income for purposes of chapter 257.  
27 A school district shall maintain a separate listing  
28 within its budget for payments received and  
29 expenditures made pursuant to this section. A school  
30 district shall certify to the department of education  
31 how the school district allocated the funds and that  
32 moneys received under this section were used to  
33 supplement, not supplant, the salary the school  
34 district would otherwise pay the teacher.

35 4. The department shall include market factor  
36 salaries when reporting teacher salaries in the annual  
37 condition of education report.

38 Sec. 25. Section 284.13, subsection 1, Code  
39 Supplement 2005, is amended to read as follows:

40 1. For each fiscal year in which moneys are  
41 appropriated by the general assembly for purposes of  
42 the student achievement and teacher quality program,  
43 the moneys shall be allocated as follows in the  
44 following priority order:

45 a. For each fiscal year of the fiscal year period  
46 beginning July 1, 2005 2006, and ending June 30, 2006  
47 2009, to the department of education, the amount of  
48 two million two hundred fifty thousand dollars for the  
49 issuance of national board certification awards in  
50 accordance with section 256.44. Of the amount

1 allocated under this paragraph, up to two hundred  
2 fifty thousand dollars may be used to support the  
3 implementation of a national board certification  
4 support program, and not less than eighty-five  
5 thousand dollars shall be used to administer the  
6 ambassador to education position in accordance with  
7 section 256.45.

8 b. For the fiscal year beginning July 1, 2005  
9 2006, and succeeding fiscal years, an amount up to  
10 four million ~~two~~ six hundred fifty thousand dollars  
11 for first-year and second-year beginning teachers, to  
12 the department of education for distribution to school  
13 districts and area education agencies for purposes of  
14 the beginning teacher mentoring and induction  
15 programs. A school district or area education agency  
16 shall receive one thousand three hundred dollars per  
17 beginning teacher participating in the program. If  
18 the funds appropriated for the program are  
19 insufficient to pay mentors, and school districts, and  
20 area education agencies as provided in this paragraph,  
21 the department shall prorate the amount distributed to  
22 school districts and area education agencies based  
23 upon the amount appropriated. Moneys received by a  
24 school district or area education agency pursuant to  
25 this paragraph shall be expended to provide each  
26 mentor with an award of five hundred dollars per  
27 semester, at a minimum, for participation in the  
28 school district's or area education agency's beginning  
29 teacher mentoring and induction program; to implement  
30 the plan; and to pay any applicable costs of the  
31 employer's share of contributions to federal social  
32 security and the Iowa public employees' retirement  
33 system or a pension and annuity retirement system  
34 established under chapter 294, for such amounts paid  
35 by the district or area education agency.

36 c. For each fiscal year of the fiscal year period  
37 beginning July 1, 2005 2006, and ending June 30, 2006  
38 2009, up to ~~four~~ six hundred eighty-five ninety-five  
39 thousand dollars to the department of education for  
40 purposes of implementing the career development  
41 program requirements of section 284.6, the review  
42 panel requirements of section 284.9, and the evaluator  
43 training program in section 284.10. ~~From the moneys-~~  
44 ~~allocated to the department pursuant to this-~~  
45 ~~paragraph, not less than ten thousand dollars shall be-~~  
46 ~~distributed to the board of educational examiners for-~~  
47 ~~purposes of convening an educator licensing review-~~  
48 ~~working group. From the moneys allocated to the-~~  
49 ~~department pursuant to this paragraph, not less than-~~  
50 ~~eighty-five thousand dollars shall be used to-~~

1 ~~administer the ambassador to education position in-~~  
2 ~~accordance with section 256.45. A portion of the~~  
3 ~~funds allocated to the department for purposes of this~~  
4 ~~paragraph may be used by the department for~~  
5 ~~administrative purposes. Notwithstanding section-~~  
6 ~~8.33, moneys allocated for purposes of this paragraph-~~  
7 ~~prior to July 1, 2004, which remain unobligated or-~~  
8 ~~unexpended at the end of the fiscal year for which the-~~  
9 ~~moneys were appropriated, shall remain available for-~~  
10 ~~expenditure for the purposes for which they were-~~  
11 ~~allocated, for the fiscal year beginning July 1, 2004,~~  
12 ~~and ending June 30, 2005.~~

13 ~~d. For each fiscal year in which funds are-~~  
14 ~~appropriated for purposes of this chapter, the moneys-~~  
15 ~~remaining after distribution as provided in paragraphs-~~  
16 ~~"a" through "c" and "c" shall be allocated to school-~~  
17 ~~districts for salaries and career development in-~~  
18 ~~accordance with the following formula:~~

19 ~~(1) Fifty percent of the allocation shall be in-~~  
20 ~~the proportion that the basic enrollment of a school-~~  
21 ~~district bears to the sum of the basic enrollments of-~~  
22 ~~all school districts in the state for the budget year.~~

23 ~~(2) Fifty percent of the allocation shall be based-~~  
24 ~~upon the proportion that the number of full-time-~~  
25 ~~equivalent teachers employed by a school district-~~  
26 ~~bears to the sum of the number of full-time equivalent-~~  
27 ~~teachers who are employed by all school districts in-~~  
28 ~~the state for the base year.~~

29 ~~e. From moneys available under paragraph "d", the-~~  
30 ~~department shall allocate to area education agencies-~~  
31 ~~an amount per classroom teacher employed by an area-~~  
32 ~~education agency that is approximately equivalent to-~~  
33 ~~the average per teacher amount allocated to the-~~  
34 ~~districts. The average per teacher amount shall be-~~  
35 ~~calculated by dividing the total number of classroom-~~  
36 ~~teachers employed by school districts and the-~~  
37 ~~classroom teachers employed by area education agencies-~~  
38 ~~into the total amount of moneys available under-~~  
39 ~~paragraph "d".~~

40 ~~f. d.~~ For the fiscal year beginning July 1, 2005  
41 2006, and ending June 30, 2006 2007, up to ten million  
42 dollars to the department of education for use by  
43 school districts to add one additional teacher  
44 contract day to the school calendar. The department  
45 shall distribute funds allocated for the purpose of  
46 this paragraph based on the average per diem contract  
47 salary for each district as reported to the department  
48 for the school year beginning July 1, 2004 2005,  
49 multiplied by the total number of full-time equivalent  
50 teachers in the base year. The department shall

1 adjust each district's average per diem salary by the  
2 allowable growth rate established under section 257.8  
3 for the fiscal year beginning July 1, ~~2005~~ 2006. The  
4 contract salary amount shall be the amount paid for  
5 their regular responsibilities but shall not include  
6 pay for extracurricular activities. School districts  
7 shall distribute funds to teachers based on individual  
8 teacher per diem amounts. These funds shall not  
9 supplant existing funding for professional development  
10 activities. Notwithstanding any provision to the  
11 contrary, moneys received by a school district under  
12 this paragraph shall not revert but shall remain  
13 available for the same purpose in the succeeding  
14 fiscal year. A school district shall submit a report  
15 to the department in a manner determined by the  
16 department describing its use of the funds received  
17 under this paragraph. The department shall submit a  
18 report on school district use of the moneys  
19 distributed pursuant to this paragraph to the  
20 chairpersons and ranking members of the house and  
21 senate standing committees on education, the joint  
22 appropriations subcommittee on education, and the  
23 legislative services agency not later than January 15,  
24 ~~2006~~ 2007.

25 ~~g.~~ e. For the fiscal year beginning July 1, 2005  
26 2006, and ending June 30, ~~2006~~ 2007, up to six million  
27 six hundred twenty-five thousand dollars to the  
28 department ~~of education~~ for use by school districts  
29 for either salaries or professional development, or  
30 both, as determined by the school district. Funds  
31 received by a school district for purposes of this  
32 paragraph shall be distributed using the formula  
33 provided in paragraph ~~"d"~~ "h" and are subject to the  
34 provisions of section 284.7, subsection 6. A school  
35 district shall submit a report to the department in a  
36 manner determined by the department describing its use  
37 of the funds received under this paragraph. The  
38 department shall submit a report on school district  
39 use of the funds distributed pursuant to this  
40 paragraph to the chairpersons and ranking members of  
41 the house and senate standing committees on education,  
42 the joint appropriations subcommittee on education,  
43 and the legislative services agency not later than  
44 January 15, ~~2006~~ annually.

45 f. For purposes of market factor teacher salaries  
46 pursuant to section 284.11, the following amounts are  
47 allocated to the department for the following fiscal  
48 years:

49 (1) For the fiscal year beginning July 1, 2006,  
50 and ending June 30, 2007, the sum of three million

1 three hundred ninety thousand dollars.

2 (2) For the fiscal year beginning July 1, 2007,  
3 and ending June 30, 2008, the sum of seven million  
4 five hundred thousand dollars.

5 (3) For the fiscal year beginning July 1, 2008,  
6 and ending June 30, 2009, the sum of ten million  
7 dollars.

8 The department shall use the formula set forth in  
9 paragraph "h" to distribute moneys allocated under  
10 this paragraph.

11 g. For purposes of the pay-for-performance program  
12 established pursuant to section 284.14, the following  
13 amounts are allocated to the department of management  
14 for the following fiscal years:

15 (1) For the fiscal year beginning July 1, 2006,  
16 and ending June 30, 2007, the sum of one million  
17 dollars. Of the amount allocated under this  
18 subparagraph, an amount equal to one hundred fifty  
19 thousand dollars shall be distributed to the institute  
20 for tomorrow's workforce created pursuant to section  
21 7K.1 for the activities of the institute.

22 (2) For the fiscal year beginning July 1, 2007,  
23 and ending June 30, 2008, the sum of two million five  
24 hundred thousand dollars.

25 (3) For the fiscal year beginning July 1, 2008,  
26 and ending June 30, 2009, the sum of five million  
27 dollars.

28 h. For each fiscal year in which funds are  
29 appropriated for purposes of this chapter, the moneys  
30 remaining after distribution as provided in paragraphs  
31 "a" through "g" shall be allocated to school districts  
32 for salaries and career development in accordance with  
33 the following formula:

34 (1) Fifty percent of the allocation shall be in  
35 the proportion that the basic enrollment of a school  
36 district bears to the sum of the basic enrollments of  
37 all school districts in the state for the budget year.

38 (2) Fifty percent of the allocation shall be based  
39 upon the proportion that the number of full-time  
40 equivalent teachers employed by a school district  
41 bears to the sum of the number of full-time equivalent  
42 teachers who are employed by all school districts in  
43 the state for the base year.

44 i. From moneys available under paragraph "h", the  
45 department shall allocate to area education agencies  
46 an amount per classroom teacher employed by an area  
47 education agency that is approximately equivalent to  
48 the average per teacher amount allocated to the  
49 districts. The average per teacher amount shall be  
50 calculated by dividing the total number of classroom

1 teachers employed by school districts and the  
2 classroom teachers employed by area education agencies  
3 into the total amount of moneys available under  
4 paragraph "h".

5 ~~h.~~ j. Notwithstanding section 8.33, any moneys  
6 remaining unencumbered or unobligated from the moneys  
7 allocated for purposes of paragraph "a", ~~or~~ "b", or  
8 "c" shall not revert but shall remain available in the  
9 succeeding fiscal year for expenditure for the  
10 purposes designated. The provisions of section 8.39  
11 shall not apply to the funds appropriated pursuant to  
12 this subsection.

13 Sec. 26. Section 284.13, subsection 2, Code  
14 Supplement 2005, is amended to read as follows:

15 2. A school district that is unable to meet the  
16 provisions of section 284.7, subsection 1, with funds  
17 allocated pursuant to subsection 1, paragraph ~~"d"~~ "h",  
18 may request a waiver from the department to use funds  
19 appropriated under chapter 256D to meet the provisions  
20 of section 284.7, subsection 1, if the difference  
21 between the funds allocated to the school district  
22 pursuant to subsection 1, paragraph ~~"d"~~ "h", and the  
23 amount required to comply with section 284.7,  
24 subsection 1, is not less than ten thousand dollars.  
25 The department shall consider the average class size  
26 of the school district, the school district's actual  
27 unspent balance from the preceding year, and the  
28 school district's current financial position.

29 Sec. 27. NEW SECTION. 284.14 PAY-FOR-PERFORMANCE  
30 PROGRAM.

31 1. COMMISSION.

32 a. A pay-for-performance commission is established  
33 to design and implement a pay-for-performance program  
34 and provide a study relating to teacher and staff  
35 compensation containing a pay-for-performance  
36 component. The study shall measure the cost and  
37 effectiveness in raising student achievement of a  
38 compensation system that provides financial incentives  
39 based on student performance. The commission is part  
40 of the executive branch of government. The  
41 legislative services agency shall, upon request,  
42 provide technical and administrative support to the  
43 commission.

44 The commission shall select its own chairperson and  
45 establish its own rules of procedure. A majority of  
46 the voting members of the commission shall constitute  
47 a quorum.

48 b. Any vacancy on the commission shall be filled  
49 by the appropriate appointing authority. Members  
50 shall receive a per diem. Membership of the



1 commission shall be as follows:

2 (1) One classroom teacher selected jointly by the  
3 Iowa state educational association and the  
4 professional educators of Iowa.

5 (2) One principal selected by the school  
6 administrators of Iowa.

7 (3) One private sector representative selected by  
8 the Iowa business council. This representative must  
9 meet all of the following qualifications:

10 (a) Possess a degree in education and have  
11 teaching experience.

12 (b) Be employed in a business employing at least  
13 two hundred persons that has an employee performance  
14 pay program.

15 (c) Have served as a school board member.

16 (4) One industrial engineer appointed by the  
17 American society of engineers, who has technical  
18 knowledge and experience in the design and  
19 implementation of individual and group  
20 pay-for-performance incentive programs.

21 (5) One small business private sector employer,  
22 who employs at least fifty people in a targeted  
23 industry, selected by the governor, who has general  
24 management experience and top line and bottom line  
25 responsibilities.

26 (6) One professional economist with a doctoral  
27 degree with experience and knowledge in student  
28 achievement using test scores to measure student  
29 progress, selected by the voting members of the  
30 commission, after they convene.

31 (7) One representative from the department of  
32 education who shall serve as a nonvoting member.

33 (8) Two members of the senate and two members of  
34 the house of representatives who shall serve as  
35 nonvoting members for two-year terms coinciding with  
36 the legislative biennium.

37 c. Voting members shall serve three-year terms  
38 except for the terms of the initial members, which  
39 shall be staggered so that two members' terms expire  
40 each calendar year. A vacancy in the membership of  
41 the board shall be filled by appointment by the  
42 initial appointing authority.

43 d. The pay-for-performance commission is not  
44 subject to the provisions of section 69.16 or 69.16A.

45 2. DEVELOPMENT OF PROGRAM. Beginning July 1,  
46 2006, the commission shall gather sufficient  
47 information to identify a pay-for-performance program  
48 based upon student achievement gains and global  
49 content standards where student achievement gains  
50 cannot be easily measured. The commission shall

1 review pay-for-performance programs in both the public  
2 and private sector. Based on this information, the  
3 commission shall design a program utilizing both  
4 individual and group incentive components. At least  
5 half of any available funding identified by the  
6 commission shall be designated for individual  
7 incentives.

8 a. Commencing with the school year beginning July  
9 1, 2007, the commission shall initiate demonstration  
10 projects, in selected kindergarten through grade  
11 twelve schools, to test the effectiveness of the  
12 pay-for-performance program. The purpose of the  
13 demonstration projects is to identify the strengths  
14 and weaknesses of the pay-for-performance program  
15 design, evaluate cost effectiveness, analyze student  
16 achievement gains, test assessments, allow thorough  
17 review of data, and make necessary adjustments before  
18 implementing the pay-for-performance program  
19 statewide.

20 b. The commission shall select ten school  
21 districts as demonstration projects. To the extent  
22 practicable, participants shall represent  
23 geographically distinct rural, urban, and suburban  
24 areas of the state. Participants shall provide  
25 reports or other information as required by the  
26 commission.

27 c. Commencing with the school year beginning July  
28 1, 2008, the commission shall select twenty additional  
29 school districts as demonstration projects.

30 3. REPORTS AND FINAL STUDY. Based on the  
31 information generated by the demonstration projects,  
32 the commission shall prepare an interim report by  
33 January 15, 2007, followed by interim progress reports  
34 annually, followed by a final study report analyzing  
35 the effectiveness of pay-for-performance in raising  
36 student achievement levels. The final study report  
37 shall be completed no later than six months after the  
38 completion of the demonstration projects. The  
39 commission shall provide copies of the final study  
40 report to the department of education and to the  
41 chairpersons and ranking members of the senate and  
42 house standing committees on education.

43 4. STATEWIDE IMPLEMENTATION -- REMEDIATION.  
44 Commencing with the school year beginning July 1,  
45 2009, the pay-for-performance program shall be  
46 implemented statewide, notwithstanding the provisions  
47 of chapters 20 and 279 to the contrary.

48 a. The commission, in consultation with the  
49 department of education, shall develop a system which  
50 will provide for valid, reliable tracking and

1 measuring of enhanced student achievement under the  
2 pay-for-performance program. Where possible, student  
3 performance shall be based solely on student  
4 achievement, objectively measured by academic gains  
5 made by individual students using valid, reliable, and  
6 nonsubjective assessment tools such as the dynamic  
7 indicators of basic early literacy skills (DIBELS),  
8 the Iowa test of basic skills, or the Iowa test of  
9 educational development.

10 b. The commission shall develop a  
11 pay-for-performance pay plan for teacher compensation.  
12 The plan shall establish salary adjustments which vary  
13 directly with the enhancement of student achievement.  
14 The plan shall include teacher performance standards  
15 which identify the following five levels of teacher  
16 performance with standards to measure each level:

- 17 (1) Superior performance.
- 18 (2) Exceeds expectations.
- 19 (3) Satisfactory.
- 20 (4) Emerging.
- 21 (5) In need of remediation.

22 No individual salary adjustments under an  
23 individual incentive component of a  
24 pay-for-performance program shall be provided to  
25 teachers whose students do not demonstrate at least a  
26 satisfactory level of performance.

27 c. The department of education, in conjunction  
28 with the commission, shall create a teacher  
29 remediation program to provide counseling and  
30 assistance for teachers whose students do not  
31 demonstrate adequate increases in achievement.

32 5. STAFFING. The legislative services agency may  
33 annually use up to fifty thousand dollars of the  
34 moneys appropriated for the pay-for-performance  
35 program to provide technical and administrative  
36 assistance to the commission and monitoring of the  
37 program. The commission may annually use up to two  
38 hundred thousand dollars of the moneys appropriated  
39 for consultation services in coordination with the  
40 legislative services agency.

41 6. IOWA EXCELLENCE FUND. An Iowa excellence fund  
42 is created within the office of the treasurer of  
43 state, to be administered by the commission.  
44 Notwithstanding section 8.33, moneys in the fund that  
45 remain unencumbered or unobligated at the close of the  
46 fiscal year shall not revert but shall remain in the  
47 fund.

48 The commission may provide grants from this fund,  
49 according to criteria developed by the commission, for  
50 implementation of the pay-for-performance program.

1 Sec. 28. NEW SECTION. 284A.1 DEFINITIONS.

2 As used in this chapter, unless the context  
3 otherwise requires:

4 1. "Administrator" means an individual holding a  
5 professional administrator license issued under  
6 chapter 272, who is employed in a school district  
7 administrative position by a school district or area  
8 education agency pursuant to a contract issued by a  
9 board of directors under section 279.23. An  
10 administrator may be employed in both an  
11 administrative and a nonadministrative position by a  
12 board of directors and shall be considered a part-time  
13 administrator for the portion of time that the  
14 individual is employed in an administrative position.

15 2. "Beginning administrator" means an individual  
16 serving under an initial administrator license, issued  
17 by the board of educational examiners under chapter  
18 272, who is assuming a position as a school district  
19 administrator for the first time.

20 3. "Department" means the department of education.

21 4. "Mentor" means an individual employed by a  
22 school district or area education agency as a school  
23 district administrator or a retired administrator who  
24 holds a valid license issued under chapter 272. The  
25 individual must have a record of four years of  
26 successful administrative experience and must  
27 demonstrate professional commitment to both the  
28 improvement of teaching and learning and the  
29 development of beginning administrators.

30 5. "School board" means the board of directors of  
31 a school district or a collaboration of boards of  
32 directors of school districts.

33 6. "State board" means the state board of  
34 education.

35 Sec. 29. NEW SECTION. 284A.2 BEGINNING  
36 ADMINISTRATOR MENTORING AND INDUCTION PROGRAM.

37 1. A beginning administrator mentoring and  
38 induction program is created to promote excellence in  
39 school leadership, improve classroom instruction,  
40 enhance student achievement, build a supportive  
41 environment within school districts, increase the  
42 retention of promising school leaders, and promote the  
43 personal and professional well-being of  
44 administrators.

45 2. The department, in collaboration with other  
46 educational partners, shall develop a model beginning  
47 administrator mentoring and induction program for all  
48 beginning administrators.

49 3. Each school board shall establish an  
50 administrator mentoring program for all beginning

1 administrators. The school board may adopt the model  
2 program developed by the department pursuant to  
3 subsection 2. Each school board's beginning  
4 administrator mentoring and induction program shall,  
5 at a minimum, provide for one year of programming.  
6 Each school board shall develop an initial beginning  
7 administrator mentoring and induction plan. The plan  
8 shall describe the mentor selection process, describe  
9 supports for beginning administrators, describe  
10 program organizational and collaborative structures,  
11 provide a budget, provide for sustainability of the  
12 program, and provide for program evaluation. The  
13 school board employing an administrator shall  
14 determine the conditions and requirements of an  
15 administrator participating in a program established  
16 pursuant to this section. A school board shall  
17 include its plan in the school district's  
18 comprehensive school improvement plan submitted  
19 pursuant to section 256.7, subsection 21.

20 4. By the end of a beginning administrator's  
21 second year of employment, the beginning administrator  
22 may be comprehensively evaluated at the discretion of  
23 the school board.

24 Sec. 30. NEW SECTION. 284A.3 PROGRAM  
25 APPROPRIATION.

26 1. For each fiscal year in which moneys are  
27 appropriated by the general assembly for purposes of  
28 the administrator quality program, an amount up to two  
29 hundred fifty thousand dollars shall be allocated to  
30 the department for purposes of the beginning  
31 administrator mentoring and induction program.

32 2. For the fiscal year beginning July 1, 2006, and  
33 each succeeding fiscal year, there is appropriated  
34 from the general fund of the state to the department  
35 of education the sum of two hundred fifty thousand  
36 dollars for purposes of administering the beginning  
37 administrator mentoring and induction program  
38 established pursuant to this chapter.

