

**Sec. 12. RULES.**

The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the section of this Act relating to grants for child day care start-up, fire safety, and equipment. The rules shall be effective immediately upon filing, unless a later date is specified in the rules. The rules shall also be published as a notice of intended action as provided in section 17A.4.

**Sec. 13.** Section 422.21, unnumbered paragraph 5, Code Supplement 1989, is amended to read as follows:

The department shall provide on income tax forms or in the instruction booklets in a manner that will be noticeable to the taxpayers a statement that, even though the taxpayer may not have any federal or state income tax liability, the taxpayer may be eligible for the federal earned income tax credit or state child and dependent care credit. The statement shall also contain notice of where the taxpayer may check on the taxpayer's eligibility for ~~this credit~~ these credits.

**Sec. 14. RETROACTIVE APPLICABILITY.**

Sections 9 and 10 of this Act apply retroactively to tax years beginning on or after January 1, 1990.

Approved May 6, 1990

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**CHAPTER 1249****BOARD OF EDUCATIONAL EXAMINERS' POWERS AND DUTIES**

*H.F. 2440*

**AN ACT** relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs.

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

**Section 1.** Section 235A.15, subsection 2, paragraph e, Code Supplement 1989, is amended by adding the following new subparagraph:

**NEW SUBPARAGRAPH.** (7) To the board of educational examiners created under chapter 260 for purposes of determining whether a practitioner's license should be denied or revoked.

**Sec. 2.** Section 256.7, subsection 13, Code Supplement 1989, is amended by striking the subsection.

**Sec. 3.** Section 256.7, subsection 15, Code Supplement 1989, is amended by striking the subsection.

**Sec. 4.** Section 260.1, subsection 4, Code Supplement 1989, is amended to read as follows:

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~~ or courses of study, or area education agencies.

**Sec. 5.** Section 260.2, subsection 13, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

13. Adopt rules to provide for nontraditional preparation options for licensing persons who hold a bachelor's degree from an accredited college or university, who do not meet other requirements for licensure.

Sec. 6. Section 260.2, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Adopt rules which permit the board to deny a license to or revoke a license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of a crime or that there has been a founded report of child abuse against the person. Rules adopted shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime in relation to the position sought, the time elapsed since the founded abuse or crime was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed or criminal convictions by the person involved.

Sec. 7. Section 260.5, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of educational examiners shall set the salary of the executive director within the range established for the position by the general assembly.

Sec. 8. NEW SECTION. 260.9A ADMINISTRATIVE LICENSES.

The board of educational examiners shall adopt rules relating to professional development programs for individuals licensed or certificated as administrators of schools after July 1, 1985. Successful completion of a professional development program is required every five years before the license is renewed by the board.

Sec. 9. NEW SECTION. 260.14 APPOINTMENT OF ADMINISTRATIVE LAW JUDGES.

The board shall maintain a list of qualified persons who are experienced in the educational system of this state to serve as administrative law judges when a hearing is requested under section 279.24. When requested under section 279.24, the board shall submit a list of five qualified administrative law judges to the parties. The parties shall select one of the five qualified persons to conduct the hearing as provided in section 279.24. The hearing shall be held pursuant to the provisions of chapter 17A relating to contested cases. The full costs of the hearing shall be shared equally by the parties.

Sec. 10. NEW SECTION. 260.27 STUDENT TEACHING.

If the rules adopted by the board of educational examiners for issuance of any type or class of license require an applicant to complete work in student teaching, an accredited college or university located within the state of Iowa and states conterminous with Iowa may offer a program or programs of teacher education approved by the director of the department of education or the appropriate authority in states conterminous with Iowa by entering into a written contract with any accredited school district or private school, under terms and conditions as agreed upon by the contracting parties. Students actually teaching in a school district under the terms of such a contract are entitled to the same protection, under section 613A.8, as is afforded by that section to officers and employees of the school district, during the time they are so assigned.

Sec. 11. Section 260.31, Code Supplement 1989, is amended to read as follows:

260.31 COACHING AUTHORIZATION.

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

a. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of the structure and function of the human body in relation to physical activity.

b. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of human growth and development of children and youth in relation to physical activity.

c. Successful completion of two semester credit hours or twenty contact hours in a course relating to knowledge and understanding of the prevention and care of athletic injuries and medical and safety problems relating to physical activity.

d. Successful completion of one semester credit hour or ten contact hours relating to knowledge and understanding of the techniques and theory of coaching interscholastic athletics.

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

Sec. 12. Section 260.34, Code Supplement 1989, is amended to read as follows:  
260.34 ELEMENTARY LICENSES.

