

CHAPTER 1089

AREA EDUCATION AGENCY PROPERTY TRANSACTIONS

S.F. 2231

AN ACT relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor and providing an effective date.

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

Section 1. Section 273.3, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 20. Be authorized to sell, lease, or dispose of, in whole or in part, property belonging to the area education agency. Before the area education agency may sell property belonging to the agency, the board of directors shall comply with the requirements set forth in sections 297.23 and 297.24. Before the board of directors of an area education agency may lease property belonging to the agency, the board shall obtain the approval of the director of the department of education.

Sec. 2. Section 297.22, subsection 1, unnumbered paragraph 4, Code 1993, is amended to read as follows:

The board of directors of a school district may sell, lease, exchange, give, or grant, and accept any interest in real property to, with, or from a county, municipal corporation, school district, ~~or township, or area education agency~~ if the real property is within the jurisdiction of both the grantor and grantee. In this case sections 297.15 to 297.20, sections 297.23 and 297.24, and appraisal requirements of this section do not apply to the transaction.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 1994

CHAPTER 1090

REGISTRATION AND USE OF MARKS

S.F. 2232

AN ACT relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

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

Section 1. Section 548.1, Code 1993, is amended to read as follows:

548.1 DEFINITIONS.

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

1. "Abandoned" means the occurrence of any of the following in relation to a mark:
 - a. The use of the mark has been discontinued with intent not to resume such use. Nonuse for two consecutive years shall constitute prima facie evidence of abandonment.
 - b. A course of conduct of the owner of the mark, including acts of omission as well as commission, causes the mark to lose its significance as a mark.
- 1 2. "Applicant" means a person filing an application for registration of a mark under this chapter, and the person's legal representative, successor, or assignee.
3. "Dilution" means the lessening of the capacity of a mark to identify and distinguish goods or services, regardless of the presence or absence of any of the following:
 - a. Competition between parties.

b. Likelihood of confusion, mistake, or deception.

2 4. "Mark" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement used as a certification mark, collective mark, service mark, or trademark or service mark, entitled to registration under this chapter, whether registered or not.

a. "Certification mark" means a mark used in connection with the goods or services of a person other than the certifier to indicate geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services, or to indicate that the work or labor on the goods or services was performed by members of a union or other organization.

b. "Collective mark" means a mark used by members of a co-operative, association, or other collective group or organization to identify goods or services and distinguish them from those of others, or to indicate membership in the collective group or organization.

e 5. "Service mark" means a mark word, name, symbol, or device or any combination of a word, name, symbol, or device, used by a person, to identify services and to distinguish them from the services of others that person, including a unique service, from the services of others, and to indicate the source of the services, even if that source is unknown. Titles, character names used by a person, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of a sponsor.

d 6. "Trade mark" "Trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others word, name, symbol, or device or any combination of a word, name, symbol, or device, used by a person to identify and distinguish the goods of that person, including a unique product, from products manufactured and sold by others, and to indicate the source of the goods, even if that source is unknown.

3 7. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity and any other word or term used to designate the applicant or other party entitled to a benefit or privilege or rendered liable under this chapter includes a juristic person as well as a natural person. The term "juristic person" includes a firm, partnership, corporation, union, association, or other organization capable of suing and being sued in a court of law.

4 8. "Registrant" means a person issued a to whom the registration of a mark under this chapter is issued, and the person's legal representative, successor, or assignee of such person.

9. "Secretary" means the secretary of state or the designee of the secretary charged with the administration of this chapter.

5 10. "Trade name" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement name used by a person to identify the person's a business, or vocation, or occupation, and distinguish it from others of such person.

6 11. "Use" means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For the purposes of this chapter, a mark shall be deemed to be in use under any of the following circumstances:

a. Placing a mark On goods sold or transported in commerce when the mark is placed in any manner on the goods or containers or associated displays, or on affixed tags or labels, and selling or otherwise distributing the goods in this state or if the nature of the goods makes the placement on the goods or containers impracticable, on documents associated with the goods or their sale.

b. Displaying a mark in connection with the sale or advertising of services rendered. On services when the mark is used or displayed in the sale or advertising of services and the services are rendered in this state.

