

3. Arrange for the financial condition and transactions of the community mental health center to be audited once each year by the auditor of state. However, in lieu of an audit by state accountants, the local governing body of a community mental health center organized under this chapter may contract with or employ certified public accountants to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections ~~11.18~~ 11.6 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the accountant to the administrator of the division of mental health, mental retardation, and developmental disabilities, and the board of supervisors supporting the audited community mental health center.

Sec. 7. Section 279.38, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Boards of directors of school corporations may pay, out of funds available to them, reasonable annual dues to the Iowa association of school boards. The financial condition and transactions of the Iowa association of school boards shall be audited in the same manner as school corporations as provided in section ~~11.18~~ 11.6. In addition, annually the Iowa association of school boards shall publish a listing of the school districts and the annual dues paid by each and shall publish an accounting of all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association.

Sec. 8. Section 364.5, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The financial condition and the transactions of the league of Iowa municipalities shall be audited in the same manner as cities as provided in section ~~11.18~~ 11.6.

Sec. 9. Section 601K.98, Code 1989, is amended to read as follows:
601K.98 AUDIT.

Each community action agency shall be audited annually but shall ~~in no case not~~ be required to obtain a duplicate audit to meet the requirements of this section. In lieu of an audit by the auditor of state, the community action agency may contract with or employ a certified public accountant to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections ~~11.18~~ 11.6 and 11.19 and an audit format prescribed by the auditor of state. Copies of each audit shall be furnished to the division within three months following the annual audit.

Sec. 10. Section 11.18, Code 1989, is repealed.

Sec. 11. APPLICABILITY. This Act applies to audits of the fiscal year ending June 30, 1989, and subsequent fiscal years.

Approved May 31, 1989

CHAPTER 265

EDUCATIONAL PROGRAMS AND EXAMINERS BOARD

H.F. 794

AN ACT establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 260.1, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.1 DEFINITIONS.

1. "Administrator" means a person who is licensed to coordinate, supervise, or direct an educational program or the activities of other practitioners.

2. "Board" means the board of educational examiners.
3. "Department" means the state department of education.
4. "License" means the authority that is given to allow a person to legally serve as a practitioner, a school, an institution, or a course of study to legally offer professional development programs, other than those programs offered by practitioner preparation schools, institutions, or courses of study.
5. "Practitioner" means an administrator, teacher, or other licensed professional who does not hold or receive a license from a professional licensing board other than the board of educational examiners and who provides educational assistance to students.
6. "Practitioner preparation program" means a program approved by the state board of education which prepares a person to obtain a license as a practitioner.
7. "Principal" means a licensed member of a school's instructional staff who serves as an instructional leader, coordinates the process and substance of educational and instructional programs, coordinates the budget of the school, provides formative evaluation for all practitioners and other persons in the school, recommends or has effective authority to appoint, assign, promote, or transfer personnel in a school building, implements the local school board's policy in a manner consistent with professional practice and ethics, and assists in the development and supervision of a school's student activities program.
8. "Professional development program" means a course or program which is offered by a person or agency for the purpose of providing continuing education for the renewal or upgrading of a practitioner's license.
9. "School" means a school under section 280.2, a merged area school, an area education agency, and a school operated by a state agency for special purposes.
10. "School service personnel" means those persons holding a practitioner's license who provide support services for a student enrolled in school or to practitioners employed in a school.
11. "Student" means a person who is enrolled in a course of study at a school or practitioner preparation program, or who is receiving direct or indirect assistance from a practitioner.
12. "Superintendent" means an administrator who promotes, demotes, transfers, assigns, or evaluates practitioners or other personnel, and carries out the policies of a governing board in a manner consistent with professional practice and ethics.
13. "Teacher" means a licensed member of a school's instructional staff who diagnoses, prescribes, evaluates, and directs student learning in a manner which is consistent with professional practice and school objectives, shares responsibility for the development of an instructional program and any coordinating activities, evaluates or assesses student progress before and after instruction, and who uses the student evaluation or assessment information to promote additional student learning.

Sec. 2. Section 260.2, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.2 BOARD OF EXAMINERS CREATED.

