

CHAPTER 177

STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM — APPROPRIATIONS AND ALLOCATIONS

H.F. 413

AN ACT making an appropriation for purposes of the student achievement and teacher quality program and providing for contingent effectiveness.

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

Section 1. **STUDENT ACHIEVEMENT AND TEACHER QUALITY.** There is appropriated from the endowment for Iowa’s health account of the tobacco settlement trust fund established in section 12E.12, subsection 1, as amended by 2001 Iowa Acts, Senate File 532,¹ section 15, if enacted, to the department of education for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of the student achievement and teacher quality program pursuant to chapter 284, as enacted by 2001 Iowa Acts, Senate File 476²:

..... \$ 40,000,000

Notwithstanding section 8.33, any moneys remaining unencumbered or unobligated from the appropriation made in this section shall not revert but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The provisions of section 8.39 shall not apply to the funds appropriated pursuant to this section.

Sec. 2. **SURPLUS FUNDS TRANSFERRED TO THE ENDOWMENT FOR IOWA’S HEALTH ACCOUNT.**

1. Notwithstanding section 8.55, subsection 2, any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2000, shall not be transferred to the general fund of the state but shall be transferred to the endowment for Iowa’s health account of the tobacco settlement trust fund. The amount transferred under this subsection shall not exceed forty million dollars.

2. Notwithstanding section 8.55, subsection 2, any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2001, shall not be transferred to the general fund of the state but shall be transferred to the endowment for Iowa’s health account of the tobacco settlement trust fund. The amount transferred under this subsection shall not exceed the difference between forty million dollars and the amount transferred pursuant to subsection 1.

3. This section is contingent upon the establishment of the endowment for Iowa’s health account of the tobacco settlement trust fund by 2001 Iowa Acts, Senate File 532,³ if enacted.⁴

Sec. 3. Section 284.4, subsection 2, as enacted by 2001 Iowa Acts, Senate File 476,⁵ section 5, is amended to read as follows:

2. By July 1, 2003, each school district shall participate in the student achievement and teacher quality program if the general assembly appropriates moneys for purposes of the student achievement and teacher quality program established pursuant to this chapter.

Sec. 4. Section 284.5, subsection 3, as enacted by 2001 Iowa Acts, Senate File 476,⁶ section 6, is amended to read as follows:

3. Notwithstanding subsection 1, a school district may provide a beginning teacher

¹ Chapter 164 herein

² Chapter 161 herein

³ Chapter 164 herein

⁴ See chapter 187, §28 herein

⁵ Chapter 161 herein

⁶ Chapter 161 herein

mentoring and induction program for all classroom teachers who are beginning teachers in the school years beginning July 1, 2001, and July 1, 2002, and notwithstanding section 284.4, subsection 1, a school district is eligible to receive moneys under section 284.13, subsection 1, paragraph "c", for each fiscal year of the fiscal period beginning July 1, 2001, and ending June 30, 2003, to establish a beginning teacher mentoring and induction program in accordance with this section.

Sec. 5. Section 284.7, unnumbered paragraph 1, as enacted by 2001 Iowa Acts, Senate File 476,⁷ section 8, is amended to read as follows:

To promote continuous improvement in Iowa's quality teaching workforce and to give Iowa teachers the opportunity for career recognition that reflects the various roles teachers play as educational leaders, an Iowa teacher career path is established for teachers employed by participating school districts. A participating school district shall use funding allocated under section 284.13, subsection 1, paragraph "g", to raise teacher salaries to meet the requirements of this section. The Iowa teacher career path and salary minimums are as follows:

Sec. 6. Section 284.7, as enacted by 2001 Iowa Acts, Senate File 476,⁸ section 8, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. For the school year beginning July 1, 2001, and ending June 30, 2002, if the licensed employees of a school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "g" or "h", for purposes of this section, are organized under chapter 20 for collective bargaining purposes, the board of directors and the certified bargaining representative for the licensed employees shall mutually agree upon a formula for distributing the funds among the teachers employed by the school district or area education agency. However, the school district must comply with the salary minimums provided for in section 284.7. The parties shall follow the negotiation and bargaining procedures specified in chapter 20 except that if the parties reach an impasse, neither impasse procedures agreed to by the parties nor sections 20.20 through 20.22 shall apply and the funds shall be paid as provided in paragraph "b". Negotiations under this section are subject to the scope of negotiations specified in section 20.9. If a board of directors and the certified bargaining representative for licensed employees have not reached mutual agreement by July 15, 2001, for the distribution of funds received pursuant to section 284.13, subsection 1, paragraph "g" or "h", paragraph "b" of this subsection shall apply.

