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SENATE FILE 2272  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3107)

Passed Senate, Date 3-1-06 Passed House, Date \_\_\_\_\_  
Vote: Ayes 49 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved March 29, 2006

A BILL FOR

1 An Act relating to the duties and operations of the state board  
2 of education, the department of education, and local school  
3 boards.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.9, subsection 40, Code Supplement  
2 2005, is amended by striking the subsection.

3 Sec. 2. Section 256.12, subsection 2, unnumbered paragraph  
4 1, Code 2005, is amended to read as follows:

5 This section does not deprive the respective boards of  
6 public school districts of any of their legal powers,  
7 statutory or otherwise, and in accepting the specially  
8 enrolled students, each of the boards shall prescribe the  
9 terms of the special enrollment, including but not limited to  
10 scheduling of courses and the length of class periods. In  
11 addition, the board of the affected public school district  
12 shall be given notice by the department of its decision to  
13 permit the special enrollment not later than six months prior  
14 to the opening of the affected public school district's school  
15 year, except that the board of the public school district may  
16 waive the notice requirement. School districts and area  
17 education agency boards shall make public school services,  
18 which shall include special education programs and services  
19 and may include health services, services for remedial  
20 education programs, guidance services, and school testing  
21 services, available to children attending accredited nonpublic  
22 schools ~~in-the-same-manner-and~~ to the same extent that they  
23 are provided to public school students. ~~However, services~~  
24 ~~that-are-made-available-shall-be-provided-on-neutral-sites, or~~  
25 ~~in-mobile-units-located-off-the-nonpublic-school-premises-as~~  
26 ~~determined-by-the-boards-of-the-school-districts-and-area~~  
27 ~~education-agencies-providing-the-services, and-not-on~~  
28 ~~nonpublic-school-property, except-for-health-services,~~  
29 ~~services-funded-by-Title-I-of-the-federal-Elementary-and~~  
30 ~~Secondary-Education-Act-of-1965, diagnostic-services-for~~  
31 ~~speech, hearing, and-psychological-purposes, and-assistance~~  
32 ~~with-physical-and-communication-needs-of-students-with~~  
33 ~~physical-disabilities, and-services-of-an-educational~~  
34 ~~interpreter, which-may-be-provided-on-nonpublic-school~~  
35 ~~premises, with-the-permission-of-the-lawful-custodian.~~

1 Service activities shall be similar to those undertaken for  
2 public school students. Health services, special education  
3 support, and related services provided by area education  
4 agencies for the purpose of identifying children with  
5 disabilities, assistance with physical and communications  
6 needs of students with physical disabilities, and services of  
7 an educational interpreter may be provided on nonpublic school  
8 premises with the permission of the lawful custodian of the  
9 property. Other special education services may be provided on  
10 nonpublic school premises at the discretion of the school  
11 district or area education agency provider of the service and  
12 with the permission of the lawful custodian of the property.

13 Sec. 3. Section 256.46, Code Supplement 2005, is amended  
14 to read as follows:

15 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR  
16 ACTIVITIES BY CERTAIN CHILDREN.

17 The state board shall adopt rules that permit a child who  
18 does not meet the residence requirements for participation in  
19 extracurricular interscholastic contests or competitions  
20 sponsored or administered by an organization as defined in  
21 section 280.13 to participate in the contests or competitions  
22 immediately if the child is duly enrolled in a school, is  
23 otherwise eligible to participate, and meets one of the  
24 following circumstances or a similar circumstance: the child  
25 has been adopted; the child is placed under foster or shelter  
26 care; the child is living with one of the child's parents as a  
27 result of divorce, separation, death, or other change in the  
28 child's parents' marital relationship, or pursuant to other  
29 court-ordered decree or order of custody; ~~the child is a~~  
30 ~~foreign-exchange student;~~ the child has been placed in a  
31 juvenile correctional facility; the child is a ward of the  
32 court or the state; the child is a participant in a substance  
33 abuse or mental health program; or the child is enrolled in an  
34 accredited nonpublic high school because the child's district  
35 of residence has entered into a whole grade sharing agreement

1 for the pupil's grade with another district. The rules shall  
2 permit a child who is otherwise eligible to participate, but  
3 who does not meet one of the foregoing or similar  
4 circumstances relating to residence requirements, to  
5 participate at any level of competition ~~inferior-to~~ other than  
6 the varsity level. For purposes of this section and section  
7 282.18, "varsity" means the highest level of competition  
8 offered by one school or school district against the highest  
9 level of competition offered by an opposing school or school  
10 district.

11 Sec. 4. Section 256.51, subsection 1, paragraph d, Code  
12 2005, is amended by striking the paragraph.

13 Sec. 5. Section 257.10, subsection 5, Code 2005, is  
14 amended to read as follows:

15 5. COMBINED DISTRICT COST PER PUPIL. The combined  
16 district cost per pupil for a school district is the sum of  
17 the regular program district cost per pupil and the special  
18 education support services district cost per pupil. Combined  
19 district cost per pupil does not include ~~additional~~ modified  
20 allowable growth added for school districts that have a  
21 negative balance of funds raised for special education  
22 instruction programs, ~~additional~~ modified allowable growth  
23 granted by the school budget review committee for a single  
24 school year, or ~~additional~~ modified allowable growth added for  
25 programs for dropout prevention.

26 Sec. 6. Section 257.31, subsection 14, paragraph b,  
27 unnumbered paragraph 3, Code 2005, is amended to read as  
28 follows:

29 A school district is only eligible to receive supplemental  
30 aid payments during the budget year if the school district  
31 certifies to the school budget review committee that for the  
32 year following the budget year it will notify the school  
33 budget review committee to instruct the director of the  
34 department of management to increase the district's allowable  
35 growth and will fund the allowable growth increase either by

1 using moneys from its unexpended cash balance to reduce the  
2 district's property tax levy or by using cash reserve moneys  
3 to equal the amount of the deficit that would have been  
4 property taxes and any part of the state aid portion of the  
5 deficit not received as supplemental aid under this  
6 subsection. The director of the department of management  
7 shall make the necessary adjustments to the school district's  
8 budget to provide the ~~additional~~ modified allowable growth and  
9 shall make the supplemental aid payments.

10 Sec. 7. Section 257.38, unnumbered paragraphs 1 and 2,  
11 Code 2005, are amended to read as follows:

12 Boards of school districts, individually or jointly with  
13 boards of other school districts, requesting to use ~~additional~~  
14 modified allowable growth for programs for returning dropouts  
15 and dropout prevention, shall ~~annually~~ submit comprehensive  
16 program plans for the programs and budget costs, including  
17 annual requests for ~~additional~~ modified allowable growth for  
18 funding the programs, to the department of education as  
19 ~~provided-in-this-chapter~~ a component of the comprehensive  
20 school improvement plan submitted to the department pursuant  
21 to section 256.7, subsection 21. The program plans shall  
22 include:

23 Program plans shall identify the parts of the plan that  
24 will be implemented first upon approval of the ~~application~~  
25 request. If a district is requesting to use ~~additional~~  
26 modified allowable growth to finance the program, ~~it the~~  
27 school district shall not identify more than five percent of  
28 its budget enrollment for the budget year as returning  
29 dropouts and potential dropouts.

30 Sec. 8. Section 257.40, Code 2005, is amended to read as  
31 follows:

32 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT  
33 PREVENTION.

34 The board of directors of a school district requesting to  
35 use ~~additional~~ modified allowable growth for programs for

1 returning dropouts and dropout prevention shall submit  
2 ~~applications-for-approval-for-the-programs~~ requests for  
3 modified at-risk allowable growth, including budget cost, to  
4 the department not later than ~~November-1~~ December 15 of the  
5 year preceding the budget year during which the program will  
6 be offered. The department shall review the ~~program-plans~~  
7 request and shall prior to January 15 either grant approval  
8 for the program request or return the request for approval  
9 with comments of the department included. An unapproved  
10 request for a program may be resubmitted with modifications to  
11 the department not later than February 1. Not later than  
12 February 15, the department shall notify the department of  
13 management and the school budget review committee of the names  
14 of the school districts for which programs using ~~additional~~  
15 modified allowable growth for funding have been approved and  
16 the approved budget of each program listed separately for each  
17 school district having an approved program request.

18 Sec. 9. Section 259A.1, Code 2005, is amended to read as  
19 follows:

20 259A.1 TESTS.

21 The department of education shall cause to be made  
22 available for qualified individuals a high school equivalency  
23 diploma. The diploma shall be issued on the basis of  
24 satisfactory competence as shown by tests covering all of the  
25 following: The-correctness-and-effectiveness-of-expression;  
26 the-interpretation-of reading materials-in-the, arts, language  
27 arts, writing, mathematics, science, and social studies;  
28 interpretation-of-reading-material-in-the-natural-sciences;  
29 interpretation-of-literary-materials;-and-general-mathematical  
30 ability.

31 Sec. 10. Section 259A.3, Code 2005, is amended to read as  
32 follows:

33 259A.3 NOTICE AND FEE.

34 Any applicant who has achieved the minimum passing  
35 standards as established by the department, and approved by

1 the state board, shall be issued a high school equivalency  
2 diploma by the department upon payment of an ~~additional-five~~  
3 ~~dollars~~ amount determined in rules adopted by the state board  
4 of education to cover the actual costs of the production and  
5 distribution of the diploma. The state board of education may  
6 also by rule establish a fee for the issuance of a transcript  
7 which shall be based on the actual costs of the production and  
8 distribution of a transcript.

9 Sec. 11. Section 259A.4, Code 2005, is amended to read as  
10 follows:

11 259A.4 USE OF FEES.

12 The fees collected under the provisions of this chapter  
13 ~~shall~~ are appropriated to the department of education to be  
14 used for the expenses incurred in administering, providing  
15 test materials, scoring of examinations and issuance of high  
16 school equivalency diplomas and transcripts, and shall be  
17 disbursed on the authorization of the director of the  
18 department of education. The treasurer of state shall be  
19 custodian of the funds paid to the department and shall  
20 disburse the same on vouchers audited as provided by law. The  
21 unobligated balance in such funds at the close of each  
22 biennium shall be placed in the general fund of the state.

23 Sec. 12. Section 260C.14, subsection 2, Code 2005, is  
24 amended to read as follows:

25 2. Have authority to determine tuition rates for  
26 instruction. Tuition for residents of Iowa shall not exceed  
27 the lowest tuition rate per semester, or the equivalent,  
28 charged by an institution of higher education under the state  
29 board of regents for a full-time resident student. However,  
30 except for students enrolled under chapter 261C, if a local  
31 school district pays tuition for a resident pupil of high  
32 school age, the limitation on tuition for residents of Iowa  
33 shall not apply, the amount of tuition shall be determined by  
34 the board of directors of the community college with the  
35 consent of the local school board, and the pupil shall not be

1 included in the full-time equivalent enrollment of the  
2 community college for the purpose of computing general aid to  
3 the community college. Tuition for nonresidents of Iowa shall  
4 not be less than the marginal cost of instruction of a student  
5 attending the college. A lower tuition for nonresidents may  
6 be permitted under a reciprocal tuition agreement between a  
7 merged area and an educational institution in another state,  
8 if the agreement is approved by the state-board director. The  
9 board may designate that a portion of the tuition moneys  
10 collected from students be used for student aid purposes.

11 Sec. 13. Section 260C.28, subsection 2, Code 2005, is  
12 amended to read as follows:

13 2. However, the board of directors may annually certify  
14 for levy a tax on taxable property in the merged area at a  
15 rate in excess of the three cents per thousand dollars of  
16 assessed valuation specified under subsection 1 if the excess  
17 tax levied does not cause the total rate certified to exceed a  
18 rate of nine cents per thousand dollars of assessed valuation,  
19 and the excess revenue generated is used for purposes of  
20 program sharing between community colleges or for the purchase  
21 of instructional equipment. Programs that are shared shall be  
22 designed to increase student access to community college  
23 programs and to achieve efficiencies in program delivery at  
24 the community colleges, including, but not limited to, the  
25 programs described under ~~sections-260C-45-and~~ section 260C.46.  
26 Prior to expenditure of the excess revenues generated under  
27 this subsection, the board of directors shall obtain the  
28 approval of the director of the department of education.

29 Sec. 14. Section 273.22, subsections 6 and 7, Code 2005,  
30 are amended to read as follows:

31 6. Within forty-five days of the state board's approval,  
32 the board of directors of a school district that is contiguous  
33 to a newly reorganized area education agency may petition the  
34 board of directors of their current area education agency and  
35 the newly reorganized area education agency to join the newly

1 reorganized area education agency. If the initial, or new  
2 board if established in time under section 273.23, subsection  
3 3, and the board of the contiguous area education agency  
4 approve the petition, the reorganization, including any school  
5 district whose petition to join the newly reorganized area  
6 education agency has been approved, shall take effect in  
7 accordance with the dates established under section 273.21,  
8 subsection 4. Both the initial, or new, and the contiguous  
9 area education agency boards must act within forty-five days  
10 of the deadline, as set forth in this subsection, for the  
11 filing of the school district's petition. A Within ten days  
12 of an area education agency board's action, a school district  
13 may appeal to the state board the decision of an area  
14 education agency board to deny the school district's petition.

15 7. Within forty-five days of the state board's approval,  
16 the board of directors of a school district that is within a  
17 newly reorganized area education agency and whose school  
18 district is contiguous to another area education agency not  
19 included in the newly reorganized area education agency may  
20 petition the board of directors of the newly reorganized area  
21 education agency and the contiguous area education agency to  
22 join that area education agency. If the initial, or new board  
23 if established in time under section 273.23, subsection 3, and  
24 the board of the contiguous area education agency approve the  
25 petition, the reorganization, excluding any school district  
26 whose petition to join an area education agency contiguous to  
27 the newly reorganized area education agency has been approved,  
28 shall take effect in accordance with the dates established  
29 under section 273.21, subsection 4. Both the initial, or new,  
30 and the contiguous area education agency boards must act  
31 within forty-five days of the deadline, as set forth in this  
32 subsection, for the filing of the school district's petition.  
33 A Within ten days of an area education agency board's action,  
34 a school district may appeal to the state board the decision  
35 of an area education agency board to deny the school

1 district's petition.

2 Sec. 15. Section 279.30, Code 2005, is amended to read as  
3 follows:

4 279.30 EXCEPTIONS.

5 Each warrant payment must be made payable to the person  
6 entitled to receive the money. The board of directors of a  
7 school district or an area education agency may by resolution  
8 authorize the secretary, upon approval of the superintendent  
9 or designee, or administrator, in the case of an area  
10 education agency, to issue warrants payments when the board of  
11 directors is not in session in payment of freight, drayage,  
12 express, postage, printing, water, light, and telephone rents  
13 reasonable and necessary expenses, but only upon verified  
14 bills filed with the secretary or administrator, and for the  
15 payment of salaries pursuant to the terms of a written  
16 ~~contract, and the secretary or administrator shall either~~  
17 ~~deliver in person or mail the warrants to the payees. In~~  
18 ~~addition, the board of directors may by resolution authorize~~  
19 ~~the secretary or administrator, upon approval of the president~~  
20 ~~of the board, to issue warrants when the board of directors is~~  
21 ~~not in session, but only upon verified bills filed with the~~  
22 ~~secretary or administrator, and the secretary or administrator~~  
23 ~~shall either deliver in person or mail the warrants to the~~  
24 payees. Each warrant payment must be made payable only to the  
25 person performing the service or presenting the verified bill,  
26 and must state the purpose for which the warrant payment is  
27 issued. All bills and salaries for which warrants payments  
28 are issued prior to audit and allowance by the board must be  
29 passed upon by the board of directors at the next meeting and  
30 be entered in the regular minutes of the secretary.