The board of educational examiners is created to exercise the exclusive authority to:

1. License practitioners, who do not hold or receive a license from another professional licensing board, and professional development programs, except for programs developed and offered by practitioner preparation institutions or area education agencies and approved by the state board of education. Licensing authority includes the authority to establish criteria for the licenses, including but not limited to, issuance and renewal requirements, creation of application and renewal forms, creation of licenses that authorize different instructional functions or specialties, development of a code of professional rights and responsibilities, practice, and ethics, and the authority to develop any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties. A code of professional rights and responsibilities, practice, and ethics shall address but not be limited to the habitual failure of a practitioner to fulfill contractual obligations under section 279.13.
2. Establish, collect, and refund fees for a license.

3. Enter into reciprocity agreements with other equivalent state boards or a national certification board to provide for licensing of applicants from other states or nations.

4. Enforce rules adopted by the board through revocation or suspension of a license, or by other disciplinary action against a practitioner or professional development program licensed by the board of educational examiners.

5. Apply for and receive federal or other funds on behalf of the state for purposes related to its duties.

6. Evaluate and conduct studies of board standards.

7. Hire an executive director, legal counsel, and other personnel and control the personnel administration of persons employed by the board.

8. Hear appeals regarding application, renewal, suspension, or revocation of a license. Board action is final agency action for purposes of chapter 17A.

9. Establish standards for the determination of whether an applicant is qualified to perform the duties required for a given license.

10. Issue statements of professional recognition to school service personnel who are licensed by another professional licensing board.

11. Make recommendations to the state board of education concerning standards for the approval of professional development programs.

12. Establish, under chapter 17A, rules necessary to carry out board duties, and establish a budget request.

13. By January 1, 1991, adopt rules and establish classifications for temporary substitute teaching, for persons who hold a bachelor's degree from an accredited college or university, but who do not meet other requirements for licensure. Rules adopted shall provide that temporary substitute teaching licenses shall be valid for two years, or until the holder has completed an alternative training program, whichever occurs first. Temporary substitute teaching license holders, whose licenses expire because of completion of an alternative training program, shall be eligible for an appropriate standard license upon application and submission of proof of satisfactory completion of the alternative training program.

Sec. 3. Section 260.3, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.3 MEMBERSHIP.

The board of educational examiners consists of eleven members. Two must be members of the general public and the remaining nine must be licensed practitioners. One of the public members shall also be the director of the department of education, or the director's designee. The other public member shall be a person who does not hold a practitioner's license, but has a demonstrated interest in education. The nine practitioners shall be selected from the following areas and specialties of the teaching profession:

1. Elementary teachers.
2. Secondary teachers.
3. Special education or other similar teachers.
4. Counselors or other special purpose practitioners.
5. Merged area school faculty members.
6. Administrators.
7. School service personnel.

A majority of the licensed practitioner members shall be nonadministrative practitioners. Four of the members shall be administrators. Membership of the board shall comply with the requirements of sections 69.16 and 69.16A. A quorum of the board shall consist of six members. The director of the department of education shall serve as the chairperson of the board. Members, except for the director of the department of education, shall be appointed by the governor and the appointments are subject to confirmation by the senate.

Sec. 4. NEW SECTION. 260.4 TERMS OF OFFICE.

Members, except for the director of the department of education, shall be appointed to serve staggered terms of four years. A member shall not serve more than two consecutive terms, except for the director of the department of education, who shall serve until the director's term of office expires. A member of the board, except for the two public members, shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

1. A nonpublic member's license expires, is suspended, or is revoked.
2. A nonpublic member retires or terminates employment as a practitioner.
3. A member dies, resigns, is removed from office, or is otherwise physically unable to perform the duties of office.
4. A member's term of office expires.

Terms of office for regular appointments begin on July 1, and for vacancies on the date of appointment. Members may be removed for cause by a state court with competent jurisdiction after notice and opportunity for hearing. The board may remove a member for three consecutive absences or for cause.

Sec. 5. Section 260.5, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.5 COMPENSATION.

Members shall be reimbursed for actual and necessary expenses incurred while engaged in their official duties and may be entitled to per diem compensation as authorized under section 7E.6. For duties performed during an ordinary school day by a member who is employed by a school corporation or state university, the member shall also receive regular compensation from the school or university. However, the member shall reimburse the school or university in the amount of the per diem compensation received.

Sec. 6. Section 260.6, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.6 QUALIFICATIONS FOR PRACTITIONERS.

The board shall determine whether an applicant is qualified to perform the duties for which a license is sought. Applicants shall be disqualified for any of the following reasons:

1. The applicant is less than twenty-one years of age. However, a student enrolled in a practitioner preparation program who meets board requirements for a temporary, limited-purpose license who is seeking to teach as part of a practicum or internship may be less than twenty-one years of age.
2. The applicant has been convicted of child abuse or sexual abuse of a child.
3. The applicant has been convicted of a felony.
4. The applicant's application is fraudulent.
5. The applicant's license or certification from another state is suspended or revoked.
6. The applicant fails to meet board standards for application for an initial or renewed license.