39 3. A school district shall receive one thousand  
40 three hundred dollars per beginning administrator  
41 participating in the program. If the funds  
42 appropriated for the program are insufficient to pay  
43 mentors and school districts as provided in this  
44 subsection, the department shall prorate the amount  
45 distributed to school districts based upon the amount  
46 appropriated. Moneys received by a school district  
47 pursuant to this subsection shall be expended to  
48 provide each mentor with an award of five hundred  
49 dollars per semester, at a minimum, for participation  
50 in the school district's beginning administrator

1 mentoring and induction program; to implement the  
2 plan; and to pay any applicable costs of the  
3 employer's share of contributions to federal social  
4 security and the Iowa public employees' retirement  
5 system or a pension and annuity retirement system  
6 established under chapter 294, for such amounts paid  
7 by the district.

8 4. Notwithstanding section 8.33, any moneys  
9 remaining unobligated or unexpended from the moneys  
10 appropriated under subsection 1 shall not revert, but  
11 shall remain available in the succeeding fiscal year  
12 for expenditure for the purposes designated. The  
13 provisions of section 8.39 shall not apply to the  
14 funds appropriated pursuant to this section.

15 Sec. 31. INSTITUTE FOR TOMORROW'S WORKFORCE --  
16 IOWA EDUCATION EFFICIENCY AND IMPROVEMENT PLAN. The  
17 institute for tomorrow's workforce shall develop an  
18 Iowa education efficiency and improvement plan, the  
19 goal of which is to establish a new educational  
20 delivery system. In developing the plan, the  
21 institute shall address issues concerning the  
22 alignment of school districts, area education  
23 agencies, public postsecondary institutions, and the  
24 department of education, focusing on specific  
25 quantitative and qualitative indicators, management,  
26 governance, services, boundaries, infrastructure and  
27 efficiencies, and administrative efficiencies. The  
28 institute shall submit the plan and any  
29 recommendations for changes to state law and  
30 administrative rules to the general assembly, the  
31 governor, and the department of education by January  
32 15, 2007. The plan shall be implemented by the  
33 general assembly and the governor unless rejected by  
34 the general assembly and the governor by June 30,  
35 2007.

36 Sec. 32. STATE MANDATE FUNDING SPECIFIED. In  
37 accordance with section 25B.2, subsection 3, the state  
38 cost of requiring compliance with any state mandate  
39 included in this Act shall be paid by a school  
40 district from state school foundation aid received by  
41 the school district under section 257.16. This  
42 specification of the payment of the state cost shall  
43 be deemed to meet all the state funding-related  
44 requirements of section 25B.2, subsection 3, and no  
45 additional state funding shall be necessary for the  
46 full implementation of this Act by and enforcement of  
47 this Act against all affected school districts.

48  
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DEPARTMENT OF EDUCATION

1  
2 Sec. 33. There is appropriated from the general  
3 fund of the state to the department of education for  
4 the fiscal year beginning July 1, 2006, and ending  
5 June 30, 2007, the following amount, or so much  
6 thereof as is necessary, to be used for the purpose  
7 designated:

8 To assist school districts with the implementation  
9 of statewide graduation requirements as provided in  
10 division III of this Act:

11 ..... \$ 130,000

DIVISION III

MISCELLANEOUS EDUCATION PROVISIONS".

14 2. Title page, line 1, by inserting after the  
15 word "Act" the following: "relating to education  
16 finances, including the funding of, operation of, and  
17 appropriation of moneys to the department of  
18 education, the department of management, and the state  
19 board of regents, and".

20 3. By renumbering as necessary.

By CHAMBERS of O'Brien

H-8635 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2792

H-8636

1 Amend House File 2792 as follows:

2 1. Page 1, line 1, by striking the words "CORE  
3 CURRICULUM AND STANDARDS STUDY" and inserting the  
4 following: "GRADUATION REQUIREMENTS".

5 2. Page 1, by striking lines 2 through 13 and  
6 inserting the following:

7 "The department of education shall use funds  
8 appropriated for graduation requirements under  
9 division II of this Act to assist school districts  
10 with the implementation of graduation requirements  
11 established pursuant to section 256.7, subsection 26,  
12 as amended by 2006 Iowa Acts, Senate File 2272, if  
13 enacted. The department shall survey school districts  
14 as to their readiness for implementation of the  
15 requirements. The department shall review Iowa law  
16 and administrative rules and policies to determine if  
17 changes are necessary or beneficial to implement the  
18 graduation requirements. The department".

19 3. Page 1, line 14, by striking the words "a  
20 progress" and inserting the following: "its findings  
21 and recommendations in a".

22 4. Page 1, by striking lines 18 through 23 and  
23 inserting the following: "by January 1,".

By CHAMBERS of O'Brien

H-8636 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2792

H-8637

- 1 Amend the amendment, H-8635, to House File 2792 as  
2 follows:  
3 1. Page 1, line 28, by striking the word "has".  
4 2. Page 1, by striking line 30 and inserting the  
5 following: "prior to June 1, 2006, shall be  
6 considered".  
7 3. Page 19, by striking lines 26 through 31.  
8 4. By renumbering as necessary.

By CHAMBERS of O'Brien

H-8637 FILED MAY 2, 2006

ADOPTED

HOUSE FILE 2792

H-8638

- 1 Amend House File 2792 as follows:  
2 1. Page 1, by inserting after line 24 the  
3 following:  
4 "Sec. \_\_\_\_ . DEPARTMENT OF EDUCATION GRADUATION  
5 REQUIREMENTS STUDY. The department of education shall  
6 review the graduation requirements established by the  
7 section of this division of this Act amending section  
8 256.7, subsection 26, if enacted. The department  
9 shall study measures the state may take to assist  
10 students and school districts to achieve the  
11 graduation requirements and increase the number of  
12 graduating high school students who have completed a  
13 rigorous core curriculum. The department shall submit  
14 its findings and recommendations in a report to the  
15 chairpersons and ranking members of the senate and  
16 house standing committees on education by January 10,  
17 2007."  
18 2. By renumbering as necessary.

By FORD of Polk

H-8638 FILED MAY 2, 2006

WITHDRAWN

HOUSE FILE 2792

H-8639

- 1 Amend the amendment, H-8635, to House File 2792, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 21, by inserting after line 13 the  
5 following:  
6 " \_\_\_\_ . Section 261.25, subsection 1A, as enacted by  
7 2006 Iowa Acts, House File 2527, if enacted, is  
8 amended to read as follows:  
9 1A. There is appropriated from the general fund of  
10 the state to the commission for each fiscal year the  
11 sum of five million one hundred sixty-seven thousand  
12 three hundred fifty-eight dollars for proprietary  
13 tuition grants for students attending for-profit  
14 accredited private institutions."  
15 2. By renumbering as necessary.

By CHAMBERS of O'Brien  
OLDSO of Polk

H-8639 FILED MAY 2, 2006

ADOPTED



HOUSE FILE 2792  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2710)  
(SUCCESSOR TO HSB 758)

(As Amended and Passed by the House May 2, 2006)

Re- Passed House, Date 5-3-06 Passed Senate, Date 5-3-06  
Vote: Ayes 93 Nays 0 Vote: Ayes 49 Nays 0  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to education finances, including the funding of,  
2 operation of, and appropriation of moneys to the department of  
3 education, the department of management, and the state board  
4 of regents, providing for participation in an instructional  
5 support program by school districts, relating to education  
6 standards and services by providing for a statewide core  
7 curriculum and standards study, providing for adjusted  
8 additional property tax levy aid for school districts,  
9 allocating and restricting utilization of local option sales  
10 and services tax moneys under specified circumstances,  
11 providing for an equity in property taxation interim study,  
12 making an appropriation, providing for an increase in the  
13 number of years for which supplementary weighting for limited  
14 English proficient students may be obtained, and providing  
15 effective and applicability dates.

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

17  
18  
19  
20  
21

House Amendments \_\_\_\_\_  
□ □

**DIVISION I**

**STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM**

Section 1. DEPARTMENT OF EDUCATION. There is appropriated from the general fund of the state to the department of education for the designated fiscal years of the fiscal period beginning July 1, 2006, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For purposes, as provided in law, of the student achievement and teacher quality program established pursuant to chapter 284:

FY 2006-2007.....	\$104,593,894
FY 2007-2008.....	\$139,593,894
FY 2008-2009.....	\$174,593,894

Sec. 2. Section 256.11, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Beginning July 1, 2006, each school district shall have a qualified teacher librarian who shall be licensed by the board of educational examiners under chapter 272. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program. A school district that entered into a contract with an individual for employment as a media specialist or librarian prior to June 1, 2006, shall be considered to be in compliance with this subsection until the individual leaves the employ of the school district.

Sec. 3. Section 256.11A, Code 2005, is amended to read as follows:

256.11A GUIDANCE-PROGRAM TEACHER LIBRARIAN -- MEDIA SERVICES-PROGRAM--- WAIVER.

~~1. Schools and school districts unable to meet the standard adopted by the state board requiring each school or school district operating a kindergarten through grade twelve program to provide an articulated sequential elementary-secondary guidance program~~ The board of directors of a school

1 district may, not later than August 1, ~~1995~~ 2006, for the  
2 school year beginning July 1, ~~1995~~ 2006, file a written  
3 request to the department of education that the department  
4 waive the requirement ~~for~~ adopted by the state board pursuant  
5 to section 256.11, subsection 9, that ~~school or the school~~  
6 district have a qualified teacher librarian. The procedures  
7 specified in subsection 3 apply to the request. Not later  
8 than August 1, ~~1996~~ 2007, for the school year beginning July  
9 1, ~~1996~~ 2007, the board of directors of a school district ~~or~~  
10 ~~the authorities in charge of a nonpublic school~~ may request a  
11 one-year extension of the waiver.

12 ~~2. Not later than August 17, 1995, for the school year~~  
13 ~~beginning July 17, 1995, the board of directors of a school~~  
14 ~~district, or authorities in charge of a nonpublic school, may~~  
15 ~~file a written request with the department of education that~~  
16 ~~the department waive the rule adopted by the state board to~~  
17 ~~establish and operate a media services program to support the~~  
18 ~~total curriculum for that district or school. The procedures~~  
19 ~~specified in subsection 3 apply to the request. Not later~~  
20 ~~than August 17, 1996, for the school year beginning July 17,~~  
21 ~~1996, the board of directors of a school district or the~~  
22 ~~authorities in charge of a nonpublic school may request an~~  
23 ~~additional one-year extension of the waiver.~~

24 3. 2. A request for a waiver filed by the board of  
25 directors of a school district ~~or authorities in charge of a~~  
26 ~~nonpublic school~~ shall describe actions being taken by the  
27 district ~~or school~~ to meet the requirement for which the  
28 district ~~or school~~ has requested a waiver.

29 Sec. 4. Section 256.44, subsection 1, paragraph a, Code  
30 Supplement 2005, is amended to read as follows:

31 a. If a teacher registers for national board for  
32 professional teaching standards certification prior to June  
33 30, ~~2006~~ 2007, a one-time initial reimbursement award in the  
34 amount of up to one-half of the registration fee paid by the  
35 teacher for registration for certification by the national

1 [board for professional teaching standards. The teacher shall  
2 apply to the department of education within one year of  
3 registration, submitting to the department any documentation  
4 the department requires. A teacher who receives an initial  
5 reimbursement award shall receive a one-time final  
6 registration award in the amount of the remaining national  
7 board registration fee paid by the teacher if the teacher  
8 notifies the department of the teacher's certification  
9 achievement and submits any documentation requested by the  
10 department.

11 Sec. 5. Section 284.1, unnumbered paragraph 1, Code 2005,  
12 is amended to read as follows:

13 A student achievement and teacher quality program is  
14 established to promote high student achievement. The program  
15 shall consist of the following ~~four~~ five major elements:

16 Sec. 6. Section 284.1, Code 2005, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 5. Evaluation of teachers against the  
19 Iowa teaching standards.

20 Sec. 7. Section 284.2, subsection 1, Code 2005, is amended  
21 to read as follows:

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

31 Sec. 8. Section 284.2, subsection 2, Code 2005, is amended  
32 by striking the subsection.

33 Sec. 9. Section 284.2, subsection 8, Code 2005, is amended  
34 to read as follows:

35 8. "Mentor" means an individual employed by a school ]

1 district or area education agency as a classroom teacher or a  
2 retired teacher who holds a valid license issued under chapter  
3 272. The individual must have a record of four years of  
4 successful teaching practice, must be employed on a  
5 nonprobationary basis, and must demonstrate professional  
6 commitment to both the improvement of teaching and learning  
7 and the development of beginning teachers.

8 Sec. 10. Section 284.2, subsection 12, Code 2005, is  
9 amended to read as follows:

10 12. "Teacher" means an individual holding a practitioner's  
11 license issued under chapter 272, who is employed in a  
12 nonadministrative position as a teacher, teacher librarian,  
13 media-specialist, preschool teacher, or counselor by a school  
14 district or area education agency pursuant to a contract  
15 issued by a board of directors under section 279.13. However,  
16 an individual who is employed by an area education agency  
17 shall only be considered a teacher for purposes of this  
18 chapter if the individual directly delivers instruction to  
19 school or school district students for fifty percent or more  
20 of the individual's contracted time. A teacher may be  
21 employed in both an administrative and a nonadministrative  
22 position by a board of directors and shall be considered a  
23 part-time teacher for the portion of time that the teacher is  
24 employed in a nonadministrative position. "Teacher" includes  
25 a licensed individual employed on a less than full-time basis  
26 by a school district through a contract between the school  
27 district and an institution of higher education with a  
28 practitioner preparation program in which the licensed teacher  
29 is enrolled.

30 Sec. 11. Section 284.4, subsection 1, paragraph e, Code  
31 Supplement 2005, is amended to read as follows:

32 e. Adopt a teacher evaluation plan that, at minimum,  
33 requires a performance review of teachers in the participating  
34 district at least once every three years based upon the Iowa  
35 teaching standards and individual career development plans, ]

1 [and requires administrators to complete evaluator training in  
2 accordance with section 284.10.

3 Sec. 12. Section 284.5, subsections 1, 3, 4, and 7, Code  
4 Supplement 2005, are amended to read as follows:

5 1. A beginning teacher mentoring and induction program is  
6 created to promote excellence in teaching, enhance student  
7 achievement, build a supportive environment within school  
8 districts and area education agencies, increase the retention  
9 of promising beginning teachers, and promote the personal and  
10 professional well-being of classroom teachers.

11 3. Each school district and area education agency shall  
12 provide a beginning teacher mentoring and induction program  
13 for all classroom teachers who are beginning teachers, and  
14 notwithstanding section 284.4, subsection 1, a school district  
15 and an area education agency shall be eligible to receive  
16 moneys under section 284.13, subsection 1, paragraph "b", for  
17 purposes of implementing a beginning teacher mentoring and  
18 induction program in accordance with this section.

19 4. Each participating school district and area education  
20 agency shall develop an initial beginning teacher mentoring  
21 and induction plan. A school district shall include its plan  
22 in the school district's comprehensive school improvement plan  
23 submitted pursuant to section 256.7, subsection 21. The  
24 beginning teacher mentoring and induction plan shall, at a  
25 minimum, provide for a two-year sequence of induction program  
26 content and activities to support the Iowa teaching standards  
27 and beginning teacher professional and personal needs; mentor  
28 training that includes, at a minimum, skills of classroom  
29 demonstration and coaching, and district expectations for  
30 beginning teacher competence on Iowa teaching standards;  
31 placement of mentors and beginning teachers; the process for  
32 dissolving mentor and beginning teacher partnerships; district  
33 organizational support for release time for mentors and  
34 beginning teachers to plan, provide demonstration of classroom  
35 practices, observe teaching, and provide feedback; structure ]

1 for mentor selection and assignment of mentors to beginning  
2 teachers; a district facilitator; and program evaluation.

3 7. If a beginning teacher who is participating in a  
4 mentoring and induction program leaves the employ of a  
5 participating school district or area education agency prior  
6 to completion of the program, the participating school  
7 district or area education agency subsequently hiring the  
8 beginning teacher shall credit the beginning teacher with the  
9 time earned in the program prior to the subsequent hiring.

10 Sec. 13. Section 284.6, subsection 1, unnumbered paragraph  
11 1, Code 2005, is amended to read as follows:

12 The department shall coordinate a statewide network of  
13 career development for Iowa teachers. A participating school  
14 district or career development provider that offers a career  
15 development program in accordance with section 256.9,  
16 subsection 50, shall demonstrate that the program contains the  
17 following:

18 Sec. 14. Section 284.6, subsections 3 and 4, Code 2005,  
19 are amended to read as follows:

20 3. A participating school district shall incorporate a  
21 district career development plan into the district's  
22 comprehensive school improvement plan submitted to the  
23 department in accordance with section 256.7, subsection 21.  
24 The district career development plan shall include a  
25 description of the means by which the school district will  
26 provide access to all teachers in the district to career  
27 development programs or offerings that meet the requirements  
28 of subsection 1. The plan shall align all career development  
29 with the school district's long-range student learning goals  
30 and the Iowa teaching standards. The plan shall indicate the  
31 school district's approved career development provider or  
32 providers.

33 4. In cooperation with the teacher's evaluator, the career  
34 teacher employed by a participating school district shall  
35 develop an individual teacher career development plan. The

1 Evaluator shall consult with the teacher's supervisor on the  
2 development of the individual teacher career development plan.  
3 The purpose of the plan is to promote individual and group  
4 career development. The individual plan shall be based, at  
5 minimum, on the needs of the teacher, the Iowa teaching  
6 standards, and the student achievement goals of the attendance  
7 center and the school district as outlined in the  
8 comprehensive school improvement plan.

9 Sec. 15. Section 284.7, unnumbered paragraph 1, Code  
10 Supplement 2005, is amended to read as follows:

11 To promote continuous improvement in Iowa's quality  
12 teaching workforce and to give Iowa teachers the opportunity  
13 for career recognition that reflects the various roles  
14 teachers play as educational leaders, an Iowa teacher career  
15 path is established for teachers employed by participating  
16 school districts. A participating school district shall use  
17 funding allocated under section 284.13, subsection 1,  
18 paragraph "d" "h", to raise teacher salaries to meet the  
19 requirements of this section. The Iowa teacher career path  
20 and salary minimums are as follows:

21 Sec. 16. Section 284.7, subsection 1, unnumbered paragraph  
22 1, Code Supplement 2005, is amended to read as follows:

23 ~~Effective July 17, 2001, the~~ The following career path  
24 levels are established and shall be implemented in accordance  
25 with this chapter:

26 Sec. 17. Section 284.7, subsection 1, paragraph a,  
27 subparagraph (1), subparagraph subdivisions (a) and (b), Code  
28 2005, are amended to read as follows:

29 (a) Has successfully completed an approved practitioner  
30 preparation program as defined in section 272.1 or holds an  
31 intern teacher license issued by the board of educational  
32 examiners under chapter 272.

33 (b) Holds an initial or intern teacher license issued by  
34 the board of educational examiners.

35 Sec. 18. Section 284.7, subsection 1, paragraph a, ]



1 subparagraph (2), Code Supplement 2005, is amended by striking  
2 the subparagraph and inserting in lieu thereof the following:

3 (2) Beginning July 1, 2006, the minimum salary for a  
4 beginning teacher shall be twenty-five thousand five hundred  
5 dollars.

6 Sec. 19. Section 284.7, subsection 1, paragraph b,  
7 subparagraph (2), Code Supplement 2005, is amended by striking  
8 the subparagraph and inserting in lieu thereof the following:

9 (2) Beginning July 1, 2006, the minimum salary for a  
10 first-year career teacher shall be twenty-six thousand five  
11 hundred dollars and the minimum salary for all other career  
12 teachers shall be twenty-seven thousand five hundred dollars.

13 Sec. 20. Section 284.7, subsection 5, Code Supplement  
14 2005, is amended to read as follows:

15 5. A teacher employed in a participating district shall  
16 not receive less compensation in that participating district  
17 than the teacher received in the school year preceding  
18 participation, as set forth in section 284.4 due to  
19 implementation of this chapter. A teacher who achieves  
20 national board for professional teaching standards  
21 certification and meets the requirements of section 256.44  
22 shall continue to receive the award as specified in section  
23 256.44 in addition to the compensation set forth in this  
24 section.

25 Sec. 21. Section 284.7, subsection 6, paragraphs a and b,  
26 Code Supplement 2005, are amended to read as follows:

27 a. If the licensed employees of a school district or area  
28 education agency receiving funds pursuant to section 284.13,  
29 subsection 1, paragraph "d" "h" or "e" "i", for purposes of  
30 this section, are organized under chapter 20 for collective  
31 bargaining purposes, the board of directors and the certified  
32 bargaining representative for the licensed employees shall  
33 mutually agree upon a formula for distributing the funds among  
34 the teachers employed by the school district or area education  
35 agency. However, the school district must comply with the the

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

15 b. If, once the minimum salary requirements of this  
16 section have been met by the school district or area education  
17 agency, and the school district or area education agency  
18 receiving funds pursuant to section 284.13, subsection 1,  
19 paragraph "d" "h" or "e" "i", for purposes of this section,  
20 and the certified bargaining representative for the licensed  
21 employees have not reached an agreement for distribution of  
22 the funds remaining, in accordance with paragraph "a", the  
23 board of directors shall divide the funds remaining among  
24 full-time teachers employed by the district or area education  
25 agency whose regular compensation is equal to or greater than  
26 the minimum career teacher salary specified in this section.  
27 The payment amount for teachers employed on less than a  
28 full-time basis shall be prorated.

29 Sec. 22. Section 284.8, subsection 1, Code 2005, is  
30 amended to read as follows:

31 1. A participating school district shall review a  
32 teacher's performance at least once every three years for  
33 purposes of assisting teachers in making continuous  
34 improvement, documenting continued competence in the Iowa  
35 teaching standards, identifying teachers in need of of

1 improvement, or to determine whether the teacher's practice  
2 meets school district expectations for career advancement in  
3 accordance with section 284.7. The review shall include, at  
4 minimum, classroom observation of the teacher, the teacher's  
5 progress, and implementation of the teacher's individual  
6 career development plan; shall include supporting  
7 documentation from other evaluators, teachers, parents, and  
8 students; and may include video portfolios as evidence of  
9 teaching practices.

10 Sec. 23. Section 284.10, subsection 5, Code 2005, is  
11 amended to read as follows:

12 5. By July 1, ~~2005~~ 2007, the director shall develop and  
13 implement an evaluator training certification renewal program  
14 for administrators and other practitioners who need to renew a  
15 certificate issued pursuant to this section.

16 Sec. 24. Section 284.11, Code 2005, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 284.11 MARKET FACTOR TEACHER SALARIES.

19 1. The general assembly finds that Iowa school districts  
20 need to be more competitive in recruiting and retaining  
21 talented professionals into the teaching profession. To  
22 ensure that school districts in all areas of the state have  
23 the ability to attract highly qualified teachers, it is the  
24 intent of the general assembly to encourage school districts  
25 to establish teacher compensation opportunities that recognize  
26 the need for geographic or other locally determined wage  
27 differentials and provide incentives for traditionally  
28 hard-to-staff schools and subject-area shortages. This  
29 section provides for state assistance to allow school  
30 districts to add a market factor to teacher salaries paid by  
31 the school districts.