b. If, once the minimum salary requirements of section 284.7 have been met by the school district or area education agency, and the school district or area education agency receiving funds pursuant to section 284.13, subsection 1, paragraph "g" or "h", for purposes of this section, and the certified bargaining representative for the licensed employees have not reached an agreement for distribution of the funds remaining, in accordance with paragraph "a", the board of directors shall divide the funds remaining among full-time teachers employed by the district or area education agency whose regular compensation is equal to or greater than the minimum career teacher salary specified in this section. The payment amount for teachers employed on less than a full-time basis shall be prorated.

c. If the licensed employees of a school district or area education agency are not organized for collective bargaining purposes, the board of directors shall determine the method of distribution of such funds.

Sec. 7. Section 284.9, subsection 2, as enacted by 2001 Iowa Acts, Senate File 476,⁹ section 10, is amended to read as follows:

2. The department shall establish up to five regional review panels consisting of five members per panel. Each panel shall include, at a minimum, a nationally board-certified teacher and a school district administrator. Panel members shall be appointed by the director and shall possess the knowledge necessary to determine the quality of the evidence

⁷ Chapter 161 herein

⁸ Chapter 161 herein

⁹ Chapter 161 herein

submitted in an applicant's portfolio. Panel members shall serve a staggered three-year term and may be reappointed to a second term. The department shall provide support and evaluation training for panel members and convene panels as needed. Panel members shall be reimbursed for mileage expenses incurred while engaged in the performance of official duties and shall receive per diem compensation by the department.

Sec. 8. Section 284.10, subsection 3, as enacted by 2001 Iowa Acts, Senate File 476,¹⁰ section 11, is amended to read as follows:

3. Effective until July 1, 2004, a school district shall ~~pay be paid, from moneys allocated pursuant to section 284.13, subsection 1, paragraph "d"~~ the amount of one thousand dollars for each individual who is licensed as a practitioner under chapter 272 on or after July 1, 2001, and who has been certified in accordance with this section. The district shall compensate the practitioner who achieves certification not less than one thousand dollars. By October 1 annually, the school district shall notify the department of education of the number of individuals who have achieved certification in accordance with this section, and shall submit any documentation requested by the department.

Sec. 9. Section 284.11, subsection 2, as enacted by 2001 Iowa Acts, Senate File 476,¹¹ section 12, is amended to read as follows:

2. All licensed practitioners employed at a participating attendance center that has demonstrated improvement in student achievement shall share in cash awards ~~provided in accordance with this section paid from moneys received by a school district pursuant to section 284.13, subsection 1.~~ The school district is encouraged to extend cash awards to other staff employed at the attendance center.¹²

Sec. 10. Section 284.11, as enacted by 2001 Iowa Acts, Senate File 476,¹³ section 12, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The district team-based pay plan shall specify how the funding received by the district for purposes of this section is to be awarded to eligible staff in attendance centers that meet or exceed their goals. The district shall provide all attendance centers equal access to the available funds. Moneys shall be released by the department to the district only upon certification by the school board that an attendance center has met or exceeded its goals.

NEW SUBSECTION. 7. Moneys received for purposes of this section shall not be used for payment of any collective bargaining agreement or arbitrator's decision negotiated or awarded under chapter 20.

Sec. 11. Section 284.12, subsection 3, as enacted by 2001 Iowa Acts, Senate File 476,¹⁴ section 13, is amended to read as follows:

3. ~~The Subject to an appropriation of sufficient funds by the general assembly, the department shall provide for a comprehensive independent evaluation of all components of the student achievement and teacher quality program and shall submit the results of the evaluation in the report submitted pursuant to subsection 2 by January 1, 2007.~~

Sec. 12. NEW SECTION. 284.13 STATE PROGRAM ALLOCATION.

1. For each fiscal year in which moneys are appropriated by the general assembly for purposes of the student achievement and teacher quality program, the moneys shall be allocated as follows in the following priority order:

a. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the department shall reserve up to one million dollars of any moneys appropriated for purposes of this chapter. For each fiscal year in which moneys are appropriated by the general assembly for purposes of team-based variable pay pursuant to section 284.11, the amount of moneys allocated to school districts shall be in the proportion that the basic enrollment of a school

¹⁰ Chapter 161 herein

¹¹ Chapter 161 herein

¹² According to enrolled Act; but see chapter 161, §12 herein

¹³ Chapter 161 herein

¹⁴ Chapter 161 herein

district bears to the sum of the basic enrollments of all participating school districts for the budget year. However, the per pupil amount distributed to a school district under the pilot program shall not exceed one hundred dollars.

b. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, to the department of education, the amount of one million nine hundred thousand dollars for the issuance of national board certification awards in accordance with section 256.44.

c. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount up to two million four hundred thousand dollars for first-year beginning teachers, and for the fiscal year beginning July 1, 2002, and succeeding fiscal years, an amount up to four million seven hundred thousand dollars for first-year and second-year beginning teachers, to the department of education for distribution to school districts for purposes of the beginning teacher mentoring and induction programs. A school district shall receive one thousand three hundred dollars per beginning teacher participating in the program. If the funds appropriated for the program are insufficient to pay mentors and school districts as provided in this paragraph, the department shall prorate the amount distributed to school districts based upon the amount appropriated. Moneys received by a school district pursuant to this paragraph shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's beginning teacher mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district.

d. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, up to one million five hundred thousand dollars to the department of education for purposes of establishing the evaluator training program, including but not limited to the development of criteria models; an evaluation process; the training of providers; development of a provider approval process; training materials and costs; for payment to practitioners under section 284.10, subsection 3, and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district; and for subsidies to school districts for training costs. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes.

e. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, up to one million five hundred thousand dollars to the department of education for purposes of implementing the career development program requirements of section 284.6, and the review panel requirements of section 284.9. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes.

f. For each fiscal year in the fiscal period beginning July 1, 2001, and ending June 30, 2003, up to five hundred thousand dollars to the board of educational examiners for the fees and costs incurred in administering the Praxis II examination in accordance with section 272.2.

g. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the amount of moneys remaining from funds appropriated for purposes of this chapter after distribution as provided in paragraphs "a" through "f" and "h" shall be allocated to school districts in accordance with the following formula:

(1) Fifty percent of the allocation shall be in the proportion that the basic enrollment of a school district bears to the sum of the basic enrollments of all school districts in the state for the budget year.

(2) Fifty percent of the allocation shall be based upon the proportion that the number of full-time equivalent teachers employed by a school district bears to the sum of the number of full-time equivalent teachers who are employed by all school districts in the state for the base year.

h. From moneys available under paragraph "g", the department shall allocate to area education agencies an amount per classroom teacher employed by an area education agency that is approximately equivalent to the average per teacher amount allocated to the districts. The average per teacher amount shall be calculated by dividing the total number of classroom teachers employed by school districts and the classroom teachers employed by area education agencies into the total amount of moneys available under paragraph "g".

2. A school district that is unable to meet the provisions of section 284.7, subsection 1, with funds allocated pursuant to subsection 1, paragraph "g", may request a waiver from the department to use funds appropriated under chapter 256D to meet the provisions of section 284.7, subsection 1, if the difference between the funds allocated to the school district pursuant to subsection 1, paragraph "g", and the amount required to comply with section 284.7, subsection 1, is not less than ten thousand dollars. The department shall consider the average class size of the school district, the school district's actual unspent balance from the preceding year, and the school district's current financial position.

3. If a school district does not choose to participate in the student achievement and teacher quality program during the school year beginning July 1, 2001, the amount of moneys to be allocated to the school district pursuant to subsection 1, paragraph "g", shall be held for the school district by the department until June 30, 2003, or until the school district participates in the program, whichever occurs earlier. Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2002, shall not revert but shall be available for expenditure for the following fiscal year for the purposes of this chapter.

4. Moneys received by a school district under this chapter are miscellaneous income for purposes of chapter 257 or are considered encumbered. A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this section.

Sec. 13. Section 272.2, subsection 17, paragraph b, as enacted by 2001 Iowa Acts, Senate File 476,¹⁵ section 16, is amended to read as follows:

b. Examination fees for the examination required under this subsection shall be paid by from moneys appropriated to the board for this purpose. Costs incurred for additional content area examinations shall be paid by the applicant.

Sec. 14. 2001 Iowa Acts, Senate File 476,¹⁶ section 23, unnumbered paragraph 1, if enacted, is amended to read as follows:

LEGISLATIVE EDUCATION ACCOUNTABILITY AND OVERSIGHT COMMITTEE. The legislative council is requested to establish a two-year legislative education accountability and oversight committee to conduct a comprehensive study of team-based variable pay and make recommendations for the implementation of a team-based variable pay plan component of the student achievement and teacher quality program. The legislative council is also requested to authorize up to \$75,000 for the expenses of the committee.

Sec. 15. CONTINGENT EFFECTIVENESS. This Act shall take effect only if 2001 Iowa Acts, Senate File 476¹⁷ is enacted.

Approved May 23, 2001

¹⁵ Chapter 161 herein

¹⁶ Chapter 161 herein

¹⁷ Chapter 161 herein