Sec. 2. Section 548.2, Code 1993, is amended to read as follows:

548.2 REGISTRABILITY.

1. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it the mark meets any of the following criteria:

- a 1. Consists of or comprises immoral, deceptive, or scandalous matter, ~~or~~.
- b 2. Consists of or comprises matter which may disparage, bring into contempt or disrepute, or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute.
- e 3. Consists of or comprises the flag, or coat of arms, or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof, ~~or~~.
- d 4. Consists of, or comprises the name, signature, or portrait of any identifying a particular living individual, except with by the individual's written consent, or.
- e 5. Consists of a mark which is one of the following:
- (1) a. When applied to used on or in connection with the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them the goods or services.
- (2) b. When applied to used on or in connection with the goods or services of the applicant, is primarily geographically descriptive or geographically misdescriptive of them the goods or services.
- (3) c. Is primarily merely a surname.

This paragraph "e" subsection 5 does not prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to on or in connection with the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding before the date of the filing of the application for registration, or on which the claim for distinctiveness is made.

f 6. Resembles Consists of or comprises a mark which so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, so as to be likely, when applied to used on or in connection with the goods or services of the applicant, to cause confusion, or mistake, or deception of purchasers to deceive.

2. Judicial review of actions of the secretary of state may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. 3. Section 548.3, Code 1993, is amended to read as follows:

548.3 APPLICATION FOR REGISTRATION.

Subject to the limitations set forth in this chapter, any a person who has previously adopted and used uses a mark in this state may file in the office of the secretary of state, in the manner prescribed by which will comply with the requirements of the secretary of state, duplicate originals of an application for the registration of the that mark. The application shall include setting forth, but not be limited to, all of the following information:

1. The name and business address of the applicant, person applying for registration; and if a corporation, the state of incorporation, or if a partnership, the state in which the partnership is organized and the names of the general partners, as specified by the secretary.

2. The goods or services on or in connection with which the mark is in use, the mode or manner in which the mark is used on or in connection with those goods or services, and the class or classes in which such goods or services fall, as described in regulations promulgated rules adopted by the secretary of state.

3. The date on which the mark was first used anywhere by the applicant or the applicant's predecessor in interest, and the date on which it was first used in this state.

4. A statement that the applicant is the owner of the mark in this state, that the mark is in use, and that, to the knowledge of the person verifying the application, no other person has registered, either federally or in this state, or has the right to use a such mark in this state which purchasers would be likely to confuse or mistake for the applicant's mark either in the identical form or in such resemblance to the form as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake, or to deceive.

5. The signature and verification of secretary may also require a statement as to whether an application to register the mark, or portions or a composite of the mark, has been filed by the applicant or a predecessor in interest in the United States patent and trademark office;

and if so, the applicant shall provide full particulars with respect to the filing including the filing date and serial number of each application, the status of the application and if any application was finally refused registration or has otherwise not resulted in a registration, the reasons therefore.

The secretary may also require that a drawing of the mark, complying with such requirements as the secretary may specify, accompany the application.

The application shall be signed and verified by oath, affirmation, or declaration subject to perjury laws by the applicant, a specimen or facsimile of the mark illustrating its present mode of use, and a filing fee of ten dollars for each class of goods or services for which registration is sought or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by three specimens showing the mark as actually used.

The application shall be accompanied by the application fee payable to the secretary.

Sec. 4. NEW SECTION. 548.3A FILING OF APPLICATIONS.

1. Upon the filing of an application for registration and payment of the application fee, the secretary may cause the application to be examined for conformity with this chapter.

2. The applicant shall provide any additional pertinent information requested by the secretary including a description of a design mark and may make, or authorize the secretary to make, such amendments to the application as may be reasonably requested by the secretary or deemed by the applicant to be advisable to respond to any rejection or objection.