32 2. A school district shall be paid annually, from moneys  
33 allocated for market factor salaries pursuant to section  
34 284.13, subsection 1, paragraph "f", an amount of state  
35 assistance to create market factor incentives for classroom

1 teachers in the school district. Market factor incentives may  
2 include but are not limited to improving salaries due to  
3 geographic differences, recruitment and retention needs of the  
4 school district in such areas as hard- to-staff schools,  
5 subject-area shortages, or improving the racial or ethnic  
6 diversity on local teaching staffs. The school district shall  
7 have the sole discretion to award funds received by the school  
8 district in accordance with section 284.13, subsection 1,  
9 paragraph "f", to classroom teachers on an annual basis. The  
10 funds shall supplement, but not supplant, wages and salaries  
11 paid as a result of a collective bargaining agreement reached  
12 pursuant to chapter 20 or as a result of funds appropriated  
13 elsewhere in this chapter, in chapter 256D, or in chapter  
14 294A.

15 3. The allocations to each school district shall be made  
16 in one payment on or about October 15 of the fiscal year for  
17 which the appropriation is made, taking into consideration the  
18 relative budget and cash position of the state resources.  
19 Moneys received under this section shall not be commingled  
20 with state aid payments made under section 257.16 to a school  
21 district and shall be accounted for by the local school  
22 district separately from state aid payments. Payments made to  
23 school districts under this section are miscellaneous income  
24 for purposes of chapter 257. A school district shall maintain  
25 a separate listing within its budget for payments received and  
26 expenditures made pursuant to this section. A school district  
27 shall certify to the department of education how the school  
28 district allocated the funds and that moneys received under  
29 this section were used to supplement, not supplant, the salary  
30 the school district would otherwise pay the teacher.

31 4. The department shall include market factor salaries  
32 when reporting teacher salaries in the annual condition of  
33 education report.

34 Sec. 25. Section 284.13, subsection 1, Code Supplement  
35 2005, is amended to read as follows:

1 1. For each fiscal year in which moneys are appropriated  
2 by the general assembly for purposes of the student  
3 achievement and teacher quality program, the moneys shall be  
4 allocated as follows in the following priority order:  
5 a. For each fiscal year of the fiscal year period  
6 beginning July 1, ~~2005~~ 2006, and ending June 30, ~~2006~~ 2009, to  
7 the department of education, the amount of two million two  
8 hundred fifty thousand dollars for the issuance of national  
9 board certification awards in accordance with section 256.44.  
10 Of the amount allocated under this paragraph, up to two  
11 hundred fifty thousand dollars may be used to support the  
12 implementation of a national board certification support  
13 program, and not less than eighty-five thousand dollars shall  
14 be used to administer the ambassador to education position in  
15 accordance with section 256.45.  
16 b. For the fiscal year beginning July 1, ~~2005~~ 2006, and  
17 succeeding fiscal years, an amount up to four million two six  
18 hundred fifty thousand dollars for first-year and second-year  
19 beginning teachers, to the department of education for  
20 distribution to school districts and area education agencies  
21 for purposes of the beginning teacher mentoring and induction  
22 programs. A school district or area education agency shall  
23 receive one thousand three hundred dollars per beginning  
24 teacher participating in the program. If the funds  
25 appropriated for the program are insufficient to pay mentors,  
26 and school districts, and area education agencies as provided  
27 in this paragraph, the department shall prorate the amount  
28 distributed to school districts and area education agencies  
29 based upon the amount appropriated. Moneys received by a  
30 school district or area education agency pursuant to this  
31 paragraph shall be expended to provide each mentor with an  
32 award of five hundred dollars per semester, at a minimum, for  
33 participation in the school district's or area education  
34 agency's beginning teacher mentoring and induction program; to  
35 implement the plan; and to pay any applicable costs of the

1 employer's share of contributions to federal social security  
2 and the Iowa public employees' retirement system or a pension  
3 and annuity retirement system established under chapter 294,  
4 for such amounts paid by the district or area education  
5 agency.

6 c. For each fiscal year of the fiscal year period  
7 beginning July 1, 2005 2006, and ending June 30, 2006 2009, up  
8 to four six hundred eighty-five ninety-five thousand dollars  
9 to the department of education for purposes of implementing  
10 the career development program requirements of section 284.6,  
11 the review panel requirements of section 284.9, and the  
12 evaluator training program in section 284.10. ~~From the moneys~~  
13 ~~allocated to the department pursuant to this paragraph, not~~  
14 ~~less than ten thousand dollars shall be distributed to the~~  
15 ~~board of educational examiners for purposes of convening an~~  
16 ~~educator licensing review working group. From the moneys~~  
17 ~~allocated to the department pursuant to this paragraph, not~~  
18 ~~less than eighty-five thousand dollars shall be used to~~  
19 ~~administer the ambassador to education position in accordance~~  
20 ~~with section 256.45.~~ A portion of the funds allocated to the  
21 department for purposes of this paragraph may be used by the  
22 department for administrative purposes. Notwithstanding  
23 ~~section 8.33, moneys allocated for purposes of this paragraph~~  
24 ~~prior to July 17, 2004, which remain unobligated or unexpended~~  
25 ~~at the end of the fiscal year for which the moneys were~~  
26 ~~appropriated, shall remain available for expenditure for the~~  
27 ~~purposes for which they were allocated, for the fiscal year~~  
28 ~~beginning July 17, 2004, and ending June 30, 2005.~~

29 d. ~~For each fiscal year in which funds are appropriated~~  
30 ~~for purposes of this chapter, the moneys remaining after~~  
31 ~~distribution as provided in paragraphs "a" through "c" and "e"~~  
32 ~~shall be allocated to school districts for salaries and career~~  
33 ~~development in accordance with the following formula:~~

34 (1) ~~Fifty percent of the allocation shall be in the~~  
35 ~~proportion that the basic enrollment of a school district~~

1 bears to the sum of the basic enrollments of all school  
2 districts in the state for the budget year.

3 (2) -- Fifty percent of the allocation shall be based upon  
4 the proportion that the number of full-time equivalent  
5 teachers employed by a school district bears to the sum of the  
6 number of full-time equivalent teachers who are employed by  
7 all school districts in the state for the base year.

8 e. -- From moneys available under paragraph "d", the  
9 department shall allocate to area education agencies an amount  
10 per classroom teacher employed by an area education agency  
11 that is approximately equivalent to the average per teacher  
12 amount allocated to the districts. -- The average per teacher  
13 amount shall be calculated by dividing the total number of  
14 classroom teachers employed by school districts and the  
15 classroom teachers employed by area education agencies into  
16 the total amount of moneys available under paragraph "d".

17 f. d. For the fiscal year beginning July 1, 2005 2006,  
18 and ending June 30, 2006 2007, up to ten million dollars to  
19 the department of education for use by school districts to add  
20 one additional teacher contract day to the school calendar.  
21 The department shall distribute funds allocated for the  
22 purpose of this paragraph based on the average per diem  
23 contract salary for each district as reported to the  
24 department for the school year beginning July 1, 2004 2005,  
25 multiplied by the total number of full-time equivalent  
26 teachers in the base year. The department shall adjust each  
27 district's average per diem salary by the allowable growth  
28 rate established under section 257.8 for the fiscal year  
29 beginning July 1, 2005 2006. The contract salary amount shall  
30 be the amount paid for their regular responsibilities but  
31 shall not include pay for extracurricular activities. School  
32 districts shall distribute funds to teachers based on  
33 individual teacher per diem amounts. These funds shall not  
34 supplant existing funding for professional development  
35 activities. Notwithstanding any provision to the contrary,

1 moneys received by a school district under this paragraph  
2 shall not revert but shall remain available for the same  
3 purpose in the succeeding fiscal year. A school district  
4 shall submit a report to the department in a manner determined  
5 by the department describing its use of the funds received  
6 under this paragraph. The department shall submit a report on  
7 school district use of the moneys distributed pursuant to this  
8 paragraph to the chairpersons and ranking members of the house  
9 and senate standing committees on education, the joint  
10 appropriations subcommittee on education, and the legislative  
11 services agency not later than January 15, ~~2006~~ 2007.

12 g. e. For the fiscal year beginning July 1, ~~2005~~ 2006,  
13 and ending June 30, ~~2006~~ 2007, up to six million six hundred  
14 twenty-five thousand dollars to the department ~~of-education~~  
15 for use by school districts for either salaries or  
16 professional development, or both, as determined by the school  
17 district. Funds received by a school district for purposes of  
18 this paragraph shall be distributed using the formula provided  
19 in paragraph "~~d~~" "h" and are subject to the provisions of  
20 section 284.7, subsection 6. A school district shall submit a  
21 report to the department in a manner determined by the  
22 department describing its use of the funds received under this  
23 paragraph. The department shall submit a report on school  
24 district use of the funds distributed pursuant to this  
25 paragraph to the chairpersons and ranking members of the house  
26 and senate standing committees on education, the joint  
27 appropriations subcommittee on education, and the legislative  
28 services agency not later than January 15, ~~2006~~ annually.

29 f. For purposes of market factor teacher salaries pursuant  
30 to section 284.11, the following amounts are allocated to the  
31 department for the following fiscal years:

32 (1) For the fiscal year beginning July 1, 2006, and ending  
33 June 30, 2007, the sum of three million three hundred ninety  
34 thousand dollars.

35 (2) For the fiscal year beginning July 1, 2007, and ending



1 June 30, 2008, the sum of seven million five hundred thousand  
2 dollars.

3 (3) For the fiscal year beginning July 1, 2008, and ending  
4 June 30, 2009, the sum of ten million dollars.

5 The department shall use the formula set forth in paragraph  
6 "h" to distribute moneys allocated under this paragraph.

7 g. For purposes of the pay-for-performance program  
8 established pursuant to section 284.14, the following amounts  
9 are allocated to the department of management for the  
10 following fiscal years:

11 (1) For the fiscal year beginning July 1, 2006, and ending  
12 June 30, 2007, the sum of one million dollars. Of the amount  
13 allocated under this subparagraph, an amount equal to one  
14 hundred fifty thousand dollars shall be distributed to the  
15 institute for tomorrow's workforce created pursuant to section  
16 7K.1 for the activities of the institute.

17 (2) For the fiscal year beginning July 1, 2007, and ending  
18 June 30, 2008, the sum of two million five hundred thousand  
19 dollars.

20 (3) For the fiscal year beginning July 1, 2008, and ending  
21 June 30, 2009, the sum of five million dollars.

22 h. For each fiscal year in which funds are appropriated  
23 for purposes of this chapter, the moneys remaining after  
24 distribution as provided in paragraphs "a" through "g" shall  
25 be allocated to school districts for salaries and career  
26 development in accordance with the following formula:

27 (1) Fifty percent of the allocation shall be in the  
28 proportion that the basic enrollment of a school district  
29 bears to the sum of the basic enrollments of all school  
30 districts in the state for the budget year.

31 (2) Fifty percent of the allocation shall be based upon  
32 the proportion that the number of full-time equivalent  
33 teachers employed by a school district bears to the sum of the  
34 number of full-time equivalent teachers who are employed by  
35 all school districts in the state for the base year.

1 i. From moneys available under paragraph "h", the  
2 department shall allocate to area education agencies an amount  
3 per classroom teacher employed by an area education agency  
4 that is approximately equivalent to the average per teacher  
5 amount allocated to the districts. The average per teacher  
6 amount shall be calculated by dividing the total number of  
7 classroom teachers employed by school districts and the  
8 classroom teachers employed by area education agencies into  
9 the total amount of moneys available under paragraph "h".

10 h- j. Notwithstanding section 8.33, any moneys remaining  
11 unencumbered or unobligated from the moneys allocated for  
12 purposes of paragraph "a", or "b", or "c" shall not revert but  
13 shall remain available in the succeeding fiscal year for  
14 expenditure for the purposes designated. The provisions of  
15 section 8.39 shall not apply to the funds appropriated  
16 pursuant to this subsection.

17 Sec. 26. Section 284.13, subsection 2, Code Supplement  
18 2005, is amended to read as follows:

19 2. A school district that is unable to meet the provisions  
20 of section 284.7, subsection 1, with funds allocated pursuant  
21 to subsection 1, paragraph "d" "h", may request a waiver from  
22 the department to use funds appropriated under chapter 256D to  
23 meet the provisions of section 284.7, subsection 1, if the  
24 difference between the funds allocated to the school district  
25 pursuant to subsection 1, paragraph "d" "h", and the amount  
26 required to comply with section 284.7, subsection 1, is not  
27 less than ten thousand dollars. The department shall consider  
28 the average class size of the school district, the school  
29 district's actual unspent balance from the preceding year, and  
30 the school district's current financial position.

31 Sec. 27. NEW SECTION. 284.14 PAY-FOR-PERFORMANCE  
32 PROGRAM.

33 1. COMMISSION.

34 a. A pay-for-performance commission is established to  
35 design and implement a pay-for-performance program and provide

1 a study relating to teacher and staff compensation containing  
2 a pay-for-performance component. The study shall measure the  
3 cost and effectiveness in raising student achievement of a  
4 compensation system that provides financial incentives based  
5 on student performance. The commission is part of the  
6 executive branch of government. The legislative services  
7 agency shall, upon request, provide technical and  
8 administrative support to the commission.

9 The commission shall select its own chairperson and  
10 establish its own rules of procedure. A majority of the  
11 voting members of the commission shall constitute a quorum.

12 b. Any vacancy on the commission shall be filled by the  
13 appropriate appointing authority. Members shall receive a per  
14 diem. Membership of the commission shall be as follows:

15 (1) One classroom teacher selected jointly by the Iowa  
16 state educational association and the professional educators  
17 of Iowa.

18 (2) One principal selected by the school administrators of  
19 Iowa.

20 (3) One private sector representative selected by the Iowa  
21 business council. This representative must meet all of the  
22 following qualifications:

23 (a) Possess a degree in education and have teaching  
24 experience.

25 (b) Be employed in a business employing at least two  
26 hundred persons that has an employee performance pay program.

27 (c) Have served as a school board member.

28 (4) One industrial engineer appointed by the American  
29 society of engineers, who has technical knowledge and  
30 experience in the design and implementation of individual and  
31 group pay-for-performance incentive programs.

32 (5) One small business private sector employer, who  
33 employs at least fifty people in a targeted industry, selected  
34 by the governor, who has general management experience and top  
35 line and bottom line responsibilities.

1 (6) One professional economist with a doctoral degree with  
2 experience and knowledge in student achievement using test  
3 scores to measure student progress, selected by the voting  
4 members of the commission, after they convene.

5 (7) One representative from the department of education  
6 who shall serve as a nonvoting member.

7 (8) Two members of the senate and two members of the house  
8 of representatives who shall serve as nonvoting members for  
9 two-year terms coinciding with the legislative biennium.

10 c. Voting members shall serve three-year terms except for  
11 the terms of the initial members, which shall be staggered so  
12 that two members' terms expire each calendar year. A vacancy  
13 in the membership of the board shall be filled by appointment  
14 by the initial appointing authority.

15 d. The pay-for-performance commission is not subject to  
16 the provisions of section 69.16 or 69.16A.

17 2. DEVELOPMENT OF PROGRAM. Beginning July 1, 2006, the  
18 commission shall gather sufficient information to identify a  
19 pay-for-performance program based upon student achievement  
20 gains and global content standards where student achievement  
21 gains cannot be easily measured. The commission shall review  
22 pay-for-performance programs in both the public and private  
23 sector. Based on this information, the commission shall  
24 design a program utilizing both individual and group incentive  
25 components. At least half of any available funding identified  
26 by the commission shall be designated for individual  
27 incentives.

28 a. Commencing with the school year beginning July 1, 2007,  
29 the commission shall initiate demonstration projects, in  
30 selected kindergarten through grade twelve schools, to test  
31 the effectiveness of the pay-for-performance program. The  
32 purpose of the demonstration projects is to identify the  
33 strengths and weaknesses of the pay-for-performance program  
34 design, evaluate cost effectiveness, analyze student  
35 achievement gains, test assessments, allow thorough review of of

1 data, and make necessary adjustments before implementing the  
2 pay-for-performance program statewide.

3 b. The commission shall select ten school districts as  
4 demonstration projects. To the extent practicable,  
5 participants shall represent geographically distinct rural,  
6 urban, and suburban areas of the state. Participants shall  
7 provide reports or other information as required by the  
8 commission.

9 c. Commencing with the school year beginning July 1, 2008,  
10 the commission shall select twenty additional school districts  
11 as demonstration projects.

12 3. REPORTS AND FINAL STUDY. Based on the information  
13 generated by the demonstration projects, the commission shall  
14 prepare an interim report by January 15, 2007, followed by  
15 interim progress reports annually, followed by a final study  
16 report analyzing the effectiveness of pay-for-performance in  
17 raising student achievement levels. The final study report  
18 shall be completed no later than six months after the  
19 completion of the demonstration projects. The commission  
20 shall provide copies of the final study report to the  
21 department of education and to the chairpersons and ranking  
22 members of the senate and house standing committees on  
23 education.

24 4. STATEWIDE IMPLEMENTATION -- REMEDIATION. Commencing  
25 with the school year beginning July 1, 2009, the  
26 pay-for-performance program shall be implemented statewide,  
27 notwithstanding the provisions of chapters 20 and 279 to the  
28 contrary.

29 a. The commission, in consultation with the department of  
30 education, shall develop a system which will provide for  
31 valid, reliable tracking and measuring of enhanced student  
32 achievement under the pay-for-performance program. Where  
33 possible, student performance shall be based solely on student  
34 achievement, objectively measured by academic gains made by  
35 individual students using valid, reliable, and nonsubjective

1 assessment tools such as the dynamic indicators of basic early  
2 literacy skills (DIBELS), the Iowa test of basic skills, or  
3 the Iowa test of educational development.

4 b. The commission shall develop a pay-for-performance pay  
5 plan for teacher compensation. The plan shall establish  
6 salary adjustments which vary directly with the enhancement of  
7 student achievement. The plan shall include teacher  
8 performance standards which identify the following five levels  
9 of teacher performance with standards to measure each level:

- 10 (1) Superior performance.
- 11 (2) Exceeds expectations.
- 12 (3) Satisfactory.
- 13 (4) Emerging.
- 14 (5) In need of remediation.

15 No individual salary adjustments under an individual  
16 incentive component of a pay-for-performance program shall be  
17 provided to teachers whose students do not demonstrate at  
18 least a satisfactory level of performance.

19 c. The department of education, in conjunction with the  
20 commission, shall create a teacher remediation program to  
21 provide counseling and assistance for teachers whose students  
22 do not demonstrate adequate increases in achievement.

23 5. STAFFING. The legislative services agency may annually  
24 use up to fifty thousand dollars of the moneys appropriated  
25 for the pay-for-performance program to provide technical and  
26 administrative assistance to the commission and monitoring of  
27 the program. The commission may annually use up to two  
28 hundred thousand dollars of the moneys appropriated for  
29 consultation services in coordination with the legislative  
30 services agency.

31 6. IOWA EXCELLENCE FUND. An Iowa excellence fund is  
32 created within the office of the treasurer of state, to be  
33 administered by the commission. Notwithstanding section 8.33,  
34 moneys in the fund that remain unencumbered or unobligated at  
35 the close of the fiscal year shall not revert but shall remain

1 in the fund.

2 The commission may provide grants from this fund, according  
3 to criteria developed by the commission, for implementation of  
4 the pay-for-performance program.

5 Sec. 28. NEW SECTION. 284A.1 DEFINITIONS.

6 As used in this chapter, unless the context otherwise  
7 requires:

8 1. "Administrator" means an individual holding a  
9 professional administrator license issued under chapter 272,  
10 who is employed in a school district administrative position  
11 by a school district or area education agency pursuant to a  
12 contract issued by a board of directors under section 279.23.  
13 An administrator may be employed in both an administrative and  
14 a nonadministrative position by a board of directors and shall  
15 be considered a part-time administrator for the portion of  
16 time that the individual is employed in an administrative  
17 position.

18 2. "Beginning administrator" means an individual serving  
19 under an initial administrator license, issued by the board of  
20 educational examiners under chapter 272, who is assuming a  
21 position as a school district administrator for the first  
22 time.

23 3. "Department" means the department of education.

24 4. "Mentor" means an individual employed by a school  
25 district or area education agency as a school district  
26 administrator or a retired administrator who holds a valid  
27 license issued under chapter 272. The individual must have a  
28 record of four years of successful administrative experience  
29 and must demonstrate professional commitment to both the  
30 improvement of teaching and learning and the development of  
31 beginning administrators.

32 5. "School board" means the board of directors of a school  
33 district or a collaboration of boards of directors of school  
34 districts.

35 6. "State board" means the state board of education.

1 Sec. 29. NEW SECTION. 284A.2 BEGINNING ADMINISTRATOR  
2 MENTORING AND INDUCTION PROGRAM.

3 1. A beginning administrator mentoring and induction  
4 program is created to promote excellence in school leadership,  
5 improve classroom instruction, enhance student achievement,  
6 build a supportive environment within school districts,  
7 increase the retention of promising school leaders, and  
8 promote the personal and professional well-being of  
9 administrators.

10 2. The department, in collaboration with other educational  
11 partners, shall develop a model beginning administrator  
12 mentoring and induction program for all beginning  
13 administrators.

14 3. Each school board shall establish an administrator  
15 mentoring program for all beginning administrators. The  
16 school board may adopt the model program developed by the  
17 department pursuant to subsection 2. Each school board's  
18 beginning administrator mentoring and induction program shall,  
19 at a minimum, provide for one year of programming. Each  
20 school board shall develop an initial beginning administrator  
21 mentoring and induction plan. The plan shall describe the  
22 mentor selection process, describe supports for beginning  
23 administrators, describe program organizational and  
24 collaborative structures, provide a budget, provide for  
25 sustainability of the program, and provide for program  
26 evaluation. The school board employing an administrator shall  
27 determine the conditions and requirements of an administrator  
28 participating in a program established pursuant to this  
29 section. A school board shall include its plan in the school  
30 district's comprehensive school improvement plan submitted  
31 pursuant to section 256.7, subsection 21.

32 4. By the end of a beginning administrator's second year  
33 of employment, the beginning administrator may be  
34 comprehensively evaluated at the discretion of the school  
35 board.



1 Sec. 30. NEW SECTION. 284A.3 PROGRAM APPROPRIATION.

2 1. For the fiscal year beginning July 1, 2006, and each  
3 succeeding fiscal year, there is appropriated from the general  
4 fund of the state to the department of education the sum of  
5 two hundred fifty thousand dollars for purposes of  
6 administering the beginning administrator mentoring and  
7 induction program established pursuant to this chapter.