Qualifications or criteria for the granting or revocation of a license or the determination of an individual's professional standing shall not include membership or nonmembership in any teachers' organization.

Sec. 7. Section 260.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.7 VALIDITY OF LICENSE.

A license issued under board authority is valid for the period of time for which it is issued, unless the license is suspended or revoked. A license issued by the board is valid until June 30 of the year in which the license expires. No permanent licenses shall be issued. A person employed as a practitioner shall hold a valid license for the type of service for which the person is employed. This section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts. A professional development

program, except for a program offered by a practitioner preparation institution or area education agency and approved by the state board of education, must possess a valid license for the types of programs offered.

The executive director of the board may grant or deny license applications, applications for renewal of a license, and suspension or revocation of a license. A denial of an application for a license, the denial of an application for renewal, or a suspension or revocation of a license may be appealed by the practitioner to the board.

The board may issue emergency renewal or temporary, limited-purpose licenses upon petition by a current or former practitioner. An emergency renewal or a temporary, limited-purpose license may be issued for a period not to exceed two years, if a petitioner demonstrates, to the satisfaction of the board, good cause for failure to comply with board requirements for a regular license and provides evidence that the petitioner will comply with board requirements within the period of the emergency or temporary license. Under exceptional circumstances, an emergency license may be renewed by the board for one additional year. A previously unlicensed person is not eligible for an emergency or temporary license, except that a student who is enrolled in a licensed practitioner preparation program may be issued a temporary, limited-purpose license, without payment of a fee, as part of a practicum or internship program.

Sec. 8. Section 260.8, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.8 LICENSE TO APPLICANTS FROM OTHER STATES OR COUNTRIES.

The board may issue a license to an applicant from another state or country if the applicant files evidence of the possession of the required or equivalent requirements with the board. The executive director of the board may, subject to board approval, enter into reciprocity agreements with another state or country for the licensing of practitioners on an equitable basis of mutual exchange, when the action is in conformity with law.

Practitioner preparation and professional development programs offered in this state by out-of-state institutions must be approved by the board in order to fulfill requirements for licensure or renewal of a license by an applicant.

Sec. 9. Section 260.9, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.9 CONTINUITY OF CERTIFICATES AND LICENSES.

A certificate which was issued by the board of educational examiners to a practitioner before the effective date of this Act, continues to be in force as long as the certificate complies with the rules and statutes in effect on the effective date of this Act. Requirements for the renewal of licenses, under this chapter, do not apply retroactively to renewal of certificates. However, this section does not limit the duties or powers of a school board to select or discharge practitioners or to terminate practitioners' contracts.

A practitioner who holds a certificate issued before the effective date of this Act shall, upon application and payment of a fee, be granted a license which will permit the practitioner to perform the same duties and functions as the practitioner was entitled to perform with the certificate held at the time of application. A practitioner shall be permitted to convert a permanent certificate to a term certificate, after the effective date of this Act, without payment of a fee.

A professional development program provided by a school district and approved by the state board of education before the effective date of this Act shall be permitted to continue until the term, for which the program was approved, expires.

Sec. 10. **CONTINUITY OF RULES.** Administrative rules adopted by the board of educational examiners or the professional teaching practices commission relating to licenses or professional practices in effect on April 15, 1989, remain in effect until modified or repealed by the board of educational examiners after the effective date of this Act.

Sec. 11. Section 260.10, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.10 FEES.

It is the intent of the general assembly that licensing fees established by the board of educational examiners be sufficient to finance the activities of the board under this chapter.

Licensing fees are payable to the treasurer of state and shall be deposited with the executive director of the board. The executive director shall deposit the fees with the treasurer of state and the fees shall be credited to the general fund of the state. The executive director shall keep an accurate and detailed account of fees received and paid to the treasurer of state.

Sec. 12. Section 260.11, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.11 EXPENDITURES AND REFUNDS.

Expenditures and refunds made by the board under this chapter shall be certified by the executive director of the board to the director of revenue and finance, and if found correct, the director of revenue and finance shall approve the expenditures and refunds and draw warrants upon the treasurer of state from the funds appropriated for that purpose.