3. The secretary may require the applicant to disclaim an unregistrable component of a mark otherwise registerable, and an applicant may voluntarily disclaim a component of a mark sought to be registered. A disclaimer shall not prejudice or affect the applicant's or registrant's rights existing at or after the time of disclaimer arising in the disclaimed matter, or the applicant's or registrant's rights of registration on another application if the disclaimed matter is or becomes distinctive of the applicant's or registrant's goods or services.

4. Amendments may be made by the secretary upon the application submitted by the applicant upon the applicant's agreement, or the secretary may require a new application to be submitted.

5. If the applicant is found not to be entitled to registration, the secretary shall advise the applicant thereof and of the reasons therefore. The applicant shall have a reasonable period of time specified by the secretary in which to reply or to amend the application, in which event the application shall be reexamined. This procedure may be repeated until the secretary finally refuses registration of the mark or the applicant fails to reply or amend within the specified period, whereupon the application shall be deemed to have been abandoned.

6. If the secretary finally refuses registration of the mark, the applicant may seek judicial review of the refusal in accordance with chapter 17A.

7. If the secretary is concurrently processing applications seeking registration of the same or confusingly similar marks for the same or related goods or services, the secretary shall grant priority to the applications in order of filing. If an application filed earlier is granted a registration, a later application shall be rejected. Any rejected applicant may bring an action for cancellation of the registration upon grounds of prior or superior rights to the mark, in accordance with the provisions of section 548.7.

Sec. 5. Section 548.4, Code 1993, is amended to read as follows:

548.4 CERTIFICATE OF REGISTRATION.

The Upon compliance by the applicant with the requirements of this chapter, the secretary of state shall issue cause a certificate of registration to be issued and delivered to the applicant upon compliance with the requirements of this chapter. The certificate of registration shall be issued ever under the signature and seal of the secretary of state or the secretary's designee, bear the date of registration, and be affixed to a duplicate original application or a copy and shall show the name and business address and, if a corporation, the state of incorporation, or if a partnership, the state in which the partnership is organized and the names of the general partners, as specified by the secretary, of the person claiming ownership of the

mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on or in connection with which the mark is used, a reproduction of the mark, the registration date and the term of the registration. A duplicate original application shall be retained by the secretary of state with respect to each registered mark. The retained duplicate original application or a copy shall be available for public examination.

A certificate of registration by the secretary of state, affixed to a duplicate original application or to a copy, shall be prima-facie evidence of the validity of registration and of the registrant's right to use the mark throughout this state in the manner described in the certificate of registration.

A certificate of registration issued by the secretary under this section or a copy thereof duly certified by the secretary shall be admissible in evidence as competent and sufficient proof of the registration of such mark in an action or judicial proceeding in any court in this state.

Sec. 6. Section 548.5, Code 1993, is amended to read as follows:

548.5 DURATION AND RENEWAL.

Registration A registration of a mark under this chapter shall be effective for a term of ten five years and from the date of registration and, upon application filed within six months prior to the expiration of the term, in a manner complying with the requirements of the secretary, the registration may be renewed for successive ten-year periods a like term from the end of the expiring term. A renewal fee of ten dollars payable to the secretary shall accompany an application for renewal of registration. Application for renewal shall be made within six months prior to the expiration of the registration on a form furnished by the secretary of state and shall include a verified statement that the mark is still in use in this state.

The secretary of state shall notify a registrant of the pending expiration of the registrant's registration. However, the failure of a registrant to receive due notice from the secretary of state shall not prevent expiration of a registration.

The term of any registration in force on the date on which this chapter becomes effective shall not be affected by this chapter, but any registration in force on said date can only be renewed under this chapter. A registration may be renewed for successive periods of five years in like manner. A registration in force on the date on which this chapter shall become effective shall continue in full force and effect for the unexpired term thereof and may be renewed by filing an application for renewal with the secretary complying with the requirements of the secretary and paying the renewal fee within six months prior to the expiration of the registration.

All applicants for renewal under this chapter, whether of registration made under this chapter or of registrations effected under any prior statute, shall include a verified statement that the mark has been and is still in use and include a specimen showing actual use of the mark on or in connection with the goods or services.