31 Sec. 16. Section 279.33, Code 2005, is amended to read as  
32 follows:

33 279.33 ANNUAL SETTLEMENTS.

34 At a regular or special meeting held on or after August 31  
35 and prior to the organizational meeting held after the regular

1 school election, the board of each school corporation shall  
2 meet, examine the books of and settle with the secretary and  
3 treasurer for the year ending on the preceding June 30, and  
4 transact other business as necessary. The treasurer at the  
5 time of settlement shall furnish the board with a sworn  
6 statement from each depository showing the balance then on  
7 deposit in the depository. If the secretary or treasurer  
8 fails to make proper reports for the settlement, the board  
9 shall take action to obtain the balance information.

10 Sec. 17. Section 279.41, Code 2005, is amended to read as  
11 follows:

12 279.41 SCHOOLHOUSES AND SITES SOLD -- FUNDS.

13 Moneys received from the condemnation, sale, or other  
14 disposition for public purposes of schoolhouses, school sites,  
15 or both schoolhouses and school sites, shall be deposited in  
16 the physical plant and equipment levy fund and may without a  
17 vote of the electorate be used for ~~the purchase of school~~  
18 ~~sites or the erection or repair of schoolhouses, or both~~  
19 purposes authorized under section 298.3, as ordered by the  
20 board of directors of the school district.

21 Sec. 18. Section 282.1, unnumbered paragraph 1, Code 2005,  
22 is amended to read as follows:

23 Persons between five and twenty-one years of age are of  
24 school age. ~~A board may establish and maintain evening~~  
25 ~~schools or an educational program under section 282.1A for~~  
26 ~~residents of the corporation regardless of age and for which~~  
27 ~~no tuition need be charged.~~ Nonresident children shall be  
28 charged the maximum tuition rate as determined in section  
29 282.24, subsection 1, with the exception that those residing  
30 temporarily in a school corporation may attend school in the  
31 corporation upon terms prescribed by the board, and boards  
32 discontinuing grades under section 282.7, subsection 1 or  
33 subsections 1 and 3, shall be charged tuition as provided in  
34 section 282.24, subsection 2.

35 Sec. 19. Section 282.18, subsection 2, unnumbered

1 paragraph 2, Code Supplement 2005, is amended to read as  
2 follows:

3 The board of the receiving district shall enroll the pupil  
4 in a school in the receiving district for the following school  
5 year unless the receiving district does not have classroom  
6 space for the pupil. A child entering kindergarten for the  
7 first time may be denied enrollment by the receiving district  
8 based on lack of classroom space or availability of an  
9 appropriate program, even if the child attended a  
10 prekindergarten or preschool program offered by the receiving  
11 district the previous school year. The board of directors of  
12 a receiving district may adopt a policy granting the  
13 superintendent of the school district authority to approve  
14 open enrollment applications. If the request is granted, the  
15 board shall transmit a copy of the form to the parent or  
16 guardian and the school district of residence within five days  
17 after board action, but not later than June 1 of the preceding  
18 school year. The parent or guardian may withdraw the request  
19 at any time prior to the start of the school year. A denial  
20 of a request by the board of a receiving district is not  
21 subject to appeal to the department or to the state board.

22 Sec. 20. Section 282.18, subsection 3, unnumbered  
23 paragraph 1, Code Supplement 2005, is amended to read as  
24 follows:

25 In all districts involved with voluntary or court-ordered  
26 desegregation, minority and nonminority pupil ratios shall be  
27 maintained according to the desegregation plan or order. The  
28 superintendent of a district subject to voluntary or court-  
29 ordered desegregation may deny a request for transfer under  
30 this section if the superintendent finds that enrollment or  
31 release of a pupil will adversely affect the district's  
32 implementation of the desegregation order or plan, unless the  
33 transfer is requested by a pupil whose sibling is already  
34 participating in open enrollment to another district, or  
35 unless the request for transfer is submitted to the district

1 in a timely manner as required under subsection 2 prior to the  
2 adoption of a desegregation plan by the district. If a  
3 transfer request is filed on behalf of a resident, as defined  
4 in section 282.1, entering kindergarten for the first time,  
5 the school district may deny the request under this subsection  
6 even if the child attended a prekindergarten or preschool  
7 program offered by the receiving district the previous school  
8 year, whether or not the request is filed in a timely manner.

9 If a transfer request would facilitate a voluntary or court-  
10 ordered desegregation plan, the district shall give priority  
11 to granting the request over other requests.

12 Sec. 21. Section 282.18, subsection 4, paragraph a, Code  
13 Supplement 2005, is amended to read as follows:

14 a. After March 1 of the preceding school year and until  
15 the third Friday in September of that calendar year, the  
16 parent or guardian shall send notification to the district of  
17 residence and the receiving district, on forms prescribed by  
18 the department of education, that good cause, as defined in  
19 paragraph "b", exists for failure to meet the March 1  
20 deadline. The board of directors of a receiving school  
21 district may adopt a policy granting the superintendent of the  
22 school district authority to approve open enrollment  
23 applications submitted after the March 1 deadline. The board  
24 of the receiving district shall take action to approve the  
25 request if good cause exists. If the request is granted, the  
26 board shall transmit a copy of the form to the parent or  
27 guardian and the school district of residence within five days  
28 after board action. A denial of a request by the board of a  
29 receiving district is not subject to appeal. The resident  
30 district has five days from receipt of the notice provided by  
31 the receiving district to appeal a good cause determination by  
32 the receiving district to the director. The director may  
33 uphold or reverse the decision of the receiving district or  
34 order the resident district to retain all funding associated  
35 with the student for whom the open enrollment request was

1 made.

2 Sec. 22. Section 282.18, subsection 4, paragraph c, Code  
3 Supplement 2005, is amended by striking the paragraph.

4 Sec. 23. Section 285.11, subsection 9, Code 2005, is  
5 amended by striking the subsection.

6 Sec. 24. Section 297.14, Code 2005, is amended to read as  
7 follows:

8 297.14 BARBED WIRE.

9 No fence ~~provided-for-in-section-297-13~~ shall be  
10 constructed of barbed wire, nor shall any barbed wire fence be  
11 placed within ten feet of any school grounds attendance  
12 centers. Any person violating the provisions of this section  
13 shall be guilty of a simple misdemeanor.

14 Sec. 25. Section 321.375, subsection 2, unnumbered  
15 paragraph 1, Code 2005, is amended to read as follows:

16 Any of the following shall constitute grounds for ~~a-school~~  
17 ~~bus-driver's~~ the immediate suspension from duties of a school  
18 bus driver, including a part-time or substitute bus driver,  
19 pending a termination hearing by the board of directors of a  
20 public school district or the authorities in charge in a  
21 nonpublic school ~~if-the-bus-driver-is-under-contract,~~ pending  
22 ~~confirmation-of-the-grounds-by-the-school-district-or~~  
23 ~~accredited-nonpublic-school-if-the-bus-driver-is-a-part-time~~  
24 ~~or-substitute-bus-driver-who-is-not-under-contract,~~ or pending  
25 confirmation of the grounds by the employer of the school bus  
26 driver if the employer is not a school district or accredited  
27 nonpublic school ~~by-the-board:~~

28 Sec. 26. Section 321.376, subsection 1, Code 2005, is  
29 amended to read as follows:

30 1. The driver of a school bus shall hold a driver's  
31 license issued by the department of transportation valid for  
32 the operation of the school bus and a certificate of  
33 qualification for operation of a commercial motor vehicle  
34 issued by a physician licensed pursuant to chapter 148 or  
35 150A, physician's assistant, advanced registered nurse

1 practitioner, or chiropractor or any other person identified  
2 by federal and state law as authorized to perform physical  
3 examinations, and shall successfully complete an approved  
4 course of instruction in accordance with subsection 2. A  
5 person holding a temporary restricted license issued under  
6 chapter 321J shall be prohibited from operating a school bus.  
7 The department of education shall ~~revoke~~ or refuse to issue an  
8 authorization to operate a school bus to any person who, after  
9 notice and opportunity for hearing, is determined to have  
10 committed any of the acts proscribed under section 321.375,  
11 subsection 2. The department of education shall take adverse  
12 action against any person who, after notice and opportunity  
13 for hearing, is determined to have committed any of the acts  
14 proscribed under section 321.375, subsection 2. Such action  
15 may include a reprimand or warning of the person or the  
16 suspension or revocation of the person's authorization to  
17 operate a school bus. The department of education shall  
18 recommend, and the state board of education shall adopt under  
19 chapter 17A, rules and procedures for issuing and suspending  
20 or revoking authorization to operate a school bus in this  
21 state. Rules and procedures adopted shall include, but are  
22 not limited to, provisions for the revocation or suspension  
23 of, or refusal to issue, authorization to persons who are  
24 determined to have committed any of the acts proscribed under  
25 section 321.375, subsection 2.

26 Sec. 27. Chapters 288 and 289, Code 2005, are repealed.

27 Sec. 28. Sections 260C.45, 282.1A, and 297.13, Code 2005,  
28 are repealed.

29 EXPLANATION

30 This bill amends numerous Code sections related to the  
31 duties and operations of the state board of education, the  
32 department of education, and local school boards, including  
33 provisions relating to the sharing of public school  
34 instructors and services with students attending nonpublic  
35 schools, rules for participation of students in

1 extracurricular activities, the submission of dropout and  
2 dropout prevention plans to the department and the submission  
3 of requests for modified allowable growth to the school budget  
4 review committee by school boards; the competency requirements  
5 persons must meet to receive a high school equivalency  
6 diploma, and the fees set for issuance of the diploma;  
7 community college tuition for nonresidents; quality  
8 instructional centers; newly reorganized area education  
9 agencies; school district payments and settlements; the  
10 purposes for which moneys received from the sale of school  
11 sites may be used; evening and part-time schools; fencing near  
12 school grounds; open enrollment requirements; school bus  
13 drivers; and extended school programs.

14 The bill makes changes to Code provisions as follows:

15 SHARING INSTRUCTORS AND SERVICES. Code section 256.12,  
16 subsection 2, provides that public school districts must  
17 provide public school services to students attending nonpublic  
18 schools to the same extent they are provided to public school  
19 students. The bill adds that the nonpublic schools must be  
20 accredited, and provides that service activities and other  
21 special education services may be provided on the nonpublic  
22 school's premises if the lawful custodian of the property  
23 permits.

24 DIVISION OF LIBRARIES AND INFORMATION SERVICES. The bill  
25 removes from the division the responsibility for developing  
26 and adopting long-range plans for the continued improvement of  
27 library services.

28 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY  
29 CERTAIN CHILDREN. Code section 256.46 requires the state  
30 board to adopt rules that permit a child who does not meet the  
31 residence requirements for participation in extracurricular  
32 interscholastic contests or competitions to participate in the  
33 contests or competitions immediately if the child meets  
34 certain circumstances. The bill eliminates from those  
35 circumstances that the child is a foreign exchange student.

1 The bill also replaces the phrase "inferior to the varsity  
2 level", which is used in describing sports other than those at  
3 the varsity level, with the phrase "other than the varsity  
4 level".

5       MODIFIED ALLOWABLE GROWTH REFERENCES AND DROPOUT AND  
6 DROPOUT PREVENTION PROGRAMS. The bill amends Code sections  
7 257.10, 257.31, 257.38, and 257.40 to replace the word  
8 "additional" with "modified" to describe allowable growth.  
9 The bill also amends Code section 257.38 to require public  
10 school boards requesting to use modified allowable growth for  
11 programs for returning dropouts and dropout prevention to  
12 submit their requests to the department of education as a  
13 component of their annual comprehensive school improvement  
14 plan. The bill also amends Code section 257.40 to require  
15 public school boards requesting to use modified allowable  
16 growth for programs for returning dropouts and dropout  
17 prevention to include budget costs with their requests and  
18 allows the boards to submit the requests later than the  
19 current deadline of November 1. The new deadline would be not  
20 later than December 15 of the year preceding the budget year  
21 during which the program will be offered.

22       HIGH SCHOOL EQUIVALENCY DIPLOMAS. Currently, Code section  
23 259A.1 requires that high school equivalency diplomas be  
24 issued on the basis of satisfactory competence as shown by  
25 tests covering the correctness and effectiveness of  
26 expression, the interpretation of reading materials in the  
27 social studies and natural sciences, interpretation of  
28 literary materials, and general mathematical ability. The  
29 bill replaces these standards to require that the diplomas be  
30 issued on the basis of satisfactory competence as shown by  
31 tests covering reading, arts, language arts, writing,  
32 mathematics, science, and social studies. The bill also  
33 amends Code section 259A.3 to replace the current \$5 fee for  
34 the issuance of a diploma with an amount determined by the  
35 state board of education to cover the actual costs of the

1 production and distribution of the diploma and the issuance of  
2 transcripts.

3 COMMUNITY COLLEGE TUITION FOR NONRESIDENTS. Currently, the  
4 state board of education is authorized to approve a lower  
5 tuition for nonresidents to attend a community college under a  
6 reciprocal tuition agreement the community college has with  
7 another educational institution in another state. The bill  
8 amends Code section 260C.14 to give that authority to the  
9 director of the department of education, rather than the state  
10 board.

11 QUALITY INSTRUCTIONAL CENTERS. The bill repeals Code  
12 section 260C.45, which establishes the quality instructional  
13 center program for the community colleges to promote the  
14 creation or enhancement of high-quality, unique, high-cost,  
15 capital-intensive, or highly specialized vocational-technical  
16 and occupational programs, which cannot be practically or  
17 economically offered at more than a few community colleges.  
18 The bill makes conforming changes in Code sections 256.9 and  
19 260C.46.

20 NEWLY REORGANIZED AREA EDUCATION AGENCY. The bill amends  
21 Code section 273.22, subsections 6 and 7, to add a deadline of  
22 10 days within which a school district may appeal to the state  
23 board an area education agency board's decision not to allow  
24 the school district to join a contiguous or newly reorganized  
25 area education agency.

26 SCHOOL DISTRICT PAYMENTS AND SETTLEMENTS. Currently, the  
27 Code lists the purposes for which a secretary of a school  
28 district or administrator of an area education agency may make  
29 payments while the school board or area education agency board  
30 is not in session. The bill replaces the list in Code section  
31 279.30 with general permission to issue payments for  
32 reasonable and necessary expenses. The bill strikes a  
33 requirement that the secretary or administrator deliver or  
34 mail payments when the board is not in session. The bill also  
35 strikes language in Code section 279.33 that requires the

1 school district's treasurer to furnish the board with a sworn  
2 statement showing each depository balance. Under the bill,  
3 only a statement must be furnished.

4 PURPOSES FOR MONEYS FROM SCHOOLHOUSES AND SITES SOLD. The  
5 bill permits moneys received from the sale of school sites  
6 that are deposited in the physical plant and equipment levy  
7 (PPEL) fund to be used for the same purposes for which  
8 revenues from the PPEL levies may be used.

9 EXTENDED SCHOOL PROGRAMS -- EVENING AND PART-TIME SCHOOLS  
10 REPEAL. The bill repeals Code section 282.1A, which  
11 authorizes school districts to voluntarily establish extended  
12 school programs for residents of the school district who are  
13 over 21 years of age, do not possess a high school diploma or  
14 a high school equivalency diploma, and are enrolled in an  
15 education program in the district. The bill also repeals Code  
16 chapters 288 and 289, which require school districts to  
17 establish an evening school when 10 or more persons over age  
18 16 express a desire for instruction at an evening school for  
19 not less than two hours each evening for at least two evenings  
20 each week for not less than three months of each school year;  
21 and, in cities of 12,000 or more, to establish and maintain  
22 part-time schools when 15 or more children residing in the  
23 district who are between 14 and 16 years of age cease to  
24 attend the full-time day school. The bill includes a  
25 conforming amendment in Code section 282.1.

