

# House File 549

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 223)

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

## A BILL FOR

1 An Act relating to the duties and operations of the department of  
2 education, the board of educational examiners, the state board  
3 of regents and its universities, and school boards, and to  
4 property tax school reorganization incentives; requiring the  
5 establishment of a reading instruction pilot program; and  
6 including effective and retroactive applicability date  
7 provisions.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 HF 549  
10 kh/es/25

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1 1 Section 1. Section 256.5A, Code 2003, is amended to read  
1 2 as follows:  
1 3 256.5A NONVOTING MEMBER.  
1 4 The governor shall appoint the one nonvoting student member  
1 5 of the state board for a term of one year beginning and ending  
1 6 as provided in section 69.19. The nonvoting student member  
1 7 shall be appointed from a list of names submitted by the state  
1 8 board of education. Students enrolled in either grade ten or  
1 9 eleven in a public school may apply to the state board to  
1 10 serve as a nonvoting student member. The department shall  
1 11 develop an application process that requires the consent of  
1 12 the student's parent or guardian if the student is a minor,  
1 13 initial application approval by the school district in which  
1 14 the student applicant is enrolled, and submission of approved  
1 15 applications by a school district to the department. The  
1 16 nonvoting student member's school district of enrollment shall  
1 17 notify the student's parents if the student's grade point  
1 18 average falls during the period in which the student is a  
1 19 member of the state board. The state board shall adopt rules  
1 20 under chapter 17A specifying criteria for the selection of  
1 21 applicants whose names shall be submitted to the governor.  
1 22 Criteria shall include, but are not limited to, academic  
1 23 excellence, participation in extracurricular and community  
1 24 activities, and interest in serving on the board. Rules  
1 25 adopted by the state board shall also require, if the student  
1 26 is a minor, supervision of the student by the student's parent  
1 27 or guardian while the student is engaged in authorized state  
1 28 board business at a location other than the community in which  
1 29 the student resides, unless the student's parent or guardian  
1 30 submits to the state board a signed release indicating the  
1 31 parent or guardian has determined that supervision of the  
1 32 student by the parent or guardian is unnecessary. The  
1 33 nonvoting student member ~~shall be appointed without regard to~~  
~~1 34 political affiliation appointment is not subject to section~~  
~~1 35 69.16 or 69.16A.~~ The nonvoting student member shall have been  
2 1 enrolled in a public school in Iowa for at least one year  
2 2 prior to the member's appointment. A nonvoting student member  
2 3 who will not graduate from high school prior to the end of a  
2 4 second term may apply to the state board for submission of  
2 5 candidacy to the governor for a second one-year term. A  
2 6 nonvoting student member shall be paid a per diem as provided  
2 7 in section 7E.6 and the student and the student's parent or  
2 8 guardian shall be reimbursed for actual and necessary expenses  
2 9 incurred in the performance of the student's duties as a  
2 10 nonvoting member of the state board. A vacancy in the  
2 11 membership of the nonvoting student member shall not be filled  
2 12 until the expiration of the term.  
2 13 Sec. 2. Section 256.7, subsection 21, unnumbered paragraph  
2 14 1, Code 2003, is amended to read as follows:  
2 15 Develop and adopt rules ~~by July 1, 1999,~~ incorporating  
2 16 accountability for, ~~and reporting of,~~ student achievement into  
2 17 the standards and accreditation process described in section

2 18 256.11. The rules shall provide for all of the following:

2 19 Sec. 3. Section 256.9, subsection 50, Code 2003, is  
2 20 amended to read as follows:

2 21 50. Develop core knowledge and skill criteria ~~models~~,  
2 22 based upon the Iowa teaching standards, for the evaluation,  
2 23 the advancement, and for teacher career development purposes  
2 24 pursuant to chapter 284. The ~~model~~ criteria shall further  
2 25 define the characteristics of quality teaching as established  
2 26 by the Iowa teaching standards. The director, in consultation  
2 27 with the board of educational examiners, shall also develop a  
2 28 transition plan for implementation of the career development  
2 29 standards developed pursuant to section 256.7, subsection 25,  
2 30 with regard to licensure renewal requirements. The plan shall  
2 31 include a requirement that practitioners be allowed credit for  
2 32 career development completed prior to implementation of the  
2 33 career development standards developed pursuant to section  
2 34 256.7, subsection 25.

2 35 Sec. 4. Section 256.9, Code 2003, is amended by adding the  
3 1 following new subsection:

3 2 NEW SUBSECTION. 52. Develop and implement a comprehensive  
3 3 management information system designed for the purpose of  
3 4 establishing standardized electronic data collections and  
3 5 reporting protocols that facilitate compliance with state and  
3 6 federal reporting requirements, improve school-to-school and  
3 7 district-to-district information exchanges, and maintain the  
3 8 confidentiality of individual student and staff data. The  
3 9 system shall provide for the electronic transfer of individual  
3 10 student records between schools, districts, postsecondary  
3 11 institutions, and the department. The director may establish,  
3 12 to the extent practicable, a uniform coding and reporting  
3 13 system, including a statewide uniform student identification  
3 14 system.

3 15 Sec. 5. Section 256.9, Code 2003, is amended by adding the  
3 16 following new subsection:

3 17 NEW SUBSECTION. 53. Develop and implement a statewide  
3 18 program of educational assessment reporting. The director  
3 19 shall provide information needed to improve public schools by  
3 20 collecting and disseminating data and information resulting  
3 21 from assessments made of public school students, to aid in the  
3 22 development and evaluation of educational programs and  
3 23 policies by school districts, and to inform parents of the  
3 24 educational progress of their children in the public schools.  
3 25 Information collected under the department's statewide program  
3 26 of educational assessment reporting shall be utilized as part  
3 27 of the state report card on school performance and on  
3 28 statewide progress by the state in accordance with  
3 29 implementation of the federal No Child Left Behind Act of  
3 30 2001, Pub. L. No. 107-110. The program shall include the  
3 31 assignment of a unique student identifier to each student  
3 32 attending kindergarten through grade twelve.

3 33 a. Not later than July 1, 2004, the department shall  
3 34 maintain an internet site that reports the following:

3 35 (1) Iowa tests of basic skills scores for each school  
4 1 district that administers the test and for each attendance  
4 2 center within the school district for grades three through  
4 3 eight. Each school district administering the Iowa test of  
4 4 basic skills shall provide a report to the department relating  
4 5 to each attendance center's test score averages and a  
4 6 longitudinal analysis of student progress as specified in  
4 7 paragraph "c".

4 8 The report shall contain attendance-center-level test  
4 9 results for the Iowa test of basic skills in the areas of  
4 10 reading, social studies, mathematics, and science. The report  
4 11 shall include, but shall not be limited to the number of  
4 12 students tested, the number of test results used to compute  
4 13 the averages, average standard score, the corresponding grade  
4 14 equivalent score, average stanine score for the group, and the  
4 15 normal curve equivalent of average standard scores, and  
4 16 percentile ranks based on student norms, as well as measures  
4 17 of student progress as specified in paragraph "c".

4 18 (2) Iowa test of educational development scores for each  
4 19 school district that administers the test and for each  
4 20 attendance center within the school district for grades nine  
4 21 through eleven. Each school district administering the Iowa  
4 22 test of educational development shall provide a report to the  
4 23 department relating to each attendance center's test score  
4 24 averages and a longitudinal analysis of student progress as  
4 25 specified in paragraph "c".

4 26 b. Scores required to be reported under paragraph "a",  
4 27 subparagraphs (1) and (2), shall be presented in percentiles  
4 28 that allow for comparisons between participating schools. The

internet site shall include background information regarding the tests, including guidance for interpreting test scores and the number of students that did not participate in the tests and the reasons the students did not participate.

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

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

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

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

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

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

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

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

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

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

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

256D.9 FUTURE REPEAL.

This chapter is repealed effective July 1, 2003 2004.

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

2. TAX FOR REORGANIZED AND DISSOLVED DISTRICTS.

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

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

7 5 succeeding year, and five dollars and forty cents per thousand  
7 6 dollars of assessed valuation the third succeeding year and  
7 7 each year thereafter.

7 8 c. The foundation property tax levy reduction pursuant to  
7 9 this subsection shall be available if either of the following  
7 10 apply:

7 11 (1) In the year preceding the reorganization or  
7 12 dissolution, the school district affected by the  
7 13 reorganization or the school district that dissolved had a  
7 14 certified enrollment of fewer than six hundred pupils.

7 15 (2) In the year preceding the reorganization or  
7 16 dissolution, the school district affected by the  
7 17 reorganization or the school district that dissolved had a  
7 18 certified enrollment of six hundred pupils or greater, and  
7 19 entered into a reorganization or dissolution with one or more  
7 20 school districts with a certified enrollment of fewer than six  
7 21 hundred pupils. The amount of foundation property tax  
7 22 reduction received by a school district qualifying for the  
7 23 reduction pursuant to this subparagraph shall not exceed the  
7 24 highest reduction amount provided in paragraphs "a" and "b"  
7 25 received by any of the school districts with a certified  
7 26 enrollment of fewer than six hundred pupils involved in the  
7 27 reorganization pursuant to subparagraph (1) of this paragraph  
7 28 "c".

7 29 d. For purposes of this section, a reorganized school  
7 30 district is one which absorbs at least thirty percent of the  
7 31 enrollment of the school district affected by a reorganization  
7 32 or dissolved during a dissolution and in which action to bring  
7 33 about a reorganization or dissolution is initiated by a vote  
7 34 of the board of directors or jointly by the affected boards of  
7 35 directors to take effect on or after July 1, 2002, and on or  
8 1 before July 1, 2006. Each district which initiated, by a vote  
8 2 of the board of directors or jointly by the affected boards,  
8 3 action to bring about a reorganization or dissolution to take  
8 4 effect on or after July 1, 2002, and on or before July 1,  
8 5 2006, shall certify the date and the nature of the action  
8 6 taken to the department of education by January 1 of the year  
8 7 in which the reorganization or dissolution takes effect.