Sec. 7. Section 548.6, Code 1993, is amended to read as follows:

548.6 ASSIGNMENT ASSIGNMENTS, CHANGES OF NAME, AND OTHER INSTRUMENTS.

1. Any A mark registered under this chapter shall be and its registration under this chapter is assignable with the good will of the business in which the mark is used or with that part of the good will of the business connected with the use of and symbolized by the mark. A mark connected with a part of the good will of a business can be assigned with that part of the good will of the business. Assignment of a registration can only be effected by filing duplicate originals of an assignment, signed by the registrant, shall be by a duly executed written instrument which may be recorded with the secretary of state together with a filing fee of three dollars. After filing the assignment, the secretary of state upon the payment of a recording fee to the secretary, who, upon recording of the assignment shall issue to a new certificate in the name of the assignee, for the remainder of the term of the assigned registration, a new certificate attached to one of the duplicate originals or of the last renewal of the registration. An

assignment of a registration under this chapter shall be void as against any subsequent purchase for valuable consideration without notice, unless the assignment is recorded with the secretary within three months after the date of the assignment or prior to such subsequent purchase.

2. A registrant or applicant effecting a change of the name of the person to whom the mark was issued or for whom an application was filed may record a certificate of change of name of the registrant or applicant with the secretary upon the payment of the recording fee. The secretary may issue a certificate of registration of an assigned application in the name of the assignee. The secretary may issue in the name of the assignee, a new certificate or registration for the remainder of the term of the registration or last renewal of the registration.

3. Other instruments which relate to a mark registered or application pending pursuant to this chapter, such as, by way of example, licenses, security interests, or mortgages, may be recorded in the discretion of the secretary, if such instrument is in writing and duly executed.

4. Acknowledgement shall be prima facie evidence of the execution of an assignment or other instrument and, when recorded by the secretary, the record shall be prima facie evidence of execution.

5. A photocopy of any instrument referred to in subsections 1 through 3, shall be accepted for recording if it is certified by any of the parties to the registration, or their successors, to be a true and correct copy of the original.

Sec. 8. NEW SECTION. 548.6A RECORDS.

The secretary shall keep for public examination a record of all marks registered or renewed under this chapter, as well as a record of all documents recorded pursuant to section 548.6.

Sec. 9. Section 548.7, Code 1993, is amended to read as follows:

548.7 CANCELLATION.

The secretary of state shall cancel from the register, in whole or in part, any of the following:

1. Any registration under a prior law which has expired without being renewed under this chapter.

2. Any A registration concerning which the secretary of state receives a voluntary request for cancellation from the registrant or the assignee of record.

3 2. Any A registration granted under this chapter and not renewed in accordance with its provisions this chapter.

4 3. Any A registration concerning which a district court, in an action involving the registration and from which no appeal is or can be taken, finds any of the following:

a. That the registered mark has been abandoned, or,

b. That the registrant is not the owner of the mark, or,

c. That the registration was granted contrary to the provisions of this chapter, or improperly.

d. That the registration was obtained fraudulently, or,

e. That the registered mark has become incapable of serving as a mark, or the generic name for the goods or services, or a portion of the goods or services, for which the mark has been registered.

f. That the registered mark is so similar to a mark registered, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States patent and trademark office by another party to the litigation and not abandoned prior to the date of first use by the registrant under this chapter as to be likely to cause confusion, mistake, or deception of purchasers. However, registration under this chapter shall not be canceled if the registrant under this chapter proves prior to the date of the filing of the application for registration by the registrant under this chapter, and not abandoned. However, if the registrant proves that the registrant has is the owner of a concurrent registration for the of a mark in the United States patent and trademark office for covering an area including this state, the registration under this chapter shall not be canceled for such area of the state.

5. Any A registration that a district court, from which no appeal is or can be taken, orders ordered canceled by a court on any ground.

Sec. 10. Section 548.8, Code 1993, is amended to read as follows:
548.8 CLASSIFICATION.