26 OPEN ENROLLMENT CHANGES. The bill amends Code section  
27 282.18 to allow a receiving district to deny open enrollment  
28 to a child entering kindergarten for the first time if the  
29 school district lacks classroom space or availability of an  
30 appropriate program even if the child attended prekindergarten  
31 or preschool in the school district in the prior school year.  
32 The bill also amends Code section 282.18 to allow the district  
33 of residence to deny a request for transfer from a resident  
34 child entering kindergarten for the first time whether or not  
35 the request is filed in a timely manner if the superintendent

1 finds that release of the child will adversely affect the  
2 district's implementation of the desegregation order or plan.  
3 The bill gives a resident district five days to appeal a "good  
4 cause" determination by a receiving district to the director  
5 of the department of education. The director may uphold or  
6 reverse the receiving district's decision or order the  
7 resident district to retain all funding associated with the  
8 student for whom the open enrollment request was made. The  
9 bill eliminates a provision in Code section 282.18 which  
10 permits a resident district to request that the department  
11 review and take appropriate action if the resident district  
12 believes that a receiving district is unreasonable in  
13 approving applications.

14 SCHOOL BUS DRIVERS. The bill eliminates a provision in  
15 Code section 285.11 that requires school bus drivers to  
16 present a certificate of physical fitness each year before  
17 being permitted to operate any vehicles transporting children  
18 to and from school. Code section 321.375 provides the grounds  
19 for the immediate suspension from duties, pending a  
20 termination hearing by the public school board. The bill  
21 eliminates language in the section related to whether or not  
22 the school bus driver is under contract. The bill also amends  
23 Code section 321.376 to expand the department of education's  
24 options when a school bus driver is found to have violated  
25 certain Code provisions by allowing the department to take  
26 adverse action, which may include a reprimand or warning  
27 rather than an immediate suspension.

28 FENCING NEAR SCHOOL GROUNDS. The bill repeals a provision  
29 that requires school boards to maintain a lawful fence between  
30 school grounds and adjoining cultivated or improved lands.  
31 However, the bill maintains language that prohibits such land  
32 to be fenced using barbed wire.

33  
34  
35

**SENATE FILE 2272**

**S-5035**

1 Amend Senate File 2272 as follows:  
2 1. Title page, line 3, by inserting after the  
3 word "boards" the following: "by amending provisions  
4 pertaining to quality instructional centers, sharing  
5 instructors and services, student participation in  
6 extracurricular activities, the division of libraries  
7 and information services, modified allowable growth  
8 and dropout and dropout prevention programs, community  
9 college reciprocal tuition agreements, high school  
10 equivalency diplomas, new area education agency  
11 contracts, school district payments and settlements,  
12 schoolhouses and sites, evening and part-time schools,  
13 open enrollment, school bus driver fitness and  
14 disciplinary actions, and school fences".

**By MIKE CONNOLLY**

**S-5035 FILED MARCH 8, 2006**

**SENATE FILE 2272**

**S-5026**

1 Amend Senate File 2272 as follows:  
2 1. Page 2, lines 29 and 30, by striking the words  
3 "~~the child is a foreign exchange student,~~" and  
4 inserting the following: "the child is a foreign  
5 exchange student, unless undue influence was exerted  
6 to place the child for primarily athletic purposes;".

**By BOB BRUNKHORST**  
**FRANK B. WOOD**

**S-5026 FILED MARCH 7, 2006**

SENATE FILE 2272

S-5033

1 Amend Senate File 2272 as follows:

2 1. Page 3, by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 257.17, Code 2005, is amended  
5 to read as follows:

6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

7 State aid payments made pursuant to section 257.16  
8 for a fiscal year shall be reduced by one one-  
9 hundred-eightieth for each day of that fiscal year for  
10 which the school district begins school before the  
11 earliest starting date specified in section 279.10,  
12 subsection 1. ~~However, this section does not apply to  
13 a school district that has received approval from the  
14 director of the department of education under section  
15 279.10, subsection 4, to commence classes for  
16 regularly established elementary and secondary schools  
17 in advance of the starting date established in section  
18 279.10, subsection 1."~~

19 2. Page 9, by inserting after line 1 the  
20 following:

21 "Sec. \_\_\_\_\_. Section 279.10, subsection 2, Code  
22 2005, is amended to read as follows:

23 2. The board of directors shall hold a public  
24 hearing on any ~~proposal~~ request made pursuant to  
25 subsection 3 prior to submitting it to the department  
26 of education for approval.

27 Sec. \_\_\_\_\_. Section 279.10, subsection 4, Code 2005,  
28 is amended by striking the subsection."

29 3. By renumbering as necessary.

By JOHN PUTNEY

S-5033 FILED MARCH 8, 2006

SENATE FILE 2272

S-5034

1 Amend Senate File 2272 as follows:

2 1. By striking page 12, line 12, through page 13,  
3 line 3.

4 2. By renumbering as necessary.

By BOB BRUNKHORST

S-5034 FILED MARCH 8, 2006

SENATE FILE 2272

S-5039

1 Amend Senate File 2272 as follows:

2 1. Page 3, by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 257.17, Code 2005, is amended  
5 to read as follows:

6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

7 State aid payments made pursuant to section 257.16  
8 for a fiscal year shall be reduced by one one-  
9 hundred-eightieth for each day of that fiscal year for  
10 which the school district begins school before the  
11 earliest starting date specified in section 279.10,  
12 subsection 1. However, this section does not apply to  
13 a school district that has received approval from the  
14 director of the department of education for a pilot  
15 project under section 256.20, or for a pilot program  
16 under section 279.10, subsection 4, to commence  
17 classes for regularly established elementary and  
18 secondary schools in advance of the starting date  
19 established in section 279.10, subsection 1 3."

20 2. Page 9, by inserting after line 1 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 279.10, subsections 1 and 2,  
23 Code 2005, are amended to read as follows:

24 1. The school year shall begin on the first day of  
25 July and each regularly established elementary and  
26 secondary school shall begin no sooner than ~~a day~~  
27 ~~during the calendar week in which the first day of~~  
28 ~~September falls~~ August 25 but no later than the first  
29 Monday in December unless the school district has  
30 received approval from the department of education for  
31 a pilot program or pilot project in accordance with  
32 subsection 3 or section 256.20. However, if the first  
33 day of September falls on a Sunday, school may begin  
34 on a day during the calendar week which immediately  
35 precedes the first day of September. School shall  
36 continue for at least one hundred eighty days, except  
37 as provided in subsection 3, and may be maintained  
38 during the entire calendar year. However, if the  
39 board of directors of a district extends the school  
40 calendar because inclement weather caused the district  
41 to temporarily close school during the regular school  
42 calendar, the district may excuse a graduating senior  
43 who has met district or school requirements for  
44 graduation from attendance during the extended school  
45 calendar. A school corporation may begin employment  
46 of personnel for in-service training and development  
47 purposes before the date to begin elementary and  
48 secondary school.

49 2. The board of directors shall hold a public  
50 hearing on any proposal request made pursuant to

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1 subsection 3 prior to submitting it to the department  
2 of education for approval.

3 Sec. \_\_\_\_\_. Section 279.10, subsection 4, Code 2005,  
4 is amended by striking the subsection."

5 3. Page 14, by inserting after line 28 the  
6 following:

7 "Sec. \_\_\_\_\_. FUTURE EFFECTIVE DATE. The sections of  
8 this Act amending sections 257.17 and 279.10 take  
9 effect July 1, 2007, and apply to the 2007-2008 school  
10 year."

11 4. Title page, line 3, by inserting after the  
12 word "boards" the following: "and including effective  
13 and applicability provisions".

14 5. By renumbering as necessary.

By JOHN PUTNEY  
MIKE CONNOLLY

SENATE FILE 2272

S-5047

1 Amend the amendment, S-5035, to Senate File 2272,  
2 as follows:

3 1. Page 1, by inserting after line 1 the  
4 following:

5 " \_\_\_\_\_. Page 3, by inserting after line 25 the  
6 following:

7 "Sec. \_\_\_\_\_. Section 257.17, Code 2005, is amended  
8 to read as follows:

9 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

10 State aid payments made pursuant to section 257.16  
11 for a fiscal year shall be reduced by one one-  
12 hundred-eightieth for each day of that fiscal year for  
13 which the school district begins school before the  
14 earliest starting date specified in section 279.10,  
15 subsection 1. However, this section does not apply to  
16 a school district that has received approval from the  
17 director of the department of education for a pilot  
18 project under section 256.20, or for a pilot program  
19 under section 279.10, subsection 4, to commence  
20 classes for regularly established elementary and  
21 secondary schools in advance of the starting date  
22 established in section 279.10, subsection 1 3."

23 \_\_\_\_\_. Page 9, by inserting after line 1 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 279.10, subsections 1 and 2,  
26 Code 2005, are amended to read as follows:

27 1. The school year shall begin on the first day of  
28 July and each regularly established elementary and  
29 secondary school shall begin no sooner than a day  
30 ~~during the calendar week in which the first day of~~  
31 ~~September falls~~ August 25 but no later than the first  
32 Monday in December unless the school district has  
33 received approval from the department of education for  
34 a pilot program or pilot project in accordance with  
35 subsection 3 or section 256.20. However, if the first  
36 day of September falls on a Sunday, school may begin  
37 on a day during the calendar week which immediately  
38 precedes the first day of September. School shall  
39 continue for at least one hundred eighty days, except  
40 as provided in subsection 3, and may be maintained  
41 during the entire calendar year. However, if the  
42 board of directors of a district extends the school  
43 calendar because inclement weather caused the district  
44 to temporarily close school during the regular school  
45 calendar, the district may excuse a graduating senior  
46 who has met district or school requirements for  
47 graduation from attendance during the extended school  
48 calendar. A school corporation may begin employment  
49 of personnel for in-service training and development  
50 purposes before the date to begin elementary and

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1 secondary school.

2 2. The board of directors shall hold a public  
3 hearing on any ~~proposal~~ request made pursuant to  
4 subsection 3 prior to submitting it to the department  
5 of education for approval.

6 Sec. \_\_\_\_\_. Section 279.10, subsection 4, Code 2005,  
7 is amended by striking the subsection."

8 \_\_\_\_\_. Page 14, by inserting after line 28 the  
9 following:

10 "Sec. \_\_\_\_\_. FUTURE EFFECTIVE DATE. The sections of  
11 this Act amending sections 257.17 and 279.10 take  
12 effect July 1, 2007, and apply to the 2007-2008 school  
13 year.""

14 2. Page 1, line 11, by inserting after the word  
15 "settlements," the following: "the school start  
16 date,".

17 3. Page 1, line 14, by inserting after the word  
18 "fences" the following: ", and including effective  
19 and applicability provisions".

20 4. By renumbering as necessary.

By JOHN PUTNEY  
MIKE CONNOLLY

SENATE FILE 2272

S-5050

1 Amend Senate File 2272 as follows:

2 1. Page 3, by inserting after line 12 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 257.6, subsection 1, unnumbered  
5 paragraph 1, Code 2005, is amended to read as follows:

6 Actual enrollment is determined annually on the  
7 ~~third Friday of September in each year~~ October 1, or  
8 the first Monday in October if October 1 falls on a  
9 Saturday or Sunday, and includes all of the following:

10 Sec. \_\_\_\_\_. Section 257.6, subsection 1, unnumbered  
11 paragraph 3, Code 2005, is amended to read as follows:

12 A school district shall certify its actual  
13 enrollment to the department of education by October ~~4~~  
14 15 of each year, and the department shall promptly  
15 forward the information to the department of  
16 management."

17 2. Page 4, by inserting after line 9 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 257.37, subsection 4, Code  
20 2005, is amended to read as follows:

21 4. "Enrollment served" means the basic enrollment  
22 plus the number of nonpublic school pupils served with  
23 media services or educational services, as applicable,  
24 except that if a nonpublic school pupil or a pupil  
25 attending another district under a whole-grade sharing  
26 agreement or open enrollment receives services through  
27 an area other than the area of the pupil's residence,  
28 the pupil shall be deemed to be served by the area of  
29 the pupil's residence, which shall by contractual  
30 arrangement reimburse the area through which the pupil  
31 actually receives services. Each school district  
32 shall include in the ~~third Friday in September~~  
33 enrollment report submitted pursuant to section 257.6,  
34 subsection 1, the number of nonpublic school pupils  
35 within each school district for media and educational  
36 services served by the area."

37 3. Page 7, by inserting after line 28 the  
38 following:

39 "Sec. \_\_\_\_\_. Section 261C.6, unnumbered paragraph 1,  
40 Code 2005, is amended to read as follows:

41 Not later than June 30 of each year, a school  
42 district shall pay a tuition reimbursement amount to  
43 an eligible postsecondary institution that has  
44 enrolled its resident eligible pupils under this  
45 chapter, unless the eligible pupil is participating in  
46 open enrollment under section 282.18, in which case,  
47 the tuition reimbursement amount shall be paid by the  
48 receiving district. However, if a child's residency  
49 changes during a school year, the tuition shall be  
50 paid by the district in which the child was enrolled

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1 as of the ~~third Friday in September~~ date specified in  
2 section 257.6, subsection 1, or the district in which  
3 the child was counted under section 257.6, subsection  
4 1, paragraph "f". For pupils enrolled at the school  
5 for the deaf and the Iowa braille and sight saving  
6 school, the state board of regents shall pay a tuition  
7 reimbursement amount by June 30 of each year. The  
8 amount of tuition reimbursement for each separate  
9 course shall equal the lesser of:"

10 4. Page 10, by inserting after line 20 the  
11 following:

12 "Sec. \_\_\_\_ . Section 279.60, Code Supplement 2005,  
13 is amended to read as follows:

14 279.60 KINDERGARTEN ASSESSMENT -- ACCESS TO DATA  
15 -- REPORTS.

16 Each school district shall administer the dynamic  
17 indicators of basic early literacy skills kindergarten  
18 benchmark assessment or other kindergarten benchmark  
19 assessment adopted by the department of education in  
20 consultation with the Iowa empowerment board to every  
21 kindergarten student enrolled in the district not  
22 later than ~~October 1~~ the date specified in section  
23 257.6, subsection 1. The school district shall also  
24 collect information from each parent, guardian, or  
25 legal custodian of a kindergarten student enrolled in  
26 the district, including but not limited to whether the  
27 student attended preschool, factors identified by the  
28 early care staff pursuant to section 28.3, and other  
29 demographic factors. Each school district shall  
30 report the results of the assessment and the preschool  
31 information collected to the department of education  
32 in the manner prescribed by the department not later  
33 than January 1 of that school year. The early care  
34 staff designated pursuant to section 28.3 shall have  
35 access to the raw data. The department shall review  
36 the information submitted pursuant to this section and  
37 shall submit its findings and recommendations annually  
38 in a report to the governor, the general assembly, the  
39 Iowa empowerment board, and the community empowerment  
40 area boards."

41 5. Page 10, by inserting after line 34 the  
42 following:

43 "Sec. \_\_\_\_ . Section 282.8, Code 2005, is amended to  
44 read as follows:

45 282.8 ATTENDING SCHOOL OUTSIDE STATE.