Sec. 13. Section 260.12, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

260.12 HEARING PROCEDURES.

Hearings before the board shall be conducted in the same manner as contested cases under chapter 17A. The board may subpoena books, papers, records, and any other real evidence necessary for the board to decide whether it should institute a contested case hearing. At the hearing the board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of other evidence. Subpoenas may be issued by the board to a party to a hearing, if the party demonstrates that the evidence or witnesses' testimony is relevant and material to the hearing. Service of process and subpoenas for board hearings shall be conducted in accordance with the law applicable to the service of process and subpoenas in civil actions.

Witnesses subpoenaed to appear before the board shall be reimbursed for mileage and necessary expenses and shall receive per diem compensation by the board, unless the witness is an employee of the state or a political subdivision, in which case the witness shall receive reimbursement only for mileage and necessary expenses.

Sec. 14. Section 260.25, unnumbered paragraph 1, and subsections 1 and 5 through 9, Code 1989, are amended to read as follows:

Not later than January 1, 1990 1991, the ~~board of educational examiners~~ state board of education shall adopt rules pursuant to chapter 17A to implement the following for approved ~~teacher education practitioner preparation~~ programs:

1. A requirement that each student admitted to an approved ~~teacher education practitioner preparation~~ program must participate in field experiences that include both observation and participation in teaching activities in a variety of school settings. These field experiences shall comprise a total of at least fifty hours' duration, at least forty hours of which shall occur after a student's admission to an approved ~~teacher education practitioner preparation~~ program. The student teaching experience shall be a minimum of twelve weeks in duration during the student's final year of the ~~teacher education practitioner preparation~~ program.

5. A requirement that each approved ~~teacher education practitioner preparation or professional development~~ institution annually offer a workshop of at least one day in duration for prospective cooperating teachers. The workshop shall define the objectives of the student teaching experience, review the responsibilities of the cooperating teacher, and provide the cooperating teacher other information and assistance the institution deems necessary.

6. A requirement that ~~teacher education practitioner preparation~~ students receive instruction in the use of electronic technology for classroom and instructional purposes.

7. A requirement that approved ~~teacher education practitioner preparation~~ institutions annually solicit the views of the education community regarding the institution's ~~teacher education practitioner preparation~~ programs.

8. A requirement that an approved ~~teacher education practitioner preparation~~ institution submit evidence that the college or department of education is communicating with other colleges or departments in the institution so that ~~teacher education practitioner preparation~~ students may integrate teaching methodology with subject matter areas of specialization.

9. A requirement that an approved ~~teacher education practitioner preparation~~ program submit evidence that the evaluation of the performance of a student teacher is a cooperative process that involves both the faculty member supervising the student teacher and the cooperating teacher. The rules shall require that each institution develop a written evaluation procedure for use by the cooperating teacher and a form for evaluating student teachers, and require that a copy of the completed form be included in the student teacher's permanent record.

Sec. 15. Section 260.31, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The minimum requirements for the board to award a coaching ~~authorization~~ license to an applicant are:

Sec. 16. Section 260.31, subsection 2, Code 1989, is amended to read as follows:

2. The board of educational examiners shall adopt rules under chapter 17A for coaching ~~authorizations~~ licenses including, but not limited to, approval of courses, validity and expiration, fees, and suspension and revocation of ~~authorizations~~ licenses. The ~~director of the department~~ state board of education shall work with institutions of higher education, private colleges and universities, merged area schools, and area education agencies to ~~insure~~ ensure that the courses required under subsection 1 are offered throughout the state at convenient times and at a reasonable cost.

Sec. 17. Section 260.33, Code 1989, is amended to read as follows:

260.33 EVALUATOR APPROVAL LICENSE.

Effective July 1, 1990, in addition to ~~endorsements~~ licenses required under rules adopted pursuant to this chapter, an individual employed as an administrator, supervisor, school service person, or teacher by a school district, area education agency, or area school, who conducts evaluations of the performance of individuals holding ~~certificates~~ licenses under this chapter, shall possess an evaluator ~~approval~~ license.

By July 1, ~~1987~~ 1990, the board of educational examiners shall adopt rules establishing requirements for an evaluator ~~approval~~ license including but not limited to ~~approval of courses~~, renewal requirements, fees, and suspension and revocation of evaluator ~~approvals~~ licenses. An approved program shall include provisions for determining that an applicant for evaluator ~~approval~~ license has satisfactorily completed the program. The ~~board of educational examiners~~ state board of education shall work with institutions of higher education under the state board of regents, private colleges and universities, merged area schools, and area education agencies to ~~insure~~ ensure that the courses required under subsection 1 are offered throughout the state at convenient times and at reasonable cost. The requirements shall include completion of a program approved by the ~~board of educational examiners~~ state board of education as follows:

1. For evaluation of teachers, the development of skills including but not limited to analysis of lesson plans, classroom observation, analysis of data, performance improvement strategies, and communication skills.