The board of educational examiners in conjunction with the child development coordinating council, or other similar agency, shall develop appropriate 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. Except as otherwise provided in section 256.11, subsection 1, rules adopted shall establish early childhood and early elementary licensing or endorsement standards for teachers, elementary school principals, licensed child care providers, and administrators who work with children from three through eight years of age, which shall require knowledge of aspects of child development from birth through eight years of age.

Sec. 13. Section 279.24, Code 1989, is amended to read as follows:

279.24 CONTRACT WITH ADMINISTRATORS — AUTOMATIC CONTINUATION OR TERMINATION.

An administrator's contract shall remain in force and effect for the period stated in the contract. The contract shall be automatically continued in force and effect for one year beyond the end of its term, except as modified or terminated by mutual agreement of the board of directors and the administrator, or until terminated as hereinafter provided.

An administrator may file a written resignation with the secretary of the school board on or before May 1 of each year or the date specified by the school board for return of the contract, whichever date occurs first.

Administrators employed in a school district for less than two consecutive years are probationary administrators. However, a school board may waive the probationary period for any administrator who has previously served a probationary period in another school district and the school board may extend the probationary period for an additional year with the consent of the administrator. If a school board determines that it should terminate a probationary administrator's contract, the school board shall notify the administrator not later than March 31 that the contract will not be renewed beyond the current year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the administrator. Within ten days after receiving the notice, the administrator may request a private conference with the school board to discuss the reasons for termination. The school board's decision to terminate a probationary administrator's contract shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the administrator.

The school board may, by majority vote of the membership of the school board, cause the contract of an administrator to be terminated. If the school board determines that it should consider the termination of a nonprobationary administrator's contract, the following procedure shall apply:

On or before March 31, the administrator shall be notified in writing by a letter personally delivered or mailed by certified mail that the school board has voted to consider termination of the contract. The notification shall be complete when received by the administrator.

The notice shall state the specific reasons to be used by the school board for considering termination which for all administrators except superintendents shall be for just cause.

Within five days after receipt of the written notice that the school board has voted to consider termination of the contract, the administrator may request in writing to the secretary of the school board that the notification be forwarded to the professional teaching practices commission board of educational examiners along with a request that the professional teaching practices commission board of educational examiners submit a list of five qualified administrative law judges to the parties. Within three days from receipt of the list the parties shall select an administrative law judge by alternately removing a name from the list until only one name remains. The person whose name remains shall be the administrative law judge. The parties shall determine by lot which party shall remove the first name from the list. The hearing shall be held no sooner than ten days and not later than thirty days following the administrator's request unless the parties otherwise agree. If the administrator does not request a hearing, the school board, not later than April 15, may determine the continuance or discontinuance of the contract. ~~Board~~ School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

The administrative law judge selected shall notify the secretary of the school board and the administrator in writing concerning the date, time, and location of the hearing. The school board may be represented by a legal representative, if any, and the administrator shall appear and may be represented by counsel or by representative, if any. A transcript or recording shall be made of the proceedings at the hearing. A school board member or administrator is not liable for any damage to an administrator or school board member if a statement made at the hearing is determined to be erroneous as long as the statement was made in good faith.

The administrative law judge shall, within ten days following the date of the hearing, make a proposed decision as to whether or not the administrator should be dismissed, and shall give a copy of the proposed decision to the administrator and the school board. Findings of fact shall be prepared by the administrative law judge. The proposed decision of the administrative law judge shall become the final decision of the school board unless within ten days after the filing of the decision the administrator files a written notice of appeal with the school board, or the school board on its own motion determines to review the decision.

If the administrator appeals to the school board, or if the school board determines on its own motion to review the proposed decision of the administrative law judge, a private hearing shall be held before the school board within five days after the petition for review, or motion for review, has been made or at such other time as the parties agree. The private hearing is not subject to chapter 21. The school board may hear the case de novo upon the record as submitted before the administrative law judge. In cases where there is an appeal from a proposed decision or where a proposed decision is reviewed on motion of the school board, an opportunity shall be afforded to each party to file exceptions, present briefs and present oral arguments to the school board which is to render the final decision. The secretary of the school board shall give the administrator written notice of the time, place, and date of the hearing. The school board shall meet within five days after the hearing to determine the question of continuance or discontinuance of the contract. The school board shall make findings of fact which shall be based solely on the evidence in the record and on matters officially noticed in the record.

The decision of the school board shall be in writing and shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts and supporting the findings. Each conclusion of law shall be supported by cited authority or by reasoned opinion.