46 The boards of directors of school districts located  
47 near the state boundaries may designate schools of  
48 equivalent standing across the state line for  
49 attendance of both elementary and high school pupils  
50 when the public school in the adjoining state is

1 nearer than any appropriate public school in a pupil's  
2 district of residence or in Iowa. Distance shall be  
3 measured by the nearest traveled public road.  
4 Arrangements shall be subject to reciprocal agreements  
5 made between the chief state school officers of the  
6 respective states. Notwithstanding section 282.1,  
7 arrangements between districts pursuant to the  
8 reciprocal agreements made under this section shall  
9 establish tuition and transportation fees in an amount  
10 acceptable to the affected boards, but the tuition and  
11 transportation fees shall not be less than the lower  
12 average cost per pupil for the previous school year of  
13 the two affected school districts. For the purpose of  
14 this section average cost per pupil for the previous  
15 school year is determined by dividing the district's  
16 operating expenditures for the previous school year by  
17 the number of children enrolled in the district in the  
18 previous school year on the ~~third Friday of September~~  
19 ~~of the previous school year~~ date specified in section  
20 257.6, subsection 1. A person attending school in  
21 another state shall continue to be treated as a pupil  
22 of the district of residence in the apportionment of  
23 the current school fund and the payment of state aid.

24 Sec. \_\_\_\_\_. Section 282.12, subsection 4, Code 2005,  
25 is amended to read as follows:

26 4. The number of pupils participating in a whole  
27 grade sharing agreement shall be determined on the  
28 ~~third Friday of September~~ date specified in section  
29 257.6, subsection 1, and on the third Friday of  
30 February of each year."

31 6. Page 12, line 15, by striking the words "third  
32 Friday in September of that calendar year" and  
33 inserting the following: "~~third Friday in September~~  
34 ~~of that calendar year~~ date specified in section 257.6,  
35 subsection 1".

36 7. Page 13, by inserting after line 3 the  
37 following:

38 "Sec. \_\_\_\_\_. Section 282.31, subsection 1, paragraph  
39 b, unnumbered paragraph 2, Code 2005, is amended to  
40 read as follows:

41 However, on June 30 of a school year, if the board  
42 of directors of a school district determines that the  
43 number of children under this paragraph who were  
44 counted in the basic enrollment of the school district  
45 ~~on the third Friday of September~~ of that school year  
46 in accordance with section 257.6, subsection 1, is  
47 fewer than the sum of the number of months all  
48 children were enrolled in the school district under  
49 this paragraph during the school year divided by nine,  
50 the secretary of the school district may submit a

1 claim to the department of education by August 1  
2 following the school year for an amount equal to the  
3 district cost per pupil of the district for the  
4 previous school year multiplied by the difference  
5 between the number of children counted and the number  
6 of children calculated by the number of months of  
7 enrollment. The amount of the claim shall be paid by  
8 the department of administrative services to the  
9 school district by October 1. The department of  
10 administrative services shall transfer the total  
11 amount of the approved claim of a school district from  
12 the moneys appropriated under section 257.16 and the  
13 amount paid shall be deducted monthly from the state  
14 foundation aid paid to all school districts in the  
15 state during the remainder of the subsequent fiscal  
16 year in the manner provided in paragraph "a".

17 8. Page 13, by inserting after line 5 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 294A.5, subsection 2, paragraph  
20 a, Code 2005, is amended to read as follows:

21 a. For the school year beginning July 1, 1998, for  
22 phase I, each school district and area education  
23 agency shall certify to the department of education by  
24 the third Friday in September date specified in  
25 section 257.6, subsection 1, the names of all teachers  
26 employed by the district or area education agency  
27 whose regular compensation is less than twenty-three  
28 thousand dollars per year for that year and the  
29 amounts needed as minimum salary supplements. The  
30 minimum salary supplement for each eligible teacher is  
31 the total of the difference between twenty-three  
32 thousand dollars and the teacher's regular  
33 compensation plus the amount required to pay the  
34 employer's share of the federal social security and  
35 Iowa public employees' retirement system, or a pension  
36 and annuity retirement system established under  
37 chapter 294, payments on the additional salary moneys.  
38 ~~However, for purposes of this paragraph, a teacher's~~  
39 ~~regular compensation for the school year beginning~~  
40 ~~July 1, 1998, shall not be lower than eighteen~~  
41 ~~thousand dollars."~~

42 9. Page 13, by inserting after line 13 the  
43 following:

44 "Sec. \_\_\_\_\_. Section 301.1, subsection 2, Code Supplement 2005,  
45 is amended to read as follows:

46 2. Textbooks adopted and purchased by a school  
47 district shall, to the extent funds are appropriated  
48 by the general assembly, be made available to pupils  
49 attending accredited nonpublic schools upon request of  
50 the pupil or the pupil's parent under comparable terms

1 as made available to pupils attending public schools.  
2 If the general assembly appropriates moneys for  
3 purposes of making textbooks available to accredited  
4 nonpublic school pupils, the department of education  
5 shall ascertain the amount available to a school  
6 district for the purchase of nonsectarian,  
7 nonreligious textbooks for pupils attending accredited  
8 nonpublic schools. The amount shall be in the  
9 proportion that the basic enrollment of a  
10 participating accredited nonpublic school bears to the  
11 sum of the basic enrollments of all participating  
12 accredited nonpublic schools in the state for the  
13 budget year. For purposes of this section, a  
14 "participating accredited nonpublic school" means an  
15 accredited nonpublic school that submits a written  
16 request on behalf of the school's pupils in accordance  
17 with this subsection, and that certifies its actual  
18 enrollment to the department of education by October  
19 1, annually. By ~~October 15~~ November 1, annually, the  
20 department of education shall certify to the director  
21 of the department of administrative services the  
22 annual amount to be paid to each school district, and  
23 the director of the department of administrative  
24 services shall draw warrants payable to school  
25 districts in accordance with this subsection. For  
26 purposes of this subsection, an accredited nonpublic  
27 school's enrollment count shall include only students  
28 who are residents of Iowa. The costs of providing  
29 textbooks to accredited nonpublic school pupils as  
30 provided in this subsection shall not be included in  
31 the computation of district cost under chapter 257,  
32 but shall be shown in the budget as an expense from  
33 miscellaneous income. Textbook expenditures made in  
34 accordance with this subsection shall be kept on file  
35 in the school district. In the event that a  
36 participating accredited nonpublic school physically  
37 relocates to another school district, textbooks  
38 purchased for the nonpublic school with funds  
39 appropriated for purposes of this chapter shall be  
40 transferred to the school district in which the  
41 nonpublic school has relocated and may be made  
42 available to the nonpublic school. Funds distributed  
43 to a school district for purposes of purchasing  
44 textbooks in accordance with this subsection which  
45 remain unexpended and available for the purchase of  
46 textbooks for the nonpublic school that relocated in  
47 the fiscal year in which the funds were distributed  
48 shall also be transferred to the school district in  
49 which the nonpublic school has relocated."

50 10. Page 14, by inserting after line 25 the

**S-5050**

Page 6

1 following:

2 "Sec. \_\_\_\_ Section 423E.3, subsection 5, paragraph  
3 d, subparagraph (2), Code Supplement 2005, is amended  
4 to read as follows:

5 (2) The combined actual enrollment for a county,  
6 for purposes of this section, shall be determined for  
7 each county by the department of management based on  
8 the actual enrollment figures reported by October ~~4~~ 15  
9 to the department of management by the department of  
10 education pursuant to section 257.6, subsection 1.  
11 The combined actual enrollment count shall be  
12 forwarded to the director of revenue by March 1,  
13 annually, for purposes of supplying estimated tax  
14 payment figures and making estimated tax payments  
15 pursuant to this section for the following fiscal  
16 year."

17 11. By renumbering as necessary.

**By** BOB BRUNKHORST  
MIKE CONNOLLY

**S-5050** FILED MARCH 13, 2006  
ADOPTED

SENATE FILE 2272

S-5066

1 Amend Senate File 2272 as follows:

2 1. Page 10, by inserting before line 21 the  
3 following:

4 "Sec. \_\_\_\_ NEW SECTION. 279.63 SCHOOL DISTRICT  
5 CALENDAR START DATE.

6 Notwithstanding the school calendar start date set  
7 forth in section 279.10, effective July 1, 2007, for  
8 the school year beginning July 1, 2007, and each  
9 succeeding school year; the board of directors of a  
10 school district may begin the elementary and secondary  
11 school on any date after July 1 of the current school  
12 year. School shall continue for at least one hundred  
13 eighty days unless the school district has approval  
14 from the department of education for a pilot program  
15 for an innovative school year or a year around school  
16 pilot project. Notwithstanding section 257.17, state  
17 aid payments made pursuant to section 257.16 for a  
18 fiscal year shall not be reduced if a school district  
19 begins school before the earliest starting date  
20 specified in section 279.10, subsection 1."

By ROBERT E. DVORSKY

FRANK B. WOOD

S-5066 FILED MARCH 14, 2006

LOST



1 Section 1. Section 256.9, subsection 40, Code Supplement  
2 2005, is amended by striking the subsection.

3 Sec. 2. Section 256.12, subsection 2, unnumbered paragraph  
4 1, Code 2005, is amended to read as follows:

5 This section does not deprive the respective boards of  
6 public school districts of any of their legal powers,  
7 statutory or otherwise, and in accepting the specially  
8 enrolled students, each of the boards shall prescribe the  
9 terms of the special enrollment, including but not limited to  
10 scheduling of courses and the length of class periods. In  
11 addition, the board of the affected public school district  
12 shall be given notice by the department of its decision to  
13 permit the special enrollment not later than six months prior  
14 to the opening of the affected public school district's school  
15 year, except that the board of the public school district may  
16 waive the notice requirement. School districts and area  
17 education agency boards shall make public school services,  
18 which shall include special education programs and services  
19 and may include health services, services for remedial  
20 education programs, guidance services, and school testing  
21 services, available to children attending accredited nonpublic  
22 schools ~~in-the-same-manner-and~~ to the same extent that they  
23 are provided to public school students. However, ~~services~~  
24 ~~that-are-made-available-shall-be-provided-on-neutral-sites,-or~~  
25 ~~in-mobile-units-located-off-the-nonpublic-school-premises-as~~  
26 ~~determined-by-the-boards-of-the-school-districts-and-area~~  
27 ~~education-agencies-providing-the-services,-and-not-on~~  
28 ~~nonpublic-school-property,-except-for-health-services,-~~  
29 ~~services-funded-by-Title-I-of-the-federal-Elementary-and~~  
30 ~~Secondary-Education-Act-of-1965,-diagnostic-services-for~~  
31 ~~speech,-hearing,-and-psychological-purposes,-and-assistance~~  
32 ~~with-physical-and-communication-needs-of-students-with~~  
33 ~~physical-disabilities,-and-services-of-an-educational~~  
34 ~~interpreter,-which-may-be-provided-on-nonpublic-school~~  
35 ~~premises,-with-the-permission-of-the-lawful-custodian.~~

1 Service activities shall be similar to those undertaken for  
2 public school students. Health services, special education  
3 support, and related services provided by area education  
4 agencies for the purpose of identifying children with  
5 disabilities, assistance with physical and communications  
6 needs of students with physical disabilities, and services of  
7 an educational interpreter may be provided on nonpublic school  
8 premises with the permission of the lawful custodian of the  
9 property. Other special education services may be provided on  
10 nonpublic school premises at the discretion of the school  
11 district or area education agency provider of the service and  
12 with the permission of the lawful custodian of the property.

13 Sec. 3. Section 256.46, Code Supplement 2005, is amended  
14 to read as follows:

15 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR  
16 ACTIVITIES BY CERTAIN CHILDREN.

17 The state board shall adopt rules that permit a child who  
18 does not meet the residence requirements for participation in  
19 extracurricular interscholastic contests or competitions  
20 sponsored or administered by an organization as defined in  
21 section 280.13 to participate in the contests or competitions  
22 immediately if the child is duly enrolled in a school, is  
23 otherwise eligible to participate, and meets one of the  
24 following circumstances or a similar circumstance: the child  
25 has been adopted; the child is placed under foster or shelter  
26 care; the child is living with one of the child's parents as a  
27 result of divorce, separation, death, or other change in the  
28 child's parents' marital relationship, or pursuant to other  
29 court-ordered decree or order of custody; the child is a  
30 foreign exchange student, unless undue influence was exerted  
31 to place the child for primarily athletic purposes; the child  
32 has been placed in a juvenile correctional facility; the child  
33 is a ward of the court or the state; the child is a  
34 participant in a substance abuse or mental health program; or  
35 the child is enrolled in an accredited nonpublic high school

1 because the child's district of residence has entered into a  
2 whole grade sharing agreement for the pupil's grade with  
3 another district. The rules shall permit a child who is  
4 otherwise eligible to participate, but who does not meet one  
5 of the foregoing or similar circumstances relating to  
6 residence requirements, to participate at any level of  
7 competition ~~inferior-to~~ other than the varsity level. For  
8 purposes of this section and section 282.18, "varsity" means  
9 the highest level of competition offered by one school or  
10 school district against the highest level of competition  
11 offered by an opposing school or school district.

12 Sec. 4. Section 256.51, subsection 1, paragraph d, Code  
13 2005, is amended by striking the paragraph.

14 Sec. 5. Section 257.6, subsection 1, unnumbered paragraph  
15 1, Code 2005, is amended to read as follows:

16 Actual enrollment is determined annually on the-third  
17 Friday-of-September-in-each-year October 1, or the first  
18 Monday in October if October 1 falls on a Saturday or Sunday,  
19 and includes all of the following:

20 Sec. 6. Section 257.6, subsection 1, unnumbered paragraph  
21 3, Code 2005, is amended to read as follows:

22 A school district shall certify its actual enrollment to  
23 the department of education by October ± 15 of each year, and  
24 the department shall promptly forward the information to the  
25 department of management.

26 Sec. 7. Section 257.10, subsection 5, Code 2005, is  
27 amended to read as follows:

28 5. COMBINED DISTRICT COST PER PUPIL. The combined  
29 district cost per pupil for a school district is the sum of  
30 the regular program district cost per pupil and the special  
31 education support services district cost per pupil. Combined  
32 district cost per pupil does not include ~~additional~~ modified  
33 allowable growth added for school districts that have a  
34 negative balance of funds raised for special education  
35 instruction programs, ~~additional~~ modified allowable growth

1 granted by the school budget review committee for a single  
2 school year, or ~~additional~~ modified allowable growth added for  
3 programs for dropout prevention.

4 Sec. 8. Section 257.17, Code 2005, is amended to read as  
5 follows:

6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.

7 State aid payments made pursuant to section 257.16 for a  
8 fiscal year shall be reduced by one one-hundred-eightieth for  
9 each day of that fiscal year for which the school district  
10 begins school before the earliest starting date specified in  
11 section 279.10, subsection 1. However, this section does not  
12 apply to a school district that has received approval from the  
13 director of the department of education for a pilot project  
14 under section 256.20, or for a pilot program under section  
15 279.10, subsection 4, to commence classes for regularly  
16 established elementary and secondary schools in advance of the  
17 starting date established in section 279.10, subsection 3.

18 Sec. 9. Section 257.31, subsection 14, paragraph b,  
19 unnumbered paragraph 3, Code 2005, is amended to read as  
20 follows:

21 A school district is only eligible to receive supplemental  
22 aid payments during the budget year if the school district  
23 certifies to the school budget review committee that for the  
24 year following the budget year it will notify the school  
25 budget review committee to instruct the director of the  
26 department of management to increase the district's allowable  
27 growth and will fund the allowable growth increase either by  
28 using moneys from its unexpended cash balance to reduce the  
29 district's property tax levy or by using cash reserve moneys  
30 to equal the amount of the deficit that would have been  
31 property taxes and any part of the state aid portion of the  
32 deficit not received as supplemental aid under this  
33 subsection. The director of the department of management  
34 shall make the necessary adjustments to the school district's  
35 budget to provide the ~~additional~~ modified allowable growth and

1 shall make the supplemental aid payments.