8 8 Sec. 11. Section 257.11, subsection 2, paragraph c,  
8 9 subparagraph (2), Code 2003, is amended to read as follows:

8 10 (2) A school district which was not participating in a  
8 11 whole grade sharing arrangement during the budget year  
8 12 beginning July 1, 2000, which executes a whole grade sharing  
8 13 agreement pursuant to sections 282.10 through 282.12 for the  
8 14 budget year beginning July 1, 2002, or July 1, 2003, July 1,  
8 15 2004, or July 1, 2005, and which adopts a resolution jointly  
8 16 with the other affected boards to study the question of  
8 17 undergoing a reorganization or dissolution to take effect on  
8 18 or before July 1, 2006, shall receive a weighting of one-tenth  
8 19 of the percentage of the pupil's school day during which the  
8 20 pupil attends classes in another district, attends classes  
8 21 taught by a teacher who is jointly employed under section  
8 22 280.15, or attends classes taught by a teacher who is employed  
8 23 by another school district. A district shall be eligible for  
8 24 supplementary weighting pursuant to this subparagraph for a  
8 25 maximum of three years. Receipt of supplementary weighting  
8 26 for a second and third year shall be conditioned upon  
8 27 submission of information resulting from the study to the  
8 28 school budget review committee indicating progress toward the  
8 29 objective of reorganization on or before July 1, 2006.

8 30 Sec. 12. Section 258.17, subsection 4, Code 2003, is  
8 31 amended to read as follows:

8 32 4. Each workstart program shall include a written  
8 33 agreement by the school or school district with one or more  
8 34 businesses from the surrounding community to provide  
8 35 workplace-specific training and learning programs which are  
9 1 related to the skills needed to succeed in those occupational  
9 2 areas. The proposed plan for implementation of the workstart  
9 3 program shall include a copy of the written agreement between  
9 4 the school or school district and the business or businesses  
9 5 and a business support component, which shall consist of  
9 6 financial or in-kind support, or both financial and in-kind  
9 7 support, from the businesses that have entered into the  
9 8 agreement with the school or school district. ~~The plan may~~  
~~9 9 provide for the utilization of phase III and other available~~  
~~9 10 school funds in the establishment of the program. A workstart~~  
~~9 11 program is a comprehensive school transformation program under~~  
~~9 12 section 294A.14.~~

9 13 Sec. 13. Section 262.9, Code 2003, is amended by adding  
9 14 the following new subsection:

9 15 NEW SUBSECTION. 29. Develop a policy, not later than



9 16 August 1, 2003, that each institution of higher education  
9 17 under the control of the board shall approve, institute, and  
9 18 enforce, which prohibits students, faculty, and staff from  
9 19 harassing or intimidating a student or any other person on  
9 20 institution property who is wearing the uniform of, or a  
9 21 distinctive part of the uniform of, the armed forces of the  
9 22 United States. A policy developed in accordance with this  
9 23 subsection shall not prohibit an individual from wearing such  
9 24 a uniform on institution property if the individual is  
9 25 authorized to wear the uniform under the laws of a state or  
9 26 the United States. The policy shall provide for appropriate  
9 27 sanctions.

9 28 Sec. 14. Section 272.2, subsection 14, paragraph b,  
9 29 subparagraph (1), subparagraph subdivision (b), Code 2003, is  
9 30 amended by adding the following new subparagraph subdivision  
9 31 part:

9 32 NEW SUBPARAGRAPH SUBDIVISION PART. (viii) Sexual  
9 33 exploitation by a school employee.

9 34 Sec. 15. Section 272.2, Code 2003, is amended by adding  
9 35 the following new subsection:

10 1 NEW SUBSECTION. 17. Adopt criteria for administrative  
10 2 endorsements that allow a person to achieve the endorsement  
10 3 authorizing the person to serve as an elementary or secondary  
10 4 principal without regard to the grade level at which the  
10 5 person accrued teaching experience.

10 6 Sec. 16. NEW SECTION. 272.15 SCHOOL REPORTING  
10 7 REQUIREMENT.

10 8 The board of directors of a school district or area  
10 9 education agency, the superintendent of a school district or  
10 10 the chief administrator of an area education agency, and the  
10 11 authorities in charge of a nonpublic school shall report to  
10 12 the board the nonrenewal or termination, for reasons of  
10 13 alleged or actual misconduct, of a person's contract executed  
10 14 under sections 279.12, 279.13, 279.15 through 279.21, 279.23,  
10 15 and 279.24, and the resignation of a person who holds a  
10 16 license, certificate, or authorization issued by the board as  
10 17 a result of or following an incident or allegation of  
10 18 misconduct that, if proven, would constitute a violation of  
10 19 the rules adopted by the board to implement section 272.2,  
10 20 subsection 14, paragraph "b", subparagraph (1), when the board  
10 21 or reporting official has a good faith belief that the  
10 22 incident occurred or the allegation is true. Information  
10 23 reported to the board in accordance with this section is  
10 24 privileged and confidential, and, except as provided in  
10 25 section 272.13, is not subject to discovery, subpoena, or  
10 26 other means of legal compulsion for its release to a person  
10 27 other than the respondent and the board and its employees and  
10 28 agents involved in licensee discipline, and is not admissible  
10 29 in evidence in a judicial or administrative proceeding other  
10 30 than the proceeding involving licensee discipline. The board  
10 31 shall review the information reported to determine whether a  
10 32 complaint should be initiated. In making that determination,  
10 33 the board shall consider the factors enumerated in section  
10 34 272.2, subsection 14, paragraph "a". For purposes of this  
10 35 section, unless the context otherwise requires, "misconduct"

11 1 means an action disqualifying an applicant for a license or  
11 2 causing the license of a person to be revoked or suspended in  
11 3 accordance with the rules adopted by the board to implement  
11 4 section 272.2, subsection 14, paragraph "b", subparagraph (1).

11 5 Sec. 17. Section 272.25, subsection 4, Code 2003, is  
11 6 amended to read as follows:

11 7 4. A requirement that prescribes minimum experiences and  
11 8 responsibilities to be accomplished during the student  
11 9 teaching experience by the student teacher and by the  
11 10 cooperating teacher based upon recommendations of the  
11 11 department of education after consultation with teacher  
11 12 education faculty members in colleges and universities. The  
11 13 student teaching experience shall include opportunities for  
11 14 the student teacher to become knowledgeable about the Iowa  
11 15 teaching standards, including a mock evaluation performed by  
11 16 the cooperating teacher. The mock evaluation shall not be  
11 17 used as an assessment tool by the practitioner preparation  
11 18 program. The student teaching experience shall consist of  
11 19 interactive experiences involving the college or university  
11 20 personnel, the student teacher, the cooperating teacher, and  
11 21 administrative personnel from the cooperating teacher's school  
11 22 district.

11 23 Sec. 18. Section 272.28, Code 2003, is amended to read as  
11 24 follows:

11 25 272.28 MENTORING AND INDUCTION REQUIREMENT.

11 26 1. Effective July 1, 2003, requirements for teacher

11 27 licensure beyond ~~a provisional~~ an initial license shall  
11 28 include successful completion of a beginning teacher mentoring  
11 29 and induction program approved by the state board of  
11 30 education.

11 31 2. A teacher from an accredited nonpublic school or  
11 32 another state or country is exempt from the requirement of  
11 33 subsection 1 if the teacher can document three years of  
11 34 successful teaching experience ~~within the past five years~~ and  
11 35 meet or exceed the requirements contained in rules adopted  
12 1 under this chapter for endorsement and licensure.

12 2 Sec. 19. Section 273.8, subsection 2, Code 2003, is  
12 3 amended by striking the subsection and inserting in lieu  
12 4 thereof the following:

12 5 2. ELECTION OF DIRECTORS. Except as otherwise provided in  
12 6 subsection 2A, the board of directors of an area education  
12 7 agency shall be elected by a vote of the members of the boards  
12 8 of directors of the local school districts located within the  
12 9 director district. The procedure for conducting the elections  
12 10 shall be as follows:

12 11 a. Notice of the election shall be published by the area  
12 12 education agency administrator not later than July 15 in at  
12 13 least one newspaper of general circulation in the director  
12 14 district. The cost of publication shall be paid by the area  
12 15 education agency.

12 16 b. A candidate for election to the area education agency  
12 17 board shall file a statement of candidacy with the area  
12 18 education agency secretary not later than August 15, on forms  
12 19 prescribed by the department of education. The statement of  
12 20 candidacy shall include the candidate's name, address, and  
12 21 school district. The list of candidates shall be sent by the  
12 22 secretary of the area education agency in ballot form by  
12 23 certified mail to the presidents of the boards of directors of  
12 24 all school districts within the director district not later  
12 25 than September 1. In order for the ballot to be counted, the  
12 26 ballot must be received in the secretary's office by the end  
12 27 of the normal business day on September 30 or be clearly  
12 28 postmarked by an officially authorized postal service not  
12 29 later than September 29 and received by the secretary not  
12 30 later than noon on the first Monday following September 30.

12 31 c. The board of each separate school district that is  
12 32 located entirely or partially inside an area education agency  
12 33 director district shall cast a vote for director of the area  
12 34 education agency board based upon the ratio that the  
12 35 population of the school district, or portion of the school  
13 1 district, in the director district bears to the total  
13 2 population in the director district. The population of each  
13 3 school district or portion shall be determined by the  
13 4 department of education. The member of the area education  
13 5 agency board to be elected may be a member of a local school  
13 6 district board of directors and shall be an elector and a  
13 7 resident of the director district, but shall not be a school  
13 8 district employee.