When the school board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the administrator's contract. The record of the private conference and findings of fact and exceptions shall be exempt from the provisions of chapter 22. The secretary of the school board shall immediately personally deliver or mail notice of the school board's action to the administrator.

The administrator may within thirty days after notification by the school board of discontinuance of the contract appeal to the district court of the county in which the administrative office of the school district is located.

The court may affirm the ~~board school board's~~ action. The court shall reverse, modify, or grant any other appropriate relief from the ~~board school board's~~ action, equitable or legal, and including declaratory relief, if substantial rights of the administrator have been prejudiced because the ~~board school board's~~ action is any of the following:

1. In violation of constitutional or statutory provisions.
2. In excess of the statutory authority of the school board.
3. In violation of school board policy or rule.
4. Made upon unlawful procedure.
5. Affected by other error of law.
6. Unsupported by a preponderance of the evidence in the record made before the school board when that record is reviewed as a whole.
7. Unreasonable, arbitrary, or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 14. Section 284.1, article III, subsections 1 and 5, Code 1989, are amended to read as follows:

1. The designated state official of a party state may make one or more contracts on behalf of that state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which the official finds that there are programs of education, ~~certification licensure~~ standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in the official's state.

5. The ~~certification~~ license or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any ~~certificate~~ license or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a ~~certificate~~ license or other qualifying document initially granted or approved in the receiving state.

Sec. 15. Section 284.2, Code 1989, is amended to read as follows:

**284.2 DESIGNATED STATE OFFICIAL.**

The designated state official for this state, within the meaning of article II, paragraph 2, of the interstate agreement on qualification of educational personnel as set forth in section 284.1, shall be the executive director of the department of education board of educational examiners. The executive director shall enter into contracts pursuant to article III of the agreement only with the approval of the specific text thereof by the state board of education educational examiners.

Sec. 16. Section 284.3, Code 1989, is amended to read as follows:

**284.3 CONTRACTS ON FILE.**

True copies of all contracts made on behalf of this state pursuant to the interstate agreement on qualification of educational personnel shall be kept on file ~~in by the department of education board of educational examiners~~ and in the office of the secretary of state. The ~~department of education board of educational examiners~~ shall publish all such contracts in convenient form. The board of educational examiners may adopt rules pursuant to this chapter.

Sec. 17. Section 294A.2, subsection 3, Code Supplement 1989, is 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 state board of education or the completion of staff development activities licensed by the board of educational examiners, except for programs developed by practitioner preparation institutions and area education agencies, for renewal of licenses issued under chapter 260.

Sec. 18. Section 294A.2, subsection 5, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

Effective July 1, 1988, "teacher" includes an a licensed 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 a practitioner preparation program in which the licensed teacher is enrolled in a graduate any practitioner preparation program.

Sec. 19. Section 692.2, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

**NEW PARAGRAPH.** i. The board of educational examiners for the purpose of carrying out duties imposed under section 260.2, subsection 14.

Approved May 6, 1990

**CHAPTER 1250**

**FINANCIAL MEASURES RELATING TO PROPERTY TAXES**

*H.F. 2554*

**AN ACT** relating to county tax and services provisions by appropriating funds for state assistance to counties for mental health services, by modifying the homestead tax credit, the mobile home tax reduction for the elderly and disabled, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

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

Section 1. Section 135D.22, subsection 2, Code Supplement 1989, is amended to read as follows:

2. a. If the owner of the mobile home is an Iowa resident, was totally disabled, as defined in section 425.17, subsection 6 on or before December 31 of the base year, is a surviving spouse having attained the age of fifty-five years on or before December 31, 1988 or has attained the age of sixty-five years on or before December 31 of the base year and has an income when included with that of a spouse which is less than five six thousand dollars per year, ~~no~~ the annual tax shall not be imposed on the mobile home. If the income is five six thousand dollars or more but less than twelve fourteen thousand dollars, the annual tax shall be computed as follows:

If the Household Income is:	Annual Tax Per Square Foot:
\$ <del>5,000</del> — <del>5,999.99</del>	<del>3.0</del> cents
\$ <del>6,000</del> — <del>6,999.99</del>	<del>6.0</del> <u>3.0</u> cents
7,000 — 7,999.99	<del>9.0</del> <u>6.0</u>
8,000 — 9,999.99	<del>12.0</del> <u>10.0</u>
10,000 — 11,999.99	<del>15.0</del> <u>13.0</u>
<u>12,000</u> — <u>13,999.99</u>	<u>15.0</u>