2 Sec. 10. Section 257.37, subsection 4, Code 2005, is  
3 amended to read as follows:

4 4. "Enrollment served" means the basic enrollment plus the  
5 number of nonpublic school pupils served with media services  
6 or educational services, as applicable, except that if a  
7 nonpublic school pupil or a pupil attending another district  
8 under a whole-grade sharing agreement or open enrollment  
9 receives services through an area other than the area of the  
10 pupil's residence, the pupil shall be deemed to be served by  
11 the area of the pupil's residence, which shall by contractual  
12 arrangement reimburse the area through which the pupil  
13 actually receives services. Each school district shall  
14 include in the ~~third-Friday-in-September~~ enrollment report  
15 submitted pursuant to section 257.6, subsection 1, the number  
16 of nonpublic school pupils within each school district for  
17 media and educational services served by the area.

18 Sec. 11. Section 257.38, unnumbered paragraphs 1 and 2,  
19 Code 2005, are amended to read as follows:

20 Boards of school districts, individually or jointly with  
21 boards of other school districts, requesting to use ~~additional~~  
22 modified allowable growth for programs for returning dropouts  
23 and dropout prevention, shall ~~annually~~ submit comprehensive  
24 program plans for the programs and budget costs, including  
25 annual requests for ~~additional~~ modified allowable growth for  
26 funding the programs, to the department of education as  
27 ~~provided-in-this-chapter~~ a component of the comprehensive  
28 school improvement plan submitted to the department pursuant  
29 to section 256.7, subsection 21. The program plans shall  
30 include:

31 Program plans shall identify the parts of the plan that  
32 will be implemented first upon approval of the ~~application~~  
33 request. If a district is requesting to use ~~additional~~  
34 modified allowable growth to finance the program, ~~it the~~  
35 school district shall not identify more than five percent of

1 its budget enrollment for the budget year as returning  
2 dropouts and potential dropouts.

3 Sec. 12. Section 257.40, Code 2005, is amended to read as  
4 follows:

5 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT  
6 PREVENTION.

7 The board of directors of a school district requesting to  
8 use ~~additional~~ modified allowable growth for programs for  
9 returning dropouts and dropout prevention shall submit  
10 ~~applications-for-approval-for-the-programs~~ requests for  
11 modified at-risk allowable growth, including budget cost, to  
12 the department not later than ~~November-1~~ December 15 of the  
13 year preceding the budget year during which the program will  
14 be offered. The department shall review the ~~program-plans~~  
15 request and shall prior to January 15 either grant approval  
16 for the ~~program~~ request or return the request for approval  
17 with comments of the department included. An unapproved  
18 request for a program may be resubmitted with modifications to  
19 the department not later than February 1. Not later than  
20 February 15, the department shall notify the department of  
21 management and the school budget review committee of the names  
22 of the school districts for which programs using ~~additional~~  
23 modified allowable growth for funding have been approved and  
24 the approved budget of each program listed separately for each  
25 school district having an approved ~~program~~ request.

26 Sec. 13. Section 259A.1, Code 2005, is amended to read as  
27 follows:

28 259A.1 TESTS.

29 The department of education shall cause to be made  
30 available for qualified individuals a high school equivalency  
31 diploma. The diploma shall be issued on the basis of  
32 satisfactory competence as shown by tests covering all of the  
33 following: The-correctness-and-effectiveness-of-expression;  
34 the-interpretation-of reading materials-in-the, arts, language  
35 arts, writing, mathematics, science, and social studies;

1 ~~interpretation-of-reading-material-in-the-natural-sciences;~~  
2 ~~interpretation-of-literary-materials;-and-general-mathematical~~  
3 ~~ability.~~

4 Sec. 14. Section 259A.3, Code 2005, is amended to read as  
5 follows:

6 259A.3 NOTICE AND FEE.

7 Any applicant who has achieved the minimum passing  
8 standards as established by the department, and approved by  
9 the state board, shall be issued a high school equivalency  
10 diploma by the department upon payment of an ~~additional-five~~  
11 ~~dollars~~ amount determined in rules adopted by the state board  
12 of education to cover the actual costs of the production and  
13 distribution of the diploma. The state board of education may  
14 also by rule establish a fee for the issuance of a transcript  
15 which shall be based on the actual costs of the production and  
16 distribution of a transcript.

17 Sec. 15. Section 259A.4, Code 2005, is amended to read as  
18 follows:

19 259A.4 USE OF FEES.

20 The fees collected under the provisions of this chapter  
21 ~~shall~~ are appropriated to the department of education to be  
22 used for the expenses incurred in administering, providing  
23 test materials, scoring of examinations and issuance of high  
24 school equivalency diplomas and transcripts, and shall be  
25 disbursed on the authorization of the director of the  
26 department of education. The treasurer of state shall be  
27 custodian of the funds paid to the department and shall  
28 disburse the same on vouchers audited as provided by law. The  
29 unobligated balance in such funds at the close of each  
30 biennium shall be placed in the general fund of the state.

31 Sec. 16. Section 260C.14, subsection 2, Code 2005, is  
32 amended to read as follows:

33 2. Have authority to determine tuition rates for  
34 instruction. Tuition for residents of Iowa shall not exceed  
35 the lowest tuition rate per semester, or the equivalent,

1 charged by an institution of higher education under the state  
2 board of regents for a full-time resident student. However,  
3 except for students enrolled under chapter 261C, if a local  
4 school district pays tuition for a resident pupil of high  
5 school age, the limitation on tuition for residents of Iowa  
6 shall not apply, the amount of tuition shall be determined by  
7 the board of directors of the community college with the  
8 consent of the local school board, and the pupil shall not be  
9 included in the full-time equivalent enrollment of the  
10 community college for the purpose of computing general aid to  
11 the community college. Tuition for nonresidents of Iowa shall  
12 not be less than the marginal cost of instruction of a student  
13 attending the college. A lower tuition for nonresidents may  
14 be permitted under a reciprocal tuition agreement between a  
15 merged area and an educational institution in another state,  
16 if the agreement is approved by the state-board director. The  
17 board may designate that a portion of the tuition moneys  
18 collected from students be used for student aid purposes.

19 Sec. 17. Section 260C.28, subsection 2, Code 2005, is  
20 amended to read as follows:

21 2. However, the board of directors may annually certify  
22 for levy a tax on taxable property in the merged area at a  
23 rate in excess of the three cents per thousand dollars of  
24 assessed valuation specified under subsection 1 if the excess  
25 tax levied does not cause the total rate certified to exceed a  
26 rate of nine cents per thousand dollars of assessed valuation,  
27 and the excess revenue generated is used for purposes of  
28 program sharing between community colleges or for the purchase  
29 of instructional equipment. Programs that are shared shall be  
30 designed to increase student access to community college  
31 programs and to achieve efficiencies in program delivery at  
32 the community colleges, including, but not limited to, the  
33 programs described under ~~sections-260C-45-and~~ section 260C.46.  
34 Prior to expenditure of the excess revenues generated under  
35 this subsection, the board of directors shall obtain the

1 approval of the director of the department of education.

2 Sec. 18. Section 261C.6, unnumbered paragraph 1, Code  
3 2005, is amended to read as follows:

4 Not later than June 30 of each year, a school district  
5 shall pay a tuition reimbursement amount to an eligible  
6 postsecondary institution that has enrolled its resident  
7 eligible pupils under this chapter, unless the eligible pupil  
8 is participating in open enrollment under section 282.18, in  
9 which case, the tuition reimbursement amount shall be paid by  
10 the receiving district. However, if a child's residency  
11 changes during a school year, the tuition shall be paid by the  
12 district in which the child was enrolled as of the third  
13 Friday-in-September date specified in section 257.6,  
14 subsection 1, or the district in which the child was counted  
15 under section 257.6, subsection 1, paragraph "f". For pupils  
16 enrolled at the school for the deaf and the Iowa braille and  
17 sight saving school, the state board of regents shall pay a  
18 tuition reimbursement amount by June 30 of each year. The  
19 amount of tuition reimbursement for each separate course shall  
20 equal the lesser of:

21 Sec. 19. Section 273.22, subsections 6 and 7, Code 2005,  
22 are amended to read as follows:

23 6. Within forty-five days of the state board's approval,  
24 the board of directors of a school district that is contiguous  
25 to a newly reorganized area education agency may petition the  
26 board of directors of their current area education agency and  
27 the newly reorganized area education agency to join the newly  
28 reorganized area education agency. If the initial, or new  
29 board is established in time under section 273.23, subsection  
30 3, and the board of the contiguous area education agency  
31 approve the petition, the reorganization, including any school  
32 district whose petition to join the newly reorganized area  
33 education agency has been approved, shall take effect in  
34 accordance with the dates established under section 273.21,  
35 subsection 4. Both the initial, or new, and the contiguous

1 area education agency boards must act within forty-five days  
2 of the deadline, as set forth in this subsection, for the  
3 filing of the school district's petition. A Within ten days  
4 of an area education agency board's action, a school district  
5 may appeal to the state board the decision of an area  
6 education agency board to deny the school district's petition.

7 7. Within forty-five days of the state board's approval,  
8 the board of directors of a school district that is within a  
9 newly reorganized area education agency and whose school  
10 district is contiguous to another area education agency not  
11 included in the newly reorganized area education agency may  
12 petition the board of directors of the newly reorganized area  
13 education agency and the contiguous area education agency to  
14 join that area education agency. If the initial, or new board  
15 if established in time under section 273.23, subsection 3, and  
16 the board of the contiguous area education agency approve the  
17 petition, the reorganization, excluding any school district  
18 whose petition to join an area education agency contiguous to  
19 the newly reorganized area education agency has been approved,  
20 shall take effect in accordance with the dates established  
21 under section 273.21, subsection 4. Both the initial, or new,  
22 and the contiguous area education agency boards must act  
23 within forty-five days of the deadline, as set forth in this  
24 subsection, for the filing of the school district's petition.  
25 A Within ten days of an area education agency board's action,  
26 a school district may appeal to the state board the decision  
27 of an area education agency board to deny the school  
28 district's petition.

29 Sec. 20. Section 279.10, subsections 1 and 2, Code 2005,  
30 are amended to read as follows:

31 1. The school year shall begin on the first day of July  
32 and each regularly established elementary and secondary school  
33 shall begin no sooner than a-day-during-the-calendar-week-in  
34 which-the-first-day-of-September-falls August 25 but no later  
35 than the first Monday in December unless the school district

1 has received approval from the department of education for a  
2 pilot program or pilot project in accordance with subsection 3  
3 or section 256.20. However, if the first day of September  
4 falls on a Sunday, school may begin on a day during the  
5 calendar week which immediately precedes the first day of  
6 September. School shall continue for at least one hundred  
7 eighty days, except as provided in subsection 3, and may be  
8 maintained during the entire calendar year. However, if the  
9 board of directors of a district extends the school calendar  
10 because inclement weather caused the district to temporarily  
11 close school during the regular school calendar, the district  
12 may excuse a graduating senior who has met district or school  
13 requirements for graduation from attendance during the  
14 extended school calendar. A school corporation may begin  
15 employment of personnel for in-service training and  
16 development purposes before the date to begin elementary and  
17 secondary school.

18 2. The board of directors shall hold a public hearing on  
19 any proposal request made pursuant to subsection 3 prior to  
20 submitting it to the department of education for approval.

21 Sec. 21. Section 279.10, subsection 4, Code 2005, is  
22 amended by striking the subsection.

23 Sec. 22. Section 279.30, Code 2005, is amended to read as  
24 follows:

25 279.30 EXCEPTIONS.

26 Each warrant payment must be made payable to the person  
27 entitled to receive the money. The board of directors of a  
28 school district or an area education agency may by resolution  
29 authorize the secretary, upon approval of the superintendent  
30 or designee, or administrator, in the case of an area  
31 education agency, to issue warrants payments when the board of  
32 directors is not in session in payment of freight, drayage,  
33 express, postage, printing, water, light, and telephone rents  
34 reasonable and necessary expenses, but only upon verified  
35 bills filed with the secretary or administrator, and for the

1 payment of salaries pursuant to the terms of a written  
2 ~~contract, and the secretary or administrator shall either~~  
3 ~~deliver in person or mail the warrants to the payees. In~~  
4 ~~addition, the board of directors may by resolution authorize~~  
5 ~~the secretary or administrator, upon approval of the president~~  
6 ~~of the board, to issue warrants when the board of directors is~~  
7 ~~not in session, but only upon verified bills filed with the~~  
8 ~~secretary or administrator, and the secretary or administrator~~  
9 ~~shall either deliver in person or mail the warrants to the~~  
10 payees. Each warrant payment must be made payable only to the  
11 person performing the service or presenting the verified bill,  
12 and must state the purpose for which the warrant payment is  
13 issued. All bills and salaries for which warrants payments  
14 are issued prior to audit and allowance by the board must be  
15 passed upon by the board of directors at the next meeting and  
16 be entered in the regular minutes of the secretary.

17 Sec. 23. Section 279.33, Code 2005, is amended to read as  
18 follows:

19 279.33 ANNUAL SETTLEMENTS.

20 At a regular or special meeting held on or after August 31  
21 and prior to the organizational meeting held after the regular  
22 school election, the board of each school corporation shall  
23 meet, examine the books of and settle with the secretary and  
24 treasurer for the year ending on the preceding June 30, and  
25 transact other business as necessary. The treasurer at the  
26 time of settlement shall furnish the board with a sworn  
27 statement from each depository showing the balance then on  
28 deposit in the depository. If the secretary or treasurer  
29 fails to make proper reports for the settlement, the board  
30 shall take action to obtain the balance information.

31 Sec. 24. Section 279.41, Code 2005, is amended to read as  
32 follows:

33 279.41 SCHOOLHOUSES AND SITES SOLD -- FUNDS.

34 Moneys received from the condemnation, sale, or other  
35 disposition for public purposes of schoolhouses, school sites,

1 or both schoolhouses and school sites, shall be deposited in  
2 the physical plant and equipment levy fund and may without a  
3 vote of the electorate be used for ~~the purchase of school~~  
4 ~~sites or the erection or repair of schoolhouses, or both~~  
5 purposes authorized under section 298.3, as ordered by the  
6 board of directors of the school district.

7 Sec. 25. Section 279.60, Code Supplement 2005, is amended  
8 to read as follows:

9 279.60 KINDERGARTEN ASSESSMENT -- ACCESS TO DATA --  
10 REPORTS.

11 Each school district shall administer the dynamic  
12 indicators of basic early literacy skills kindergarten  
13 benchmark assessment or other kindergarten benchmark  
14 assessment adopted by the department of education in  
15 consultation with the Iowa empowerment board to every  
16 kindergarten student enrolled in the district not later than  
17 October-1 the date specified in section 257.6, subsection 1.  
18 The school district shall also collect information from each  
19 parent, guardian, or legal custodian of a kindergarten student  
20 enrolled in the district, including but not limited to whether  
21 the student attended preschool, factors identified by the  
22 early care staff pursuant to section 28.3, and other  
23 demographic factors. Each school district shall report the  
24 results of the assessment and the preschool information  
25 collected to the department of education in the manner  
26 prescribed by the department not later than January 1 of that  
27 school year. The early care staff designated pursuant to  
28 section 28.3 shall have access to the raw data. The  
29 department shall review the information submitted pursuant to  
30 this section and shall submit its findings and recommendations  
31 annually in a report to the governor, the general assembly,  
32 the Iowa empowerment board, and the community empowerment area  
33 boards.

34 Sec. 26. Section 282.1, unnumbered paragraph 1, Code 2005,  
35 is amended to read as follows:

1 Persons between five and twenty-one years of age are of  
2 school age. ~~A board may establish and maintain evening~~  
3 ~~schools or an educational program under section 282.1A for~~  
4 ~~residents of the corporation regardless of age and for which~~  
5 ~~no tuition need be charged.~~ Nonresident children shall be  
6 charged the maximum tuition rate as determined in section  
7 282.24, subsection 1, with the exception that those residing  
8 temporarily in a school corporation may attend school in the  
9 corporation upon terms prescribed by the board, and boards  
10 discontinuing grades under section 282.7, subsection 1 or  
11 subsections 1 and 3, shall be charged tuition as provided in  
12 section 282.24, subsection 2.