13 9 d. Vacancies, as defined in section 277.29, in the  
13 10 membership of the area education agency board shall be filled  
13 11 for the unexpired portion of the term at a director district  
13 12 convention called and conducted in the manner provided in  
13 13 subsection 2A.

13 14 Sec. 20. Section 273.8, Code 2003, is amended by adding  
13 15 the following new subsection:

13 16 NEW SUBSECTION. 2A. Director district convention. If no  
13 17 candidate files with the area education agency secretary by  
13 18 the deadline specified in subsection 2, or a vacancy occurs,  
13 19 or if otherwise required as provided in section 273.23,  
13 20 subsection 3, a director district convention, attended by  
13 21 members of the boards of directors of the local school  
13 22 districts located within the director district, shall be  
13 23 called to elect a board member for that director district.  
13 24 The convention location shall be determined by the area  
13 25 education agency administrator. Notice of the time, date, and  
13 26 place of a director district convention shall be published by  
13 27 the area education agency administrator in at least one  
13 28 newspaper of general circulation in the director district at  
13 29 least thirty days prior to the day of the convention. The  
13 30 cost of publication shall be paid by the area education  
13 31 agency. A candidate for election to the area education agency  
13 32 board shall file a statement of candidacy with the area  
13 33 education agency secretary at least ten days prior to the date  
13 34 of the director district convention, on forms prescribed by  
13 35 the department of education, or nominations may be made at the  
14 1 convention by a delegate from a board of directors of a school  
14 2 district located within the director district. A statement of

14 3 candidacy shall include the candidate's name, address, and  
14 4 school district. Delegates to director district conventions  
14 5 shall not be bound by a school board or any school board  
14 6 member to pledge their votes to any candidate prior to the  
14 7 date of the convention.  
14 8 Sec. 21. Section 273.21, subsection 2, Code 2003, is  
14 9 amended read as follows:  
14 10 2. If twenty percent or more of the school districts  
14 11 within an affected area education agency file a petition by  
14 12 ~~March~~ December 1 with the affected area education agency board  
14 13 to consider reorganization, the affected board shall consider  
14 14 the request and vote on the petition. If a majority of the  
14 15 affected board members vote to study the reorganization of the  
14 16 affected area education agency, the affected board shall  
14 17 immediately begin the study to consider reorganization  
14 18 effective by July 1 of the next year.  
14 19 Sec. 22. Section 273.21, subsection 3, paragraph g, Code  
14 20 2003, is amended to read as follows:  
14 21 g. Transmit the completed plan to the state board by  
14 22 ~~November 1~~ July 15. Plans received by the state board after  
14 23 ~~November 1~~ July 15 shall be considered for area education  
14 24 agency reorganization taking effect no sooner than July 1  
14 25 after the next succeeding fiscal year.  
14 26 Sec. 23. Section 273.21, subsection 4, Code 2003, is  
14 27 amended to read as follows:  
14 28 4. The state board shall review the reorganization plan  
14 29 and shall, prior to ~~February 1~~ September 30, either approve  
14 30 the plan ~~or return as submitted, approve the plan contingent~~  
14 31 ~~upon compliance with the state board's recommendations, or~~  
14 32 ~~disapprove the plan. An unapproved A contingently approved~~  
14 33 ~~plan may shall be resubmitted with modifications to the~~  
14 34 ~~department not later than February 10~~ October 30. An approved  
14 35 plan shall take effect on July 1 of the fiscal year following  
15 1 the date of approval by the state board, ~~except that plans~~  
15 2 ~~submitted to the state board after November 1 shall take~~  
15 3 ~~effect no sooner than July 1 after the next succeeding fiscal~~  
15 4 ~~year.~~  
15 5 Sec. 24. Section 273.22, Code 2003, is amended by adding  
15 6 the following new subsection:  
15 7 NEW SUBSECTION. 4A. Not later than fifteen days after the  
15 8 state board notifies an area education agency of its approval  
15 9 of the area education agency's reorganization plan or  
15 10 dissolution proposal, the area education agency shall notify,  
15 11 by certified mail, the school districts located within the  
15 12 area education agency boundaries, the school districts and  
15 13 area education agencies that are contiguous to its boundaries,  
15 14 and any other school district under contract with the area  
15 15 education agency, of the state board's approval of the plan or  
15 16 proposal, and shall provide the department of education with a  
15 17 copy of any notice sent in accordance with this subsection. A  
15 18 petition to join an area education agency or for release from  
15 19 a contract with an area education agency, in accordance with  
15 20 subsections 4, 6, and 7, shall be filed not later than forty=  
15 21 five days after the state board approves a reorganization plan  
15 22 or dissolution proposal in accordance with this chapter.  
15 23 Sec. 25. Section 273.22, subsections 5 and 6, Code 2003,  
15 24 are amended to read as follows:  
15 25 5. ~~The Within forty=~~ Within forty= ~~five days of the state board's~~  
15 26 ~~approval, the board of directors of a school district that is~~  
15 27 ~~contiguous to a newly reorganized area education agency may~~  
15 28 ~~petition the board of directors of their current area~~  
15 29 ~~education agency and the newly reorganized area education~~  
15 30 ~~agency to join the newly reorganized area education agency.~~  
15 31 ~~If both area education agency boards the initial, or new board~~  
15 32 ~~if established in time under section 273.23, subsection 3, and~~  
15 33 ~~the board of the contiguous area education agency approve the~~  
15 34 ~~petition, the reorganization, including any school district~~  
15 35 ~~whose petition to join the newly reorganized area education~~  
16 1 ~~agency has been approved, shall take effect in accordance with~~  
16 2 ~~the dates established under section 273.21, subsection 4.~~  
16 3 ~~Both the initial, or new, and the contiguous area education~~  
16 4 ~~agency boards must act within forty=~~ within forty= ~~five days of the deadline,~~  
16 5 ~~as set forth in this subsection, for the filing of the school~~  
16 6 ~~district's petition. A school district may appeal to the~~  
16 7 ~~state board the decision of an area education agency board to~~  
16 8 ~~deny the school district's petition.~~  
16 9 6. ~~The Within forty=~~ Within forty= ~~five days of the state board's~~  
16 10 ~~approval, the board of directors of a school district that is~~  
16 11 ~~within a newly reorganized area education agency and whose~~  
16 12 ~~school district was is contiguous to another area education~~  
16 13 ~~agency prior to the reorganization not included in the newly~~

16 14 reorganized area education agency may petition the board of  
16 15 directors of the newly reorganized area education agency and  
16 16 the contiguous area education agency to join that area  
16 17 education agency. ~~If both area education agency boards the~~  
16 18 ~~initial, or new board if established in time under section~~  
16 19 ~~273.23, subsection 3, and the board of the contiguous area~~  
16 20 ~~education agency approve the petition, the reorganization,~~  
16 21 ~~excluding any school district whose petition to join an area~~  
16 22 ~~education agency contiguous to the newly reorganized area~~  
16 23 ~~education agency has been approved, shall take effect in~~  
16 24 ~~accordance with the dates established under section 273.21,~~  
16 25 ~~subsection 4. Both the initial, or new, and the contiguous~~  
16 26 ~~area education agency boards must act within forty-five days~~  
16 27 ~~of the deadline, as set forth in this subsection, for the~~  
16 28 ~~filing of the school district's petition. A school district~~  
16 29 ~~may appeal to the state board the decision of an area~~  
16 30 ~~education agency board to deny the school district's petition.~~

16 31 Sec. 26. Section 273.22, subsection 7, Code 2003, is  
16 32 amended by striking the subsection.

16 33 Sec. 27. Section 273.23, subsections 2, 3, and 5, Code  
16 34 2003, are amended to read as follows:

16 35 2. Prior to the organization meeting of the board of  
17 1 directors of the newly formed area education agency, the  
17 2 boards of the former area education agencies shall designate  
17 3 directors to be retained as members to serve on the initial  
17 4 board of the newly formed area education agency. A vacancy  
17 5 occurs if an insufficient number of former board members  
17 6 reside within the newly formed area education agency's  
17 7 boundaries or if an insufficient number of former board  
17 8 members are willing to serve on the board of the newly formed  
17 9 area education agency. Vacancies, as defined in section  
17 10 277.29, in the membership of the newly formed area education  
17 11 agency board shall be filled for the unexpired portion of the  
17 12 term at a ~~special~~ director district convention called and  
17 13 conducted in the manner provided in section 273.8 for ~~regular~~  
17 14 director district conventions.

