

House Study Bill 564 - Introduced

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

A BILL FOR

1 An Act relating to matters involving the state board and
2 department of education to reflect current practices, delete
3 redundancies and inaccuracies, and resolve inconsistencies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 85.20, subsection 3, Code 2018, is
2 amended to read as follows:

3 3. For a student participating in a work-based learning
4 opportunity as provided in [section 85.61](#), against the student's
5 school district of residence, receiving school district if
6 the student is participating in open enrollment under section
7 282.18, accredited nonpublic school, community college,
8 and directors, officers, authorities, and employees of the
9 applicable school ~~district~~ corporation.

10 Sec. 2. Section 256.7, subsection 21, paragraph b,
11 unnumbered paragraph 1, Code 2018, is amended to read as
12 follows:

13 A set of core academic indicators in mathematics and reading
14 in grades four, eight, and eleven, a set of core academic
15 indicators in science in grades eight and ~~eleven~~ ten, and
16 another set of core indicators that includes but is not limited
17 to graduation rate, postsecondary education, and successful
18 employment in Iowa. Annually, the department shall report
19 state data for each indicator in the condition of education
20 report.

21 Sec. 3. Section 256.7, subsection 21, paragraph c, Code
22 2018, is amended by striking the paragraph.

23 Sec. 4. Section 256.7, subsection 28, Code 2018, is amended
24 to read as follows:

25 28. Adopt a set of core content standards applicable to
26 all students in kindergarten through grade twelve in every
27 school district and accredited nonpublic school. For purposes
28 of [this subsection](#), "*core content standards*" includes reading,
29 mathematics, and science. ~~The core content standards shall
30 be identical to the core content standards included in Iowa's
31 approved 2006 standards and assessment system under Tit. I
32 of the federal Elementary and Secondary Education Act of
33 1965, 20 U.S.C. §6301 et seq., as amended by the federal No
34 Child Left Behind Act of 2001, Pub. L. No. 107-110. School
35 districts and accredited nonpublic schools shall include, at a~~

1 minimum, the core content standards adopted pursuant to this
2 subsection in any set of locally developed content standards.
3 School districts and accredited nonpublic schools are strongly
4 encouraged to set higher expectations in local standards. As
5 changes in federal law or regulation occur, the state board is
6 authorized to amend the core content standards as appropriate.

7 Sec. 5. Section 256.9, subsection 49, paragraph a, Code
8 2018, is amended to read as follows:

9 a. Develop and distribute, in collaboration with the area
10 education agencies, core curriculum technical assistance and
11 implementation strategies that school districts and accredited
12 nonpublic schools shall utilize, including but not limited to
13 the development and delivery of formative and end-of-course
14 model assessments classroom teachers may use to measure student
15 progress on the core curriculum adopted pursuant to section
16 256.7, subsection 26. The department shall, in collaboration
17 with the advisory group convened in accordance with paragraph
18 "b" and educational assessment providers, identify and make
19 available to school districts end-of-course and additional
20 model end-of-course and additional assessments to align with
21 the expectations included in the Iowa core curriculum. ~~The~~
22 ~~model assessments shall be suitable to meet the multiple~~
23 ~~assessment measures requirement specified in section 256.7,~~
24 ~~subsection 21, paragraph "c".~~

25 Sec. 6. Section 256.9, subsection 55, Code 2018, is amended
26 by striking the subsection.

27 Sec. 7. Section 256.16, subsection 1, Code 2018, is amended
28 by adding the following new paragraphs:

29 NEW PARAGRAPH. d. Require that each student admitted to an
30 approved practitioner preparation program participate in field
31 experiences that include both observation and participation in
32 teaching activities in a variety of school settings. These
33 field experiences shall comprise a total of at least fifty
34 hours in duration, at least ten hours of which shall occur
35 prior to a student's acceptance in an approved practitioner

1 preparation program. The student teaching experience shall be
2 a minimum of fourteen weeks in duration during the student's
3 final year of the practitioner preparation program. The
4 program shall make every reasonable effort to offer the student
5 teaching experience prior to a student's last semester, or
6 equivalent, in the program, and to expand the student's student
7 teaching opportunities beyond one semester or the equivalent.

8 NEW PARAGRAPH. *e.* Require that faculty members in
9 professional education maintain an ongoing involvement in
10 activities in elementary, middle, or secondary schools. The
11 activities shall include at least forty hours of team teaching
12 during a period not exceeding five years in duration at the
13 elementary, middle, or secondary level.