13 Sec. 27. Section 282.8, Code 2005, is amended to read as  
14 follows:

15 282.8 ATTENDING SCHOOL OUTSIDE STATE.

16 The boards of directors of school districts located near  
17 the state boundaries may designate schools of equivalent  
18 standing across the state line for attendance of both  
19 elementary and high school pupils when the public school in  
20 the adjoining state is nearer than any appropriate public  
21 school in a pupil's district of residence or in Iowa.  
22 Distance shall be measured by the nearest traveled public  
23 road. Arrangements shall be subject to reciprocal agreements  
24 made between the chief state school officers of the respective  
25 states. Notwithstanding section 282.1, arrangements between  
26 districts pursuant to the reciprocal agreements made under  
27 this section shall establish tuition and transportation fees  
28 in an amount acceptable to the affected boards, but the  
29 tuition and transportation fees shall not be less than the  
30 lower average cost per pupil for the previous school year of  
31 the two affected school districts. For the purpose of this  
32 section average cost per pupil for the previous school year is  
33 determined by dividing the district's operating expenditures  
34 for the previous school year by the number of children  
35 enrolled in the district in the previous school year on the

1 third-Friday-of-September-of-the-previous-school-year date  
2 specified in section 257.6, subsection 1. A person attending  
3 school in another state shall continue to be treated as a  
4 pupil of the district of residence in the apportionment of the  
5 current school fund and the payment of state aid.

6 Sec. 28. Section 282.12, subsection 4, Code 2005, is  
7 amended to read as follows:

8 4. The number of pupils participating in a whole grade  
9 sharing agreement shall be determined on the third-Friday-of  
10 September date specified in section 257.6, subsection 1, and  
11 on the third Friday of February of each year.

12 Sec. 29. Section 282.18, subsection 2, unnumbered  
13 paragraph 2, Code Supplement 2005, is amended to read as  
14 follows:

15 The board of the receiving district shall enroll the pupil  
16 in a school in the receiving district for the following school  
17 year unless the receiving district does not have classroom  
18 space for the pupil. A child entering kindergarten for the  
19 first time may be denied enrollment by the receiving district  
20 based on lack of classroom space or availability of an  
21 appropriate program, even if the child attended a  
22 prekindergarten or preschool program offered by the receiving  
23 district the previous school year. The board of directors of  
24 a receiving district may adopt a policy granting the  
25 superintendent of the school district authority to approve  
26 open enrollment applications. If the request is granted, the  
27 board shall transmit a copy of the form to the parent or  
28 guardian and the school district of residence within five days  
29 after board action, but not later than June 1 of the preceding  
30 school year. The parent or guardian may withdraw the request  
31 at any time prior to the start of the school year. A denial  
32 of a request by the board of a receiving district is not  
33 subject to appeal to the department or to the state board.

34 Sec. 30. Section 282.18, subsection 3, unnumbered  
35 paragraph 1, Code Supplement 2005, is amended to read as

1 follows:

2 In all districts involved with voluntary or court-ordered  
3 desegregation, minority and nonminority pupil ratios shall be  
4 maintained according to the desegregation plan or order. The  
5 superintendent of a district subject to voluntary or court-  
6 ordered desegregation may deny a request for transfer under  
7 this section if the superintendent finds that enrollment or  
8 release of a pupil will adversely affect the district's  
9 implementation of the desegregation order or plan, unless the  
10 transfer is requested by a pupil whose sibling is already  
11 participating in open enrollment to another district, or  
12 unless the request for transfer is submitted to the district  
13 in a timely manner as required under subsection 2 prior to the  
14 adoption of a desegregation plan by the district. If a  
15 transfer request is filed on behalf of a resident, as defined  
16 in section 282.1, entering kindergarten for the first time,  
17 the school district may deny the request under this subsection  
18 even if the child attended a prekindergarten or preschool  
19 program offered by the receiving district the previous school  
20 year, whether or not the request is filed in a timely manner.  
21 If a transfer request would facilitate a voluntary or court-  
22 ordered desegregation plan, the district shall give priority  
23 to granting the request over other requests.

24 Sec. 31. Section 282.18, subsection 4, paragraph a, Code  
25 Supplement 2005, is amended to read as follows:

26 a. After March 1 of the preceding school year and until  
27 the third-Friday-in-September-of-that-calendar-year date  
28 specified in section 257.6, subsection 1, the parent or  
29 guardian shall send notification to the district of residence  
30 and the receiving district, on forms prescribed by the  
31 department of education, that good cause, as defined in  
32 paragraph "b", exists for failure to meet the March 1  
33 deadline. The board of directors of a receiving school  
34 district may adopt a policy granting the superintendent of the  
35 school district authority to approve open enrollment

1 applications submitted after the March 1 deadline. The board  
2 of the receiving district shall take action to approve the  
3 request if good cause exists. If the request is granted, the  
4 board shall transmit a copy of the form to the parent or  
5 guardian and the school district of residence within five days  
6 after board action. A denial of a request by the board of a  
7 receiving district is not subject to appeal. The resident  
8 district has five days from receipt of the notice provided by  
9 the receiving district to appeal a good cause determination by  
10 the receiving district to the director. The director may  
11 uphold or reverse the decision of the receiving district or  
12 order the resident district to retain all funding associated  
13 with the student for whom the open enrollment request was  
14 made.

15 Sec. 32. Section 282.18, subsection 4, paragraph c, Code  
16 Supplement 2005, is amended by striking the paragraph.

17 Sec. 33. Section 282.31, subsection 1, paragraph b,  
18 unnumbered paragraph 2, Code 2005, is amended to read as  
19 follows:

20 However, on June 30 of a school year, if the board of  
21 directors of a school district determines that the number of  
22 children under this paragraph who were counted in the basic  
23 enrollment of the school district on-the-third-Friday-of  
24 September of that school year in accordance with section  
25 257.6, subsection 1, is fewer than the sum of the number of  
26 months all children were enrolled in the school district under  
27 this paragraph during the school year divided by nine, the  
28 secretary of the school district may submit a claim to the  
29 department of education by August 1 following the school year  
30 for an amount equal to the district cost per pupil of the  
31 district for the previous school year multiplied by the  
32 difference between the number of children counted and the  
33 number of children calculated by the number of months of  
34 enrollment. The amount of the claim shall be paid by the  
35 department of administrative services to the school district

1 by October 1. The department of administrative services shall  
2 transfer the total amount of the approved claim of a school  
3 district from the moneys appropriated under section 257.16 and  
4 the amount paid shall be deducted monthly from the state  
5 foundation aid paid to all school districts in the state  
6 during the remainder of the subsequent fiscal year in the  
7 manner provided in paragraph "a".

8 Sec. 34. Section 285.11, subsection 9, Code 2005, is  
9 amended by striking the subsection.

10 Sec. 35. Section 294A.5, subsection 2, paragraph a, Code  
11 2005, is amended to read as follows:

12 a. For the school year beginning July 1, 1998, for phase  
13 I, each school district and area education agency shall  
14 certify to the department of education by the third-Friday-in  
15 September date specified in section 257.6, subsection 1, the  
16 names of all teachers employed by the district or area  
17 education agency whose regular compensation is less than  
18 twenty-three thousand dollars per year for that year and the  
19 amounts needed as minimum salary supplements. The minimum  
20 salary supplement for each eligible teacher is the total of  
21 the difference between twenty-three thousand dollars and the  
22 teacher's regular compensation plus the amount required to pay  
23 the employer's share of the federal social security and Iowa  
24 public employees' retirement system, or a pension and annuity  
25 retirement system established under chapter 294, payments on  
26 the additional salary moneys. ~~However, for purposes of this~~  
27 ~~paragraph, a teacher's regular compensation for the school~~  
28 ~~year beginning July 1, 1998, shall not be lower than eighteen~~  
29 ~~thousand dollars.~~

30 Sec. 36. Section 297.14, Code 2005, is amended to read as  
31 follows:

32 297.14 BARBED WIRE.

33 No fence ~~provided for in section 297.13~~ shall be  
34 constructed of barbed wire, nor shall any barbed wire fence be  
35 placed within ten feet of any school grounds attendance

1 centers. Any person violating the provisions of this section  
2 shall be guilty of a simple misdemeanor.

3 Sec. 37. Section 301.1, subsection 2, Code Supplement  
4 2005, is amended to read as follows:

5 2. Textbooks adopted and purchased by a school district  
6 shall, to the extent funds are appropriated by the general  
7 assembly, be made available to pupils attending accredited  
8 nonpublic schools upon request of the pupil or the pupil's  
9 parent under comparable terms as made available to pupils  
10 attending public schools. If the general assembly  
11 appropriates moneys for purposes of making textbooks available  
12 to accredited nonpublic school pupils, the department of  
13 education shall ascertain the amount available to a school  
14 district for the purchase of nonsectarian, nonreligious  
15 textbooks for pupils attending accredited nonpublic schools.  
16 The amount shall be in the proportion that the basic  
17 enrollment of a participating accredited nonpublic school  
18 bears to the sum of the basic enrollments of all participating  
19 accredited nonpublic schools in the state for the budget year.  
20 For purposes of this section, a "participating accredited  
21 nonpublic school" means an accredited nonpublic school that  
22 submits a written request on behalf of the school's pupils in  
23 accordance with this subsection, and that certifies its actual  
24 enrollment to the department of education by October 1,  
25 annually. By ~~October 15~~ November 1, annually, the department  
26 of education shall certify to the director of the department  
27 of administrative services the annual amount to be paid to  
28 each school district, and the director of the department of  
29 administrative services shall draw warrants payable to school  
30 districts in accordance with this subsection. For purposes of  
31 this subsection, an accredited nonpublic school's enrollment  
32 count shall include only students who are residents of Iowa.  
33 The costs of providing textbooks to accredited nonpublic  
34 school pupils as provided in this subsection shall not be  
35 included in the computation of district cost under chapter

1 257, but shall be shown in the budget as an expense from  
2 miscellaneous income. Textbook expenditures made in  
3 accordance with this subsection shall be kept on file in the  
4 school district. In the event that a participating accredited  
5 nonpublic school physically relocates to another school  
6 district, textbooks purchased for the nonpublic school with  
7 funds appropriated for purposes of this chapter shall be  
8 transferred to the school district in which the nonpublic  
9 school has relocated and may be made available to the  
10 nonpublic school. Funds distributed to a school district for  
11 purposes of purchasing textbooks in accordance with this  
12 subsection which remain unexpended and available for the  
13 purchase of textbooks for the nonpublic school that relocated  
14 in the fiscal year in which the funds were distributed shall  
15 also be transferred to the school district in which the  
16 nonpublic school has relocated.

17 Sec. 38. Section 321.375, subsection 2, unnumbered  
18 paragraph 1, Code 2005, is amended to read as follows:

19 Any of the following shall constitute grounds for ~~a school~~  
20 ~~bus-driver's~~ the immediate suspension from duties of a school  
21 bus driver, including a part-time or substitute bus driver,  
22 pending a termination hearing by the board of directors of a  
23 public school district or the authorities in charge in a  
24 nonpublic school ~~if-the-bus-driver-is-under-contract, pending~~  
25 ~~confirmation-of-the-grounds-by-the-school-district-or~~  
26 ~~accredited-nonpublic-school-if-the-bus-driver-is-a-part-time~~  
27 ~~or-substitute-bus-driver-who-is-not-under-contract,~~ or pending  
28 confirmation of the grounds by the employer of the school bus  
29 driver if the employer is not a school district or accredited  
30 nonpublic school ~~by-the-board:~~

31 Sec. 39. Section 321.376, subsection 1, Code 2005, is  
32 amended to read as follows:

33 1. The driver of a school bus shall hold a driver's  
34 license issued by the department of transportation valid for  
35 the operation of the school bus and a certificate of

1 qualification for operation of a commercial motor vehicle  
2 issued by a physician licensed pursuant to chapter 148 or  
3 150A, physician's assistant, advanced registered nurse  
4 practitioner, or chiropractor or any other person identified  
5 by federal and state law as authorized to perform physical  
6 examinations, and shall successfully complete an approved  
7 course of instruction in accordance with subsection 2. A  
8 person holding a temporary restricted license issued under  
9 chapter 321J shall be prohibited from operating a school bus.  
10 The department of education shall ~~revoke or~~ refuse to issue an  
11 authorization to operate a school bus to any person who, after  
12 notice and opportunity for hearing, is determined to have  
13 committed any of the acts proscribed under section 321.375,  
14 subsection 2. The department of education shall take adverse  
15 action against any person who, after notice and opportunity  
16 for hearing, is determined to have committed any of the acts  
17 proscribed under section 321.375, subsection 2. Such action  
18 may include a reprimand or warning of the person or the  
19 suspension or revocation of the person's authorization to  
20 operate a school bus. The department of education shall  
21 recommend, and the state board of education shall adopt under  
22 chapter 17A, rules and procedures for issuing and suspending  
23 or revoking authorization to operate a school bus in this  
24 state. Rules and procedures adopted shall include, but are  
25 not limited to, provisions for the revocation or suspension  
26 of, or refusal to issue, authorization to persons who are  
27 determined to have committed any of the acts proscribed under  
28 section 321.375, subsection 2.

29 Sec. 40. Section 423E.3, subsection 5, paragraph d,  
30 subparagraph (2), Code Supplement 2005, is amended to read as  
31 follows:

32 (2) The combined actual enrollment for a county, for  
33 purposes of this section, shall be determined for each county  
34 by the department of management based on the actual enrollment  
35 figures reported by October 15 to the department of

1 management by the department of education pursuant to section  
2 257.6, subsection 1. The combined actual enrollment count  
3 shall be forwarded to the director of revenue by March 1,  
4 annually, for purposes of supplying estimated tax payment  
5 figures and making estimated tax payments pursuant to this  
6 section for the following fiscal year.

7 Sec. 41. Chapters 288 and 289, Code 2005, are repealed.

8 Sec. 42. Sections 260C.45, 282.1A, and 297.13, Code 2005,  
9 are repealed.

10 Sec. 43. FUTURE EFFECTIVE DATE. The sections of this Act  
11 amending sections 257.17 and 279.10 take effect July 1, 2007,  
12 and apply to the 2007-2008 school year.

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SENATE FILE 2272

H-8379

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 21 and 22 and  
4 inserting the following: "services, available to  
5 children attending nonpublic schools in the same  
6 manner and to the same extent that they".

7 2. Page 6, line 7, by inserting before the word  
8 "The" the following: "1."

9 3. Page 6, by inserting after line 25 the  
10 following:

11 "2. Beginning January 15, 2007, the department  
12 shall submit an annual report to the chairpersons and  
13 ranking members of the senate and house education  
14 committees that includes the ways school districts in  
15 the previous school year used modified allowable  
16 growth approved under subsection 1; identifies, by  
17 grade level, age, and district size, the students in  
18 the dropout and dropout prevention programs for which  
19 the department approves a request; describes school  
20 district progress toward increasing student  
21 achievement and attendance for the students in the  
22 programs; and describes how the school districts are  
23 using the revenues from the modified allowable growth  
24 to improve student achievement among minority  
25 subgroups."

26 4. Page 7, by striking lines 4 through 30.

27 5. By striking page 15, line 12 through page 16,  
28 line 23.

29 6. Page 17, by striking lines 7 through 14 and  
30 inserting the following: "receiving district is not  
31 subject to appeal."