8 2. A school district shall receive one thousand three  
9 hundred dollars per beginning administrator participating in  
10 the program. If the funds appropriated for the program are  
11 insufficient to pay mentors and school districts as provided  
12 in this subsection, the department shall prorate the amount  
13 distributed to school districts based upon the amount  
14 appropriated. Moneys received by a school district pursuant  
15 to this subsection shall be expended to provide each mentor  
16 with an award of five hundred dollars per semester, at a  
17 minimum, for participation in the school district's beginning  
18 administrator mentoring and induction program; to implement  
19 the plan; and to pay any applicable costs of the employer's  
20 share of contributions to federal social security and the Iowa  
21 public employees' retirement system or a pension and annuity  
22 retirement system established under chapter 294, for such  
23 amounts paid by the district.

24 3. Notwithstanding section 8.33, any moneys remaining  
25 unobligated or unexpended from the moneys appropriated under  
26 subsection 1 shall not revert, but shall remain available in  
27 the succeeding fiscal year for expenditure for the purposes  
28 designated. The provisions of section 8.39 shall not apply to  
29 the funds appropriated pursuant to this section.

30 Sec. 31. INSTITUTE FOR TOMORROW'S WORKFORCE -- IOWA  
31 EDUCATION EFFICIENCY AND IMPROVEMENT PLAN. The institute for  
32 tomorrow's workforce shall develop an Iowa education  
33 efficiency and improvement plan, the goal of which is to  
34 establish a new educational delivery system. In developing  
35 the plan, the institute shall address issues concerning the

1 alignment of school districts, area education agencies, public  
2 postsecondary institutions, and the department of education,  
3 focusing on specific quantitative and qualitative indicators,  
4 management, governance, services, boundaries, infrastructure  
5 and efficiencies, and administrative efficiencies. The  
6 institute shall submit the plan and any recommendations for  
7 changes to state law and administrative rules to the general  
8 assembly, the governor, and the department of education by  
9 January 15, 2007. The plan shall be implemented by the  
10 general assembly and the governor unless rejected by the  
11 general assembly and the governor by June 30, 2007.

12 Sec. 32. STATE MANDATE FUNDING SPECIFIED. In accordance  
13 with section 25B.2, subsection 3, the state cost of requiring  
14 compliance with any state mandate included in this Act shall  
15 be paid by a school district from state school foundation aid  
16 received by the school district under section 257.16. This  
17 specification of the payment of the state cost shall be deemed  
18 to meet all the state funding-related requirements of section  
19 25B.2, subsection 3, and no additional state funding shall be  
20 necessary for the full implementation of this Act by and  
21 enforcement of this Act against all affected school districts.

22 DIVISION II  
23 EDUCATION POLICY  
24 DEPARTMENT OF EDUCATION

25 Sec. 33. There is appropriated from the general fund of  
26 the state to the department of education for the fiscal year  
27 beginning July 1, 2006, and ending June 30, 2007, the  
28 following amount, or so much thereof as is necessary, to be  
29 used for the purpose designated:

30 To assist school districts with the implementation of  
31 statewide graduation requirements as provided in division III  
32 of this Act:  
33 ..... \$ 130,000

34 DIVISION III  
35 MISCELLANEOUS EDUCATION PROVISIONS

1 Sec. 34. Section 261.25, subsection 1A, as enacted by 2006  
2 Iowa Acts, House File 2527, if enacted, is amended to read as  
3 follows:

4 1A. There is appropriated from the general fund of the  
5 state to the commission for each fiscal year the sum of five  
6 million one hundred sixty-seven thousand three hundred fifty-  
7 eight dollars for proprietary tuition grants for students  
8 attending for-profit accredited private institutions.

9 Sec. 35. Section 257.4, subsection 1, Code 2005, is  
10 amended to read as follows:

11 1. COMPUTATION OF TAX.

12 a. A school district shall cause an additional property  
13 tax to be levied each year. The rate of the additional  
14 property tax levy in a school district shall be determined by  
15 the department of management and shall be calculated to raise  
16 the difference between the combined district cost for the  
17 budget year and the sum of the products of the regular program  
18 foundation base per pupil times the weighted enrollment in the  
19 district and the special education support services foundation  
20 base per pupil times the special education support services  
21 weighted enrollment in the district.

22 b. For the budget year beginning July 1, 2006, and  
23 succeeding budget years, the department of management shall  
24 determine an adjusted additional property tax levy and a  
25 statewide maximum adjusted additional property tax levy rate.  
26 For purposes of this paragraph, the adjusted additional  
27 property tax levy shall be that portion of the additional  
28 property tax levy corresponding to the state cost per pupil  
29 multiplied by a school district's weighted enrollment, and  
30 then multiplied by one hundred percent less the regular  
31 program foundation base per pupil percentage pursuant to  
32 section 257.1. The district shall receive adjusted additional  
33 property tax levy aid in an amount equal to the difference  
34 between the adjusted additional property tax levy rate and the  
35 statewide maximum adjusted additional property tax levy rate,

1 as applied per thousand dollars of assessed valuation on all  
2 taxable property in the district. The statewide maximum  
3 adjusted additional property tax levy rate shall be annually  
4 determined by the department taking into account amounts  
5 allocated pursuant to section 257.15, subsection 4.

6 Sec. 36. Section 257.15, Code 2005, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 4. The department of management shall  
9 allocate from amounts appropriated pursuant to section 257.16,  
10 subsection 1, for the purpose of calculating the statewide  
11 maximum adjusted additional property tax levy rate and  
12 providing adjusted additional property tax levy aid as  
13 provided in section 257.4, subsection 1, paragraph "b", an  
14 amount not to exceed the following:

15 a. For the budget year beginning July 1, 2006, six million  
16 dollars.

17 b. For the budget year beginning July 1, 2007, twelve  
18 million dollars.

19 c. For the budget year beginning July 1, 2008, eighteen  
20 million dollars.

21 d. For the budget year beginning July 1, 2009, and  
22 succeeding budget years, twenty-four million dollars.

23 Sec. 37. Section 257.16, subsection 1, Code 2005, is  
24 amended to read as follows:

25 1. There is appropriated each year from the general fund  
26 of the state an amount necessary to pay the foundation aid,  
27 and supplementary aid under section 257.4, subsection 2, and  
28 adjusted additional property tax levy aid under section  
29 257.15, subsection 4.

30 Sec. 38. Section 257.31, subsection 5, paragraph j, Code  
31 2005, is amended to read as follows:

32 j. Unusual need to continue providing a program or other  
33 special assistance to non-English speaking pupils after the  
34 expiration of the three-year four-year period specified in  
35 section 280.4.

1 Sec. 39. Section 280.4, subsection 3, Code 2005, is  
2 amended to read as follows:

3 3. In order to provide funds for the excess costs of  
4 instruction of limited English proficient students above the  
5 costs of instruction of pupils in a regular curriculum,  
6 students identified as limited English proficient shall be  
7 assigned an additional weighting of twenty-two hundredths, and  
8 that weighting shall be included in the weighted enrollment of  
9 the school district of residence for a period not exceeding  
10 three four years. However, the school budget review committee  
11 may grant supplemental aid or modified allowable growth to a  
12 school district to continue funding a program for students  
13 after the expiration of the ~~three-year~~ four-year period.

14 Sec. 40. Section 423B.7, subsection 6, Code 2005, is  
15 amended to read as follows:

16 6. Local sales and services tax moneys received by a city  
17 or county may be expended for any lawful purpose of the city  
18 or county.

19 a. Notwithstanding the provisions of this subsection,  
20 sales and services tax moneys received from a tax imposed by a  
21 county pursuant to this chapter shall not be expended by or  
22 for the benefit of a school district located in whole or in  
23 part in the county unless the county is imposing a local  
24 option sales and services tax for school infrastructure  
25 purposes pursuant to chapter 423E.

26 b. Paragraph "a" of this subsection is repealed December  
27 31, 2022.

28 Sec. 41. Section 423E.4, Code Supplement 2005, is amended  
29 by adding the following new subsection:

30 NEW SUBSECTION. 7. Notwithstanding subsection 2 of this  
31 section or any other provision to the contrary, a school  
32 district that is located in whole or in part in a county that  
33 has not previously imposed the local sales and services tax  
34 for school infrastructure, and which votes on and approves the  
35 tax at a rate of one percent on or before July 1, 2008, shall

1 receive an amount equal to its pro rata share of the local  
2 sales and services tax receipts as provided in section 423E.3,  
3 subsection 5, paragraph "d", for a period corresponding to  
4 one-half the duration of the tax authorized by the voters.  
5 For the second half of the duration of the tax authorized by  
6 the voters, local sales and services tax receipts shall be  
7 distributed as otherwise applicable pursuant to subsection 2  
8 of this section.

9       Sec. 42. EQUITY IN PROPERTY TAXATION INTERIM STUDY  
10 COMMITTEE.

11       1. The legislative council is requested to establish an  
12 equity in property taxation interim study committee to review  
13 the provisions of chapter 257 and develop one or more  
14 proposals that will equalize property tax rates applicable  
15 pursuant to the basic school foundation aid formula. The  
16 review shall include but not be limited to finance formulas  
17 that specifically address equalizing property tax rates, and  
18 shall be authorized for and conducted over a two- year period  
19 during the 2006 and 2007 legislative interims.

20       2. The membership of the committee shall include the  
21 following:

22       a. Two members of the senate standing committee on  
23 education.

24       b. Two members of the house standing committee on  
25 education.

26       c. Two members of the senate standing committee on ways  
27 and means.

28       d. Two members of the house standing committee on ways and  
29 means.

30       e. Persons representing education associations and  
31 stakeholders, urban and rural property tax interests, and  
32 other associations, groups, or interested parties as may be  
33 identified by the council, or added by the chairperson or  
34 co-chairpersons of the study committee designated by the  
35 council.

1 [ 3. Staffing assistance shall be provided by the department  
2 of education, with the assistance of the department of  
3 management and the department of revenue. The committee shall  
4 report its findings and recommendations, including proposed  
5 legislation, to the general assembly no later than January 1,  
6 2008.]

7 Sec. 43. STATEWIDE GRADUATION REQUIREMENTS.

8 The department of education shall use funds appropriated  
9 for graduation requirements under division II of this Act to  
10 assist school districts with the implementation of graduation  
11 requirements established pursuant to section 256.7, subsection  
12 26, as amended by 2006 Iowa Acts, Senate File 2272, if  
13 enacted. The department shall survey school districts as to  
14 their readiness for implementation of the requirements. The  
15 department shall review Iowa law and administrative rules and  
16 policies to determine if changes are necessary or beneficial  
17 to implement the graduation requirements. The department  
18 shall submit its findings and recommendations in a report to  
19 the chairpersons and ranking members of the senate and house  
20 of representatives standing education committees and to the  
21 chairpersons and ranking members of the joint appropriations  
22 subcommittee on education by January 1, 2007.

23 [ Sec. 44. PARTICIPATION IN AN INSTRUCTIONAL SUPPORT PROGRAM  
24 BY SCHOOL DISTRICTS -- SUSPENSION OF REQUIREMENTS.

25 Notwithstanding any contrary provision in chapter 257,  
26 including sections 257.18 through 257.21, a school district  
27 that has participated in a board-approved instructional  
28 support program during the fiscal year beginning July 1, 2005,  
29 and ending June 30, 2006, may continue to participate in the  
30 board-approved instructional support program for the fiscal  
31 year beginning July 1, 2006, and ending June 30, 2007, to the  
32 extent established by the board's resolution, as if it had  
33 complied with those sections, if all of the following apply:

34 1. The board of directors of the school district has  
35 adopted or adopts a resolution not later than May 15, 2006, to ]

1 [participate in the board-approved instructional support  
2 program as otherwise provided in section 257.18. If the board  
3 of directors has adopted a budget which did not account for  
4 the board-approved instructional support program, the board of  
5 directors may adjust its budget to account for the  
6 board-approved instructional support program as approved by  
7 the department of management.

8 2. The secretary of the board of directors does not  
9 receive a petition as authorized in section 257.18, subsection  
10 2, within twenty-eight days following the adoption of the  
11 resolution by the board of directors of the school district to  
12 participate in the board-approved instructional support  
13 program as provided in subsection 1, which asks that an  
14 election be called to approve or disapprove the action of the  
15 board of directors in adopting the resolution.

16 Sec. 45. EFFECTIVE DATE. Section 44 of this division of  
17 this Act, being deemed of immediate importance, takes effect  
18 upon enactment.

19 Sec. 46. EFFECTIVE DATE. The sections of this Act  
20 amending section 257.4, subsection 1, relating to the  
21 calculation of an adjusted additional property tax levy and a  
22 statewide maximum adjusted additional property tax levy rate,  
23 enacting section 257.15, subsection 4, relating to allocating  
24 funds for calculation of the statewide maximum adjusted  
25 additional property tax levy rate and providing adjusted  
26 additional property tax levy aid, amending section 257.16,  
27 subsection 1, relating to conforming changes, amending section  
28 423B.7, relating to prohibiting expenditure of sales and  
29 services tax moneys under specified circumstances, and  
30 enacting section 423E.4, subsection 7, relating to the  
31 distribution of local option sales and services tax revenue  
32 under specified circumstances, take effect upon enactment.

33 Sec. 47. EFFECTIVE AND APPLICABILITY DATES. The sections  
34 of this Act amending sections 257.31 and 280.4, being deemed  
35 of immediate importance, take effect upon enactment and are ]



1 [applicable for the school budget year beginning July 1, 2006,  
2 and succeeding budget years.]

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S-5278

1 Amend House File 2792, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 25, by inserting after line 35 the  
4 following:

5 "Sec. \_\_\_\_ . STATE EDUCATIONAL ASSISTANCE --  
6 CHILDREN OF DECEASED VETERANS. There is appropriated  
7 from the general fund of the state to the department  
8 of veterans affairs for the fiscal year beginning July  
9 1, 2006, and ending June 30, 2007, the following  
10 amount, or so much thereof as is necessary, for the  
11 purpose designated:

12 For educational assistance pursuant to section  
13 35.9:

14 ..... \$ 27,000

15 Notwithstanding section 8.33, moneys appropriated  
16 under this section that remain unexpended at the close  
17 of the fiscal year shall not revert to any fund but  
18 shall remain available for the purpose designated  
19 until the close of the succeeding fiscal year.

20 Sec. \_\_\_\_ . Section 35.8, Code Supplement 2005, is  
21 amended to read as follows:

22 35.8 WAR ORPHANS EDUCATIONAL ~~AID~~ ASSISTANCE FUND.

23 A war orphans educational ~~aid~~ assistance fund is  
24 created as a separate fund in the state treasury under  
25 the control of the department of veterans affairs.  
26 Any money appropriated for the purpose of ~~aiding~~  
27 assisting in the education of orphaned children of  
28 veterans, as defined in section 35.1, or the education  
29 of a child as provided in section 35.9, subsection 2,  
30 shall be deposited in the war orphans educational ~~aid~~  
31 assistance fund.

32 Sec. \_\_\_\_ . Section 35.9, Code Supplement 2005, is  
33 amended to read as follows:

34 35.9 EXPENDITURE BY COMMISSION.

35 1. a. The department ~~of veterans affairs~~ may  
36 expend not more than six hundred dollars per year for  
37 any one child who has lived in the state of Iowa for  
38 two years preceding application for ~~aid~~ state  
39 educational assistance, and who is the child of a  
40 person who died prior to September 11, 2001, during  
41 active federal military service while serving in the  
42 armed forces or during active federal military service  
43 in the Iowa national guard or other military component  
44 of the United States, to defray the expenses of  
45 tuition, matriculation, laboratory and similar fees,  
46 books and supplies, board, lodging, and any other  
47 reasonably necessary expense for the child or children  
48 incident to attendance in this state at an educational  
49 or training institution of college grade, or in a  
50 business or vocational training school with standards

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1 approved by the department of veterans affairs.

2 b. A child eligible to receive funds under this  
3 section shall not receive more than three thousand  
4 dollars under this ~~section~~ subsection during the  
5 child's lifetime.

6 2. Upon application by a child who has lived in  
7 the state of Iowa for two years preceding application  
8 for state educational assistance, and who is the child  
9 of a person who died on or after September 11, 2001,  
10 during active federal military service while serving  
11 in the armed forces or during active federal military  
12 service in the Iowa national guard or other military  
13 component of the United States, the department shall  
14 provide state educational assistance in the amount of  
15 five thousand five hundred dollars per year or the  
16 amount of the child's established financial need,  
17 whichever is less, to defray the expenses of tuition,  
18 matriculation, laboratory and similar fees, books and  
19 supplies, board, lodging, and any other reasonably  
20 necessary expense for the child or children incident  
21 to attendance in this state at a community college  
22 established under chapter 260C or at an institution of  
23 higher education governed by the state board of  
24 regents. A child eligible to receive state  
25 educational assistance under this subsection shall not  
26 receive more than twenty-seven thousand five hundred  
27 dollars under this subsection during the child's  
28 lifetime. The college student aid commission may, if  
29 requested, assist the department in administering this  
30 subsection.

31 Sec. \_\_\_\_. Section 35.10, Code Supplement 2005, is  
32 amended to read as follows:

33 35.10 ELIGIBILITY AND PAYMENT OF AID ASSISTANCE.  
34 Eligibility for ~~aid~~ assistance shall be determined  
35 upon application to the department of veterans  
36 affairs, whose decision is final. The eligibility of  
37 eligible applicants shall be certified by the  
38 department of veterans affairs to the director of the  
39 department of administrative services, and all amounts  
40 that are or become due to an individual or a training  
41 institution under this chapter shall be paid to the  
42 individual or institution by the director of the  
43 department of administrative services upon receipt by  
44 the director of certification by the president or  
45 governing board of the educational or training  
46 institution as to accuracy of charges made, and as to  
47 the attendance of the individual at the educational or  
48 training institution. The department of veterans  
49 affairs may pay over the annual sum ~~of four hundred~~  
50 dollars set forth in section 35.9 to the educational

1 or training institution in a lump sum, or in  
2 installments as the circumstances warrant, upon  
3 receiving from the institution such written  
4 undertaking as the department may require to assure  
5 the use of funds for the child for the authorized  
6 purposes and for no other purpose. A person is not  
7 eligible for the benefits of this chapter until the  
8 person has graduated from a high school or educational  
9 institution offering a course of training equivalent  
10 to high school training."

11 2. Title page, line 3, by inserting after the  
12 word "management," the following: "the department of  
13 veterans affairs,".

14 3. By renumbering as necessary.

By CHARLES W. LARSON, JR.

JACK HATCH

THOMAS RIELLY

MICHAEL E. GRONSTAL

STEVEN H. WARNSTADT

DARYL BEALL

BRAD ZAUN

DAVE MULDER

MARK ZIEMAN

JERRY BEHN

E. THURMAN GASKILL

HUBERT M. HOUSER

JAMES HAHN

DAVID JOHNSON

WILLIAM A. DOTZLER

DENNIS H. BLACK

WALLY E. HORN

ROGER STEWART

DICK L. DEARDEN

EUGENE S. FRAISE

THOMAS G. COURTNEY

JOE BOLKCOM

MATT McCOY

JOHN P. KIBBIE

JEFF DANIELSON

DR. JOE SENG

BRIAN SCHOENJAHN

FRANK B. WOOD

TOM HANCOCK

HERMAN C. QUIRMBACH

KEITH A. KREIMAN

AMANDA RAGAN

S-5281

1 Amend House File 2792, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 2 the  
4 following:

5 "DIVISION

6 STATE AND LOCAL GOVERNMENT OPERATIONS

7 Sec. \_\_\_\_ . Section 8A.108, Code 2005, is amended to  
8 read as follows:

9 8A.108 ACCEPTANCE OF FUNDS.

10 1. The department may receive and accept  
11 donations, grants, gifts, and contributions in the  
12 form of moneys, services, materials, or otherwise,  
13 from the United States or any of its agencies, from  
14 this state or any of its agencies, or from any other  
15 person, and may use or expend such moneys, services,  
16 materials, or other contributions, or issue grants, in  
17 carrying out the operations of the department. All  
18 federal grants to and the federal receipts of the  
19 department are hereby appropriated for the purpose set  
20 forth in such federal grants or receipts. The  
21 department shall report annually to the general  
22 assembly on or before September 1 the donations,  
23 grants, gifts, and contributions with a monetary value  
24 of one thousand dollars or more that were received  
25 during the most recently concluded fiscal year.

26 2. a. The department may solicit donations,  
27 grants, gifts, and contributions in the form of  
28 moneys, services, materials, real property, or  
29 otherwise from any person for specific projects and  
30 improvements on or near the capitol complex. However,  
31 no less than twenty days prior to commencing any such  
32 solicitation, the department shall notify the  
33 executive council, the department of management, and  
34 the legislative council of the project for which the  
35 solicitation is proposed. The department is only  
36 required to provide one notification for each project  
37 for which a solicitation is proposed.

38 b. The department shall not accept any donation,  
39 grant, gift, or contribution in any form that includes  
40 any condition other than a condition to use the  
41 donation, grant, gift, or contribution for the project  
42 for which it was solicited. The department shall not  
43 confer any benefit upon or establish any permanent  
44 acknowledgement of the donor of the donation, grant,  
45 gift, or contribution unless specifically authorized  
46 by a constitutional majority of each house of the  
47 general assembly and approved by the governor or  
48 unless otherwise specifically authorized by law.

49 Sec. \_\_\_\_ . Section 8A.321, Code Supplement 2005, is  
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 8A. With the approval of the  
2 executive council pursuant to section 7D.29 or  
3 pursuant to other authority granted by law, acquire  
4 real property to be held by the department in the name  
5 of the state as follows:

6 a. By purchase, lease, option, gift, grant,  
7 bequest, devise, or otherwise.

8 b. By exchange of real property belonging to the  
9 state for property belonging to another person.

10 Sec. \_\_\_\_\_. Section 68B.7, Code 2005, is amended by  
11 adding the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
13 provisions of this section, a person who has served as  
14 the workers' compensation commissioner, or any deputy  
15 thereof, may represent a claimant in a contested case  
16 before the division of workers' compensation at any  
17 point subsequent to termination of such service,  
18 regardless of whether the person charges a contingent  
19 fee for such representation, provided such case was  
20 not pending before the division during the person's  
21 tenure as commissioner or deputy.

22 Sec. \_\_\_\_\_. Section 100B.13, Code Supplement 2005,  
23 is amended to read as follows:

24 100B.13 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

25 1. A volunteer fire fighter preparedness fund is  
26 created as a separate and distinct fund in the state  
27 treasury under the control of the division of state  
28 fire marshal of the department of public safety.

29 2. Revenue for the volunteer fire fighter  
30 preparedness fund shall include, but is not limited  
31 to, the following:

32 a. Moneys credited to the fund pursuant to section  
33 422.12F.

34 b. Moneys credited to the fund pursuant to section  
35 422.12G.

36 ~~b.~~ c. Moneys in the form of a devise, gift,  
37 bequest, donation, or federal or other grant intended  
38 to be used for the purposes of the fund.

39 3. Moneys in the volunteer fire fighter  
40 preparedness fund are not subject to section 8.33.  
41 Notwithstanding section 12C.7, subsection 2, interest  
42 or earnings on moneys in the fund shall be credited to  
43 the fund.