2. For evaluation of ~~certificated~~ licensed employees other than teachers, the development of skills including but not limited to communication skills, analysis of employee performance, analysis of data, and performance improvement strategies.

An evaluator ~~approval~~ A license is valid for a period of five years from its issuance.

Sec. 18. Section 260.34, Code 1989, is amended to read as follows:

260.34 ELEMENTARY ~~ENDORSEMENTS~~ LICENSES.

The board of educational examiners in conjunction with the child development coordinating council, or other similar agency, shall develop appropriate ~~endorsements~~ licenses for teachers in the early elementary grades, taking into consideration recommendations from the child development coordinating council or other similar agency, the center for early development education, and teacher education personnel.

Sec. 19. Section 256.7, subsection 3, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

3. Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs, offered by practitioner preparation institutions and area education agencies, in this state. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and shall not include a procedure for the waiving of any of the standards prescribed.

Sec. 20. Section 256.7, subsection 9, unnumbered paragraphs 1, 2, and 3, Code 1989, are amended to read as follows:

Adopt rules under chapter 17A for the use of telecommunications as an instructional tool for students enrolled in kindergarten through grade twelve and served by local school districts, accredited or approved nonpublic schools, area education agencies, merged area schools, institutions of higher education under the state board of regents, and independent colleges and universities in elementary and secondary school classes and courses. The rules shall include but need not be limited to rules relating to programs, educational policy, instructional practices, staff development, use of pilot projects, curriculum monitoring, and the accessibility of ~~certificated~~ licensed teachers.

When curriculum is provided by means of telecommunications, it shall be taught by a ~~certificated~~ an appropriately licensed teacher who is properly endorsed or approved. The teacher shall either be present in the classroom, or be present at the location at which the curriculum delivered by means of telecommunications originates.

The rules shall provide that when the curriculum is taught by a ~~certificated and properly endorsed or approved~~ an appropriately licensed teacher at the location at which the telecommunications originates, the curriculum received shall be under the supervision of a ~~certificated~~ licensed teacher. For the purposes of this subsection, "supervision" means that the curriculum is monitored by a ~~certificated~~ licensed teacher and the ~~certificated~~ teacher is accessible to the students receiving the curriculum by means of telecommunications.

Sec. 21. Section 256.7, subsections 10 and 11, Code 1989, are amended to read as follows:

10. Rules adopted under this section shall provide that telecommunications shall not be used by school districts as the exclusive means to provide any course which is required by the minimum educational standards for ~~approval or~~ accreditation.

11. Develop evaluation procedures that will measure the effects of instruction by means of telecommunications on student achievement, socialization, intellectual growth, motivation, and other related factors deemed relevant by the state board, for the development of an educational data base. The state board shall consult with the state board of regents and the ~~teacher education practitioner preparation~~ departments at its institutions, other ~~approved teacher education practitioner preparation~~ departments located within private colleges and universities, educational research agencies or facilities, and other agencies deemed appropriate by the state board, in developing these procedures.

Sec. 22. Section 256.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Not later than January 1, 1991, adopt rules under chapter 17A for alternative training programs for persons who hold a temporary substitute teaching license issued under chapter 260. Rules adopted shall provide that alternative training programs be offered by approved practitioner preparation programs. Rules adopted shall also provide that

alternative training programs include an evaluation, conducted by an appropriately licensed practitioner who is not an employee of the school corporation participating in the alternative training program, of the performance of a person who holds a temporary substitute teaching license and is employed by a school corporation and that satisfactory completion of the evaluation be a condition precedent to obtaining a standard license under chapter 260.

Sec. 23. Section 256.11, subsections 1 and 2, Code 1989, are amended to read as follows:

1. If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall relate the role of the family to the child's developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. A prekindergarten teacher shall hold a ~~certificate~~ license certifying that the holder is qualified to teach in prekindergarten. A nonpublic school which offers only a prekindergarten may, but is not required to, seek and obtain accreditation.

2. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and human growth and development. A kindergarten teacher shall be ~~certificated~~ licensed to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program.