17 15 3. ~~Prior to the effective date of the reorganization Not~~  
17 16 ~~later than January 15 of the calendar year in which the~~

17 17 ~~reorganization takes effect, the initial board shall call a~~  
17 18 ~~director district convention under the provisions of section~~  
17 19 ~~273.8, subsection 2, for the purpose of electing a board~~  
17 20 ~~for the reorganized area education agency. The new board~~  
17 21 ~~shall have control of the employment of all personnel for the~~  
17 22 ~~newly formed area education agency for the ensuing school~~  
17 23 ~~year. Following the organization of the new board, the board~~  
17 24 ~~shall have authority to establish policy, enter into~~  
17 25 ~~contracts, and complete such planning and take such action as~~  
17 26 ~~is essential for the efficient management of the newly formed~~  
17 27 ~~area education agency.~~

17 28 5. The initial board, ~~or new board if established in time~~  
17 29 ~~under section 273.23, subsection 3, of the newly formed agency~~  
17 30 ~~shall prepare an annual budget estimating income and~~  
17 31 ~~expenditures for programs and services as provided in sections~~  
17 32 ~~273.1 through 273.9 and chapter 256B within the limits of~~  
17 33 ~~funds provided under section 256B.9 and chapter 257. The~~  
17 34 ~~board shall give notice of a public hearing on the proposed~~  
17 35 ~~budget by publication in an official county newspaper in each~~  
18 1 ~~county in the territory of the area education agency in which~~  
18 2 ~~the principal place of business of a school district that is a~~  
18 3 ~~part of the area education agency is located. The notice~~  
18 4 ~~shall specify the date, which shall not be later than March 1,~~  
18 5 ~~the time, and the location of the public hearing. The~~  
18 6 ~~proposed budget as approved by the board shall be submitted to~~  
18 7 ~~the state board, on forms provided by the department, no later~~  
18 8 ~~than March 15 for approval. The state board shall review the~~  
18 9 ~~proposed budget of the newly formed area education agency and~~  
18 10 ~~shall, before April 1, either grant approval or return the~~  
18 11 ~~budget without approval with comments of the state board~~  
18 12 ~~included. An unapproved budget shall be resubmitted to the~~  
18 13 ~~state board for final approval not later than April 15. The~~  
18 14 ~~state board shall give final approval only to budgets~~  
18 15 ~~submitted by area education agencies accredited by the state~~  
18 16 ~~board or that have been given conditional accreditation by the~~  
18 17 ~~state board.~~

18 18 Sec. 28. Section 273.23, subsection 11, Code 2003, is  
18 19 amended to read as follows:

18 20 11. Unless the reorganization of an area education agency  
18 21 takes effect less than two years before the taking of the next  
18 22 federal decennial census, a newly formed area education agency  
18 23 shall, within one year of the effective date of the  
18 24 reorganization, redraw the boundary lines of director



18 25 districts in the area education agency if a petition filed by  
18 26 a school district to join the newly formed area education  
18 27 agency, or for release from the newly formed area education  
18 28 agency, in accordance with section 273.22, subsections 4  
18 29 through 6, and 7, was approved. Until the boundaries are  
18 30 redrawn, the boundaries for the newly formed area education  
18 31 agency shall be as provided in the reorganization plan  
18 32 approved by the state board in accordance with section 273.21.

18 33 Sec. 29. Section 273.27, subsection 2, Code 2003, is  
18 34 amended to read as follows:

18 35 2. Within thirty days of the hearing, the affected board  
19 1 shall call a director district convention in accordance with  
19 2 section 273.8, subsection 2A, which shall include the boards  
19 3 of directors in the area served by the area education agencies  
19 4 to which an area of the affected area education agency will be  
19 5 attached under the dissolution proposal, for the purpose of  
19 6 voting on the dissolution proposal.

19 7 Sec. 30. Section 279.3, unnumbered paragraph 2, Code 2003,  
19 8 is amended to read as follows:

19 9 These officers shall be appointed from outside the  
19 10 membership of the board ~~for terms of one year beginning with~~  
19 11 ~~the date of appointment~~, and the appointment and qualification  
19 12 shall be entered of record in the minutes of the secretary.  
19 13 They shall qualify within ten days following appointment by  
19 14 taking the oath of office in the manner required by section  
19 15 277.28 and filing a bond as required by section 291.2 and  
19 16 shall hold office until their successors are appointed and  
19 17 qualified.

19 18 Sec. 31. Section 279.13, Code 2003, is amended by adding  
19 19 the following new subsection:

19 20 NEW SUBSECTION. 4. Notwithstanding the other provisions  
19 21 of this section, a temporary contract may be issued to a  
19 22 teacher to fill a vacancy created by a leave of absence in  
19 23 accordance with the provisions of section 29A.28, which  
19 24 contract shall automatically terminate upon return from  
19 25 military leave of the former incumbent of the teaching  
19 26 position and which contract shall not be subject to the  
19 27 provisions of sections 279.15 through 279.19, or section  
19 28 279.27. A separate extracurricular contract issued pursuant  
19 29 to section 279.19A to a person issued a temporary contract  
19 30 under this section shall automatically terminate with the  
19 31 termination of the temporary contract as required under  
19 32 section 279.19A, subsection 8.

19 33 Sec. 32. Section 279.23, Code 2003, is amended by adding  
19 34 the following new unnumbered paragraph:

19 35 NEW UNNUMBERED PARAGRAPH. Notwithstanding the other  
20 1 provisions of this section, a temporary contract may be issued  
20 2 to an administrator to fill a vacancy created by a leave of  
20 3 absence in accordance with the provisions of section 29A.28,  
20 4 which contract shall automatically terminate upon return from  
20 5 military leave of the former incumbent of the administrator  
20 6 position and which contract shall not be subject to the  
20 7 provisions of sections 279.24 and section 279.25.

20 8 Sec. 33. Section 279.46, Code 2003, is amended to read as  
20 9 follows:

20 10 279.46 RETIREMENT INCENTIVES == TAX.

20 11 The board of directors of a school district may adopt a  
20 12 program for payment of a monetary bonus, continuation of  
20 13 health or medical insurance coverage, or other incentives for  
20 14 encouraging its employees to retire before the normal  
20 15 retirement date as defined in chapter 97B. The program is  
20 16 available only to employees who notify the board of directors  
20 17 prior to April 1 of the fiscal year that they intend to retire  
20 18 not later than the start of the next following June 30 school  
20 19 calendar. The age at which employees shall be designated

20 20 eligible for the program shall be at the discretion of the  
20 21 board. An employee retiring under this section may apply for  
20 22 a retirement allowance under chapter 97B or chapter 294. The  
20 23 board may include in the district management levy an amount to  
20 24 pay the total estimated accumulated cost to the school  
20 25 district of the health or medical insurance coverage, bonus,  
20 26 or other incentives for employees within the age range of  
20 27 fifty-five to sixty-five years of age who retire under this  
20 28 section.

20 29 Sec. 34. Section 280.14, Code 2003, is amended to read as  
20 30 follows:

20 31 280.14 SCHOOL REQUIREMENTS == ADMINISTRATION.

20 32 1. The board or governing authority of each school or  
20 33 school district subject to the provisions of this chapter  
20 34 shall establish and maintain adequate administration, school  
20 35 staffing, personnel assignment policies, teacher

21 1 qualifications, certification requirements, facilities,  
21 2 equipment, grounds, graduation requirements, instructional  
21 3 requirements, instructional materials, maintenance procedures  
21 4 and policies on extracurricular activities. In addition the  
21 5 board or governing authority of each school or school district  
21 6 shall provide such principals as it finds necessary to provide  
21 7 effective supervision and administration for each school and  
21 8 its faculty and student body.

21 9 2. An individual who is employed or contracted as a  
21 10 superintendent by a school or school district may also serve  
21 11 as an elementary or secondary principal in the same school or  
21 12 school district.

21 13 Sec. 35. Section 282.18, subsection 3, Code 2003, is  
21 14 amended to read as follows:

21 15 3. In all districts involved with voluntary or court=  
21 16 ordered desegregation, minority and nonminority pupil ratios  
21 17 shall be maintained according to the desegregation plan or  
21 18 order. The superintendent of a district subject to voluntary  
21 19 or court-ordered desegregation may deny a request for transfer  
21 20 under this section if the superintendent finds that enrollment  
21 21 or release of a pupil will adversely affect the district's  
21 22 implementation of the desegregation order or plan, unless the  
21 23 transfer is requested by a pupil whose sibling is already  
21 24 participating in open enrollment to another district, or  
21 25 unless the request for transfer is submitted to the district  
21 26 in a timely manner as required under subsection 2 prior to the  
21 27 adoption of a desegregation plan by the district. If a  
21 28 transfer request would facilitate a voluntary or court-ordered  
21 29 desegregation plan, the district shall give priority to  
21 30 granting the request over other requests.

21 31 A parent or guardian, whose request has been denied because  
21 32 of a desegregation order or plan, may appeal the decision of  
21 33 the superintendent to the board of the district in which the  
21 34 request was denied. The board may either uphold or overturn  
21 35 the superintendent's decision. A decision of the board to  
22 1 uphold the denial of the request is subject to appeal to the  
22 2 district court in the county in which the primary business  
22 3 office of the district is located. By July 1, 2004, the state  
22 4 board of education shall adopt rules establishing guidelines  
22 5 and a review process for school districts that adopt voluntary  
22 6 desegregation plans. The guidelines shall include criteria  
22 7 and standards that school districts must follow when  
22 8 developing a voluntary desegregation plan. The department of  
22 9 education shall provide technical assistance to a school  
22 10 district that is seeking to adopt a voluntary desegregation  
22 11 plan. A school district implementing a voluntary  
22 12 desegregation plan prior to July 1, 2004, shall have until  
22 13 July 1, 2006, to comply with guidelines adopted by the state  
22 14 board pursuant to this section.

22 15 Sec. 36. Section 282.18, subsection 7, Code 2003, is  
22 16 amended to read as follows:

22 17 7. A pupil participating in open enrollment shall be  
22 18 counted, for state school foundation aid purposes, in the  
22 19 pupil's district of residence. A pupil's residence, for  
22 20 purposes of this section, means a residence under section  
22 21 282.1. The board of directors of the district of residence  
22 22 shall pay to the receiving district the state cost per pupil  
22 23 for the previous school year, plus any moneys received for the  
22 24 pupil as a result of the non-English speaking weighting under  
22 25 section 280.4, subsection 3, for the previous school year  
22 26 multiplied by the state cost per pupil for the previous year.  
22 27 ~~The district of residence shall also transmit the phase III~~  
22 28 ~~moneys allocated to the district for the previous year for the~~  
22 29 ~~full-time equivalent attendance of the pupil, who is the~~  
22 30 ~~subject of the request, to the receiving district specified in~~  
22 31 ~~the request for transfer.~~ If the pupil participating in open  
22 32 enrollment is also an eligible pupil under chapter 261C, the  
22 33 receiving district shall pay the tuition reimbursement amount  
22 34 to an eligible postsecondary institution as provided in  
22 35 section 261C.6.