44 4. Moneys in the volunteer fire fighter  
45 preparedness fund are appropriated to the division of  
46 state fire marshal of the department of public safety  
47 to be used annually to pay the costs of providing  
48 volunteer fire fighter training around the state and  
49 to pay the costs of providing volunteer fire fighting  
50 equipment.

1 Sec. \_\_\_\_\_. Section 232.116, subsection 1, Code  
2 2005, is amended by adding the following new  
3 paragraph:

4 NEW PARAGRAPH. o. The parent has been convicted  
5 of a felony offense that is a criminal offense against  
6 a minor as defined in section 692A.1, the parent is  
7 divorced from or was never married to the minor's  
8 other parent, and the parent is serving a minimum  
9 sentence of confinement of at least five years for  
10 that offense.

11 Sec. \_\_\_\_\_. Section 314.28, Code 2005, is amended to  
12 read as follows:

13 314.28 KEEP IOWA BEAUTIFUL FUND.

14 A keep Iowa beautiful fund is created in the office  
15 of the treasurer of state. The fund is composed of  
16 moneys appropriated or available to and obtained or  
17 accepted by the treasurer of state for deposit in the  
18 fund. The fund shall include moneys transferred to  
19 the fund as provided in section 422.12A. The fund  
20 shall also include moneys transferred to the fund as  
21 provided in section 422.12G. All interest earned on  
22 moneys in the fund shall be credited to and remain in  
23 the fund. Section 8.33 does not apply to moneys in  
24 the fund.

25 Moneys in the fund that are authorized by the  
26 department for expenditure are appropriated, and shall  
27 be used, to educate and encourage Iowans to take  
28 greater responsibility for improving their community  
29 environment and enhancing the beauty of the state  
30 through litter prevention, improving waste management  
31 and recycling efforts, and beautification projects.

32 The department may authorize payment of moneys from  
33 the fund upon approval of an application from a  
34 private or public organization. The applicant shall  
35 submit a plan for litter prevention, improving waste  
36 management and recycling efforts, or a beautification  
37 project along with its application. The department  
38 shall establish standards relating to the type of  
39 projects available for assistance.

40 Sec. \_\_\_\_\_. NEW SECTION. 422.12G JOINT INCOME TAX  
41 REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL FUND AND  
42 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

43 1. A person who files an individual or a joint  
44 income tax return with the department of revenue under  
45 section 422.13 may designate one dollar or more to be  
46 paid jointly to the keep Iowa beautiful fund created  
47 in section 314.28 and to the volunteer fire fighter  
48 preparedness fund created in section 100B.13. If the  
49 refund due on the return or the payment remitted with  
50 the return is insufficient to pay the additional

1 amount designated by the taxpayer, the amount  
2 designated shall be reduced to the remaining amount of  
3 refund or the remaining amount remitted with the  
4 return. The designation of a contribution under this  
5 section is irrevocable.

6 2. The director of revenue shall draft the income  
7 tax form to allow the designation of contributions to  
8 the keep Iowa beautiful fund and to the volunteer fire  
9 fighter preparedness fund as one checkoff on the tax  
10 return. The department of revenue, on or before  
11 January 31, shall transfer one-half of the total  
12 amount designated on the tax return forms due in the  
13 preceding calendar year to the keep Iowa beautiful  
14 fund and the remaining one-half to the volunteer fire  
15 fighter preparedness fund. However, before a checkoff  
16 pursuant to this section shall be permitted, all  
17 liabilities on the books of the department of  
18 administrative services and accounts identified as  
19 owing under section 8A.504 and the political  
20 contribution allowed under section 68A.601 shall be  
21 satisfied.

22 3. The department of revenue shall adopt rules to  
23 administer this section.

24 4. This section is subject to repeal under section  
25 422.12E.

26 Sec. \_\_\_\_\_. Section 427.1, subsection 21A, Code  
27 Supplement 2005, as amended by 2006 Iowa Acts, House  
28 File 2797, section 84, if enacted, is amended to read  
29 as follows:

30 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY  
31 HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit  
32 property owned and managed by a community housing  
33 development organization, as recognized by the state  
34 of Iowa and the federal government pursuant to  
35 criteria for community housing development  
36 organization designation contained in the HOME program  
37 of the federal National Affordable Housing Act of  
38 1990, if the organization is also a nonprofit  
39 organization exempt from federal income tax under  
40 section 501(c)(3) of the Internal Revenue Code and  
41 owns and manages more than one hundred and fifty  
42 dwelling units that are located in a city with a  
43 population of more than one hundred ten thousand. For  
44 the 2005 and 2006 assessment years, an application is  
45 not required to be filed to receive the exemption.  
46 For the 2007 and subsequent assessment years, an  
47 application for exemption must be filed with the  
48 assessing authority not later than February 1 of the  
49 assessment year for which the exemption is sought.  
50 Upon the filing and allowance of the claim, the claim



1 shall be allowed on the property for successive years  
2 without further filing as long as the property  
3 continues to qualify for the exemption.

4 Sec. \_\_\_\_\_. Section 600A.8, Code Supplement 2005, is  
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 10. The parent has been convicted  
7 of a felony offense that is a criminal offense against  
8 a minor as defined in section 692A.1, the parent is  
9 divorced from or was never married to the minor's  
10 other parent, and the parent is serving a minimum  
11 sentence of confinement of at least five years for  
12 that offense.

13 Sec. \_\_\_\_\_. Section 602.8108, subsection 8B, if  
14 enacted by 2006 Iowa Acts, House File 2789, section 8,  
15 is amended to read as follows:

16 8B. The state court administrator shall allocate  
17 to the office of attorney general for the fiscal year  
18 beginning July 1, 2006, and for each fiscal year  
19 thereafter, ~~three~~ four hundred fifty thousand dollars  
20 of the moneys received annually under subsection 2, to  
21 be used for legal services for persons in poverty  
22 grants as provided in section 13.34.

23 Sec. \_\_\_\_\_. 2006 Iowa Acts, House File 2797, section  
24 43, subsection 1, paragraph a, if enacted, is amended  
25 by adding the following new subparagraphs:

26 NEW SUBPARAGRAPH. (11) Sierra club - Iowa  
27 chapter.

28 NEW SUBPARAGRAPH. (12) Izaak Walton league of  
29 Iowa.

30 NEW SUBPARAGRAPH. (13) State conservation  
31 districts.

32 Sec. \_\_\_\_\_. 2006 Iowa Acts, House File 2794, section  
33 58, if enacted, is repealed.

34 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The section  
35 of this Act enacting section 422.12G applies  
36 retroactively to tax years beginning on or after  
37 January 1, 2006."

38 2. Title page, line 1, by striking the word  
39 "education" and inserting the following: "government  
40 operations and".

**By** MICHAEL E. GRONSTAL  
MARY A. LUNDBY

HOUSE FILE 2792

S-5282

1 Amend House File 2792, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 through 14 and  
4 inserting the following:

5 "FY 2006-2007..... \$104,343,894  
6 FY 2007-2008..... \$139,343,894  
7 FY 2008-2009..... \$174,343,894"

8 2. Page 1, lines 25 and 26, by striking the words  
9 "the individual leaves the employ of the school  
10 district" and inserting the following: "June 30,  
11 2011, if the individual is making annual progress  
12 toward meeting the requirements for a teacher  
13 librarian endorsement issued by the board of  
14 educational examiners under chapter 272. A school  
15 district that entered into a contract with an  
16 individual for employment as a media specialist or  
17 librarian who holds at least a master's degree in  
18 library and information studies shall be considered to  
19 be in compliance with this subsection until the  
20 individual leaves the employ of the school district."

21 3. Page 18, line 21, by striking the words "must  
22 meet" and inserting the following: "should have".

23 4. Page 18, line 29, by striking the words  
24 "engineers, who has" and inserting the following:  
25 "engineers. This individual should have".

26 5. Page 20, line 24, by striking the word  
27 "Commencing".

28 6. Page 20, by striking lines 25 and 26 and  
29 inserting the following: "The general assembly shall  
30 consider implementing the pay-for-performance program  
31 statewide for the 2009-2010 school year,".

32 7. Page 24, line 8, by striking the word "three"  
33 and inserting the following: "five".

34 8. Page 25, by striking lines 9 through 11 and  
35 inserting the following: "January 15, 2007."

36 9. Page 26, by striking lines 1 through 8.

37 10. Page 27, by inserting after line 35 the  
38 following:

39 "Sec. \_\_\_\_ . Section 261.1, subsection 5, Code 2005,  
40 is amended to read as follows:

41 5. ~~Eight~~ Nine additional members to be appointed  
42 by the governor. One of the members shall be selected  
43 to represent private colleges, private universities  
44 and private junior colleges located in the state of  
45 Iowa. When appointing this member, the governor shall  
46 give careful consideration to any person or persons  
47 nominated or recommended by any organization or  
48 association of some or all private colleges, private  
49 universities and private junior colleges located in  
50 the state of Iowa. One of the members shall be

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1 selected to represent institutions located in the  
2 state of Iowa whose income is not exempt from taxation  
3 under section 501(c) of the Internal Revenue Code.  
4 One of the members shall be selected to represent  
5 community colleges located in the state of Iowa. When  
6 appointing this member, the governor shall give  
7 careful consideration to any person or persons  
8 nominated or recommended by any organization or  
9 association of Iowa community colleges. One member  
10 shall be enrolled as a student at a board of regents  
11 institution, community college, or accredited private  
12 institution. One member shall be a representative of  
13 a lending institution located in this state. One  
14 member shall be a representative of the Iowa student  
15 loan liquidity corporation. The other three members,  
16 none of whom shall be official board members or  
17 trustees of an institution of higher learning or of an  
18 association of institutions of higher learning, shall  
19 be selected to represent the general public.

20 Sec. \_\_\_\_ . Section 261.25, subsection 1A, as  
21 enacted by 2006 Iowa Acts, House File 2527, if  
22 enacted, is amended to read as follows:

23 1A. There is appropriated from the general fund of  
24 the state to the commission for each fiscal year the  
25 sum of five million one hundred sixty-seven thousand  
26 three hundred fifty-eight dollars for ~~proprietary~~  
27 tuition grants for students attending for-profit  
28 accredited private institutions located in Iowa. A  
29 for-profit institution which, effective March 9, 2005,  
30 purchased an accredited private institution that was  
31 exempt from taxation under section 501(c) of the  
32 Internal Revenue Code, shall be an eligible  
33 institution under the tuition grant program. In the  
34 case of a qualified student who was enrolled in such  
35 accredited private institution that was purchased by  
36 the for-profit institution effective March 9, 2005,  
37 and who continues to be enrolled in the eligible  
38 institution in succeeding years, the amount the  
39 student qualifies for under this subsection shall be  
40 not less than the amount the student qualified for in  
41 the fiscal year beginning July 1, 2004. For purposes  
42 of the tuition grant program, "for-profit accredited  
43 private institution" means an accredited private  
44 institution which is not exempt from taxation under  
45 section 501(c)(3) but which otherwise meets the  
46 requirements of section 261.9, subsection 1, paragraph  
47 "b", and whose students were eligible to receive  
48 tuition grants in the fiscal year beginning July 1,  
49 2003."

50 11. Page 29, by inserting after line 8 the

1 following:

2 "Sec. \_\_\_\_\_. LIMITED ENGLISH PROFICIENT WEIGHTING  
3 ADJUSTMENT. For the fiscal year beginning July 1,  
4 2006, and ending June 30, 2007, there shall be  
5 allocated to the department of education from the  
6 amount appropriated pursuant to section 257.16,  
7 subsection 1, based upon the increase from three to  
8 four years in the availability of supplementary  
9 weighting for instruction of limited English  
10 proficient students pursuant to section 280.4, an  
11 amount not to exceed three million, three hundred  
12 thousand dollars. The funds shall be used to adjust  
13 the weighted enrollment of a school district with  
14 students identified as limited English proficient on a  
15 prorated basis."

16 12. Page 30, by inserting after line 6 the  
17 following:

18 "Sec. \_\_\_\_\_. BOARD OF EDUCATIONAL EXAMINERS --  
19 TEACHER LIBRARIAN REVIEW. The board of educational  
20 examiners shall review the impact the enactment of  
21 section 256.11, subsection 9, if enacted, on school  
22 districts, media specialists, and librarians and shall  
23 submit its findings and recommendations in a report to  
24 the chairpersons and ranking members of the senate and  
25 house of representatives standing committees on  
26 education by January 1, 2007."

27 13. Page 31, line 29, by inserting after the word  
28 "circumstances," the following: "allocating funds for  
29 a limited English proficient weighting adjustment for  
30 the fiscal year beginning July 1, 2006, and ending  
31 June 30, 2007,".

32 14. By renumbering as necessary.

**By** FRANK B. WOOD

HOUSE FILE 2792

S-5283

1 Amend House File 2792, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 2 the  
4 following:

5 "DIVISION

6 MISCELLANEOUS PROVISIONS

7 Sec. \_\_\_\_ . Section 8F.2, subsection 8, paragraph b,  
8 subparagraph (3), if enacted by 2006 Iowa Acts, Senate  
9 File 2410, is amended to read as follows:

10 (3) A contract for services provided for the  
11 operation, construction, or maintenance of a public or  
12 city utility, combined public or city utility, or a  
13 city enterprise as defined by section 384.24."

14 2. By renumbering as necessary.

By RON WIECK

THOMAS G. COURTNEY

S-5283 FILED MAY 3, 2006

ADOPTED

HOUSE FILE 2792

H-8657

1 Amend House File 2792, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 through 14 and  
4 inserting the following:

5 "FY 2006-2007.....	\$104,343,894
6 FY 2007-2008.....	\$139,343,894
7 FY 2008-2009.....	\$174,343,894"

8 2. Page 1, lines 25 and 26, by striking the words  
9 "the individual leaves the employ of the school  
10 district" and inserting the following: "June 30,  
11 2011, if the individual is making annual progress  
12 toward meeting the requirements for a teacher  
13 librarian endorsement issued by the board of  
14 educational examiners under chapter 272. A school  
15 district that entered into a contract with an  
16 individual for employment as a media specialist or  
17 librarian who holds at least a master's degree in  
18 library and information studies shall be considered to  
19 be in compliance with this subsection until the  
20 individual leaves the employ of the school district."

21 3. Page 18, line 21, by striking the words "must  
22 meet" and inserting the following: "should have".

23 4. Page 18, line 29, by striking the words  
24 "engineers, who has" and inserting the following:  
25 "engineers. This individual should have".

26 5. Page 20, line 24, by striking the word  
27 "Commencing".

28 6. Page 20, by striking lines 25 and 26 and  
29 inserting the following: "The general assembly shall  
30 consider implementing the pay-for-performance program  
31 statewide for the 2009-2010 school year,".

32 7. Page 24, line 8, by striking the word "three"  
33 and inserting the following: "five".

34 8. Page 25, by striking lines 9 through 11 and  
35 inserting the following: "January 15, 2007."

36 9. Page 25, by inserting after line 35 the  
37 following:

38 "Sec. \_\_\_\_ . STATE EDUCATIONAL ASSISTANCE --  
39 CHILDREN OF DECEASED VETERANS. There is appropriated  
40 from the general fund of the state to the department  
41 of veterans affairs for the fiscal year beginning July  
42 1, 2006, and ending June 30, 2007, the following  
43 amount, or so much thereof as is necessary, for the  
44 purpose designated:

45 For educational assistance pursuant to section  
46 35.9:

47 .....	\$	27,000
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48 Notwithstanding section 8.33, moneys appropriated  
49 under this section that remain unexpended at the close  
50 of the fiscal year shall not revert to any fund but

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1 shall remain available for the purpose designated  
2 until the close of the succeeding fiscal year.

3 Sec. \_\_\_\_ . Section 35.8, Code Supplement 2005, is  
4 amended to read as follows:

5 35.8 WAR ORPHANS EDUCATIONAL ~~AID~~ ASSISTANCE FUND.

6 A war orphans educational ~~aid~~ assistance fund is  
7 created as a separate fund in the state treasury under  
8 the control of the department of veterans affairs.

9 Any money appropriated for the purpose of ~~aiding~~  
10 assisting in the education of orphaned children of  
11 veterans, as defined in section 35.1, or the education  
12 of a child as provided in section 35.9, subsection 2,  
13 shall be deposited in the war orphans educational ~~aid~~  
14 assistance fund.

15 Sec. \_\_\_\_ . Section 35.9, Code Supplement 2005, is  
16 amended to read as follows:

17 35.9 EXPENDITURE BY COMMISSION.

18 1. a. The department ~~of veterans affairs~~ may  
19 expend not more than six hundred dollars per year for  
20 any one child who has lived in the state of Iowa for  
21 two years preceding application for ~~aid~~ state  
22 educational assistance, and who is the child of a  
23 person who died prior to September 11, 2001, during  
24 active federal military service while serving in the  
25 armed forces or during active federal military service  
26 in the Iowa national guard or other military component  
27 of the United States, to defray the expenses of  
28 tuition, matriculation, laboratory and similar fees,  
29 books and supplies, board, lodging, and any other  
30 reasonably necessary expense for the child or children  
31 incident to attendance in this state at an educational  
32 or training institution of college grade, or in a  
33 business or vocational training school with standards  
34 approved by the department of veterans affairs.

35 b. A child eligible to receive funds under this  
36 section shall not receive more than three thousand  
37 dollars under this ~~section~~ subsection during the  
38 child's lifetime.

39 2. Upon application by a child who has lived in  
40 the state of Iowa for two years preceding application  
41 for state educational assistance, and who is the child  
42 of a person who died on or after September 11, 2001,  
43 during active federal military service while serving  
44 in the armed forces or during active federal military  
45 service in the Iowa national guard or other military  
46 component of the United States, the department shall  
47 provide state educational assistance in the amount of  
48 five thousand five hundred dollars per year or the  
49 amount of the child's established financial need,  
50 whichever is less, to defray the expenses of tuition,

1 matriculation, laboratory and similar fees, books and  
 2 supplies, board, lodging, and any other reasonably  
 3 necessary expense for the child or children incident  
 4 to attendance in this state at a community college  
 5 established under chapter 260C or at an institution of  
 6 higher education governed by the state board of  
 7 regents. A child eligible to receive state  
 8 educational assistance under this subsection shall not  
 9 receive more than twenty-seven thousand five hundred  
 10 dollars under this subsection during the child's  
 11 lifetime. The college student aid commission may, if  
 12 requested, assist the department in administering this  
 13 subsection.

14 Sec. \_\_\_\_ . Section 35.10, Code Supplement 2005, is  
 15 amended to read as follows:

16 35.10 ELIGIBILITY AND PAYMENT OF AID ASSISTANCE.  
 17 Eligibility for ~~aid~~ assistance shall be determined  
 18 upon application to the department of veterans  
 19 affairs, whose decision is final. The eligibility of  
 20 eligible applicants shall be certified by the  
 21 department of veterans affairs to the director of the  
 22 department of administrative services, and all amounts  
 23 that are or become due to an individual or a training  
 24 institution under this chapter shall be paid to the  
 25 individual or institution by the director of the  
 26 department of administrative services upon receipt by  
 27 the director of certification by the president or  
 28 governing board of the educational or training  
 29 institution as to accuracy of charges made, and as to  
 30 the attendance of the individual at the educational or  
 31 training institution. The department of veterans  
 32 affairs may pay over the annual sum ~~of four hundred~~  
 33 ~~dollars~~ set forth in section 35.9 to the educational  
 34 or training institution in a lump sum, or in  
 35 installments as the circumstances warrant, upon  
 36 receiving from the institution such written  
 37 undertaking as the department may require to assure  
 38 the use of funds for the child for the authorized  
 39 purposes and for no other purpose. A person is not  
 40 eligible for the benefits of this chapter until the  
 41 person has graduated from a high school or educational  
 42 institution offering a course of training equivalent  
 43 to high school training."

44 10. Page 26, by striking lines 1 through 8.

45 11. Page 27, by inserting after line 35 the  
 46 following:

47 "Sec. \_\_\_\_ . Section 261.1, subsection 5, Code 2005,  
 48 is amended to read as follows:

49 5. ~~Eight~~ Nine additional members to be appointed  
 50 by the governor. One of the members shall be selected



1 to represent private colleges, private universities  
2 and private junior colleges located in the state of  
3 Iowa. When appointing this member, the governor shall  
4 give careful consideration to any person or persons  
5 nominated or recommended by any organization or  
6 association of some or all private colleges, private  
7 universities and private junior colleges located in  
8 the state of Iowa. One of the members shall be  
9 selected to represent institutions located in the  
10 state of Iowa whose income is not exempt from taxation  
11 under section 501(c) of the Internal Revenue Code.  
12 One of the members shall be selected to represent  
13 community colleges located in the state of Iowa. When  
14 appointing this member, the governor shall give  
15 careful consideration to any person or persons  
16 nominated or recommended by any organization or  
17 association of Iowa community colleges. One member  
18 shall be enrolled as a student at a board of regents  
19 institution, community college, or accredited private  
20 institution. One member shall be a representative of  
21 a lending institution located in this state. One  
22 member shall be a representative of the Iowa student  
23 loan liquidity corporation. The other three members,  
24 none of whom shall be official board members or  
25 trustees of an institution of higher learning or of an  
26 association of institutions of higher learning, shall  
27 be selected to represent the general public.

28 Sec. \_\_\_\_ . Section 261.25, subsection 1A, as  
29 enacted by 2006 Iowa Acts, House File 2527, if  
30 enacted, is amended to read as follows:

31 1A. There is appropriated from the general fund of  
32 the state to the commission for each fiscal year the  
33 sum of five million one hundred sixty-seven thousand  
34 three hundred fifty-eight dollars for ~~proprietary~~  
35 tuition grants for students attending for-profit  
36 accredited private institutions located in Iowa. A  
37 for-profit institution which, effective March 9, 2005,  
38 purchased an accredited private institution that was  
39 exempt from taxation under section 501(c) of the  
40 Internal Revenue Code, shall be an eligible  
41 institution under the tuition grant program. In the  
42 case of a qualified student who was enrolled in such  
43 accredited private institution that was purchased by  
44 the for-profit institution effective March 9, 2005,  
45 and who continues to be enrolled in the eligible  
46 institution in succeeding years, the amount the  
47 student qualifies for under this subsection shall be  
48 not less than the amount the student qualified for in  
49 the fiscal year beginning July 1, 2004. For purposes  
50 of the tuition grant program, "for-profit accredited

1 private institution" means an accredited private  
2 institution which is not exempt from taxation under  
3 section 501(c)(3) but which otherwise meets the  
4 requirements of section 261.9, subsection 1, paragraph  
5 "b", and whose students were eligible to receive  
6 tuition grants in the fiscal year beginning July 1,  
7 2003."