14 NEW PARAGRAPH. *f.* Include instruction in skills and
15 strategies to be used in classroom management of individuals,
16 and of small and large groups, under varying conditions;
17 skills for communicating and working constructively with
18 pupils, teachers, administrators, and parents; preparation in
19 reading theory, knowledge, strategies, and approaches, and
20 for integrating literacy instruction into content areas in
21 accordance with this section; and skills for understanding the
22 role of the state board and the functions of other education
23 agencies in the state. Rules adopted in accordance with this
24 paragraph shall be based upon recommendations of the department
25 after consultation with teacher education faculty members in
26 colleges and universities.

27 NEW PARAGRAPH. *g.* Prescribe minimum experiences and
28 responsibilities to be accomplished during the student teaching
29 experience by the student teacher and by the cooperating
30 teacher based upon recommendations of the department after
31 consultation with teacher education faculty members in
32 colleges and universities. The student teaching experience
33 shall include opportunities for the student teacher to become
34 knowledgeable about the Iowa teaching standards, including
35 but not limited to a mock evaluation performed by the

1 cooperating teacher. The mock evaluation shall not be used as
2 an assessment tool by the practitioner preparation program.
3 The student teaching experience shall consist of interactive
4 experiences involving the college or university personnel, the
5 student teacher, the cooperating teacher, and administrative
6 personnel from the cooperating teacher's school district.

7 NEW PARAGRAPH. *h.* Offer annually a workshop of at least
8 one day in duration for prospective cooperating teachers. The
9 workshop shall define the objectives of the student teaching
10 experience, review the responsibilities of the cooperating
11 teacher, and provide the cooperating teacher with other
12 information and assistance the institution deems necessary.

13 NEW PARAGRAPH. *i.* Provide practitioner preparation students
14 with instruction in the use of electronic technology for
15 classroom and instructional purposes.

16 NEW PARAGRAPH. *j.* Annually solicit the views of the
17 education community regarding the institution's practitioner
18 preparation programs.

19 NEW PARAGRAPH. *k.* Submit evidence that the college or
20 department of education in the institution is communicating
21 with other colleges or departments in the institution so that
22 practitioner preparation students may integrate teaching
23 methodology with subject matter areas of specialization.

24 NEW PARAGRAPH. *l.* Submit evidence that the performance
25 evaluation of a student teacher is a cooperative process that
26 involves both the faculty member supervising the student
27 teacher and the cooperating teacher. The rules shall require
28 that each institution develop a written evaluation procedure
29 for use by the cooperating teacher and a form for evaluating
30 student teachers, and require that a copy of the completed form
31 be included in the student teacher's permanent record.

32 NEW PARAGRAPH. *m.* If the rules adopted by the board of
33 educational examiners for issuance of any type or class of
34 license require an applicant to complete work in student
35 teaching, pre-student teaching experiences, field experiences,

1 practicums, clinicals, or internships, enter into a written
2 contract with any school district, accredited nonpublic school,
3 preschool registered or licensed by the department of human
4 services, or area education agency in Iowa, to provide for
5 such work under terms and conditions as agreed upon by the
6 contracting parties. The terms and conditions of a written
7 contract entered into with a preschool pursuant to this
8 paragraph shall require that a student teacher be under the
9 direct supervision of an appropriately licensed cooperating
10 teacher who is employed to teach at the preschool. Students
11 actually teaching or engaged in preservice licensure activities
12 in a school district under the terms of such a contract are
13 entitled to the same protection under section 670.8 as is
14 afforded by that section to officers and employees of the
15 school district, during the time such students are so assigned.

16 Sec. 8. Section 256F.3, subsection 1, Code 2018, is amended
17 to read as follows:

18 1. ~~The state board of education shall apply for a federal~~
19 ~~grant under Pub. L. No. 107-110, cited as the federal No Child~~
20 ~~Left Behind Act of 2001, Tit. V, pt. B, subpt. 1, for purposes~~
21 ~~of providing financial assistance for the planning, program~~
22 ~~design, and initial implementation of public charter schools.~~
23 The department shall monitor the effectiveness of charter
24 schools and innovation zone schools and shall implement the
25 applicable provisions of [this chapter](#).