23 1 Sec. 37. Section 284.2, subsections 1 and 3, Code 2003,  
23 2 are amended to read as follows:

23 3 1. "Beginning teacher" means an individual serving under  
23 4 an initial ~~provisional~~ license, issued by the board of  
23 5 educational examiners under chapter 272, who is assuming a  
23 6 position as a classroom teacher. For purposes of the  
23 7 beginning teacher mentoring and induction program created  
23 8 pursuant to section 284.5, "beginning teacher" also includes  
23 9 preschool teachers who are licensed by the board of  
23 10 educational examiners under chapter 272 and are employed by a  
23 11 school district or area education agency.

23 12 3. "Comprehensive evaluation" means a summative evaluation  
23 13 of a beginning teacher conducted by an evaluator for purposes  
23 14 of determining a beginning teacher's level of competency,  
23 15 ~~relative to the Iowa teaching standards and for recommendation~~  
23 16 ~~for licensure based upon models developed pursuant to section~~  
23 17 ~~256.9, subsection 50 the Iowa teaching standards, and to~~  
23 18 determine whether the teacher's practice meets the school  
23 19 district expectations for a career teacher.

23 20 Sec. 38. Section 284.3, subsection 2, paragraphs a and b,  
23 21 Code 2003, are amended to read as follows:

23 22 a. ~~By July 1, 2002, for~~ For purposes of comprehensive  
23 23 evaluations for beginning teachers required to allow beginning  
23 24 teachers to progress to career teachers, standards and  
23 25 criteria that are the Iowa teaching standards specified in  
23 26 subsection 1 and the ~~model~~ criteria for the Iowa teaching  
23 27 standards developed by the department in accordance with  
23 28 section 256.9, subsection 50. These standards and criteria  
23 29 shall be set forth in an instrument provided by the  
23 30 department. The comprehensive evaluation and instrument are  
23 31 not subject to negotiations or grievance procedures pursuant  
23 32 to chapter 20 or determinations made by the board of directors  
23 33 under section 279.14. A local school board and its certified  
23 34 bargaining representative may negotiate, pursuant to chapter  
23 35 20, evaluation and grievance procedures for beginning teachers  
24 1 that are not in conflict with this chapter. If, in accordance  
24 2 with section 279.19, a beginning teacher appeals the  
24 3 determination of a school board to an adjudicator under  
24 4 section 279.17, the adjudicator selected shall have  
24 5 successfully completed training related to the Iowa teacher  
24 6 standards, the ~~model~~ criteria adopted by the state board of  
24 7 education in accordance with subsection 3, ~~as enacted by this~~  
24 8 ~~Act,~~ and any additional training required under rules adopted  
24 9 by the public employment relations board in cooperation with  
24 10 the state board of education.

24 11 b. By July 1, ~~2004~~ 2005, for purposes of performance  
24 12 reviews for teachers other than beginning teachers,  
24 13 evaluations that contain, at a minimum, the Iowa teaching  
24 14 standards specified in subsection 1, as well as the ~~model~~  
24 15 criteria for the Iowa teaching standards developed by the  
24 16 department in accordance with section 256.9, subsection 50. A  
24 17 local school board and its certified bargaining representative  
24 18 may negotiate, pursuant to chapter 20, additional teaching  
24 19 standards and criteria. A local school board and its  
24 20 certified bargaining representative may negotiate, pursuant to  
24 21 chapter 20, evaluation and grievance procedures for teachers  
24 22 other than beginning teachers that are not in conflict with  
24 23 this chapter.

24 24 Sec. 39. Section 284.3, subsection 3, Code 2003, is  
24 25 amended to read as follows:

24 26 3. The state board shall adopt by rule pursuant to chapter  
24 27 17A the ~~model~~ criteria developed by the department in  
24 28 accordance with section 256.9, subsection 50.

24 29 Sec. 40. Section 284.4, subsection 1, paragraphs c and d,  
24 30 Code 2003, are amended to read as follows:

24 31 c. Provide, beginning in the ~~fourth~~ fifth year of  
24 32 participation, the equivalent of two additional contract days,  
24 33 outside of instruction time, than were provided in the school  
24 34 year preceding the first year of participation, to provide  
24 35 additional time for teacher career development that aligns  
25 1 with student learning and teacher development needs, including  
25 2 the integration of technology into curriculum development, in  
25 3 order to achieve attendance center and district-wide student  
25 4 achievement goals outlined in the district comprehensive  
25 5 school improvement plan. School districts are encouraged to  
25 6 develop strategies for restructuring the school calendar to  
25 7 provide for the most effective professional development,  
25 8 evaluate their current career development alignment with their  
25 9 student achievement goals and research-based instructional  
25 10 strategies, and implement district career development plans.  
25 11 A school district that provides the equivalent of ten or more  
25 12 contract days for career development is exempt from this  
25 13 paragraph.

25 14 d. Adopt ~~a~~ district and teacher career development ~~program~~  
25 15 plans in accordance with this chapter.

25 16 Sec. 41. Section 284.5, subsection 6, Code 2003, is  
25 17 amended to read as follows:

25 18 6. Upon completion of the program, the beginning teacher  
25 19 shall be comprehensively evaluated to determine if the teacher  
25 20 meets expectations to move to the career level. The school  
25 21 district or area education agency that employs the beginning  
25 22 teacher shall recommend for ~~an educational~~ a standard license

25 23 a beginning teacher who is determined through a comprehensive  
25 24 evaluation to demonstrate competence in the Iowa teaching  
25 25 standards. A school district or area education agency may  
25 26 offer a beginning teacher a third year of participation in the  
25 27 program if, after conducting a comprehensive evaluation, the  
25 28 school district determines that the teacher is likely to  
25 29 successfully complete the mentoring and induction program by  
25 30 the end of the third year of eligibility. A teacher granted a  
25 31 third year of eligibility shall develop a teacher's mentoring  
25 32 and induction program plan in accordance with this chapter and  
25 33 shall undergo a comprehensive evaluation at the end of the  
25 34 third year. The board of educational examiners shall grant a  
25 35 one-year extension of the beginning teacher's ~~provisional~~  
26 1 initial license upon notification by the school district that  
26 2 the teacher will participate in a third year of the school  
26 3 district's program.

26 4 Sec. 42. Section 284.6, subsection 5, Code 2003, is  
26 5 amended to read as follows:

26 6 5. The teacher's evaluator shall annually meet with the  
26 7 teacher to review progress in meeting the goals in the  
26 8 teacher's individual plan. The teacher shall present to the  
26 9 evaluator evidence of progress. The purpose of the meeting  
26 10 shall be to review the teacher's progress in meeting career  
26 11 development goals in the plan and to review collaborative work  
26 12 with other staff on student achievement goals and to modify as  
26 13 necessary the teacher's individual plan to reflect the  
26 14 individual teacher's and the school district's needs and the  
26 15 individual's progress in meeting the goals in the plan. The  
26 16 teacher's supervisor and the evaluator shall review, modify,  
26 17 or accept modifications made to the teacher's individual plan.

26 18 Sec. 43. Section 284.7, subsection 1, paragraph a,  
26 19 subparagraph (1), subparagraph subdivision (b), Code 2003, is  
26 20 amended to read as follows:

26 21 (b) Holds a ~~provisional~~ an initial teacher license issued  
26 22 by the board of educational examiners.

26 23 Sec. 44. Section 284.7, subsection 2, paragraph a,  
26 24 subparagraph (1), Code 2003, is amended to read as follows:

26 25 (1) A career II teacher is a teacher who meets the  
26 26 requirements of subsection 1, paragraph "b", has met the  
26 27 requirements established by the school district that employs  
26 28 the teacher, and is evaluated by the school district as  
26 29 demonstrating the competencies of a career II teacher. The  
26 30 teacher shall have successfully completed a ~~comprehensive~~  
26 31 evaluation performance review in order to be classified as a  
26 32 career II teacher.

26 33 Sec. 45. Section 284.7, subsection 4, Code 2003, is  
26 34 amended to read as follows:

26 35 4. If a ~~comprehensive evaluation~~ evaluation performance review for a  
27 1 teacher is conducted in the fifth year of the teacher's status  
27 2 at the career level, and indicates that the teacher's practice  
27 3 no longer meets the standards for that level, a ~~comprehensive~~  
27 4 evaluation performance review shall be conducted in the next  
27 5 following school year. If the ~~comprehensive evaluation~~  
27 6 performance review establishes that the teacher's practice  
27 7 fails to meet the standards for that level, the teacher shall  
27 8 be ineligible for any additional pay increase other than a  
27 9 cost-of-living increase.