8 12. Page 29, by inserting after line 8 the  
9 following:

10 "Sec. \_\_\_\_ . LIMITED ENGLISH PROFICIENT WEIGHTING  
11 ADJUSTMENT. For the fiscal year beginning July 1,  
12 2006, and ending June 30, 2007, there shall be  
13 allocated to the department of education from the  
14 amount appropriated pursuant to section 257.16,  
15 subsection 1, based upon the increase from three to  
16 four years in the availability of supplementary  
17 weighting for instruction of limited English  
18 proficient students pursuant to section 280.4, an  
19 amount not to exceed three million, three hundred  
20 thousand dollars. The funds shall be used to adjust  
21 the weighted enrollment of a school district with  
22 students identified as limited English proficient on a  
23 prorated basis."

24 13. Page 30, by inserting after line 6 the  
25 following:

26 "Sec. \_\_\_\_ . BOARD OF EDUCATIONAL EXAMINERS --  
27 TEACHER LIBRARIAN REVIEW. The board of educational  
28 examiners shall review the impact the enactment of  
29 section 256.11, subsection 9, if enacted, on school  
30 districts, media specialists, and librarians and shall  
31 submit its findings and recommendations in a report to  
32 the chairpersons and ranking members of the senate and  
33 house of representatives standing committees on  
34 education by January 1, 2007."

35 14. Page 31, line 29, by inserting after the word  
36 "circumstances," the following: "allocating funds for  
37 a limited English proficient weighting adjustment for  
38 the fiscal year beginning July 1, 2006, and ending  
39 June 30, 2007,".

40 15. Page 32, by inserting after line 2 the  
41 following:

42 "DIVISION

43 STATE AND LOCAL GOVERNMENT OPERATIONS

44 Sec. \_\_\_\_ . Section 8A.108, Code 2005, is amended to  
45 read as follows:

46 8A.108 ACCEPTANCE OF FUNDS.

47 1. The department may receive and accept  
48 donations, grants, gifts, and contributions in the  
49 form of moneys, services, materials, or otherwise,  
50 from the United States or any of its agencies, from

1 this state or any of its agencies, or from any other  
 2 person, and may use or expend such moneys, services,  
 3 materials, or other contributions, or issue grants, in  
 4 carrying out the operations of the department. All  
 5 federal grants to and the federal receipts of the  
 6 department are hereby appropriated for the purpose set  
 7 forth in such federal grants or receipts. The  
 8 department shall report annually to the general  
 9 assembly on or before September 1 the donations,  
 10 grants, gifts, and contributions with a monetary value  
 11 of one thousand dollars or more that were received  
 12 during the most recently concluded fiscal year.

13 2. a. The department may solicit donations,  
 14 grants, gifts, and contributions in the form of  
 15 moneys, services, materials, real property, or  
 16 otherwise from any person for specific projects and  
 17 improvements on or near the capitol complex. However,  
 18 no less than twenty days prior to commencing any such  
 19 solicitation, the department shall notify the  
 20 executive council, the department of management, and  
 21 the legislative council of the project for which the  
 22 solicitation is proposed. The department is only  
 23 required to provide one notification for each project  
 24 for which a solicitation is proposed.

25 b. The department shall not accept any donation,  
 26 grant, gift, or contribution in any form that includes  
 27 any condition other than a condition to use the  
 28 donation, grant, gift, or contribution for the project  
 29 for which it was solicited. The department shall not  
 30 confer any benefit upon or establish any permanent  
 31 acknowledgement of the donor of the donation, grant,  
 32 gift, or contribution unless specifically authorized  
 33 by a constitutional majority of each house of the  
 34 general assembly and approved by the governor or  
 35 unless otherwise specifically authorized by law.

36 Sec. \_\_\_\_ . Section 8A.321, Code Supplement 2005, is  
 37 amended by adding the following new subsection:

38 NEW SUBSECTION. 8A. With the approval of the  
 39 executive council pursuant to section 7D.29 or  
 40 pursuant to other authority granted by law, acquire  
 41 real property to be held by the department in the name  
 42 of the state as follows:

43 a. By purchase, lease, option, gift, grant,  
 44 bequest, devise, or otherwise.

45 b. By exchange of real property belonging to the  
 46 state for property belonging to another person.

47 Sec. \_\_\_\_ . Section 68B.7, Code 2005, is amended by  
 48 adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 50 provisions of this section, a person who has served as

1 the workers' compensation commissioner, or any deputy  
2 thereof, may represent a claimant in a contested case  
3 before the division of workers' compensation at any  
4 point subsequent to termination of such service,  
5 regardless of whether the person charges a contingent  
6 fee for such representation, provided such case was  
7 not pending before the division during the person's  
8 tenure as commissioner or deputy.

9 Sec. \_\_\_\_\_. Section 100B.13, Code Supplement 2005,  
10 is amended to read as follows:

11 100B.13 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

12 1. A volunteer fire fighter preparedness fund is  
13 created as a separate and distinct fund in the state  
14 treasury under the control of the division of state  
15 fire marshal of the department of public safety.

16 2. Revenue for the volunteer fire fighter  
17 preparedness fund shall include, but is not limited  
18 to, the following:

19 a. Moneys credited to the fund pursuant to section  
20 422.12F.

21 b. Moneys credited to the fund pursuant to section  
22 422.12G.

23 ~~b.~~ c. Moneys in the form of a devise, gift,  
24 bequest, donation, or federal or other grant intended  
25 to be used for the purposes of the fund.

26 3. Moneys in the volunteer fire fighter  
27 preparedness fund are not subject to section 8.33.  
28 Notwithstanding section 12C.7, subsection 2, interest  
29 or earnings on moneys in the fund shall be credited to  
30 the fund.

31 4. Moneys in the volunteer fire fighter  
32 preparedness fund are appropriated to the division of  
33 state fire marshal of the department of public safety  
34 to be used annually to pay the costs of providing  
35 volunteer fire fighter training around the state and  
36 to pay the costs of providing volunteer fire fighting  
37 equipment.

38 Sec. \_\_\_\_\_. Section 232.116, subsection 1, Code  
39 2005, is amended by adding the following new  
40 paragraph:

41 NEW PARAGRAPH. o. The parent has been convicted  
42 of a felony offense that is a criminal offense against  
43 a minor as defined in section 692A.1, the parent is  
44 divorced from or was never married to the minor's  
45 other parent, and the parent is serving a minimum  
46 sentence of confinement of at least five years for  
47 that offense.

48 Sec. \_\_\_\_\_. Section 314.28, Code 2005, is amended to  
49 read as follows:

50 314.28 KEEP IOWA BEAUTIFUL FUND.

1 A keep Iowa beautiful fund is created in the office  
 2 of the treasurer of state. The fund is composed of  
 3 moneys appropriated or available to and obtained or  
 4 accepted by the treasurer of state for deposit in the  
 5 fund. The fund shall include moneys transferred to  
 6 the fund as provided in section 422.12A. The fund  
 7 shall also include moneys transferred to the fund as  
 8 provided in section 422.12G. All interest earned on  
 9 moneys in the fund shall be credited to and remain in  
 10 the fund. Section 8.33 does not apply to moneys in  
 11 the fund.

12 Moneys in the fund that are authorized by the  
 13 department for expenditure are appropriated, and shall  
 14 be used, to educate and encourage Iowans to take  
 15 greater responsibility for improving their community  
 16 environment and enhancing the beauty of the state  
 17 through litter prevention, improving waste management  
 18 and recycling efforts, and beautification projects.

19 The department may authorize payment of moneys from  
 20 the fund upon approval of an application from a  
 21 private or public organization. The applicant shall  
 22 submit a plan for litter prevention, improving waste  
 23 management and recycling efforts, or a beautification  
 24 project along with its application. The department  
 25 shall establish standards relating to the type of  
 26 projects available for assistance.

27 Sec. \_\_\_\_ . NEW SECTION. 422.12G JOINT INCOME TAX  
 28 REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL FUND AND  
 29 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

30 1. A person who files an individual or a joint  
 31 income tax return with the department of revenue under  
 32 section 422.13 may designate one dollar or more to be  
 33 paid jointly to the keep Iowa beautiful fund created  
 34 in section 314.28 and to the volunteer fire fighter  
 35 preparedness fund created in section 100B.13. If the  
 36 refund due on the return or the payment remitted with  
 37 the return is insufficient to pay the additional  
 38 amount designated by the taxpayer, the amount  
 39 designated shall be reduced to the remaining amount of  
 40 refund or the remaining amount remitted with the  
 41 return. The designation of a contribution under this  
 42 section is irrevocable.

43 2. The director of revenue shall draft the income  
 44 tax form to allow the designation of contributions to  
 45 the keep Iowa beautiful fund and to the volunteer fire  
 46 fighter preparedness fund as one checkoff on the tax  
 47 return. The department of revenue, on or before  
 48 January 31, shall transfer one-half of the total  
 49 amount designated on the tax return forms due in the  
 50 preceding calendar year to the keep Iowa beautiful

1 fund and the remaining one-half to the volunteer fire  
2 fighter preparedness fund. However, before a checkoff  
3 pursuant to this section shall be permitted, all  
4 liabilities on the books of the department of  
5 administrative services and accounts identified as  
6 owing under section 8A.504 and the political  
7 contribution allowed under section 68A.601 shall be  
8 satisfied.

9 3. The department of revenue shall adopt rules to  
10 administer this section.

11 4. This section is subject to repeal under section  
12 422.12E.

13 Sec. \_\_\_\_\_. Section 427.1, subsection 21A, Code  
14 Supplement 2005, as amended by 2006 Iowa Acts, House  
15 File 2797, section 84, if enacted, is amended to read  
16 as follows:

17 21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY  
18 HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit  
19 property owned and managed by a community housing  
20 development organization, as recognized by the state  
21 of Iowa and the federal government pursuant to  
22 criteria for community housing development  
23 organization designation contained in the HOME program  
24 of the federal National Affordable Housing Act of  
25 1990, if the organization is also a nonprofit  
26 organization exempt from federal income tax under  
27 section 501(c)(3) of the Internal Revenue Code and  
28 owns and manages more than one hundred and fifty  
29 dwelling units that are located in a city with a  
30 population of more than one hundred ten thousand. For  
31 the 2005 and 2006 assessment years, an application is  
32 not required to be filed to receive the exemption.  
33 For the 2007 and subsequent assessment years, an  
34 application for exemption must be filed with the  
35 assessing authority not later than February 1 of the  
36 assessment year for which the exemption is sought.  
37 Upon the filing and allowance of the claim, the claim  
38 shall be allowed on the property for successive years  
39 without further filing as long as the property  
40 continues to qualify for the exemption.

41 Sec. \_\_\_\_\_. Section 600A.8, Code Supplement 2005, is  
42 amended by adding the following new subsection:

43 NEW SUBSECTION. 10. The parent has been convicted  
44 of a felony offense that is a criminal offense against  
45 a minor as defined in section 692A.1, the parent is  
46 divorced from or was never married to the minor's  
47 other parent, and the parent is serving a minimum  
48 sentence of confinement of at least five years for  
49 that offense.

50 Sec. \_\_\_\_\_. Section 602.8108, subsection 8B, if

1 enacted by 2006 Iowa Acts, House File 2789, section 8,  
2 is amended to read as follows:

3 8B. The state court administrator shall allocate  
4 to the office of attorney general for the fiscal year  
5 beginning July 1, 2006, and for each fiscal year  
6 thereafter, ~~three~~ four hundred fifty thousand dollars  
7 of the moneys received annually under subsection 2, to  
8 be used for legal services for persons in poverty  
9 grants as provided in section 13.34.

10 Sec. \_\_\_\_\_. 2006 Iowa Acts, House File 2797, section  
11 43, subsection 1, paragraph a, if enacted, is amended  
12 by adding the following new subparagraphs:

13 NEW SUBPARAGRAPH. (11) Sierra club - Iowa  
14 chapter.

15 NEW SUBPARAGRAPH. (12) Izaak Walton league of  
16 Iowa.

17 NEW SUBPARAGRAPH. (13) State conservation  
18 districts.

19 Sec. \_\_\_\_\_. 2006 Iowa Acts, House File 2794, section  
20 58, if enacted, is repealed.

21 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The section  
22 of this Act enacting section 422.12G applies  
23 retroactively to tax years beginning on or after  
24 January 1, 2006."

25 16. Page 32, by inserting after line 2 the  
26 following:

"DIVISION

MISCELLANEOUS PROVISIONS

29 Sec. \_\_\_\_\_. Section 8F.2, subsection 8, paragraph b,  
30 subparagraph (3), if enacted by 2006 Iowa Acts, Senate  
31 File 2410, is amended to read as follows:

32 (3) A contract for services provided for the  
33 operation, construction, or maintenance of a public or  
34 city utility, combined public or city utility, or a  
35 city enterprise as defined by section 384.24."

36 17. Title page, line 1, by striking the word  
37 "education" and inserting the following: "government  
38 operations and".

39 18. Title page, line 3, by inserting after the  
40 word "management," the following: "the department of  
41 veterans affairs,".

42 19. By renumbering, relettering, or redesignating  
43 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

Tymeson - CH  
Kaufmann  
Chambers  
Oldson  
Wendt

Sponsored By  
S. 02792

HSB 758  
EDUCATION

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON TYMESON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the establishment of a statewide educational  
2 standards and accountability task force.

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

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1 Section 1. STATEWIDE EDUCATIONAL STANDARDS AND  
2 ACCOUNTABILITY TASK FORCE.

3 1. The department of education shall convene a task force  
4 to study the establishment of statewide content and  
5 performance standards. The task force shall review the  
6 current educational program standards school districts and  
7 accredited nonpublic schools are required to provide pursuant  
8 to section 256.11. The task force shall study strategies for  
9 establishing academic standards for student knowledge in the  
10 core curriculum areas of reading, writing, mathematics,  
11 history, social science, and science for kindergarten through  
12 grade twelve, and the effect such focus has on advancing or  
13 inhibiting critical and creative thinking and in drawing  
14 attention from other worthwhile subjects, aligning assessments  
15 to those standards, implementing accountability measures, and  
16 providing supports to improve student achievement. The study  
17 shall include a review of the educational content and  
18 performance standards in neighboring states, and in states  
19 recognized as successfully narrowing achievement gaps and  
20 increasing overall student achievement in kindergarten through  
21 grade twelve. The task force shall consider the use of  
22 innovative delivery systems, including technology. The task  
23 force shall consider a potential timeline and implementation  
24 strategy for statewide standards, resources needed, and the  
25 use of systematic and frequent data to inform teachers and  
26 students about how well students are learning material and  
27 about strategies students are expected to learn.

28 2. The department shall submit a progress report to the  
29 chairperson and ranking member of the house and senate  
30 education committees and the chairperson and ranking member of  
31 the joint subcommittee on education appropriations by December  
32 15, 2006.

33 3. The department shall submit a report summarizing the  
34 results of the study and making recommendations to the  
35 chairperson and ranking member of the house and senate

1 education committees and the chairperson and ranking member of  
2 the joint subcommittee on education appropriations by December  
3 15, 2007.

4 EXPLANATION

5 This bill directs the department of education to convene a  
6 task force to study the establishment of statewide content and  
7 performance standards.

8 The task force is directed to review the current  
9 educational program school districts and accredited nonpublic  
10 schools are required to provide pursuant to Code section  
11 256.11. The task force is to study strategies for  
12 establishing academic standards in the core curriculum areas  
13 for kindergarten through grade 12 and the effect such focus  
14 has on advancing or inhibiting critical and creative thinking  
15 and drawing attention from other worthwhile subjects, aligning  
16 assessments to those standards, implementing accountability  
17 measures, and providing supports to improve student  
18 achievement; to review the educational content and performance  
19 standards in neighboring states, and in states recognized as  
20 successfully narrowing achievement gaps and generally  
21 increasing student achievement in kindergarten through grade  
22 12; to study the use of innovative delivery systems; and to  
23 consider a potential timeline and implementation strategy for  
24 state standards, resources, and the use of systematic and  
25 frequent data to inform teachers and students about how well  
26 students are learning material and about strategies they are  
27 expected to learn.

28 The department must submit a progress report to the  
29 chairperson and ranking member of the house and senate  
30 education committees and the chairperson and ranking member of  
31 the joint subcommittee on education appropriations by December  
32 15, 2006, and a final report summarizing the results of the  
33 study and making recommendations by December 15, 2007.

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35

HOUSE FILE 2792

AN ACT

RELATING TO GOVERNMENT OPERATIONS AND FINANCES, INCLUDING THE FUNDING OF, OPERATION OF, AND APPROPRIATION OF MONEYS TO THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF MANAGEMENT, THE DEPARTMENT OF VETERANS AFFAIRS, AND THE STATE BOARD OF REGENTS, PROVIDING FOR PARTICIPATION IN AN INSTRUCTIONAL SUPPORT PROGRAM BY SCHOOL DISTRICTS, RELATING TO EDUCATION STANDARDS AND SERVICES BY PROVIDING FOR A STATEWIDE CORE CURRICULUM AND STANDARDS STUDY, PROVIDING FOR ADJUSTED ADDITIONAL PROPERTY TAX LEVY AID FOR SCHOOL DISTRICTS, ALLOCATING AND RESTRICTING UTILIZATION OF LOCAL OPTION SALES AND SERVICES TAX MONEYS UNDER SPECIFIED CIRCUMSTANCES, PROVIDING FOR AN EQUITY IN PROPERTY TAXATION INTERIM STUDY, MAKING AN APPROPRIATION, PROVIDING FOR AN INCREASE IN THE NUMBER OF YEARS FOR WHICH SUPPLEMENTARY WEIGHTING FOR LIMITED ENGLISH PROFICIENT STUDENTS MAY BE OBTAINED, AND PROVIDING EFFECTIVE AND APPLICABILITY DATES.

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

DIVISION I

STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

Section 1. DEPARTMENT OF EDUCATION. There is appropriated from the general fund of the state to the department of education for the designated fiscal years of the fiscal period beginning July 1, 2006, and ending June 30, 2009, the

following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For purposes, as provided in law, of the student achievement and teacher quality program established pursuant to chapter 284:	
FY 2006-2007.....	\$104,343,894
FY 2007-2008.....	\$139,343,894
FY 2008-2009.....	\$174,343,894

Sec. 2. Section 256.11, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Beginning July 1, 2006, each school district shall have a qualified teacher librarian who shall be licensed by the board of educational examiners under chapter 272. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program. A school district that entered into a contract with an individual for employment as a media specialist or librarian prior to June 1, 2006, shall be considered to be in compliance with this subsection until June 30, 2011, if the individual is making annual progress toward meeting the requirements for a teacher librarian endorsement issued by the board of educational examiners under chapter 272. A school district that entered into a contract with an individual for employment as a media specialist or librarian who holds at least a master's degree in library and information studies shall be considered to be in compliance with this subsection until the individual leaves the employ of the school district.

Sec. 3. Section 256.11A, Code 2005, is amended to read as follows:

256.11A ~~GUIDANCE-PROGRAM~~ TEACHER LIBRARIAN -- MEDIA SERVICES-PROGRAM--- WAIVER.

1. ~~Schools-and-school-districts-unable-to-meet-the standard-adopted-by-the-state-board-requiring-each-school-or~~

~~school-district-operating-a-kindergarten-through-grade-twelve program-to-provide-an-articulated-sequential-elementary-secondary-guidance-program~~ The board of directors of a school district may, not later than August 1, ~~1995~~ 2006, for the school year beginning July 1, ~~1995~~ 2006, file a written request to the department of education that the department waive the requirement ~~for adopted by the state board pursuant to section 256.11, subsection 9,~~ that ~~school-or~~ the school district ~~have a qualified teacher librarian.~~ The procedures specified in subsection 3 apply to the request. Not later than August 1, ~~1996~~ 2007, for the school year beginning July 1, ~~1996~~ 2007, the board of directors of a school district ~~or the authorities-in-charge-of-a-nonpublic-school~~ may request a one-year extension of the waiver.

~~2--Not-later-than-August-17-19957-for-the-school-year beginning-July-17-19957-the-board-of-directors-of-a-school district7-or-authorities-in-charge-of-a-nonpublic-school7-may file-a-written-request-with-the-department-of-education-that the-department-waive-the-rule-adopted-by-the-state-board-to establish-and-operate-a-media-services-program-to-support-the total-curriculum-for-that-district-or-school7--The-procedures specified-in-subsection-3-apply-to-the-request7--Not-later than-August-17-19967-for-the-school-year-beginning-July-17 19967-the-board-of-directors-of-a-school-district-or-the authorities-in-charge-of-a-nonpublic-school-may-request-an additional-one-year-extension-of-the-waiver7~~

3- 2. A request for a waiver filed by the board of directors of a school district ~~or-authorities-in-charge-of-a nonpublic-school~~ shall describe actions being taken by the district ~~or-school~~ to meet the requirement for which the district ~~or-school~~ has requested a waiver.

Sec. 4. Section 256.44, subsection 1, paragraph a, Code Supplement 2005, is amended to read as follows:

a. If a teacher registers for national board for professional teaching standards certification prior to June 30, ~~2006~~ 2007, a one-time initial reimbursement award in the amount of up to one-half of the registration fee paid by the teacher for registration for certification by the national board for professional teaching standards. The teacher shall apply to the department of education within one year of registration, submitting to the department any documentation the department requires. A teacher who receives an initial reimbursement award shall receive a one-time final registration award in the amount of the remaining national board registration fee paid by the teacher if the teacher notifies the department of the teacher's certification achievement and submits any documentation requested by the department.

Sec. 5. Section 284.1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A student achievement and teacher quality program is established to promote high student achievement. The program shall consist of the following ~~four~~ five major elements:

Sec. 6. Section 284.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Evaluation of teachers against the Iowa teaching standards.

Sec. 7. Section 284.2, subsection 1, Code 2005, is amended to read as follows:

1. "Beginning teacher" means an individual serving under an initial or intern 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.

Sec. 8. Section 284.2, subsection 2, Code 2005, is amended by striking the subsection.

Sec. 9. Section 284.2, subsection 8, Code 2005, is amended to read as follows:

8. "Mentor" means an individual employed by a school district or area education agency as a ~~classroom~~ teacher or a retired teacher who holds a valid license issued under chapter 272. The individual must have a record of four years of successful teaching practice, must be employed on a nonprobationary basis, and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning teachers.

Sec. 10. Section 284.2, subsection 12, Code 2005, is amended to read as follows:

12. "Teacher" means an individual holding a practitioner's license issued under chapter 272, who is employed in a nonadministrative position as a teacher, ~~teacher~~ librarian, ~~media-specialist~~, preschool teacher, or counselor by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13. However, an individual who is employed by an area education agency shall only be considered a teacher for purposes of this chapter if the individual directly delivers instruction to school or school district students for fifty percent or more of the individual's contracted time. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position. "Teacher" includes a licensed individual employed on a less than full-time basis by a school district through a contract between the school district and an institution of higher education with a practitioner preparation program in which the licensed teacher is enrolled.