32 7. Page 17, by striking line 16 and inserting the  
33 following: "Supplement 2005, is amended by striking  
34 the paragraph and inserting in lieu thereof the  
35 following:

36 c. If a resident district believes that a  
37 receiving district is violating this subsection, the  
38 resident district may, within fifteen days after board  
39 action by the receiving district, submit an appeal to  
40 the director of the department of education.

41 The director, or the director's designee, shall  
42 attempt to mediate the dispute to reach approval by  
43 both boards as provided in section 282.18, subsection  
44 16. If approval is not reached under mediation, the  
45 director or the director's designee shall conduct a  
46 hearing and shall hear testimony from both boards.  
47 Within ten days following the hearing, the director  
48 shall render a decision upholding or reversing the  
49 decision by the board of the receiving district.  
50 Within five days of the director's decision, the board

H-8379

1 may appeal the decision of the director to the state  
2 board of education under the procedures set forth in  
3 chapter 290."

4 8. Page 17, by inserting before line 17 the  
5 following:

6 "Sec. \_\_\_\_ . Section 282.18, subsection 9,  
7 unnumbered paragraph 2, Code Supplement 2005, is  
8 amended to read as follows:

9 If a request to transfer is due to a change in  
10 family residence, change in the state in which the  
11 family residence is located, a change in a child's  
12 parents' marital status, a guardianship proceeding,  
13 placement in foster care, adoption, participation in a  
14 foreign exchange program, or participation in a  
15 substance abuse or mental health treatment program,  
16 and the child, who is the subject of the request, is  
17 enrolled in any grade from kindergarten through grade  
18 twelve at the time of the request and is not currently  
19 using any provision of open enrollment, the parent or  
20 guardian of the child shall have the option to have  
21 the child remain in the child's original district of  
22 residence under open enrollment with no interruption  
23 in the child's kindergarten through grade twelve  
24 educational program. If a parent or guardian  
25 exercises this option, the child's new district of  
26 residence is not required to pay the amount calculated  
27 in subsection 7, until the start of the first full  
28 year of enrollment of the child."

29 9. Page 19, by inserting after line 2 the  
30 following:

31 "Sec. \_\_\_\_ . NEW SECTION. 299A.11 STUDENT RECORDS  
32 CONFIDENTIAL.

33 Notwithstanding any provision of law or rule to the  
34 contrary, personal information in records regarding a  
35 child receiving competent private instruction pursuant  
36 to this chapter, which are maintained, created,  
37 collected, or assembled by or for a state agency,  
38 shall be kept confidential in the same manner as  
39 personal information in student records maintained,  
40 created, collected, or assembled by or for a school  
41 corporation or educational institution in accordance  
42 with section 22.7, subsection 1."

43 10. By renumbering as necessary.

COMMITTEE ON EDUCATION

TYMESON of Madison, Chairperson

SENATE FILE 2272

H-8380

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 12 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 256.24 TWENTY-FIRST  
6 CENTURY IOWA SCHOLARS PROGRAM AND FUND.

7 1. PROGRAM -- ELIGIBILITY. A twenty-first century  
8 Iowa scholars program is established to be  
9 administered by the department of education in  
10 consultation with the college student aid commission.  
11 A person who meets the following requirements is  
12 eligible for the program:

13 a. Is a resident of Iowa and a citizen of the  
14 United States or a lawful permanent resident.

15 b. Is a student enrolled in grade seven or grade  
16 eight in a school district or accredited nonpublic  
17 school in Iowa, and agrees in writing, on a document  
18 also signed by the student's parent or guardian, that  
19 the student will:

20 (1) Graduate from a public or accredited nonpublic  
21 high school in Iowa whose curricula meets the  
22 admission criteria of a community college, an  
23 institution of higher learning under the control of  
24 the state board of regents, or an accredited private  
25 institution as defined in section 261.9.

26 (2) Achieve a cumulative grade point average upon  
27 graduation of at least 2.0 on a 4.0 grading scale, or  
28 its equivalent if another grading scale is used, for  
29 courses taken by the student in grades nine through  
30 twelve.

31 (3) Not illegally use controlled substances as  
32 defined in section 124.101.

33 (4) Not use tobacco products.

34 (5) Not operate a motor vehicle while intoxicated  
35 as prohibited by section 321J.2 or 321J.2A.

36 (6) Not commit a delinquent act as defined in  
37 section 232.2; or become a runaway child as defined in  
38 section 710.8; or a truant, as defined in section  
39 299.8.

40 c. Is a child receiving foster care services paid  
41 for by the state under section 234.35 or funded in  
42 whole or in part under Title IV-E of the federal  
43 Social Security Act; or is a child eligible for free  
44 or reduced price meals under the federal National  
45 School Lunch Act and the federal Child Nutrition Act  
46 of 1966, 42 U.S.C. § 1751-1785.

47 d. Applies in a timely manner for admission to a  
48 community college, an institution of higher learning  
49 under the control of the state board of regents, or an  
50 accredited private institution as defined in section

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1 261.9 and is accepted for admission.

2 e. Applies in a timely manner for any federal and  
3 state student financial assistance available to the  
4 student to attend a community college, an institution  
5 of higher learning under the control of the state  
6 board of regents, or an accredited private institution  
7 as defined in section 261.9.

8 f. Files a new application, and parents'  
9 confidential statement, as applicable, annually on the  
10 basis of which the applicant's eligibility for a  
11 renewed scholarship will be evaluated and determined.

12 2. FUND ESTABLISHED. A twenty-first century Iowa  
13 scholars fund is created in the state treasury as a  
14 separate fund under the control of the department of  
15 education. All moneys deposited or paid into the fund  
16 are appropriated and made available to the department  
17 to be used for scholarships for students meeting all  
18 of the requirements of this section, including meeting  
19 the requirements agreed to in subsection 1, paragraph  
20 "b". The department shall deposit refunds paid to the  
21 department in accordance with subsection 3 into the  
22 twenty-first century Iowa scholars fund.

23 Notwithstanding section 8.33, any balance in the fund  
24 on June 30 of each fiscal year shall not revert to the  
25 general fund of the state, but shall be available for  
26 the purposes of this section in subsequent fiscal  
27 years. Scholarships awarded pursuant to this section  
28 shall not exceed the resident tuition rate and  
29 mandatory fees for the program of enrollment  
30 established for institutions of higher learning under  
31 the control of the state board of regents.

32 3. DISCONTINUATION OF ATTENDANCE -- REMITTANCE.  
33 If the department of education, with the assistance of  
34 the college student aid commission, finds that a  
35 student receiving a scholarship under the program  
36 discontinues attendance before the end of any academic  
37 period or has violated the agreement signed pursuant  
38 to subsection 1, but the discontinuance or violation  
39 of the agreement occurs after scholarship moneys have  
40 been paid for the academic period, the entire amount  
41 of any refund due the student, up to the amount of any  
42 payments made by the state, shall be remitted by the  
43 postsecondary institution to the department.

44 4. EXTENT OF SCHOLARSHIP. A qualified resident  
45 student in good standing at a community college, an  
46 institution of higher learning under the control of  
47 the state board of regents, or an accredited private  
48 institution as defined in section 261.9 may receive  
49 scholarships for not more than eight semesters of  
50 undergraduate study or the trimester or quarter

1 equivalent if attending the institution on a full-time  
2 basis, or for not more than sixteen semesters of  
3 undergraduate study or the trimester or quarter  
4 equivalent if attending on a part-time basis. A  
5 qualified resident student may defer acceptance of  
6 scholarships awarded under this section for up to two  
7 years following the student's graduation from high  
8 school in order that the student may pursue military  
9 or other obligations.

10 5. MENTORING PROGRAMS OFFERED BY INSTITUTIONS.  
11 Each community college, institution of higher learning  
12 under the control of the state board of regents, or  
13 accredited private institution which enrolls a student  
14 receiving a scholarship in accordance with this  
15 section shall develop a specific mentoring program to  
16 assist the scholarship recipients through  
17 particularized academic and social counseling.

18 6. RULES. The state board of education, in  
19 consultation with the college student aid commission,  
20 shall adopt rules to administer this section."

21 2. Page 22, by inserting before line 10 the  
22 following:

23 "Sec. \_\_\_\_ . TWENTY-FIRST CENTURY IOWA SCHOLARS  
24 PROGRAM PROMOTION AND SUPPORT STUDY. The department  
25 of education, in consultation with the college student  
26 aid commission, shall conduct a study of the  
27 promotional and support components needed to make Iowa  
28 students who are potentially eligible for the twenty-  
29 first century Iowa scholars program aware of the  
30 program and enthusiastic about participating in the  
31 program. The department shall also develop a plan to  
32 promote the program, provide information about the  
33 program and easy access to program forms and  
34 applications, and encourage participation in the  
35 program by potentially eligible students. The plan  
36 shall provide for a web page, special scholar  
37 publication, a toll-free telephone number, and the  
38 placement and utilization of up to fifteen regional  
39 program support sites. The regional support sites  
40 shall provide tutoring, mentoring, summer camps,  
41 cultural and arts outings, sports and recreational  
42 activities, college visits, career preparation, job  
43 shadowing, internships, study skills, literacy  
44 programs, newsletters, community service projects, and  
45 parent activities. The department, with the  
46 assistance of the commission, shall identify the  
47 amount anticipated to be necessary to provide funding  
48 for the scholarships, based on the results of the  
49 study and preliminary estimates of the number of  
50 eligible eighth grade pupils. The department shall

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Page 4

1 submit its plan, findings, recommendations, and a  
2 fiscal analysis of the plan to the senate and house of  
3 representatives standing committees on education not  
4 later than December 15, 2006."

5 3. By renumbering as necessary.

**By** PETERSEN of Polk

WISE of Lee

HEDDENS of Story

**H-8380** FILED MARCH 23, 2006

SENATE FILE 2272

H-8408

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 11, line 17, by inserting after the word  
4 "school." the following: "A school district that  
5 maintained a continuous school calendar during the  
6 2005-2006 school year or will use a continuous school  
7 calendar during the 2006-2007 school year and which  
8 received a school start date waiver prior to January  
9 1, 2006, from the director of the department of  
10 education under section 279.10, subsection 4, Code  
11 2003, is not subject to the start date established  
12 pursuant to this subsection, or to the provisions of  
13 subsection 3 or section 256.20."

By RAECKER of Polk

H-8408 FILED MARCH 28, 2006

SENATE FILE 2272

H-8414

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 4, by striking lines 4 through 17.  
4 2. By striking page 10, line 29, through page 11,  
5 line 22.  
6 3. Page 22, by striking lines 10 through 12.  
7 4. Title page, by striking line 3 and inserting  
8 the following: "boards."  
9 5. By renumbering as necessary.

By BOAL of Polk

WILDERDYKE of Harrison

MASCHER of Johnson

COHOON of Des Moines

H-8414 FILED MARCH 28, 2006

SENATE FILE 2272

H-8565

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, by striking lines 4 through 17.

4 2. By striking page 10, line 31, through page 11,  
5 line 17, and inserting the following:

6 "1. The school year shall begin on the first day  
7 of July and each regularly established elementary and  
8 secondary school shall begin no sooner than a day  
9 during the calendar week in which the first day of  
10 September falls but no later than the first Monday in  
11 December. However, if the first day of September  
12 falls on a Sunday, school may begin on a day during  
13 the calendar week which immediately precedes the first  
14 day of September. School shall continue for at least  
15 one hundred eighty days, except as provided in  
16 subsection 3, and may be maintained during the entire  
17 calendar year. However, if the board of directors of  
18 a district extends the school calendar because  
19 inclement weather caused the district to temporarily  
20 close school during the regular school calendar, the  
21 district may excuse a graduating senior who has met  
22 district or school requirements for graduation from  
23 attendance during the extended school calendar. A  
24 school corporation may begin employment of personnel  
25 for in-service training and development purposes  
26 before the date to begin elementary and secondary  
27 school. This subsection does not prohibit a school  
28 board from holding athletic contests or practices  
29 before the school start date or scheduling in-service  
30 training or contract days for career development  
31 before the school start date."

32 3. Page 11, line 22, by inserting after the word  
33 "subsection" the following: "and inserting in lieu  
34 thereof the following:

35 4. a. The board of directors of a school district  
36 may commence its school calendar prior to the school  
37 start date set forth in subsection 1 if it submits a  
38 written request to the department of education for an  
39 earlier school calendar start date and the department  
40 determines there are extraordinary reasons for  
41 granting the request. The department may grant the  
42 request upon written findings based on consideration  
43 of the following factors:

44 (1) The request was adopted as a written  
45 resolution by the board of directors of the school  
46 district at an open school board meeting.

47 (2) The request sets forth the reasons and other  
48 relevant facts relating to the request for an earlier  
49 school start date, including but not limited to the  
50 extraordinary event, or chronology of events, leading

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1 to the request, and when the event or events occurred.

2 b. For purposes of this subsection, "extraordinary  
3 reasons" includes any of the following:

4 (1) Major construction projects that cause the  
5 school calendar to be altered and which necessitate an  
6 earlier school start date for the entire school  
7 district.

8 (2) Closure of school due to forces of nature,  
9 code violations, or environmental orders.

10 (3) The majority of the students enrolled in grade  
11 twelve in the school district are also enrolled in  
12 three or more credit hours offered by a community  
13 college established pursuant to chapter 260C or an  
14 institution of higher education governed by the state  
15 board of regents.

16 c. The approved request shall not continue in  
17 effect for a period of time exceeding one school year  
18 unless a new request is filed according to the  
19 requirements of this subsection. The department shall  
20 retain its written findings and copies shall be  
21 available to the public upon request. The department  
22 shall annually prepare a report of the requests  
23 approved or denied, shall detail the extent to which  
24 the approval of a request has established precedent  
25 for other requests, and shall submit the report to the  
26 chairpersons and ranking members of the senate and  
27 house of representatives standing education committees  
28 by January 15."

29 4. Page 22, by striking lines 10 through 12 and  
30 inserting the following:

31 "Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this  
32 Act amending section 279.10 takes effect July 1, 2007,  
33 and applies to the 2007-2008 school year."

34 5. By renumbering as necessary.

**By** CARROLL of Poweshiek

**H-8565** FILED APRIL 24, 2006

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**SENATE FILE 2272**

**H-8576**

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 10, line 34, by striking the figure "25"  
4 and inserting the following: "22".

**By** WILDERDYKE of Harrison

**H-8576** FILED APRIL 25, 2006

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1 Amend Senate File 2272, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
 4 following:

5 "DIVISION I

6 PRACTITIONER, STUDENT, AND SCHOOL-RELATED MATTERS

7 Section 1. Section 235A.15, subsection 2,  
 8 paragraph e, subparagraph (9), Code Supplement 2005,  
 9 is amended to read as follows:

10 (9) To the board of educational examiners created  
 11 under chapter 272 for purposes of determining whether  
 12 a ~~practitioner's~~ license, certificate, or  
 13 authorization should be issued, denied, or revoked.

14 Sec. 2. Section 235B.6, subsection 2, paragraph e,  
 15 Code Supplement 2005, is amended by adding the  
 16 following new subparagraph:

17 NEW SUBPARAGRAPH. (12) To the board of  
 18 educational examiners created under chapter 272 for  
 19 purposes of determining whether a license,  
 20 certificate, or authorization should be issued,  
 21 denied, or revoked.