The secretary of state shall by rule establish a classification of goods and services for convenience in the administration of this chapter which shall, but not limit an or extend the applicant's or registrant's rights except as expressly provided by this chapter, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used indicating the appropriate class or classes of goods or services. If a single application includes goods or services which fall within multiple classes, the secretary may require payment of a fee for each class. To the extent practical, the classification of goods and services should conform to the classification adopted by the United States patent and trademark office.

Sec. 11. Section 548.9, Code 1993, is amended to read as follows:
548.9 FRAUDULENT REGISTRATION.

Any A person who, either on the person's own behalf or on behalf of any other person, shall procure procures the filing or registration of any a mark in the office of the secretary under this chapter by knowingly making any false or fraudulent representation or declaration, orally or in writing, or by any other fraudulent means is liable for the damages caused by the fraudulent sustained in consequence of the filing or registration and in an action to recover these damages the court shall order cancellation of the fraudulently obtained registration to be recovered by or on behalf of the party injured in district court.

Sec. 12. Section 548.10, Code 1993, is amended to read as follows:
548.10 INFRINGEMENT.

Any person who Subject to section 548.11B, a person shall not do any of the following:

1. Use, without the consent of the registrant, uses any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this chapter in a manner which in connection with the sale, distribution, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or mistake, or deception to deceive as to the source of origin of purchasers; or reproduces, counterfeits, copies, or colorably imitates such goods or services.

2. Reproduce, counterfeit, copy, or colorably imitate any registered such mark and applies apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used in a manner which is likely to cause confusion, mistake, or deception of purchasers upon or in connection with the sale or other distribution in this state; of such goods or services.

The person shall be liable in a civil action by the registrant of the mark, for any or all of the remedies provided in section 548.11, except that under subsection 2, the registrant shall not be entitled to recover profits or damages unless the acts have been committed with the intent to cause confusion or mistake or to deceive.

Sec. 13. NEW SECTION. 548.10A INJURY TO BUSINESS REPUTATION – DILUTION.

The owner of a mark which is famous in this state shall be entitled, subject to the principles of equity, to an injunction against another's use of a mark, commencing after the owner's mark becomes famous, which causes dilution of the distinctive quality of the owner's mark, and to obtain such other relief as is provided in this section. In determining whether a mark is famous, a court may consider factors such as, but not limited to:

1. The degree of inherent or acquired distinctiveness of the mark in this state.
2. The duration and extent of use of the mark in connection with the goods and services.
3. The duration and extent of advertising and publicity of the mark in this state.
4. The geographical extent of the trading area in which the mark is used.
5. The channels of trade for the goods or services with which the owner's mark is used.
6. The degree of recognition of the owner's mark in its and in the other's trading areas and channels of trade in this state.

7. The nature and extent of use of the same or similar mark by third parties.

The owner shall be entitled only to injunctive relief in this state in an action brought under this section, unless the subsequent user willfully intended to trade on the owner's reputation or to cause dilution of the owner's mark. If such willful intent is proven, the owner shall also be entitled to the remedies set forth in this chapter, subject to the discretion of the court and the principles of equity.

Sec. 14. Section 548.11, Code 1993, is amended to read as follows:

548.11 REMEDIES.

1. The registrant of a mark that has been infringed may be granted an injunction against an infringer in accordance with the principles of equity. The court in its discretion may allow the registrant to recover the damages caused by the infringement or the profits of the infringer attributable to the infringement, or both. The court may order any counterfeits or imitations in the possession or under the control of an infringer to be destroyed and in exceptional cases the court may also award reasonable attorney fees to the prevailing party.

2. Likelihood of injury to business reputation or to a trade name valid at common law, or of dilution of the distinctive quality of a mark, whether registered or not registered under this chapter, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services. The owner of a mark registered under this chapter may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations of the mark and any court may grant injunctions to restrain such manufacture, use, display, or sale as the court deems just and reasonable, and may require the defendants to pay to such owner all profits derived from or all damages suffered by reason of such wrongful manufacture, use, display, or sale. The court may also order that any counterfeits or imitations in the possession or under the control of a defendant be delivered to an officer of the court, or to the complainant, to be destroyed. The court, in its discretion, may enter judgment for an amount not to exceed three times such profits and damages and reasonable attorneys' fees of the prevailing party in cases where the court finds the other party committed such wrongful acts with knowledge or in bad faith or otherwise as according to the circumstances of the case.