27 10 Sec. 46. Section 284.7, subsection 6, paragraph a, Code  
27 11 2003, is amended to read as follows:

27 12 a. ~~For the school year beginning July 1, 2002, and ending~~  
27 13 ~~June 30, 2003, if~~ If the licensed employees of a school  
27 14 district or area education agency receiving funds pursuant to  
27 15 section 284.13, subsection 1, paragraph "g" or "h", for  
27 16 purposes of this section, are organized under chapter 20 for  
27 17 collective bargaining purposes, the board of directors and the  
27 18 certified bargaining representative for the licensed employees  
27 19 shall mutually agree upon a formula for distributing the funds  
27 20 among the teachers employed by the school district or area  
27 21 education agency. However, the school district must comply  
27 22 with the salary minimums provided for in this section. The  
27 23 parties shall follow the negotiation and bargaining procedures  
27 24 specified in chapter 20 except that if the parties reach an  
27 25 impasse, neither impasse procedures agreed to by the parties  
27 26 nor sections 20.20 through 20.22 shall apply and the funds  
27 27 shall be paid as provided in paragraph "b". Negotiations  
27 28 under this section are subject to the scope of negotiations  
27 29 specified in section 20.9. If a board of directors and the  
27 30 certified bargaining representative for licensed employees  
27 31 have not reached mutual agreement ~~by July 15, 2002,~~ for the  
27 32 distribution of funds received pursuant to section 284.13,  
27 33 subsection 1, paragraph "g" or "h", by July 15 of the fiscal



27 34 year for which the funds are distributed. paragraph "b" of  
27 35 this subsection shall apply.  
28 1 Sec. 47. Section 284.8, subsection 2, Code 2003, is  
28 2 amended to read as follows:  
28 3 2. If a supervisor or an evaluator determines, at any  
28 4 time, as a result of a teacher's performance that the teacher  
28 5 is not meeting district expectations under the Iowa teaching  
28 6 standards specified in section 284.3, subsection 1, paragraphs  
28 7 "a" through "g", the ~~model~~ criteria for the Iowa teaching  
28 8 standards developed by the department in accordance with  
28 9 section 256.9, subsection 50, ~~or and~~ any other standards or  
28 10 criteria established in the collective bargaining agreement,  
28 11 the evaluator shall, at the direction of the teacher's  
28 12 supervisor, recommend to the district that the teacher  
28 13 participate in an intensive assistance program. The intensive  
28 14 assistance program and its implementation are not subject to  
28 15 negotiation or grievance procedures established pursuant to  
28 16 chapter 20. By July 1, ~~2004~~ 2005, all school districts must  
28 17 be prepared to offer an intensive assistance program.  
28 18 Sec. 48. Section 284.9, subsection 3, Code 2003, is  
28 19 amended to read as follows:  
28 20 3. To assure fairness and consistency in the evaluation  
28 21 process, the review panels may perform random audits of the  
28 22 comprehensive evaluations and performance reviews conducted by  
28 23 evaluators throughout the state, and may randomly review  
28 24 ~~performance-based evaluation models~~ how the evaluators are  
28 25 evaluating teachers based upon the Iowa teaching standards  
28 26 developed by school districts in accordance with section  
28 27 284.3, subsection 2. The review of the evaluation models  
28 28 shall ensure that the model is at least equivalent to the  
28 29 state models developed pursuant to section 256.9, subsection  
28 30 50.  
28 31 Sec. 49. Section 284.10, subsections 4 and 5, Code 2003,  
28 32 are amended to read as follows:  
28 33 4. ~~By July 1, 2003, a~~ A higher education institution  
28 34 approved by the state board to provide an administrator  
28 35 preparation program shall incorporate the evaluator training  
29 1 program into the program offered by the institution.  
29 2 5. ~~Beginning July 1, 2003, the~~ The board of educational  
29 3 examiners shall require certification as a condition of  
29 4 issuing or renewing an administrator's license.  
29 5 Sec. 50. Section 284.11, subsections 1 and 6, Code 2003,  
29 6 are amended to read as follows:  
29 7 1. It is the intent of the general assembly to create a  
29 8 statewide team-based variable pay program to reward individual  
29 9 attendance centers for improvement in student achievement. A  
29 10 pilot program is established to give Iowa school districts  
29 11 with one or more participating attendance centers the  
29 12 opportunity to explore and demonstrate successful methods to  
29 13 implement team-based variable pay and to compare student  
29 14 achievement gains in school districts participating in the  
29 15 program with gains in school districts similar in nature that  
29 16 are not participating in the program. The department shall  
29 17 develop and administer the pilot program and shall provide  
29 18 technical assistance in the areas of goal setting and student  
29 19 assessments to school districts approved to participate in the  
29 20 pilot program. Preference shall be given to school districts  
29 21 that were previously approved to participate in a pilot  
29 22 program administered by the department in accordance with this  
29 23 section. Each school district approved by the department to  
29 24 participate in the pilot program shall administer valid and  
29 25 reliable standardized assessments at the beginning and end of  
29 26 the school year to demonstrate growth in student achievement.  
29 27 6. A district electing to initiate a team-based variable  
29 28 pay plan according to this section during the school year  
29 29 beginning July 1, ~~2001~~ 2003, shall notify the department of  
29 30 its election in writing no later than August 1, ~~2001~~ 2003.  
29 31 The department shall certify the school district plan by  
29 32 October 1, ~~2001~~ 2003.  
29 33 Sec. 51. Section 285.5, subsection 9, Code 2003, is  
29 34 amended to read as follows:  
29 35 9. All bus drivers, except substitute and part-time bus  
30 1 drivers, for school-owned equipment shall be under contract  
30 2 with the board. The director of the department of education  
30 3 shall prepare a uniform contract containing provision not in  
30 4 conflict with this chapter which shall be used by all school  
30 5 boards in contracting with drivers of school-owned vehicles.  
30 6 Sec. 52. Section 285.10, subsection 7, paragraph b, Code  
30 7 2003, is amended to read as follows:  
30 8 b. May purchase buses and enter into contracts to pay for  
30 9 such buses over a five-year period as follows: one-fourth of

30 10 the cost when the bus is delivered and the balance in equal  
30 11 annual installments, plus simple interest due. The interest  
30 12 rate shall be the lowest rate available and shall not exceed  
30 13 the rate in effect under section 74A.2. The bus shall serve  
30 14 as security for balance due. Competitive bids on comparable  
30 15 equipment shall be requested on all school bus ~~body and~~  
30 16 ~~chassis~~ purchases and shall be based upon minimum construction  
30 17 standards established by the department of education.  
30 18 ~~Separate body and chassis bids~~ Bids shall be requested unless  
30 19 the bus is ~~constructed as an integral unit, inseparable as to~~  
30 20 ~~body and chassis, by the manufacturer or is~~ a used or  
30 21 demonstrator bus.

30 22 Sec. 53. Section 294A.1, unnumbered paragraph 1, Code  
30 23 2003, is amended to read as follows:

30 24 The purpose of this chapter is to promote excellence in  
30 25 education. In order to maintain and advance the educational  
30 26 excellence in the state of Iowa, this chapter establishes the  
30 27 Iowa educational excellence program. The program shall  
30 28 consist of ~~three~~ two major phases addressing the following:

30 29 Sec. 54. Section 294A.1, subsection 3, Code 2003, is  
30 30 amended by striking the subsection.

30 31 Sec. 55. Section 294A.3, unnumbered paragraph 2, Code  
30 32 2003, is amended by striking the unnumbered paragraph.

30 33 Sec. 56. Section 294A.22, unnumbered paragraph 3, Code  
30 34 2003, is amended to read as follows:

30 35 Payments made to a teacher by a school district or area  
31 1 education agency under this chapter are wages for the purposes  
31 2 of chapter 91A ~~except for payments made under an approved~~  
31 3 ~~phase III plan where a modified payment plan has either been~~  
31 4 ~~mutually agreed upon by the board of directors and the~~  
31 5 ~~certified bargaining representative for certificated employees~~  
31 6 ~~or for a district that is not organized for collective~~  
31 7 ~~bargaining purposes where a modified payment plan is adopted~~  
31 8 ~~by the board.~~

31 9 Sec. 57. Section 321.375, subsection 2, unnumbered  
31 10 paragraph 1, Code 2003, is amended to read as follows:

31 11 Any of the following shall constitute grounds for a school  
31 12 bus driver's immediate suspension from duties, pending a  
31 13 termination hearing by the board of directors of a public  
31 14 school district or the authorities in charge in a nonpublic  
31 15 school if the bus driver is under contract, pending  
31 16 confirmation of the grounds by the school district or  
31 17 accredited nonpublic school if the bus driver is a part-time  
31 18 or substitute bus driver who is not under contract, or pending  
31 19 confirmation of the grounds by the employer of the school bus  
31 20 driver if the employer is not a school district or accredited  
31 21 nonpublic school by the board:

31 22 Sec. 58. Section 321.375, subsection 2, Code 2003, is  
31 23 amended by adding the following new paragraph:

31 24 NEW PARAGRAPH. e. A change in circumstances indicating  
31 25 that the driver is no longer physically or mentally competent.  
31 26 For the purpose of an insulin-dependent diabetic, a change in  
31 27 circumstances includes the following:

31 28 (1) Results of a glycosylated hemoglobin test indicating  
31 29 values less than 6.0 percent or greater than 9.5 percent  
31 30 unless accompanied by the required medical opinion that the  
31 31 event was incidental and not an indication of failure to  
31 32 control glucose levels.

31 33 (2) Results of self-monitoring indicate glucose levels  
31 34 less than one hundred milligrams per deciliter or greater than  
31 35 three hundred milligrams per deciliter, until self-monitoring  
32 1 indicates compliance with specifications.

32 2 (3) Experiencing a loss of consciousness or control  
32 3 relating to diabetes.

32 4 (4) Failing to maintain or falsifying the required  
32 5 reports.

32 6 Sec. 59. Section 321.375, Code 2003, is amended by adding  
32 7 the following new subsection:

32 8 NEW SUBSECTION. 3. a. Notwithstanding any provision to  
32 9 the contrary, an insulin-dependent diabetic may qualify under  
32 10 subsection 1, paragraph "d", for purposes of operating a  
32 11 school bus under this section if a person identified by  
32 12 federal or state law as authorized to perform physical  
32 13 examinations annually provides a signed statement indicating  
32 14 that based upon an annual physical examination the individual  
32 15 is physically able to perform the required functions despite  
32 16 insulin dependency. The insulin-dependent diabetic shall not  
32 17 qualify to operate a school bus if, at minimum, the individual  
32 18 results of a glycosylated hemoglobin test indicate values less  
32 19 than 6.0 percent or greater than 9.5 percent on other than an  
32 20 incidental basis and not as a result of failure to control

32 21 glucose levels. The statement shall also indicate that within  
32 22 the past three years the insulin-dependent diabetic has  
32 23 completed instruction to address diabetes management and  
32 24 driving safety, signs and symptoms of hypoglycemia and  
32 25 hyperglycemia, and what procedures must be followed if  
32 26 complications arise.