Sec. 24. Section 256.11, subsection 5, paragraph f, Code 1989, is amended to read as follows:

f. Four sequential units of one foreign language. The department may waive the third and fourth years of the foreign language requirement on an annual basis upon the request of the board of directors of a school district or the authorities in charge of a nonpublic school if the board or authorities are able to prove that a ~~certificated~~ licensed teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign language class, the foreign language class was properly scheduled, students were aware that a foreign language class was scheduled, and no students enrolled in the class.

Sec. 25. Section 256.11, subsection 9, paragraph b, Code 1989, is amended to read as follows:

b. Effective July 1, 1990, unless a waiver has been obtained under section 256.11A, each school or school district shall have a qualified school media specialist who shall meet the ~~certification and approval~~ licensing standards prescribed by the ~~department~~ board of educational examiners and shall be responsible for supervision of the media centers. Each school or school district shall establish a media center, in each attendance center, which shall be accessible to students throughout the school day.

Sec. 26. Section 256.11, subsection 9A, Code 1989, is amended to read as follows:

9A. Each school or school district shall provide an articulated sequential guidance program for grades kindergarten through twelve. Until July 1, 1991, a school or school district may obtain a waiver from meeting the requirements of this subsection pursuant to section 256.11A. The guidance counselor shall meet the ~~certification and approval~~ licensing standards of the ~~department~~ board of educational examiners.

Sec. 27. Section 256.16, Code 1989, is amended to read as follows:

256.16 SPECIFIC CRITERIA FOR TEACHER PREPARATION AND CERTAIN EDUCATORS.

Pursuant to section 256.7, subsection 5, the state board shall adopt rules requiring all ~~approved teacher training institutions~~ higher education institutions providing ~~practitioner preparation~~ to include in the professional education program, preparation that contributes to education of the handicapped and the gifted and talented, which must be successfully completed before graduation from the ~~teacher training~~ practitioner preparation program.

A person initially applying for a ~~certificate, endorsement, or approval~~ license shall successfully complete a professional education program containing the subject matter specified in this section, before the initial action by the ~~department~~ board of educational examiners takes place.

Sec. 28. Section 256.17, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The state board shall review the standards contained in section 256.11, shall review current literature relating to effective schools and learning environments, and shall consult with representatives from the higher education institutions, the board of educational examiners, area education agencies, school board members, school administrators, teachers, parents, students, members of business, industry, and labor, other governmental agencies, associations interested in education, and representatives of communities of various sizes to develop standards for accredited schools and school districts that encompass, but are not limited to the following general areas:

Sec. 29. Section 256.17, subsection 5, Code 1989, is amended to read as follows:

5. A performance evaluation process for its ~~certificated staff~~ licensed practitioners using staff members who possess an evaluator ~~approval~~ license under ~~section 260.33~~ rules adopted by the board of educational examiners.

Sec. 30. Section 258.3A, subsection 3, Code 1989, is amended to read as follows:

3. Adopt rules prescribing standards for approval of schools, departments, and classes; area vocational-technical high schools and programs; and area vocational schools and programs; and teacher training practitioner preparation schools, departments, and classes, applying for federal and state moneys under this chapter.

Sec. 31. Section 258.4, subsections 5, 6, and 7, Code 1989, are amended to read as follows:

5. ~~Enforce~~ Make recommendations to the board of educational examiners relating to the enforcement of rules prescribing standards for teachers of subjects listed in subsection 2 in approved accredited schools, departments, and classes.

6. Co-operate in the maintenance of ~~teachers training practitioner preparation~~ schools, departments, and classes, supported and controlled by the public, for the training of teachers and supervisors of subjects listed in subsection 2.

7. Annually inspect, as a basis of approval, all schools, departments, and classes, area vocational-technical high schools and programs, area vocational schools and programs and all ~~teachers training practitioner preparation~~ schools, departments, and classes, applying for federal and state moneys under ~~the provisions~~ of this chapter.

Sec. 32. Section 258.5, Code 1989, is amended to read as follows:

258.5 FEDERAL AID – CONDITIONS.

~~Whenever~~ If a school corporation maintains an approved vocational school, department, or classes in accordance with the rules adopted by the state board, and rules and standards adopted by the board of educational examiners, and the state plan for vocational education, ~~adopted by that the board for vocational education and approved by the United States department of education~~, the director of the department of education shall reimburse the school corporation at the end of the fiscal year for its expenditures for salaries and authorized travel of vocational teachers from federal and state funds. However, a school corporation shall not receive from federal and state funds a larger amount than one-half the sum which has been expended by the school corporation for that particular type of program. If federal and state funds are not sufficient to make the reimbursement to the extent provided in this section, the director shall prorate the respective amounts available to the corporations entitled to reimbursement.