The enumeration of any right or remedy in this section shall not affect a registrant's right to prosecute under any penal law of this state.

Sec. 15. NEW SECTION. 548.11A FORUM FOR ACTIONS REGARDING REGISTRATION — SERVICE ON OUT-OF-STATE REGISTRANTS.

1. Actions to require cancellation of a mark registered pursuant to this chapter shall be brought in district court. In an action for cancellation, the secretary shall not be made a party to the proceeding but shall be notified of the filing of the complaint by the clerk of the district court in which it is filed and shall be given the right to intervene in the action.

2. In an action brought against a nonresident registrant, service may be effected upon the secretary as agent for service of the registrant in accordance with the procedures established for service upon nonresident corporations and business entities under section 617.3.

Sec. 16. NEW SECTION. 548.11B COMMON LAW RIGHTS.

This chapter shall not adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

Sec. 17. NEW SECTION. 548.11C FEES.

The secretary shall by rule adopted pursuant to chapter 17A prescribe the fees payable for the various applications and recording fees and for related services. Unless specified by the secretary, the fees payable pursuant to this chapter are not refundable.

Sec. 18. PENDING ACTIONS NOT AFFECTED. This Act shall not affect any suit, proceeding, or appeal pending on the effective date of this Act.

Sec. 19. REPEAL. Sections 548.12 and 548.13, Code 1993, are repealed.

Sec. 20. CODE EDITOR. The Code editor shall renumber sections as provided in this Act to ensure consistency with the model state trademark bill promulgated by the United States trademark association, including the most recent revisions in the model bill.

Approved April 19, 1994

CHAPTER 1091

EDUCATION — MISCELLANEOUS TECHNICAL AND OTHER PROVISIONS

S.F. 2236

AN ACT relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescription refills provided to students residing in the Iowa braille and sight saving school, the school for the deaf, and the state hospital-school.

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

Section 1. Section 256.7, subsection 12, Code Supplement 1993, is amended to read as follows:

12. Adopt rules pursuant to chapter 17A relating to educational programs and budget limitations for educational programs pursuant to sections 282.28, 282.29, 282.30, and 282.31. The rules adopted pursuant to this subsection shall be written by June 30, 1987.

Sec. 2. Section 256.7, subsection 21, Code Supplement 1993, is amended to read as follows:

21. Adopt rules to be effective by July 1, 1993, which that set standards for approval of family support preservice and in-service training programs, offered by area education agencies and practitioner preparation institutions, and family support programs offered by or through local school districts.

Sec. 3. Section 256.7, subsections 7, 8, 15, 16, and 17, Code Supplement 1993, are amended by striking the subsections.

Sec. 4. Section 256.9, subsection 27, Code Supplement 1993, is amended to read as follows:

27. Cause to be printed in pamphlet form after each session of the general assembly Direct that any amendments or changes in the school laws, with necessary notes and suggestions, to be distributed as prescribed in subsection 26 annually.

Sec. 5. Section 256.9, subsection 33, Code Supplement 1993, is amended to read as follows:

33. Develop programs in conjunction with the center for early development education to be made available to the school districts to assist them in identification of at-risk children and their developmental needs. For a period of one year, beginning July 1, 1988, and ending June 30, 1989, direct the educational services division of the area education agencies to develop program plans to assist the districts in educating at-risk children. The area education agencies may enter into contracts with other groups or agencies to provide all or part of the program. The programs shall include but are not limited to:

- a. Administrator and staff in-service education.
- b. Area education agency and district staff utilization plans.
- c. Qualifications required of personnel administering the program.
- d. Child-to-staff ratio specifications.
- e. Longitudinal testing of the children.
- f. Referrals to outside agencies.
- g. An emphasis on integrating the identified children with the balance of the class.
- h. Proposed curriculum content and materials.
- i. Cost projections for provision of the programs.