Sec. 11. Section 284.4, subsection 1, paragraph e, Code Supplement 2005, is amended to read as follows:

e. Adopt a teacher evaluation plan that, at minimum, requires a performance review of teachers in the ~~participating~~ district at least once every three years based upon the Iowa teaching standards and individual career development plans, and requires administrators to complete evaluator training in accordance with section 284.10.

Sec. 12. Section 284.5, subsections 1, 3, 4, and 7, Code Supplement 2005, are amended to read as follows:

1. A beginning teacher mentoring and induction program is created to promote excellence in teaching, enhance student achievement, build a supportive environment within school districts and area education agencies, increase the retention of promising beginning teachers, and promote the personal and professional well-being of ~~classroom~~ teachers.

3. Each school district and area education agency shall provide a beginning teacher mentoring and induction program for all ~~classroom~~ teachers who are beginning teachers, and notwithstanding section 284.4, subsection 1, a school district and an area education agency shall be eligible to receive moneys under section 284.13, subsection 1, paragraph "b", for purposes of implementing a beginning teacher mentoring and induction program in accordance with this section.

4. Each ~~participating~~ school district and area education agency shall develop an initial beginning teacher mentoring and induction plan. A school district shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21. The beginning teacher mentoring and induction plan shall, at a minimum, provide for a two-year sequence of induction program content and activities to support the Iowa teaching standards and beginning teacher professional and personal needs; mentor training that includes, at a minimum, skills of classroom

demonstration and coaching, and district expectations for beginning teacher competence on Iowa teaching standards; placement of mentors and beginning teachers; the process for dissolving mentor and beginning teacher partnerships; district organizational support for release time for mentors and beginning teachers to plan, provide demonstration of classroom practices, observe teaching, and provide feedback; structure for mentor selection and assignment of mentors to beginning teachers; a district facilitator; and program evaluation.

7. If a beginning teacher who is participating in a mentoring and induction program leaves the employ of a participating school district or area education agency prior to completion of the program, the participating school district or area education agency subsequently hiring the beginning teacher shall credit the beginning teacher with the time earned in the program prior to the subsequent hiring.

Sec. 13. Section 284.6, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The department shall coordinate a statewide network of career development for Iowa teachers. A participating school district or career development provider that offers a career development program in accordance with section 256.9, subsection 50, shall demonstrate that the program contains the following:

Sec. 14. Section 284.6, subsections 3 and 4, Code 2005, are amended to read as follows:

3. A participating school district shall incorporate a district career development plan into the district's comprehensive school improvement plan submitted to the department in accordance with section 256.7, subsection 21. The district career development plan shall include a description of the means by which the school district will provide access to all teachers in the district to career development programs or offerings that meet the requirements

of subsection 1. The plan shall align all career development with the school district's long-range student learning goals and the Iowa teaching standards. The plan shall indicate the school district's approved career development provider or providers.

4. In cooperation with the teacher's evaluator, the career teacher employed by a participating school district shall develop an individual teacher career development plan. The evaluator shall consult with the teacher's supervisor on the development of the individual teacher career development plan. The purpose of the plan is to promote individual and group career development. The individual plan shall be based, at minimum, on the needs of the teacher, the Iowa teaching standards, and the student achievement goals of the attendance center and the school district as outlined in the comprehensive school improvement plan.

Sec. 15. Section 284.7, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

To promote continuous improvement in Iowa's quality teaching workforce and to give Iowa teachers the opportunity for career recognition that reflects the various roles teachers play as educational leaders, an Iowa teacher career path is established for teachers employed by participating school districts. A participating school district shall use funding allocated under section 284.13, subsection 1, paragraph "d" "h", to raise teacher salaries to meet the requirements of this section. The Iowa teacher career path and salary minimums are as follows:

Sec. 16. Section 284.7, subsection 1, unnumbered paragraph 1, Code Supplement 2005, is amended to read as follows:

~~Effective July 17, 20017,~~ the following career path levels are established and shall be implemented in accordance with this chapter:

Sec. 17. Section 284.7, subsection 1, paragraph a, subparagraph (1), subparagraph subdivisions (a) and (b), Code 2005, are amended to read as follows:

(a) Has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an intern teacher license issued by the board of educational examiners under chapter 272.

(b) Holds an initial or intern teacher license issued by the board of educational examiners.

Sec. 18. Section 284.7, subsection 1, paragraph a, subparagraph (2), Code Supplement 2005, is amended by striking the subparagraph and inserting in lieu thereof the following:

(2) Beginning July 1, 2006, the minimum salary for a beginning teacher shall be twenty-five thousand five hundred dollars.

Sec. 19. Section 284.7, subsection 1, paragraph b, subparagraph (2), Code Supplement 2005, is amended by striking the subparagraph and inserting in lieu thereof the following:

(2) Beginning July 1, 2006, the minimum salary for a first-year career teacher shall be twenty-six thousand five hundred dollars and the minimum salary for all other career teachers shall be twenty-seven thousand five hundred dollars.

Sec. 20. Section 284.7, subsection 5, Code Supplement 2005, is amended to read as follows:

5. A teacher employed in a ~~participating~~ district shall not receive less compensation in that ~~participating~~ district than the teacher received in the school year preceding participation, as set forth in section 284.4 due to implementation of this chapter. A teacher who achieves national board for professional teaching standards certification and meets the requirements of section 256.44 shall continue to receive the award as specified in section 256.44 in addition to the compensation set forth in this section.

Sec. 21. Section 284.7, subsection 6, paragraphs a and b, Code Supplement 2005, are amended to read as follows:

a. If the licensed employees of a school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "d" "h" or "e" "i", 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 for the distribution of funds received pursuant to section 284.13, subsection 1, paragraph "d" "h" or "e" "i", by July 15 of the fiscal year for which the funds are distributed, paragraph "b" of this subsection shall apply.

b. If, once the minimum salary requirements of this section have been met by the school district or area education agency, and the school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "d" "h" or "e" "i", for purposes of this section, and the certified bargaining representative for the licensed employees have not reached an agreement for distribution of the funds remaining, in accordance with paragraph "a", the board of directors shall divide the funds remaining among

full-time teachers employed by the district or area education agency whose regular compensation is equal to or greater than the minimum career teacher salary specified in this section. The payment amount for teachers employed on less than a full-time basis shall be prorated.

Sec. 22. Section 284.8, subsection 1, Code 2005, is amended to read as follows:

1. A participating school district shall review a teacher's performance at least once every three years for purposes of assisting teachers in making continuous improvement, documenting continued competence in the Iowa teaching standards, identifying teachers in need of improvement, or to determine whether the teacher's practice meets school district expectations for career advancement in accordance with section 284.7. The review shall include, at minimum, classroom observation of the teacher, the teacher's progress, and implementation of the teacher's individual career development plan; shall include supporting documentation from other evaluators, teachers, parents, and students; and may include video portfolios as evidence of teaching practices.

Sec. 23. Section 284.10, subsection 5, Code 2005, is amended to read as follows:

5. By July 1, 2005 2007, the director shall develop and implement an evaluator training certification renewal program for administrators and other practitioners who need to renew a certificate issued pursuant to this section.

Sec. 24. Section 284.11, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

284.11 MARKET FACTOR TEACHER SALARIES.

1. The general assembly finds that Iowa school districts need to be more competitive in recruiting and retaining talented professionals into the teaching profession. To ensure that school districts in all areas of the state have

the ability to attract highly qualified teachers, it is the intent of the general assembly to encourage school districts to establish teacher compensation opportunities that recognize the need for geographic or other locally determined wage differentials and provide incentives for traditionally hard-to-staff schools and subject-area shortages. This section provides for state assistance to allow school districts to add a market factor to teacher salaries paid by the school districts.

2. A school district shall be paid annually, from moneys allocated for market factor salaries pursuant to section 284.13, subsection 1, paragraph "f", an amount of state assistance to create market factor incentives for classroom teachers in the school district. Market factor incentives may include but are not limited to improving salaries due to geographic differences, recruitment and retention needs of the school district in such areas as hard-to-staff schools, subject-area shortages, or improving the racial or ethnic diversity on local teaching staffs. The school district shall have the sole discretion to award funds received by the school district in accordance with section 284.13, subsection 1, paragraph "f", to classroom teachers on an annual basis. The funds shall supplement, but not supplant, wages and salaries paid as a result of a collective bargaining agreement reached pursuant to chapter 20 or as a result of funds appropriated elsewhere in this chapter, in chapter 256D, or in chapter 294A.

3. The allocations to each school district shall be made in one payment on or about October 15 of the fiscal year for which the appropriation is made, taking into consideration the relative budget and cash position of the state resources. Moneys received under this section shall not be commingled with state aid payments made under section 257.16 to a school district and shall be accounted for by the local school



district separately from state aid payments. Payments made to school districts under this section are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this section. A school district shall certify to the department of education how the school district allocated the funds and that moneys received under this section were used to supplement, not supplant, the salary the school district would otherwise pay the teacher.

4. The department shall include market factor salaries when reporting teacher salaries in the annual condition of education report.

Sec. 25. Section 284.13, subsection 1, Code Supplement 2005, is amended to read as follows:

1. For each fiscal year in which moneys are appropriated by the general assembly for purposes of the student achievement and teacher quality program, the moneys shall be allocated as follows in the following priority order:

a. For each fiscal year of the fiscal year period beginning July 1, 2005 2006, and ending June 30, 2006 2009, to the department of education, the amount of two million two hundred fifty thousand dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, up to two hundred fifty thousand dollars may be used to support the implementation of a national board certification support program, and not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

b. For the fiscal year beginning July 1, 2005 2006, and succeeding fiscal years, an amount up to four million two six hundred fifty thousand dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts and area education agencies

for purposes of the beginning teacher mentoring and induction programs. A school district or area education agency shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors, and school districts, and area education agencies as provided in this paragraph, the department shall prorate the amount distributed to school districts and area education agencies based upon the amount appropriated. Moneys received by a school district or area education agency pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's or area education agency's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district or area education agency.

c. For each fiscal year of the fiscal year period beginning July 1, 2005 2006, and ending June 30, 2006 2009, up to four six hundred eighty-five ninety-five thousand dollars to the department of education for purposes of implementing the career development program requirements of section 284.6, the review panel requirements of section 284.9, and the evaluator training program in section 284.10. ~~From the moneys allocated to the department pursuant to this paragraph not less than ten thousand dollars shall be distributed to the board of educational examiners for purposes of convening an educator licensing review working group. From the moneys allocated to the department pursuant to this paragraph not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance~~

~~with section 256.45. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes. Notwithstanding section 8.33, moneys allocated for purposes of this paragraph prior to July 1, 2004, which remain unobligated or unexpended at the end of the fiscal year for which the moneys were appropriated, shall remain available for expenditure for the purposes for which they were allocated for the fiscal year beginning July 1, 2004, and ending June 30, 2005.~~

~~d. For each fiscal year in which funds are appropriated for purposes of this chapter, the moneys remaining after distribution as provided in paragraphs "a" through "c" and "e" shall be allocated to school districts for salaries and career development in accordance with the following formula:~~

~~(1) Fifty percent of the allocation shall be in the proportion that the basic enrollment of a school district bears to the sum of the basic enrollments of all school districts in the state for the budget year.~~

~~(2) Fifty percent of the allocation shall be based upon the proportion that the number of full-time equivalent teachers employed by a school district bears to the sum of the number of full-time equivalent teachers who are employed by all school districts in the state for the base year.~~

~~e. From moneys available under paragraph "d", the department shall allocate to area education agencies an amount per classroom teacher employed by an area education agency that is approximately equivalent to the average per teacher amount allocated to the districts. The average per teacher amount shall be calculated by dividing the total number of classroom teachers employed by school districts and the classroom teachers employed by area education agencies into the total amount of moneys available under paragraph "d".~~

~~f. d. For the fiscal year beginning July 1, 2005 2006, and ending June 30, 2006 2007, up to ten million dollars to~~

the department of education for use by school districts to add one additional teacher contract day to the school calendar. The department shall distribute funds allocated for the purpose of this paragraph based on the average per diem contract salary for each district as reported to the department for the school year beginning July 1, 2004 2005, multiplied by the total number of full-time equivalent teachers in the base year. The department shall adjust each district's average per diem salary by the allowable growth rate established under section 257.8 for the fiscal year beginning July 1, 2005 2006. The contract salary amount shall be the amount paid for their regular responsibilities but shall not include pay for extracurricular activities. School districts shall distribute funds to teachers based on individual teacher per diem amounts. These funds shall not supplant existing funding for professional development activities. Notwithstanding any provision to the contrary, moneys received by a school district under this paragraph shall not revert but shall remain available for the same purpose in the succeeding fiscal year. A school district shall submit a report to the department in a manner determined by the department describing its use of the funds received under this paragraph. The department shall submit a report on school district use of the moneys distributed pursuant to this paragraph to the chairpersons and ranking members of the house and senate standing committees on education, the joint appropriations subcommittee on education, and the legislative services agency not later than January 15, 2006 2007.

~~g. e. For the fiscal year beginning July 1, 2005 2006, and ending June 30, 2006 2007, up to six million six hundred twenty-five thousand dollars to the department of education for use by school districts for either salaries or professional development, or both, as determined by the school district. Funds received by a school district for purposes of~~

this paragraph shall be distributed using the formula provided in paragraph "d" "h" and are subject to the provisions of section 284.7, subsection 6. A school district shall submit a report to the department in a manner determined by the department describing its use of the funds received under this paragraph. The department shall submit a report on school district use of the funds distributed pursuant to this paragraph to the chairpersons and ranking members of the house and senate standing committees on education, the joint appropriations subcommittee on education, and the legislative services agency not later than January 15, 2006 annually.

f. For purposes of market factor teacher salaries pursuant to section 284.11, the following amounts are allocated to the department for the following fiscal years:

(1) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the sum of three million three hundred ninety thousand dollars.

(2) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of seven million five hundred thousand dollars.

(3) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of ten million dollars.

The department shall use the formula set forth in paragraph "h" to distribute moneys allocated under this paragraph.

g. For purposes of the pay-for-performance program established pursuant to section 284.14, the following amounts are allocated to the department of management for the following fiscal years:

(1) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the sum of one million dollars. Of the amount allocated under this subparagraph, an amount equal to one hundred fifty thousand dollars shall be distributed to the institute for tomorrow's workforce created pursuant to section 7K.1 for the activities of the institute.

(2) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of two million five hundred thousand dollars.

(3) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of five million dollars.

h. For each fiscal year in which funds are appropriated for purposes of this chapter, the moneys remaining after distribution as provided in paragraphs "a" through "g" shall be allocated to school districts for salaries and career development in accordance with the following formula:

(1) Fifty percent of the allocation shall be in the proportion that the basic enrollment of a school district bears to the sum of the basic enrollments of all school districts in the state for the budget year.

(2) Fifty percent of the allocation shall be based upon the proportion that the number of full-time equivalent teachers employed by a school district bears to the sum of the number of full-time equivalent teachers who are employed by all school districts in the state for the base year.

i. From moneys available under paragraph "h", the department shall allocate to area education agencies an amount per classroom teacher employed by an area education agency that is approximately equivalent to the average per teacher amount allocated to the districts. The average per teacher amount shall be calculated by dividing the total number of classroom teachers employed by school districts and the classroom teachers employed by area education agencies into the total amount of moneys available under paragraph "h".

h- j. Notwithstanding section 8.33, any moneys remaining unencumbered or unobligated from the moneys allocated for purposes of paragraph "a", or "b", or "c" shall not revert but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The provisions of section 8.39 shall not apply to the funds appropriated pursuant to this subsection.

Sec. 26. Section 284.13, subsection 2, Code Supplement 2005, is amended to read as follows:

2. A school district that is unable to meet the provisions of section 284.7, subsection 1, with funds allocated pursuant to subsection 1, paragraph "d" "h", may request a waiver from the department to use funds appropriated under chapter 256D to meet the provisions of section 284.7, subsection 1, if the difference between the funds allocated to the school district pursuant to subsection 1, paragraph "d" "h", and the amount required to comply with section 284.7, subsection 1, is not less than ten thousand dollars. The department shall consider the average class size of the school district, the school district's actual unspent balance from the preceding year, and the school district's current financial position.

Sec. 27. NEW SECTION. 284.14 PAY-FOR-PERFORMANCE PROGRAM.

1. COMMISSION.

a. A pay-for-performance commission is established to design and implement a pay-for-performance program and provide a study relating to teacher and staff compensation containing a pay-for-performance component. The study shall measure the cost and effectiveness in raising student achievement of a compensation system that provides financial incentives based on student performance. The commission is part of the executive branch of government. The legislative services agency shall, upon request, provide technical and administrative support to the commission.

The commission shall select its own chairperson and establish its own rules of procedure. A majority of the voting members of the commission shall constitute a quorum.

b. Any vacancy on the commission shall be filled by the appropriate appointing authority. Members shall receive a per diem. Membership of the commission shall be as follows:

(1) One classroom teacher selected jointly by the Iowa state educational association and the professional educators of Iowa.

(2) One principal selected by the school administrators of Iowa.

(3) One private sector representative selected by the Iowa business council. This representative should have all of the following qualifications:

(a) Possess a degree in education and have teaching experience.

(b) Be employed in a business employing at least two hundred persons that has an employee performance pay program.

(c) Have served as a school board member.

(4) One industrial engineer appointed by the American society of engineers. This individual should have technical knowledge and experience in the design and implementation of individual and group pay-for-performance incentive programs.

(5) One small business private sector employer, who employs at least fifty people in a targeted industry, selected by the governor, who has general management experience and top line and bottom line responsibilities.

(6) One professional economist with a doctoral degree with experience and knowledge in student achievement using test scores to measure student progress, selected by the voting members of the commission, after they convene.

(7) One representative from the department of education who shall serve as a nonvoting member.

(8) Two members of the senate and two members of the house of representatives who shall serve as nonvoting members for two-year terms coinciding with the legislative biennium.

c. Voting members shall serve three-year terms except for the terms of the initial members, which shall be staggered so that two members' terms expire each calendar year. A vacancy in the membership of the board shall be filled by appointment by the initial appointing authority.

d. The pay-for-performance commission is not subject to the provisions of section 69.16 or 69.16A.

2. DEVELOPMENT OF PROGRAM. Beginning July 1, 2006, the commission shall gather sufficient information to identify a pay-for-performance program based upon student achievement gains and global content standards where student achievement gains cannot be easily measured. The commission shall review pay-for-performance programs in both the public and private sector. Based on this information, the commission shall design a program utilizing both individual and group incentive components. At least half of any available funding identified by the commission shall be designated for individual incentives.

a. Commencing with the school year beginning July 1, 2007, the commission shall initiate demonstration projects, in selected kindergarten through grade twelve schools, to test the effectiveness of the pay-for-performance program. The purpose of the demonstration projects is to identify the strengths and weaknesses of the pay-for-performance program design, evaluate cost effectiveness, analyze student achievement gains, test assessments, allow thorough review of data, and make necessary adjustments before implementing the pay-for-performance program statewide.

b. The commission shall select ten school districts as demonstration projects. To the extent practicable, participants shall represent geographically distinct rural, urban, and suburban areas of the state. Participants shall provide reports or other information as required by the commission.

c. Commencing with the school year beginning July 1, 2008, the commission shall select twenty additional school districts as demonstration projects.

3. REPORTS AND FINAL STUDY. Based on the information generated by the demonstration projects, the commission shall

prepare an interim report by January 15, 2007, followed by interim progress reports annually, followed by a final study report analyzing the effectiveness of pay-for-performance in raising student achievement levels. The final study report shall be completed no later than six months after the completion of the demonstration projects. The commission shall provide copies of the final study report to the department of education and to the chairpersons and ranking members of the senate and house standing committees on education.

4. STATEWIDE IMPLEMENTATION -- REMEDIATION. The general assembly shall consider implementing the pay-for-performance program statewide for the 2009-2010 school year, notwithstanding the provisions of chapters 20 and 279 to the contrary.

a. The commission, in consultation with the department of education, shall develop a system which will provide for valid, reliable tracking and measuring of enhanced student achievement under the pay-for-performance program. Where possible, student performance shall be based solely on student achievement, objectively measured by academic gains made by individual students using valid, reliable, and nonsubjective assessment tools such as the dynamic indicators of basic early literacy skills (DIBELS), the Iowa test of basic skills, or the Iowa test of educational development.

b. The commission shall develop a pay-for-performance pay plan for teacher compensation. The plan shall establish salary adjustments which vary directly with the enhancement of student achievement. The plan shall include teacher performance standards which identify the following five levels of teacher performance with standards to measure each level:

- (1) Superior performance.
- (2) Exceeds expectations.

- (3) Satisfactory.
- (4) Emerging.
- (5) In need of remediation.

No individual salary adjustments under an individual incentive component of a pay-for-performance program shall be provided to teachers whose students do not demonstrate at least a satisfactory level of performance.

c. The department of education, in conjunction with the commission, shall create a teacher remediation program to provide counseling and assistance for teachers whose students do not demonstrate adequate increases in achievement.

5. STAFFING. The legislative services agency may annually use up to fifty thousand dollars of the moneys appropriated for the pay-for-performance program to provide technical and administrative assistance to the commission and monitoring of the program. The commission may annually use up to two hundred thousand dollars of the moneys appropriated for consultation services in coordination with the legislative services agency.

6. IOWA EXCELLENCE FUND. An Iowa excellence fund is created within the office of the treasurer of state, to be administered by the commission. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain in the fund.

The commission may provide grants from this fund, according to criteria developed by the commission, for implementation of the pay-for-performance program.

Sec. 28. NEW SECTION. 284A.1 DEFINITIONS.

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

1. "Administrator" means an individual holding a professional administrator license issued under chapter 272, who is employed in a school district administrative position

by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.23. An administrator may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time administrator for the portion of time that the individual is employed in an administrative position.

2. "Beginning administrator" means an individual serving under an initial administrator license, issued by the board of educational examiners under chapter 272, who is assuming a position as a school district administrator for the first time.

3. "Department" means the department of education.

4. "Mentor" means an individual employed by a school district or area education agency as a school district administrator or a retired administrator who holds a valid license issued under chapter 272. The individual must have a record of four years of successful administrative experience and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning administrators.

5. "School board" means the board of directors of a school district or a collaboration of boards of directors of school districts.

6. "State board" means the state board of education.

Sec. 29. NEW SECTION. 284A.2 BEGINNING ADMINISTRATOR MENTORING AND INDUCTION PROGRAM.

1. A beginning administrator mentoring and induction program is created to promote excellence in school leadership, improve classroom instruction, enhance student achievement, build a supportive environment within school districts, increase the retention of promising school leaders, and promote the personal and professional well-being of administrators.

2. The department, in collaboration with other educational partners, shall develop a model beginning administrator mentoring and induction program for all beginning administrators.