The director may use federal funds to reimburse approved ~~teacher training practitioner preparation~~ schools, departments, or classes for the training of teachers of agriculture, home economics, trades and industrial education, distributive education, and for the training of guidance counselors.

Sec. 33. Section 258.6, Code 1989, is amended to read as follows:

258.6 DEFINITIONS.

"Approved school, department, or class" ~~shall mean~~ means a school, department, or class approved by said the board as entitled under the provisions of this chapter to federal and state moneys for the salaries and authorized travel of teachers of vocational subjects. "Approved ~~teachers training practitioner preparation~~ school, department, or class" ~~shall mean~~ means a school, department, or class approved by the board as entitled under the provisions of this chapter to federal moneys for the training of teachers of vocational subjects.

Sec. 34. Section 273.3, subsections 5 and 11, Code 1989, are amended to read as follows:

5. Be authorized, subject to rules and regulations of the state board of education, to provide directly or by contractual arrangement with public or private agencies for special education programs and services, media services, and educational programs and services requested by the local boards of education as provided in this chapter, including but not limited to contracts for the area education agency to provide programs or services to the local school districts and contracts for local school districts, other educational agencies, and public and private agencies to provide programs and services to the local school districts in the area education agency in lieu of the area education agency providing the services. Contracts may be made with public or private agencies located outside the state if the programs and services comply with the rules of the state board. Rules adopted by the state board of education shall be consistent with rules, adopted by the board of educational examiners, relating to licensing of practitioners.

11. Employ personnel to carry out the functions of the area education agency which shall include the employment of an administrator who shall possess a certificate license issued under ~~section 260.9 chapter 260~~. The administrator shall be employed pursuant to section 279.20 and sections 279.23, 279.24 and 279.25. The salary for an area education agency administrator shall be established by the board based upon the previous experience and education of the administrator. The provisions of section Section 279.13 shall apply applies to the area education agency board and to all teachers employed by the area education agency. The provisions of sections Sections 279.23, 279.24 and 279.25 shall apply to the area education board and to all administrators employed by the area education agency.

Sec. 35. Section 279.19B, Code 1989, is amended to read as follows:

279.19B COACHING ENDORSEMENT AND AUTHORIZATION.

The board of directors of a school district shall offer an extracurricular contract for varsity head coach of the interscholastic athletic activities of football, basketball, track not including cross-country, baseball, softball, volleyball, gymnastics, hockey, and wrestling only to an individual possessing a teaching certificate license with a coaching endorsement issued pursuant to chapter 260.

The board of directors of a school district may employ for head coach of other interscholastic athletic activities or for assistant coach of any interscholastic athletic activity, an individual who possesses a coaching authorization issued by the ~~department of education board of educational examiners~~. An individual who has been issued a coaching authorization or who possesses a teaching certificate license with a coaching endorsement but is not issued a teaching contract under section 279.13 and who is employed by the board of directors of a school district serves at the pleasure of the board of directors and is not subject to sections 279.13 through 279.19, and 279.27. ~~Chapter 272A and subsection Subsection 1 of section 279.19A apply applies~~ to coaching authorizations.

Sec. 36. Section 282.3, subsection 2, unnumbered paragraph 2, Code 1989, is amended to read as follows:

No A child under the age of six years on the fifteenth of September of the current school year shall not be admitted to any a public school unless the board of directors of the school ~~shall have has~~ adopted and put into effect courses of study for the school year immediately preceding the first grade, approved by the department of education, and ~~shall have has~~ employed a ~~teacher or teachers practitioner or practitioners~~ for this work with standards of training approved by the ~~department of education board of educational examiners~~.

Sec. 37. Section 294.3, Code 1989, is amended to read as follows:
294.3 STATE AID AND TUITION.

No A school shall not be deprived of its right to be approved for state aid or approved for tuition by reason of the employment of any teacher practitioner as authorized under section 294.2 260.9.

Sec. 38. Section 294A.2, subsections 3, 4, and 5, Code 1989, are amended to read as follows:

3. "General training requirements" means requirements prescribed by a board of directors that provide for the acquisition of additional semester hours of graduate credit from an institution of higher education approved by the board of educational examiners state board of education or the completion of staff development activities approved licensed by the department of education board of educational examiners, except for programs developed by practitioner preparation institutions, for renewal of certificates licenses issued under chapter 260.