26 Sec. 9. Section 257.50, Code 2018, is amended to read as
27 follows:

28 **257.50 Federal assistance — school district**
29 **responsibilities.**

30 The director of the department of education, in accepting
31 and administering federal funds in accordance with section
32 256.9, subsection 7, shall upon receiving federal grant moneys
33 under the federal 21st Century Community Learning Center
34 Grant, Tit. IV, pt. B of the federal ~~No Child Left Behind~~
35 Elementary and Secondary Education Act of 2001 1965, ~~Pub. L.~~

1 ~~No. 107-110~~ as amended by the federal Every Student Succeeds
2 Act, as amended, 20 U.S.C., §7171-7176, designate that a school
3 district be the fiscal agent for an eligible local grant.
4 Whenever possible, the grant applicant school district shall
5 collaborate with a community-based organization, a public
6 or private entity, or a consortium of two or more of such
7 organizations or entities in establishing a community learning
8 center. The department shall give priority to applications for
9 programs serving students determined through research-based
10 methods to be in the greatest need of eligible services.
11 Notwithstanding the provisions of [this section](#), if federal
12 rules or regulations relating to the 21st Century Community
13 Learning Center Grant are adopted that are inconsistent with
14 the provisions of [this section](#), the department of education
15 shall comply with the requirements of the federal rules or
16 regulations.

17 Sec. 10. Section 280.19, Code 2018, is amended to read as
18 follows:

19 **280.19 Plans for at-risk children.**

20 The board of directors of each public school district shall
21 incorporate, into the kindergarten admissions program, criteria
22 and procedures for identification and integration of at-risk
23 children and their developmental needs. This incorporation
24 shall be part of the comprehensive school improvement plan
25 developed and implemented in accordance with section 256.7,
26 subsection 21, ~~paragraphs~~ paragraph "a" and "e".

27 Sec. 11. Section 280.21, subsection 1, Code 2018, is amended
28 to read as follows:

29 1. An employee of an ~~accredited~~ a public school district,
30 accredited nonpublic school, or area education agency shall not
31 inflict, or cause to be inflicted, corporal punishment upon a
32 student. For purposes of [this section](#), "*corporal punishment*"
33 means the intentional physical punishment of a student. An
34 employee's physical contact with the body of a student shall
35 not be considered corporal punishment if it is reasonable

1 and necessary under the circumstances and is not designed or
2 intended to cause pain or if the employee uses reasonable
3 force, as defined under [section 704.1](#), for the protection of
4 the employee, the student, or other students; to obtain the
5 possession of a weapon or other dangerous object within a
6 student's control; or for the protection of property. The
7 department of education shall adopt rules to implement this
8 section.

9 Sec. 12. Section 280.26, Code 2018, is amended to read as
10 follows:

11 **280.26 Intervention in altercations.**

12 1. An employee of ~~an accredited~~ a public school district,
13 accredited nonpublic school, or area education agency may
14 intervene in a fight or physical struggle occurring among
15 students or between students and nonstudents that takes place
16 in the presence of the school employee in a school building, on
17 school premises, or at any school function or school-sponsored
18 activity regardless of its location. The degree and force of
19 the intervention may be as reasonably necessary, in the opinion
20 of the school employee, to restore order and protect the safety
21 of the individuals involved in the altercation and others in
22 the vicinity of the altercation.

23 2. A person who is not an employee of ~~an accredited~~ a
24 public school district, accredited nonpublic school, or area
25 education agency may intervene in a fight or physical struggle
26 occurring among students, or between students and nonstudents,
27 that takes place in the presence of the nonemployee in a school
28 building, on school premises, or at any school function or
29 school-sponsored activity regardless of its location. The
30 intervention may occur in the absence of an employee of ~~an~~
31 ~~accredited~~ a public school district, accredited nonpublic
32 school, or area education agency, or at the request of such
33 an employee, utilizing the degree and force of intervention
34 reasonably necessary to restore order and protect the safety of
35 the individuals involved in the altercation and others in the

1 vicinity of the altercation. However, a person who intervenes
2 in the absence of an employee of an ~~accredited~~ a public school
3 district, accredited nonpublic school, or area education agency
4 shall report the intervention and all relevant information
5 regarding the situation as soon as reasonably possible to such
6 an employee.