3. Each school board shall establish an administrator mentoring program for all beginning administrators. The school board may adopt the model program developed by the department pursuant to subsection 2. Each school board's beginning administrator mentoring and induction program shall, at a minimum, provide for one year of programming. Each school board shall develop an initial beginning administrator mentoring and induction plan. The plan shall describe the mentor selection process, describe supports for beginning administrators, describe program organizational and collaborative structures, provide a budget, provide for sustainability of the program, and provide for program evaluation. The school board employing an administrator shall determine the conditions and requirements of an administrator participating in a program established pursuant to this section. A school board shall include its plan in the school district's comprehensive school improvement plan submitted pursuant to section 256.7, subsection 21.

4. By the end of a beginning administrator's second year of employment, the beginning administrator may be comprehensively evaluated at the discretion of the school board.

Sec. 30. NEW SECTION. 284A.3 PROGRAM APPROPRIATION.

1. For the fiscal year beginning July 1, 2006, and each succeeding fiscal year, there is appropriated from the general fund of the state to the department of education the sum of two hundred fifty thousand dollars for purposes of administering the beginning administrator mentoring and induction program established pursuant to this chapter.

2. A school district shall receive one thousand five hundred dollars per beginning administrator participating in the program. If the funds appropriated for the program are insufficient to pay mentors and school districts as provided in this subsection, the department shall prorate the amount distributed to school districts based upon the amount appropriated. Moneys received by a school district pursuant to this subsection shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's beginning administrator mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district.

3. Notwithstanding section 8.33, any moneys remaining unobligated or unexpended from the moneys appropriated under subsection 1 shall not revert, but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The provisions of section 8.39 shall not apply to the funds appropriated pursuant to this section.

Sec. 31. INSTITUTE FOR TOMORROW'S WORKFORCE -- IOWA EDUCATION EFFICIENCY AND IMPROVEMENT PLAN. The institute for tomorrow's workforce shall develop an Iowa education efficiency and improvement plan, the goal of which is to establish a new educational delivery system. In developing the plan, the institute shall address issues concerning the alignment of school districts, area education agencies, public postsecondary institutions, and the department of education, focusing on specific quantitative and qualitative indicators, management, governance, services, boundaries, infrastructure and efficiencies, and administrative efficiencies. The institute shall submit the plan and any recommendations for

changes to state law and administrative rules to the general assembly, the governor, and the department of education by January 15, 2007.

Sec. 32. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

DIVISION II

EDUCATION POLICY

DEPARTMENT OF EDUCATION

Sec. 33. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To assist school districts with the implementation of statewide graduation requirements as provided in division III of this Act:

..... \$ 130,000

DIVISION III

MISCELLANEOUS EDUCATION PROVISIONS

Sec. 34. STATE EDUCATIONAL ASSISTANCE -- CHILDREN OF DECEASED VETERANS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, for the purpose designated:

For educational assistance pursuant to section 35.9:  
..... \$ 27,000

Notwithstanding section 8.33, moneys appropriated under this section that remain unexpended at the close of the fiscal year shall not revert to any fund but shall remain available for the purpose designated until the close of the succeeding fiscal year.

Sec. 35. Section 35.8, Code Supplement 2005, is amended to read as follows:

35.8 WAR ORPHANS EDUCATIONAL AID ASSISTANCE FUND.

A war orphans educational aid assistance fund is created as a separate fund in the state treasury under the control of the department of veterans affairs. Any money appropriated for the purpose of aiding assisting in the education of orphaned children of veterans, as defined in section 35.1, or the education of a child as provided in section 35.9, subsection 2, shall be deposited in the war orphans educational aid assistance fund.

Sec. 36. Section 35.9, Code Supplement 2005, is amended to read as follows:

35.9 EXPENDITURE BY COMMISSION.

1. a. The department of-veterans-affairs may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for aid state educational assistance, and who is the child of a person who died prior to September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a



business or vocational training school with standards approved by the department of veterans affairs.

b. A child eligible to receive funds under this section shall not receive more than three thousand dollars under this section subsection during the child's lifetime.

2. Upon application by a child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died on or after September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, the department shall provide state educational assistance in the amount of five thousand five hundred dollars per year or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at a community college established under chapter 260C or at an institution of higher education governed by the state board of regents. A child eligible to receive state educational assistance under this subsection shall not receive more than twenty-seven thousand five hundred dollars under this subsection during the child's lifetime. The college student aid commission may, if requested, assist the department in administering this subsection.

Sec. 37. Section 35.10, Code Supplement 2005, is amended to read as follows:

35.10 ELIGIBILITY AND PAYMENT OF AFD ASSISTANCE.

Eligibility for afd assistance shall be determined upon application to the department of veterans affairs, whose decision is final. The eligibility of eligible applicants shall be certified by the department of veterans affairs to

the director of the department of administrative services, and all amounts that are or become due to an individual or a training institution under this chapter shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The department of veterans affairs may pay over the annual sum of four-hundred dollars set forth in section 35.9 to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the department may require to assure the use of funds for the child for the authorized purposes and for no other purpose. A person is not eligible for the benefits of this chapter until the person has graduated from a high school or educational institution offering a course of training equivalent to high school training.

Sec. 38. Section 257.4, subsection 1, Code 2005, is amended to read as follows:

1. COMPUTATION OF TAX.

a. A school district shall cause an additional property tax to be levied each year. The rate of the additional property tax levy in a school district shall be determined by the department of management and shall be calculated to raise the difference between the combined district cost for the budget year and the sum of the products of the regular program foundation base per pupil times the weighted enrollment in the district and the special education support services foundation base per pupil times the special education support services weighted enrollment in the district.

b. For the budget year beginning July 1, 2006, and succeeding budget years, the department of management shall determine an adjusted additional property tax levy and a statewide maximum adjusted additional property tax levy rate. For purposes of this paragraph, the adjusted additional property tax levy shall be that portion of the additional property tax levy corresponding to the state cost per pupil multiplied by a school district's weighted enrollment, and then multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1. The district shall receive adjusted additional property tax levy aid in an amount equal to the difference between the adjusted additional property tax levy rate and the statewide maximum adjusted additional property tax levy rate, as applied per thousand dollars of assessed valuation on all taxable property in the district. The statewide maximum adjusted additional property tax levy rate shall be annually determined by the department taking into account amounts allocated pursuant to section 257.15, subsection 4.

Sec. 39. Section 257.15, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department of management shall allocate from amounts appropriated pursuant to section 257.16, subsection 1, for the purpose of calculating the statewide maximum adjusted additional property tax levy rate and providing adjusted additional property tax levy aid as provided in section 257.4, subsection 1, paragraph "b", an amount not to exceed the following:

- a. For the budget year beginning July 1, 2006, six million dollars.
- b. For the budget year beginning July 1, 2007, twelve million dollars.
- c. For the budget year beginning July 1, 2008, eighteen million dollars.

d. For the budget year beginning July 1, 2009, and succeeding budget years, twenty-four million dollars.

Sec. 40. Section 257.16, subsection 1, Code 2005, is amended to read as follows:

1. There is appropriated each year from the general fund of the state an amount necessary to pay the foundation aid, and supplementary aid under section 257.4, subsection 2, and adjusted additional property tax levy aid under section 257.15, subsection 4.

Sec. 41. Section 257.31, subsection 5, paragraph j, Code 2005, is amended to read as follows:

j. Unusual need to continue providing a program or other special assistance to non-English speaking pupils after the expiration of the three-year four-year period specified in section 280.4.

Sec. 42. Section 261.1, subsection 5, Code 2005, is amended to read as follows:

5. Eight Nine additional members to be appointed by the governor. One of the members shall be selected to represent private colleges, private universities and private junior colleges located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of some or all private colleges, private universities and private junior colleges located in the state of Iowa. One of the members shall be selected to represent institutions located in the state of Iowa whose income is not exempt from taxation under section 501(c) of the Internal Revenue Code. One of the members shall be selected to represent community colleges located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of Iowa community colleges. One member shall be enrolled as a student

at a board of regents institution, community college, or accredited private institution. One member shall be a representative of a lending institution located in this state. One member shall be a representative of the Iowa student loan liquidity corporation. The other three members, none of whom shall be official board members or trustees of an institution of higher learning or of an association of institutions of higher learning, shall be selected to represent the general public.

Sec. 43. Section 261.25, subsection 1A, as enacted by 2006 Iowa Acts, House File 2527, if enacted, is amended to read as follows:

1A. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of five million one hundred sixty-seven thousand three hundred fifty-eight dollars for proprietary tuition grants for students attending for-profit accredited private institutions located in Iowa. A for-profit institution which, effective March 9, 2005, purchased an accredited private institution that was exempt from taxation under section 501(c) of the Internal Revenue Code, shall be an eligible institution under the tuition grant program. In the case of a qualified student who was enrolled in such accredited private institution that was purchased by the for-profit institution effective March 9, 2005, and who continues to be enrolled in the eligible institution in succeeding years, the amount the student qualifies for under this subsection shall be not less than the amount the student qualified for in the fiscal year beginning July 1, 2004. For purposes of the tuition grant program, "for-profit accredited private institution" means an accredited private institution which is not exempt from taxation under section 501(c)(3) but which otherwise meets the requirements of section 261.9, subsection 1, paragraph "b", and whose students were eligible to receive tuition grants in the fiscal year beginning July 1, 2003.

Sec. 44. Section 280.4, subsection 3, Code 2005, is amended to read as follows:

3. In order to provide funds for the excess costs of instruction of limited English proficient students above the costs of instruction of pupils in a regular curriculum, students identified as limited English proficient shall be assigned an additional weighting of twenty-two hundredths, and that weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding three four years. However, the school budget review committee may grant supplemental aid or modified allowable growth to a school district to continue funding a program for students after the expiration of the three-year four-year period.

Sec. 45. Section 423B.7, subsection 6, Code 2005, is amended to read as follows:

6. Local sales and services tax moneys received by a city or county may be expended for any lawful purpose of the city or county.

a. Notwithstanding the provisions of this subsection, sales and services tax moneys received from a tax imposed by a county pursuant to this chapter shall not be expended by or for the benefit of a school district located in whole or in part in the county unless the county is imposing a local option sales and services tax for school infrastructure purposes pursuant to chapter 423E.

b. Paragraph "a" of this subsection is repealed December 31, 2022.

Sec. 46. Section 423E.4, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding subsection 2 of this section or any other provision to the contrary, a school district that is located in whole or in part in a county that has not previously imposed the local sales and services tax for school infrastructure, and which votes on and approves the

tax at a rate of one percent on or before July 1, 2008, shall receive an amount equal to its pro rata share of the local sales and services tax receipts as provided in section 423E.3, subsection 5, paragraph "d", for a period corresponding to one-half the duration of the tax authorized by the voters. For the second half of the duration of the tax authorized by the voters, local sales and services tax receipts shall be distributed as otherwise applicable pursuant to subsection 2 of this section.

Sec. 47. LIMITED ENGLISH PROFICIENT WEIGHTING ADJUSTMENT. For the fiscal year beginning July 1, 2006, and ending June 30, 2007, there shall be allocated to the department of education from the amount appropriated pursuant to section 257.16, subsection 1, based upon the increase from three to four years in the availability of supplementary weighting for instruction of limited English proficient students pursuant to section 280.4, an amount not to exceed three million, three hundred thousand dollars. The funds shall be used to adjust the weighted enrollment of a school district with students identified as limited English proficient on a prorated basis.

Sec. 48. EQUITY IN PROPERTY TAXATION INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an equity in property taxation interim study committee to review the provisions of chapter 257 and develop one or more proposals that will equalize property tax rates applicable pursuant to the basic school foundation aid formula. The review shall include but not be limited to finance formulas that specifically address equalizing property tax rates, and shall be authorized for and conducted over a two-year period during the 2006 and 2007 legislative interims.

2. The membership of the committee shall include the following:

- a. Two members of the senate standing committee on education.
- b. Two members of the house standing committee on education.
- c. Two members of the senate standing committee on ways and means.
- d. Two members of the house standing committee on ways and means.
- e. Persons representing education associations and stakeholders, urban and rural property tax interests, and other associations, groups, or interested parties as may be identified by the council, or added by the chairperson or co-chairpersons of the study committee designated by the council.

3. Staffing assistance shall be provided by the department of education, with the assistance of the department of management and the department of revenue. The committee shall report its findings and recommendations, including proposed legislation, to the general assembly no later than January 1, 2008.

Sec. 49. BOARD OF EDUCATIONAL EXAMINERS -- TEACHER LIBRARIAN REVIEW. The board of educational examiners shall review the impact the enactment of section 256.11, subsection 9, if enacted, on school districts, media specialists, and librarians and shall submit its findings and recommendations in a report to the chairpersons and ranking members of the senate and house of representatives standing committees on education by January 1, 2007.

Sec. 50. STATEWIDE GRADUATION REQUIREMENTS.

The department of education shall use funds appropriated for graduation requirements under division II of this Act to assist school districts with the implementation of graduation requirements established pursuant to section 256.7, subsection 26, as amended by 2006 Iowa Acts, Senate File 2272, if

enacted. The department shall survey school districts as to their readiness for implementation of the requirements. The department shall review Iowa law and administrative rules and policies to determine if changes are necessary or beneficial to implement the graduation requirements. The department shall submit its findings and recommendations in a report to the chairpersons and ranking members of the senate and house of representatives standing education committees and to the chairpersons and ranking members of the joint appropriations subcommittee on education by January 1, 2007.

**Sec. 51. PARTICIPATION IN AN INSTRUCTIONAL SUPPORT PROGRAM BY SCHOOL DISTRICTS -- SUSPENSION OF REQUIREMENTS.**

Notwithstanding any contrary provision in chapter 257, including sections 257.18 through 257.21, a school district that has participated in a board-approved instructional support program during the fiscal year beginning July 1, 2005, and ending June 30, 2006, may continue to participate in the board-approved instructional support program for the fiscal year beginning July 1, 2006, and ending June 30, 2007, to the extent established by the board's resolution, as if it had complied with those sections, if all of the following apply:

1. The board of directors of the school district has adopted or adopts a resolution not later than May 15, 2006, to participate in the board-approved instructional support program as otherwise provided in section 257.18. If the board of directors has adopted a budget which did not account for the board-approved instructional support program, the board of directors may adjust its budget to account for the board-approved instructional support program as approved by the department of management.

2. The secretary of the board of directors does not receive a petition as authorized in section 257.18, subsection 2, within twenty-eight days following the adoption of the resolution by the board of directors of the school district to

participate in the board-approved instructional support program as provided in subsection 1, which asks that an election be called to approve or disapprove the action of the board of directors in adopting the resolution.

**Sec. 52. EFFECTIVE DATE.** Section 51 of this division of this Act, being deemed of immediate importance, takes effect upon enactment.

**Sec. 53. EFFECTIVE DATE.** The sections of this Act amending section 257.4, subsection 1, relating to the calculation of an adjusted additional property tax levy and a statewide maximum adjusted additional property tax levy rate, enacting section 257.15, subsection 4, relating to allocating funds for calculation of the statewide maximum adjusted additional property tax levy rate and providing adjusted additional property tax levy aid, amending section 257.16, subsection 1, relating to conforming changes, amending section 423B.7, relating to prohibiting expenditure of sales and services tax moneys under specified circumstances, allocating funds for a limited English proficient weighting adjustment for the fiscal year beginning July 1, 2006, and ending June 30, 2007, and enacting section 423E.4, subsection 7, relating to the distribution of local option sales and services tax revenue under specified circumstances, take effect upon enactment.

**Sec. 54. EFFECTIVE AND APPLICABILITY DATES.** The sections of this Act amending sections 257.31 and 280.4, being deemed of immediate importance, take effect upon enactment and are applicable for the school budget year beginning July 1, 2006, and succeeding budget years.

**DIVISION IV**

**STATE AND LOCAL GOVERNMENT OPERATIONS**

**Sec. 55.** Section 8A.108, Code 2005, is amended to read as follows:

8A.108 ACCEPTANCE OF FUNDS.

1. The department may receive and accept donations, grants, gifts, and contributions in the form of moneys, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other person, and may use or expend such moneys, services, materials, or other contributions, or issue grants, in carrying out the operations of the department. All federal grants to and the federal receipts of the department are hereby appropriated for the purpose set forth in such federal grants or receipts. The department shall report annually to the general assembly on or before September 1 the donations, grants, gifts, and contributions with a monetary value of one thousand dollars or more that were received during the most recently concluded fiscal year.

2. a. The department may solicit donations, grants, gifts, and contributions in the form of moneys, services, materials, real property, or otherwise from any person for specific projects and improvements on or near the capitol complex. However, no less than twenty days prior to commencing any such solicitation, the department shall notify the executive council, the department of management, and the legislative council of the project for which the solicitation is proposed. The department is only required to provide one notification for each project for which a solicitation is proposed.

b. The department shall not accept any donation, grant, gift, or contribution in any form that includes any condition other than a condition to use the donation, grant, gift, or contribution for the project for which it was solicited. The department shall not confer any benefit upon or establish any permanent acknowledgement of the donor of the donation, grant, gift, or contribution unless specifically authorized by a constitutional majority of each house of the general assembly

and approved by the governor or unless otherwise specifically authorized by law.

Sec. 56. Section 8A.321, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. With the approval of the executive council pursuant to section 7D.29 or pursuant to other authority granted by law, acquire real property to be held by the department in the name of the state as follows:

a. By purchase, lease, option, gift, grant, bequest, devise, or otherwise.

b. By exchange of real property belonging to the state for property belonging to another person.

Sec. 57. Section 68B.7, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section, a person who has served as the workers' compensation commissioner, or any deputy thereof, may represent a claimant in a contested case before the division of workers' compensation at any point subsequent to termination of such service, regardless of whether the person charges a contingent fee for such representation, provided such case was not pending before the division during the person's tenure as commissioner or deputy.

Sec. 58. Section 100B.13, Code Supplement 2005, is amended to read as follows:

100B.13 VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

1. A volunteer fire fighter preparedness fund is created as a separate and distinct fund in the state treasury under the control of the division of state fire marshal of the department of public safety.

2. Revenue for the volunteer fire fighter preparedness fund shall include, but is not limited to, the following:

a. Moneys credited to the fund pursuant to section 422.12F.

b. Moneys credited to the fund pursuant to section 422.12G.

b- c. Moneys in the form of a devise, gift, bequest, donation, or federal or other grant intended to be used for the purposes of the fund.

3. Moneys in the volunteer fire fighter preparedness fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Moneys in the volunteer fire fighter preparedness fund are appropriated to the division of state fire marshal of the department of public safety to be used annually to pay the costs of providing volunteer fire fighter training around the state and to pay the costs of providing volunteer fire fighting equipment.

Sec. 59. Section 232.116, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. The parent has been convicted of a felony offense that is a criminal offense against a minor as defined in section 692A.1, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 60. Section 314.28, Code 2005, is amended to read as follows:

314.28 KEEP IOWA BEAUTIFUL FUND.

A keep Iowa beautiful fund is created in the office of the treasurer of state. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. The fund shall include moneys transferred to the fund as provided in section 422.12A. The fund shall also include moneys transferred to the fund as provided in section 422.12G. All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, to educate and encourage Iowans to take greater responsibility for improving their community environment and enhancing the beauty of the state through litter prevention, improving waste management and recycling efforts, and beautification projects.

The department may authorize payment of moneys from the fund upon approval of an application from a private or public organization. The applicant shall submit a plan for litter prevention, improving waste management and recycling efforts, or a beautification project along with its application. The department shall establish standards relating to the type of projects available for assistance.

Sec. 61. NEW SECTION. 422.12G JOINT INCOME TAX REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL FUND AND VOLUNTEER FIRE FIGHTER PREPAREDNESS FUND.

1. A person who files an individual or a joint income tax return with the department of revenue under section 422.13 may designate one dollar or more to be paid jointly to the keep Iowa beautiful fund created in section 314.28 and to the volunteer fire fighter preparedness fund created in section 100B.13. If the refund due on the return or the payment remitted with the return is insufficient to pay the additional amount designated by the taxpayer, the amount designated shall be reduced to the remaining amount of refund or the remaining amount remitted with the return. The designation of a contribution under this section is irrevocable.

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the keep Iowa beautiful fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the keep Iowa beautiful fund and

the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of administrative services and accounts identified as owing under section 8A.504 and the political contribution allowed under section 68A.601 shall be satisfied.

3. The department of revenue shall adopt rules to administer this section.

4. This section is subject to repeal under section 422.12E.

Sec. 62. Section 427.1, subsection 21A, Code Supplement 2005, as amended by 2006 Iowa Acts, House File 2797, section 84, if enacted, is amended to read as follows:

21A. DWELLING UNIT PROPERTY OWNED BY COMMUNITY HOUSING DEVELOPMENT ORGANIZATION. Dwelling unit property owned and managed by a community housing development organization, as recognized by the state of Iowa and the federal government pursuant to criteria for community housing development organization designation contained in the HOME program of the federal National Affordable Housing Act of 1990, if the organization is also a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code and owns and manages more than one hundred and fifty dwelling units that are located in a city with a population of more than one hundred ten thousand. For the 2005 and 2006 assessment years, an application is not required to be filed to receive the exemption. For the 2007 and subsequent assessment years, an application for exemption must be filed with the assessing authority not later than February 1 of the assessment year for which the exemption is sought. Upon the filing and allowance of the claim, the claim shall be allowed on the property for successive years without further filing as long as the property continues to qualify for the exemption.

Sec. 63. Section 600A.8, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The parent has been convicted of a felony offense that is a criminal offense against a minor as defined in section 692A.1, the parent is divorced from or was never married to the minor's other parent, and the parent is serving a minimum sentence of confinement of at least five years for that offense.

Sec. 64. Section 602.8108, subsection 8B, if enacted by 2006 Iowa Acts, House File 2789, section 8, is amended to read as follows:

8B. The state court administrator shall allocate to the office of attorney general for the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, three four hundred fifty thousand dollars of the moneys received annually under subsection 2, to be used for legal services for persons in poverty grants as provided in section 13.34.

Sec. 65. 2006 Iowa Acts, House File 2797, section 43, subsection 1, paragraph a, if enacted, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (11) Sierra club - Iowa chapter.

NEW SUBPARAGRAPH. (12) Izaak Walton league of Iowa.

NEW SUBPARAGRAPH. (13) State conservation districts.

Sec. 66. 2006 Iowa Acts, House File 2794, section 58, if enacted, is repealed.

Sec. 67. RETROACTIVE APPLICABILITY. The section of this Act enacting section 422.12G applies retroactively to tax years beginning on or after January 1, 2006.

#### DIVISION V

#### MISCELLANEOUS PROVISIONS

Sec. 68. Section 8F.2, subsection 8, paragraph b, subparagraph (3), if enacted by 2006 Iowa Acts, Senate File 2410, is amended to read as follows:



(3) A contract for services provided for the operation, construction, or maintenance of a public or city utility, combined public or city utility, or a city enterprise as defined by section 384.24.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2792, Eighty-first General Assembly.

Approved June 1, 2006

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MARGARET THOMSON  
Chief Clerk of the House

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THOMAS J. VILSACK  
Governor