32 27 b. A school district or authorities in charge of the  
32 28 nonpublic school that employs or otherwise secures the  
32 29 services of an individual with an authorization who is an  
32 30 insulin-dependent diabetic shall monitor the insulin-dependent  
32 31 diabetic to determine that they are in compliance with all of  
32 32 the following:

32 33 (1) Self-monitoring blood glucose and demonstrating  
32 34 conformance with requirements, more than one hundred  
32 35 milligrams per deciliter and less than three hundred  
33 1 milligrams per deciliter, within one hour before driving a  
33 2 school bus and approximately every four hours while on duty  
33 3 using a United States food and drug administration approved  
33 4 device.

33 5 (2) Reporting immediately to the school district or school  
33 6 any failure to comply with specific glucose level requirements  
33 7 as listed in subparagraph (1) or loss of consciousness or  
33 8 control.

33 9 (3) Carrying a source of readily absorbable, fast-acting  
33 10 glucose while on duty.

33 11 (4) Maintaining a daily log of all glucose test results  
33 12 for the previous six-month period and providing copies to the  
33 13 school district or school, the examining physician, and the  
33 14 department of education upon request.

33 15 (5) Submitting all required department of education forms  
33 16 within the prescribed timelines.

33 17 Sec. 60. Section 321J.22, subsection 2, paragraph d, Code  
33 18 2003, is amended to read as follows:

33 19 d. The department of education shall establish reasonable  
33 20 fees to defray the expense of obtaining classroom space,  
33 21 instructor salaries, and class materials for courses offered  
33 22 both by community colleges and by substance abuse treatment  
33 23 programs licensed under chapter 125, and for administrative  
33 24 expenses incurred by the department of education in  
33 25 implementing subsection 5 on behalf of in-state and out-of-  
33 26 state offenders.

33 27 Sec. 61. Section 331.909, subsection 2, Code 2003, is  
33 28 amended to read as follows:

33 29 2. The activities of a multidisciplinary community  
33 30 services team shall not duplicate the activities of a  
33 31 multidisciplinary team for child abuse under section 235A.13,  
33 32 dependent adult abuse activities under section 235B.6, ~~area~~  
33 33 ~~education agency activities under section 294A.14, or child~~  
33 34 victim services provided under section 915.35.

33 35 Sec. 62. Section 614.1, subsection 12, Code 2003, is  
34 1 amended to read as follows:

34 2 12. SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A COUNSELOR, OR  
34 3 THERAPIST, OR SCHOOL EMPLOYEE. An action for damages for  
34 4 injury suffered as a result of sexual abuse, as defined in  
34 5 section 709.1, by a counselor, ~~or~~ therapist, ~~or school~~  
34 6 ~~employee~~, as defined in section 709.15, or as a result of  
34 7 sexual exploitation by a counselor, ~~or~~ therapist, ~~or school~~  
34 8 ~~employee~~ shall be brought within five years of the date the  
34 9 victim was last treated by the counselor or therapist, ~~or~~  
34 10 ~~within five years of the date the victim was last enrolled in~~  
34 11 ~~or attended the school.~~

34 12 Sec. 63. Section 692A.1, subsection 10, Code 2003, is  
34 13 amended to read as follows:

34 14 10. "Sexual exploitation" means sexual exploitation by a  
34 15 counselor, ~~or~~ therapist, ~~or school employee~~ under section  
34 16 709.15.

34 17 Sec. 64. Section 702.11, subsection 2, paragraph d, Code  
34 18 2003, is amended to read as follows:

34 19 d. Sexual exploitation by a counselor, ~~or~~ therapist, ~~or~~  
34 20 ~~school employee~~ in violation of section 709.15.

34 21 Sec. 65. Section 709.15, Code 2003, is amended to read as  
34 22 follows:

34 23 709.15 SEXUAL EXPLOITATION BY A COUNSELOR, OR THERAPIST,  
34 24 OR SCHOOL EMPLOYEE.

34 25 1. As used in this section:

34 26 a. "Counselor or therapist" means a physician,  
34 27 psychologist, nurse, professional counselor, social worker,  
34 28 marriage or family therapist, alcohol or drug counselor,  
34 29 member of the clergy, or any other person, whether or not  
34 30 licensed or registered by the state, who provides or purports  
34 31 to provide mental health services.

34 32 b. "Emotionally dependent" means that the nature of the  
34 33 patient's or client's or former patient's or client's  
34 34 emotional condition or the nature of the treatment provided by  
34 35 the counselor or therapist is such that the counselor or  
35 1 therapist knows or has reason to know that the patient or  
35 2 client or former patient or client is significantly impaired  
35 3 in the ability to withhold consent to sexual conduct, as  
35 4 described in ~~paragraph "f"~~ subsection 2, by the counselor or  
35 5 therapist.

35 6 For the purposes of ~~paragraph "f"~~ subsection 2, a former  
35 7 patient or client is presumed to be emotionally dependent for  
35 8 one year following the termination of the provision of mental  
35 9 health services.

35 10 c. "Former patient or client" means a person who received  
35 11 mental health services from the counselor or therapist.

35 12 d. "Mental health service" means the treatment,  
35 13 assessment, or counseling of another person for a cognitive,  
35 14 behavioral, emotional, mental, or social dysfunction,  
35 15 including an intrapersonal or interpersonal dysfunction.

35 16 e. "Patient or client" means a person who receives mental  
35 17 health services from the counselor or therapist.

35 18 ~~f. "School employee" means a practitioner as defined in~~  
35 19 ~~section 272.1.~~

35 20 ~~g. "Student" means a person who is currently enrolled in~~  
35 21 ~~or attending a public or nonpublic elementary or secondary~~  
35 22 ~~school, or who was a student enrolled in or attended a public~~  
35 23 ~~or nonpublic elementary or secondary school within thirty days~~  
35 24 ~~of any violation of subsection 3.~~

35 25 ~~f. 2. "Sexual Sexual exploitation by a counselor or~~  
35 26 ~~therapist" therapist occurs when any of the following are~~  
35 27 ~~found:~~

35 28 ~~(1) a. A pattern or practice or scheme of conduct to~~  
35 29 ~~engage in any of the conduct described in ~~subparagraph (2) or~~~~  
35 30 ~~(3) paragraph "b" or "c".~~

35 31 ~~(2) b. Any sexual conduct, with an emotionally dependent~~  
35 32 ~~patient or client or emotionally dependent former patient or~~  
35 33 ~~client for the purpose of arousing or satisfying the sexual~~  
35 34 ~~desires of the counselor or therapist or the emotionally~~  
35 35 ~~dependent patient or client or emotionally dependent former~~  
36 1 ~~patient or client, which includes but is not limited to the~~  
36 2 ~~following: kissing; touching of the clothed or unclothed~~  
36 3 ~~inner thigh, breast, groin, buttock, anus, pubes, or genitals;~~  
36 4 ~~or a sex act as defined in section 702.17.~~

36 5 ~~(3) c. Any sexual conduct with a patient or client or~~  
36 6 ~~former patient or client within one year of the termination of~~  
36 7 ~~the provision of mental health services by the counselor or~~  
36 8 ~~therapist for the purpose of arousing or satisfying the sexual~~  
36 9 ~~desires of the counselor or therapist or the patient or client~~  
36 10 ~~or former patient or client which includes but is not limited~~  
36 11 ~~to the following: kissing; touching of the clothed or~~  
36 12 ~~unclothed inner thigh, breast, groin, buttock, anus, pubes, or~~  
36 13 ~~genitals; or a sex act as defined in section 702.17.~~

36 14 ~~"Sexual Sexual exploitation by a counselor or therapist"~~  
36 15 ~~therapist does not include touching which is part of a~~  
36 16 ~~necessary examination or treatment provided a patient or~~  
36 17 ~~client by a counselor or therapist acting within the scope of~~  
36 18 ~~the practice or employment in which the counselor or therapist~~  
36 19 ~~is engaged.~~

36 20 3. Sexual exploitation by a school employee occurs when  
36 21 any of the following are found:

36 22 a. A pattern or practice or scheme of conduct to engage in  
36 23 any of the conduct described in paragraph "b".

36 24 b. Any sexual conduct with a student for the purpose of  
36 25 arousing or satisfying the sexual desires of the school  
36 26 employee or the student. Sexual conduct includes but is not  
36 27 limited to the following: kissing; touching of the clothed or  
36 28 unclothed inner thigh, breast, groin, buttock, anus, pubes, or  
36 29 genitals; or a sex act as defined in section 702.17.

36 30 Sexual exploitation by a school employee does not include  
36 31 touching that is necessary in the performance of the school  
36 32 employee's duties while acting within the scope of employment.

36 33 ~~2- 4. a. A counselor or therapist who commits sexual~~  
36 34 ~~exploitation in violation of subsection ~~1~~ 2, paragraph "f"~~  
36 35 ~~"a", subparagraph (1), commits a class "D" felony.~~

37 1 ~~3- b. A counselor or therapist who commits sexual~~  
37 2 ~~exploitation in violation of subsection ~~1~~ 2, paragraph "f"~~  
37 3 ~~"b", subparagraph (2), commits an aggravated misdemeanor.~~

37 4 ~~4- c. A counselor or therapist who commits sexual~~  
37 5 ~~exploitation in violation of subsection ~~1~~ 2, paragraph "f"~~  
37 6 ~~"c", subparagraph (3), commits a serious misdemeanor. In lieu~~  
37 7 ~~of the sentence provided for under section 903.1, subsection~~



37 8 1, paragraph "b", the offender may be required to attend a  
37 9 sexual abuser treatment program.  
37 10 5. a. A school employee who commits sexual exploitation  
37 11 in violation of subsection 3, paragraph "a", commits a class  
37 12 "D" felony.

37 13 b. A school employee who commits sexual exploitation in  
37 14 violation of subsection 3, paragraph "b", commits an  
37 15 aggravated misdemeanor.