4. "Specialized training requirements" means requirements prescribed by a board of directors to meet specific needs of the school district identified by the board of directors that provide for the acquisition of clearly defined skills through formal or informal education that are beyond the requirements necessary for initial certification licensing under chapter 260.

5. "Teacher" means an individual holding a teaching certificate practitioner's license issued under chapter 260, letter of authorization, or a statement of professional recognition issued by the board of educational examiners, who is employed in a nonadministrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position.

Effective July 1, 1988, "teacher" includes an individual employed on less than a full-time basis by a school district through a contract between the school district and an institution of higher education with an approved teacher education a practitioner preparation program in which the teacher is enrolled in a graduate teacher education practitioner preparation program.

Sec. 39. Section 321.180, subsection 1, Code 1989, is amended to read as follows:

1. A person who is at least fourteen years of age and who, except for the person's lack of instructions in operating a motor vehicle, would be qualified to obtain an operator's license, shall, upon meeting the requirements of section 321.186 other than a driving demonstration, and upon paying the required fee, be issued a temporary instruction permit by the department. Subject to the limitations in this subsection, a temporary instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to drive a motor vehicle upon the highways for a period of two years from the date of issuance. The permittee must be accompanied by a licensed operator or chauffeur who is at least eighteen years of age, who is an approved driver education instructor, or who is a prospective driver education instructor enrolled in and specifically designated by a teacher education institution practitioner preparation program with a safety education program approved by the department state board of education, and who is actually occupying a seat beside the driver. The temporary instruction permit issued to a person who is less than sixteen years of age entitles the permittee to drive a motor vehicle upon the highways only when accompanied by a licensed operator or chauffeur who is the parent or guardian of the permittee, an approved driver education instructor, a prospective driver education instructor who is enrolled in and has been specifically designated by a teacher education institution practitioner preparation program with a safety education program approved by the department state board of education, or a person who is twenty-five years of age or more if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver.

Sec. 40. Sections 232.69, 256.18, 256.19, 256.30, 261.51, 262.9, 275.56, 275.59, 279.12, 279.13, 279.19A, 279.49, 294A.9, 294A.10, 294A.15, 294A.24, 294A.25, and 808A.1, Code 1989, are amended by striking the words "certificated" and "noncertificated" and inserting in lieu thereof the word "licensed" or "unlicensed".

Sec. 41. Sections 261.45, 281.2, and 299.1, Code 1989, are amended by striking the word "certified" and inserting in lieu thereof the word "licensed".

Sec. 42. Sections 261.51, 261.52, and 279.19B, Code 1989, are amended by striking the words "certificate" and "certificates" and inserting in lieu thereof the word "license" or "licenses".

Sec. 43. REPEALS. Sections 256.31, 260.12, 260.14, 260.15, 260.19, 260.20, 260.21, 260.23, 260.27, 260.28, and 294.2, and chapter 272A, Code 1989, are repealed.

Sec. 44. USE OF FUNDS. Funds appropriated to the department of education for the purpose of operating advisory committees for certification shall be made available by the department for use by the board of educational examiners created under this Act. Staff, office equipment and materials, records, and other assets currently held by the department for the purpose of carrying out the state board of education's duties as the board of educational examiners shall also be made available for use by the board created under this Act. Professional and nonprofessional staff employed on the effective date of this Act whose duties involve certification of practitioners shall be reassigned as employees of the department of education under the direction of the board created under this Act. However, the number of full-time equivalent positions currently assigned to duties involving the certification of practitioners shall not be reduced below the level maintained by the department as of January 1, 1989, for the board's operation after the effective date of this Act.

Approved May 31, 1989

CHAPTER 266

LICENSES AND PERMITS FOR YOUTHFUL DRIVERS

S.F. 157

AN ACT relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, changing time limits on use of a school license, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.178, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

"Student," for purposes of this section, means any a person between the ages of fifteen fourteen years and twenty-one years who resides in the public school district and who satisfies the preliminary licensing requirements of the department.

Sec. 2. Section 321.194, unnumbered paragraphs 1, 2, and 3, Code 1989, are amended to read as follows:

Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a school license to a person between the ages of fourteen and eighteen years who has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules under chapter 17A defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant. The school license shall entitle entitles the holder, while having the license in immediate possession, to operate a motor vehicle