7 3. An employee of an ~~accredited~~ a public school district,
8 accredited nonpublic school, or area education agency who
9 intervenes in a fight or physical struggle pursuant to
10 subsection 1 shall be awarded reasonable monetary damages
11 against a party bringing a civil action alleging a violation
12 of **this section**, if it is determined in the action that the
13 employee has been wrongfully accused. A nonemployee of an
14 ~~accredited~~ a public school district, accredited nonpublic
15 school, or area education agency who intervenes in a fight or
16 physical struggle pursuant to **subsection 2** shall be limited to
17 the recovery of reasonable attorney fees and court costs, if it
18 is determined in a civil action alleging a violation of this
19 section that the nonemployee has been wrongfully accused.

20 Sec. 13. Section 613.21, Code 2018, is amended to read as
21 follows:

22 **613.21 Immunity from civil suit.**

23 An employee of an ~~accredited~~ a public school district,
24 accredited nonpublic school, or area education agency shall
25 be immune from civil suit for reasonable acts undertaken in
26 good faith relating to participation in the making of a report
27 and any resulting investigation or administrative or judicial
28 proceedings regarding violence, threats of violence, or other
29 inappropriate activity against a school employee or student,
30 pursuant to the provisions of **section 280.27**.

31 Sec. 14. REPEAL. Sections 256.26, 272.25, and 272.27, Code
32 2018, are repealed.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill restores a word changed by legislation enacted in
2 2016, transfers statutory provisions relating to practitioner
3 preparation programs from Code sections 272.25 and 272.27 to
4 Code section 256.16, eliminates obsolete language relating to
5 the federal No Child Left Behind (NCLB) Act of 2001, strikes
6 an unnecessary modifier used when referring to a public
7 school district, and repeals the before and after school grant
8 program.

9 WORK-BASED LEARNING OPPORTUNITY — CORPORATION. 2016
10 Iowa Acts, ch. 1108(13), House File 2392, replaced the word
11 "corporation" with "district" in Code section 85.20(3) but
12 because the sentence refers to a school district, accredited
13 nonpublic school, community college, and directors, officers,
14 authorities, and the employees of such, this bill restores the
15 more appropriate word, "corporation", to the sentence.

16 CORE ACADEMIC INDICATORS IN SCIENCE. To correspond with
17 a change in the assessment requirements enacted in 2017, the
18 bill requires that the state board's rules provide a set of
19 core academic indicators in science in grade 10, rather than
20 the current requirement for core academic indicators in science
21 in grade 11.

22 OBSOLETE NCLB-RELATED PROVISIONS. The bill strikes
23 language providing for a requirement that school districts and
24 accredited nonpublic schools annually report to the department
25 and to the local community the district-wide progress made
26 in attaining student achievement goals, demonstrate the
27 use of multiple assessment measures in determining student
28 achievement, and submit to the department related student
29 data. The requirement included the use of uniform definitions
30 consistent with the federal NCLB Act. The bill makes
31 corresponding changes. The bill strikes provisions requiring
32 that the core content standards adopted by the state board
33 be identical to the 2006 standards and assessment system
34 approved by the federal department of education; requiring
35 a school district with a low-achieving attendance center to

1 implement one or more of the interventions mandated by the
2 federal department of education under the federal NCLB Act, and
3 requiring that such a school district meet with the employee
4 organization representing the school district's teachers to
5 negotiate a memorandum of understanding relating to the terms
6 of any collective bargaining agreement between the parties; and
7 a provision requiring the state board to apply for a federal
8 grant under the federal NCLB Act.

9 PRACTITIONER PREPARATION PROGRAMS — STATE BOARD RULES. The
10 state board of education has a statutory duty to prescribe
11 standards and procedures for the approval of practitioner
12 preparation programs and professional development programs
13 offered in this state by postsecondary institutions located
14 within or outside this state and by area education agencies.
15 Currently, statutory provisions relating to the state board's
16 responsibility to adopt rules relating to institutions that
17 offer practitioner preparation programs and professional
18 development programs are located in Code chapters 256
19 (department of education) and 272 (educational examiners
20 board). The bill transfers such statutory language from
21 Code chapter 272 to Code section 256.16 (specific criteria
22 for teacher preparation and certain educators), eliminates a
23 reference to "professional development institution" that was
24 not defined or used elsewhere in Iowa Code or rule, and removes
25 resulting redundancies by repealing Code sections 272.25 and
26 272.27.

27 BEFORE AND AFTER SCHOOL GRANT PROGRAM — REPEALED. The bill
28 repeals the before and after school grant program, which was
29 established to provide competitive grants to school districts
30 and other public and private organizations to expand the
31 availability of before and after school programs and summer
32 schools. The program has not received state funding since the
33 2008-2009 fiscal year.