37 16 Sec. 66. Section 802.2A, subsection 2, Code 2003, is  
37 17 amended to read as follows:

37 18 2. An indictment or information for sexual exploitation by  
37 19 a counselor, ~~or~~ therapist, or school employee under section  
37 20 709.15 committed on or with a person who is under the age of  
37 21 eighteen shall be found within ten years after the person upon  
37 22 whom the offense is committed attains eighteen years of age.  
37 23 An information or indictment for any other sexual exploitation  
37 24 shall be found within ten years of the date the victim was  
37 25 last treated by the counselor or therapist, or within ten  
37 26 years of the date the victim was enrolled in or attended the  
37 27 school.

37 28 Sec. 67. Section 903B.1, subsection 4, paragraph h, Code  
37 29 2003, is amended to read as follows:

37 30 h. Sexual exploitation ~~by a counselor~~ in violation of  
37 31 section 709.15.

37 32 Sec. 68. MINIMUM TEACHER SALARY REQUIREMENTS == FY 2003=  
37 33 2004.

37 34 1. Notwithstanding section 284.7, subsection 1, paragraph  
37 35 "a", subparagraph (2), the minimum teacher salary paid by a  
38 1 school district or area education agency for purposes of  
38 2 teacher compensation in accordance with chapter 284, for the  
38 3 fiscal year beginning July 1, 2003, and ending June 30, 2004,  
38 4 shall be the minimum salary amount the school district or area  
38 5 education agency paid to a first-year beginning teacher or,  
38 6 the minimum salary amount the school district or area  
38 7 education agency would have paid a first-year beginning  
38 8 teacher if the school district or area education agency had  
38 9 participated in the program in the 2001=2002 school year, in  
38 10 accordance with section 284.7, subsection 1, Code Supplement  
38 11 2001. If the school district or area education agency did not  
38 12 employ a first-year beginning teacher in the 2001=2002 school  
38 13 year, the minimum salary is the amount that the district would  
38 14 have paid a first-year beginning teacher under chapter 284 in  
38 15 the 2001=2002 school year.

38 16 2. Notwithstanding section 284.7, subsection 1, paragraph  
38 17 "b", subparagraph (2), the minimum career teacher salary paid  
38 18 to a career teacher who was a beginning teacher in the 2001=  
38 19 2002 school year, by a school district or area education  
38 20 agency participating in the student achievement and teacher  
38 21 quality program, for the school year beginning July 1, 2003,  
38 22 and ending June 30, 2004, shall be, unless the school district  
38 23 has a minimum career teacher salary that exceeds thirty  
38 24 thousand dollars, one thousand dollars greater than the  
38 25 minimum salary amount the school district or area education  
38 26 agency paid to a first-year beginning teacher if the school  
38 27 district or area education agency participated in the program  
38 28 during the 2001=2002 school year, or the minimum salary amount  
38 29 the school district or area education agency would have paid a  
38 30 first-year beginning teacher if the school district or area  
38 31 education agency had participated in the program in the 2001=  
38 32 2002 school year, in accordance with section 284.7, subsection  
38 33 1, Code Supplement 2001.

38 34 3. Notwithstanding section 284.7, subsection 1, paragraph  
38 35 "b", subparagraph (2), and except as provided in subsection 2,  
39 1 the minimum career teacher salary paid by a school district or  
39 2 area education agency participating in the student achievement  
39 3 and teacher quality program, for purposes of teacher  
39 4 compensation in accordance with chapter 284, for the school  
39 5 year beginning July 1, 2003, and ending June 30, 2004, shall  
39 6 be the minimum salary amount the school district or area  
39 7 education agency paid to a career teacher if the school  
39 8 district or area education agency participated in the program  
39 9 during the 2001=2002 school year, or, the minimum salary  
39 10 amount the school district or area education agency would have  
39 11 paid a career teacher if the school district or area education  
39 12 agency had participated in the program in the 2001=2002 school  
39 13 year, in accordance with section 284.7, subsection 1, Code  
39 14 Supplement 2001.

39 15 Sec. 69. READING INSTRUCTION PILOT PROGRAM.

39 16 1. Recognizing the state's goals of assisting children to  
39 17 grow, develop, and learn to their fullest extent, empowering  
39 18 students in grades kindergarten through eight to become good

39 19 readers, and supporting student achievement and overall  
39 20 academic performance, and recognizing the importance of  
39 21 instructional methodologies and strategies for reading, a  
39 22 reading instruction pilot program is established. The  
39 23 objective of the program shall be to improve student reading  
39 24 achievement and provide interventions needed to assist  
39 25 struggling readers by increasing teacher capacity to provide  
39 26 reading instruction.

39 27 2. The program shall be established for the school year  
39 28 beginning July 1, 2003, in a school district with an  
39 29 enrollment of at least six hundred pupils in grades  
39 30 kindergarten through twelve, or in two or more school  
39 31 districts, each with enrollments of less than six hundred  
39 32 pupils in grades kindergarten through twelve, jointly  
39 33 participating in the program and with a combined enrollment of  
39 34 at least six hundred pupils in grades kindergarten through  
39 35 twelve. The program shall involve the implementation of  
40 1 systematic intensive phonics reading instruction and direct  
40 2 instruction for students up to and including the eighth grade.  
40 3 The program shall meet the standards set forth by the United  
40 4 States department of education's national institute for  
40 5 literacy, which has identified the five areas of successful  
40 6 reading instruction as phonemic awareness, phonics, fluency,  
40 7 vocabulary, and text comprehension.

40 8 3. The program shall offer training and ongoing support  
40 9 for participating teachers and provide continuous formal and  
40 10 informal student assessment to demonstrate results. Teachers  
40 11 in the school district or group of districts selected shall,  
40 12 prior to the beginning of classes for the school year  
40 13 beginning July 1, 2003, participate in an in-service training  
40 14 program to prepare for implementation of the program. The in-  
40 15 service training shall include education and training in  
40 16 curriculum content and methods of instruction relating to  
40 17 systematic intensive phonics reading instruction and direct  
40 18 instruction, student assessment procedures and techniques, and  
40 19 effective interventions to address specific reading  
40 20 difficulties, and shall continue on an ongoing basis  
40 21 throughout the school year.

40 22 4. The program shall be administered by the department of  
40 23 education. The department shall provide notice to school  
40 24 districts regarding the existence of the program, shall  
40 25 provide technical assistance regarding application submission  
40 26 and information regarding program objectives and operation,  
40 27 and shall provide program implementation assistance to the  
40 28 school district or group of districts selected. A school  
40 29 district or group of districts wishing to participate shall  
40 30 submit an application to the department and the department  
40 31 shall, before July 1, 2003, select a school district or group  
40 32 of districts for participation in the pilot program. In the  
40 33 application the school district or group of districts shall  
40 34 propose a districtwide plan for effective reading  
40 35 interventions involving an approach to beginning reading  
41 1 instruction and boosting the reading levels of students using  
41 2 systematic intensive phonics instruction and direct  
41 3 instruction. A school district submitting an application  
41 4 shall also indicate a willingness to provide faculty committed  
41 5 to implementation of the program and participation in the in-  
41 6 service training, and shall include a plan for conducting  
41 7 pretesting and posttesting to demonstrate results. The  
41 8 department shall select for participation a school district or  
41 9 group of districts, after consultation with the chairpersons  
41 10 and ranking members of the senate and house standing  
41 11 committees on education, which demonstrates an ability to  
41 12 implement program requirements and adhere to the national  
41 13 institute for literacy standards.

41 14 5. Upon completion of the pilot program, the school  
41 15 district shall submit a report to the department regarding the  
41 16 impact of the program on student academic achievement. The  
41 17 department shall prepare a report summarizing these results,  
41 18 and comparing them to student academic achievement gains in  
41 19 similar school districts that did not participate in the  
41 20 program. The department report shall include recommendations  
41 21 for statewide implementation of the pilot program, and shall  
41 22 be submitted to the chairpersons and ranking members of the  
41 23 senate and house standing committees on education by December  
41 24 15, 2004.

41 25 6. The establishment of the program pursuant to this  
41 26 section shall be contingent upon an appropriation for purposes  
41 27 of the program for the fiscal year beginning July 1, 2003, and  
41 28 ending June 30, 2004. Funds provided to the school district  
41 29 or group of districts selected shall be used by the district

41 30 or group of districts to provide stipends and travel expense  
41 31 payments during the summer teacher in-service training,  
41 32 ongoing training and support during the school year, expense  
41 33 payments relating to data collection, and payments for the  
41 34 costs of reading instruction relating to the program.  
41 35 Sec. 70. Sections 294A.12 through 294A.20, and 294A.23,  
42 1 Code 2003, are repealed.  
42 2 Sec. 71. EFFECTIVE DATES.  
42 3 1. Section 9 of this Act, relating to the repeal of  
42 4 chapter 256D, being deemed of immediate importance, takes  
42 5 effect upon enactment.  
42 6 2. Section 10 of this Act, relating to school  
42 7 reorganization incentives, being deemed of immediate  
42 8 importance, takes effect upon enactment.  
42 9 3. Section 69 of this Act, relating to a reading  
42 10 instruction pilot program, being deemed of immediate  
42 11 importance, takes effect upon enactment.  
42 12 Sec. 72. EFFECTIVE AND RETROACTIVE APPLICABILITY  
42 13 PROVISION. Section 35 of this Act, relating to a request for  
42 14 open enrollment submitted to a district prior to the  
42 15 district's adoption of a desegregation plan, being deemed of  
42 16 immediate importance, takes effect upon enactment and applies  
42 17 retroactively to July 1, 2002, for open enrollment transfer  
42 18 requests received by a school district on or after July 1,  
42 19 2002.  
42 20 HF 549  
42 21 kh/es/25