22 Sec. 3. Section 256.7, subsection 21, paragraph c,  
 23 Code Supplement 2005, is amended to read as follows:

24 c. A requirement that all school districts and  
 25 accredited nonpublic schools annually report to the  
 26 department and the local community the district-wide  
 27 progress made in attaining student achievement goals  
 28 on the academic and other core indicators and the  
 29 district-wide progress made in attaining locally  
 30 established student learning goals. The school  
 31 districts and accredited nonpublic schools shall  
 32 demonstrate the use of multiple assessment measures in  
 33 determining student achievement levels. The school  
 34 districts and accredited nonpublic schools shall also  
 35 report the number of students who ~~enter ninth grade~~  
 36 ~~but do not graduate from the school or school-~~  
 37 district, utilizing the definition of graduation rate  
 38 specified by the national governors association; the  
 39 number of students who drop out of school; the number  
 40 of students pursuing a high school equivalency diploma  
 41 pursuant to chapter 259A; the number of students who  
 42 were enrolled in the district within the past five  
 43 years and who received a high school equivalency  
 44 diploma; the percentage of students who receive a high  
 45 school diploma and who were not proficient in reading,  
 46 mathematics, and science in grade eleven; the number  
 47 of students in the prior year who were enrolled as  
 48 high school juniors who are within four units or  
 49 credits of meeting the district's graduation  
 50 requirements; the number of students who are tested

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1 and the percentage of students who are so tested  
 2 annually; and the percentage of students who graduated  
 3 during the prior school year and who completed a core  
 4 curriculum. The board shall develop and adopt uniform  
 5 definitions consistent with the federal No Child Left  
 6 Behind Act of 2001, Pub. L. No. 107-110 and any  
 7 federal regulations adopted pursuant to the federal  
 8 Act. The school districts and accredited nonpublic  
 9 schools may report on other locally determined factors  
 10 influencing student achievement. The school districts  
 11 and accredited nonpublic schools shall also report to  
 12 the local community their results by individual  
 13 attendance center.

14 Sec. 4. Section 256.7, subsection 26, Code  
 15 Supplement 2005, is amended to read as follows:

16 ~~26. Develop a model core curriculum, taking into~~  
 17 ~~consideration the recommendations of the Adopt rules~~  
 18 ~~requiring at a minimum that at least eighty percent of~~  
 19 ~~all students enrolled in each school district~~  
 20 ~~complete, as a condition of graduation from high~~  
 21 ~~school, the core curriculum recommended by American~~  
 22 ~~college testing program, inc., beginning with students~~  
 23 ~~in the 2010-2011 school year graduating class. The~~  
 24 ~~state board shall set a goal of increasing the number~~  
 25 ~~of students graduating from secondary school who have~~  
 26 ~~successfully completed a core curriculum, by July 1,~~  
 27 ~~2009, to eighty percent of all students graduating~~  
 28 ~~from secondary schools in this state, except that the~~  
 29 ~~goal shall be exclusive of students~~ Students who have  
 30 special or alternative means for satisfying graduation  
 31 requirements under individualized educational plans  
 32 developed for the students are exempt from the  
 33 graduation requirements set forth in this subsection.  
 34 ~~For purposes of this section, "core curriculum" means~~  
 35 ~~the minimum number of specific high school courses~~  
 36 ~~that a student needs to take in preparation for~~  
 37 ~~advanced career and vocational purposes.~~

38 Sec. 5. Section 256D.1, subsection 1, paragraph b,  
 39 subparagraph (1), Code 2005, is amended to read as  
 40 follows:

41 (1) A school district shall at a minimum  
 42 biannually inform parents of their individual child's  
 43 performance on the diagnostic assessments in  
 44 kindergarten through grade three. If intervention is  
 45 appropriate, the school district shall inform the  
 46 parents of the actions the school district intends to  
 47 take to improve the child's reading skills and provide  
 48 the parents with strategies to enable the parents to  
 49 improve their child's skills. If the diagnostic  
 50 assessments administered in accordance with this

1 subsection indicate that a child is reading below  
2 grade level, the school district shall submit a report  
3 of the assessment results to the parent, which the  
4 parent shall sign and return to the school district.  
5 If the parent does not sign or return the report, the  
6 school district shall note in the student's record the  
7 inaction on the part of the parent. The board of  
8 directors of each school district shall adopt a policy  
9 indicating the methods the school district will use to  
10 inform parents of their individual child's  
11 performance.

12 Sec. 6. Section 256D.9, Code Supplement 2005, is  
13 amended to read as follows:

14 256D.9 FUTURE REPEAL.

15 This chapter is repealed effective July 1, 2006  
16 2007.

17 Sec. 7. Section 256F.1, subsection 2, Code 2005,  
18 is amended to read as follows:

19 2. A charter school may be established by creating  
20 a new school within an existing public school or  
21 converting an existing public school to charter status  
22 under section 256F.3, subsections 2 through 6, or by  
23 creating a charter magnet school under section 256F.3,  
24 subsection 6A.

25 Sec. 8. Section 256F.2, subsection 3, Code 2005,  
26 is amended to read as follows:

27 3. "Charter school" means a state public charter  
28 school operated as a pilot program. "Charter school"  
29 also means a charter magnet school as described in  
30 section 256F.3, subsection 6A.

31 Sec. 9. Section 256F.2, Code 2005, is amended by  
32 adding the following new subsection:

33 NEW SUBSECTION. 4B. "Public postsecondary  
34 institution" means a community college established  
35 under chapter 260C or an institution of higher  
36 education governed by the state board of regents.

37 Sec. 10. Section 256F.3, subsection 1, Code 2005,  
38 is amended to read as follows:

39 1. The state board of education shall apply for a  
40 federal grant under Pub. L. No. 107-110, cited as the  
41 federal No Child Left Behind Act of 2001 (Title V,  
42 Part B, Subpart 1), for purposes of providing  
43 financial assistance for the planning, program design,  
44 and initial implementation of public charter schools.  
45 However, if federal funds are no longer available for  
46 purposes of this chapter, the state board may continue  
47 to approve charter school applications. The  
48 department shall initiate a pilot program to test the  
49 effectiveness of charter schools and shall implement  
50 the applicable provisions of this chapter. The state

1 board shall monitor and review charter school progress  
2 on the comprehensive school improvement plan and  
3 student achievement goals established by a charter  
4 school pursuant to section 256F.4 and on the  
5 performance goals and objectives described pursuant to  
6 section 256F.5.

7 Sec. 11. Section 256F.3, subsection 6, Code 2005,  
8 is amended to read as follows:

9 6. Upon approval of an application for the  
10 proposed establishment of a charter school, the school  
11 board shall submit an application for approval to  
12 establish the charter school to the state board in  
13 accordance with section 256F.5. ~~The~~

14 6A. A public postsecondary institution may apply  
15 to the state board for approval to establish a junior-  
16 senior high or a senior high charter magnet school.  
17 The application submitted by a public postsecondary  
18 institution shall meet the requirements of subsection  
19 6B. In addition to the purposes set forth in section  
20 256F.1, subsection 3, a charter magnet school shall  
21 provide students who are enrolled in the charter  
22 magnet school with a rigorous educational program with  
23 a specialized focus that will prepare students to  
24 attain a postsecondary degree. The specialized focus  
25 of the educational program shall include at least one  
26 or more of the following subject areas:

27 a. Science.

28 b. Mathematics.

29 c. Engineering.

30 d. Computer science.

31 e. Biotechnology.

32 f. International studies, emphasizing foreign  
33 languages, social sciences, and communications.

34 6B. An application submitted to the state board  
35 pursuant to this section shall set forth the manner in  
36 which the charter school will provide special  
37 instruction, in accordance with section 280.4, to  
38 students who are limited English proficient. The  
39 application shall set forth the manner in which the  
40 charter school will comply with federal and state laws  
41 and regulations relating to the federal National  
42 School Lunch Act and the federal Child Nutrition Act  
43 of 1966, 42 U.S.C. § 1751-1785, and chapter 283A. The  
44 state board shall approve only those applications that  
45 meet the requirements specified in section 256F.1,  
46 subsection 3, and sections 256F.4 and 256F.5. The  
47 state board may deny an application if the state board  
48 deems that approval of the application is not in the  
49 best interest of the affected students. The state  
50 board shall approve not more than ~~ten~~ twenty charter

1 school applications. The state board shall approve  
2 not more than one charter school application per  
3 school district. ~~However, if the state board receives~~  
4 ~~ten or fewer applications as of June 30, 2003, and two~~  
5 ~~or more of the applications received by the state~~  
6 ~~board by that date are submitted by one school~~  
7 ~~district, the state board may approve any or all of~~  
8 ~~the applications submitted by the school district.~~

9 The state board shall adopt rules in accordance with  
10 chapter 17A for the implementation of this chapter.

11 Sec. 12. Section 256F.4, subsection 4, Code 2005,  
12 is amended to read as follows:

13 4. A charter school shall enroll an eligible  
14 resident student who submits a timely application  
15 unless the number of applications exceeds the capacity  
16 of a program, class, grade level, or building. In  
17 this case, students must be accepted by lot. A  
18 charter school may enroll an eligible nonresident  
19 student who submits a timely application in accordance  
20 with the student admission policy established pursuant  
21 to section 256F.5, subsection 1.

22 a. If the charter school enrolls an eligible  
23 nonresident student, the charter school shall notify  
24 the school district and, if applicable, the sending  
25 district not later than March 1 of the preceding  
26 school year. Transportation for the student shall be  
27 in accordance with section 282.18, subsection 10,  
28 except as provided in paragraph "b". The sending  
29 district shall make payments to the charter school in  
30 the manner required under section 282.18, subsection  
31 7.

32 b. Transportation to and from a charter magnet  
33 school for a student attending the charter magnet  
34 school shall be provided by the parent or guardian  
35 without reimbursement. However, if the student meets  
36 the economic eligibility requirements established by  
37 the department and state board of education, the  
38 charter magnet school is responsible for providing  
39 transportation or paying the pro rata cost of the  
40 transportation to a parent or guardian for  
41 transporting the pupil to and from the charter magnet  
42 school.

43 Sec. 13. Section 256F.4, subsection 7, Code 2005,  
44 is amended to read as follows:

45 7. A charter school shall be considered a part of  
46 the school district in which it is located for  
47 purposes of state school foundation aid pursuant to  
48 chapter 257. However, a student enrolled in a charter  
49 school established pursuant to section 256F.3,  
50 subsection 6A, shall be counted, for state school

1 foundation aid purposes, in the pupil's district of  
 2 residence. A pupil's residence, for purposes of this  
 3 section, means a residence under section 282.1. The  
 4 board of directors of the district of residence shall  
 5 pay to the charter magnet school established pursuant  
 6 to section 256F.3, subsection 6A, the state cost per  
 7 pupil for the previous school year, plus any moneys  
 8 received for the pupil as a result of the non-English  
 9 speaking weighting under section 280.4, subsection 3,  
 10 for the previous school year multiplied by the state  
 11 cost per pupil for the previous year. If the student  
 12 enrolled in the charter magnet school is also an  
 13 eligible pupil under chapter 261C, the receiving  
 14 district shall pay the tuition reimbursement amount to  
 15 an eligible postsecondary institution as provided in  
 16 section 261C.6.

17 Sec. 14. Section 256F.4, Code 2005, is amended by  
 18 adding the following new subsection:

19 NEW SUBSECTION. 9. A charter magnet school  
 20 established pursuant to section 256F.3, subsection 6A,  
 21 shall establish graduation requirements and may award  
 22 diplomas to students who meet the graduation  
 23 requirements established.

24 Sec. 15. Section 256F.5, subsection 4, Code 2005,  
 25 is amended to read as follows:

26 4. The method for appointing or forming an  
 27 advisory council for the charter school. The  
 28 membership of an advisory council appointed or formed  
 29 in accordance with this chapter shall not include more  
 30 than one member of the school board if the charter  
 31 school is established pursuant to section 256F.3,  
 32 subsections 2 through 6.

33 Sec. 16. Section 256F.6, subsections 1 and 3, Code  
 34 2005, are amended to read as follows:

35 1. An approved charter school application shall  
 36 constitute an agreement, the terms of which shall, at  
 37 a minimum, be the terms of a four-year enforceable,  
 38 renewable contract between the school board or a  
 39 public postsecondary institution and the state board.  
 40 The contract shall include an operating agreement for  
 41 the operation of the charter school. The terms of the  
 42 contract may be revised at any time with the approval  
 43 of both the state board and the school board or the  
 44 public postsecondary institution, whether or not the  
 45 stated provisions of the contract are being fulfilled.  
 46 The charter school shall provide parents and guardians  
 47 of students enrolled in the charter school with a copy  
 48 of the charter school application approved pursuant to  
 49 section 256F.5.

50 3. The state board of education shall provide by

1 rule for the ongoing review of a school board's or  
2 public postsecondary institution's compliance with a  
3 contract entered into in accordance with this chapter.

4 Sec. 17. Section 256F.7, subsections 2 and 3, Code  
5 2005, are amended to read as follows:

6 2. The school board, or the public postsecondary  
7 institution if the charter school is established  
8 pursuant to section 256F.3, subsection 6A, in  
9 consultation with the advisory council, shall decide  
10 matters related to the operation of the school,  
11 including budgeting, curriculum, and operating  
12 procedures.

13 3. Employees of a charter school shall be  
14 considered employees of the school district, or if the  
15 charter school is established pursuant to section  
16 256F.3, subsection 6A, the public postsecondary  
17 institution. However, sections 279.12 through 279.19  
18 and section 279.27 shall apply to employees of a  
19 charter school if the employees are licensed by the  
20 board of educational examiners under chapter 272 and  
21 the charter school is established pursuant to section  
22 256F.3, subsection 6A. In applying those sections in  
23 chapter 279, references to the board of directors of a  
24 school district shall be interpreted to apply to the  
25 public postsecondary institution.

26 Sec. 18. Section 256F.8, subsection 1, unnumbered  
27 paragraph 1, Code 2005, is amended to read as follows:

28 A contract for the establishment of a charter  
29 school may be revoked by the state board or the school  
30 board or public postsecondary institution that  
31 established the charter school if the appropriate  
32 board determines that one or more of the following  
33 occurred:

34 Sec. 19. Section 256F.8, subsections 2, 3, 4, 6,  
35 and 7, Code 2005, are amended to read as follows:

36 2. The decision by a school board or public  
37 postsecondary institution to revoke or to fail to take  
38 action to renew a charter school contract is subject  
39 to appeal under procedures set forth in chapter 290.

40 3. A school board or public postsecondary  
41 institution considering revocation or nonrenewal of a  
42 charter school contract shall notify the advisory  
43 council, the parents or guardians of the students  
44 enrolled in the charter school, and the teachers and  
45 administrators employed by the charter school, sixty  
46 days prior to revoking or the date by which the  
47 contract must be renewed, but not later than the last  
48 day of classes in the school year.

49 4. If the state board determines that a charter  
50 school is in substantial violation of the terms of the

1 contract, the state board shall notify the school  
 2 board or the public postsecondary institution and the  
 3 advisory council of its intention to revoke the  
 4 contract at least sixty days prior to revoking a  
 5 contract and the school board or the public  
 6 postsecondary institution shall assume oversight  
 7 authority, operational authority, or both oversight  
 8 and operational authority. The notice shall state the  
 9 grounds for the proposed action in writing and in  
 10 reasonable detail. The school board or the public  
 11 postsecondary institution may request in writing an  
 12 informal hearing before the state board within  
 13 fourteen days of receiving notice of revocation of the  
 14 contract. Upon receiving a timely written request for  
 15 a hearing, the state board shall give reasonable  
 16 notice to the school board or the public postsecondary  
 17 institution of the hearing date. The state board  
 18 shall conduct an informal hearing before taking final  
 19 action. Final action to revoke a contract shall be  
 20 taken in a manner least disruptive to students  
 21 enrolled in the charter school. The state board shall  
 22 take final action to revoke or approve continuation of  
 23 a contract by the last day of classes in the school  
 24 year. If the final action to revoke a contract under  
 25 this section occurs prior to the last day of classes  
 26 in the school year, a charter school student may  
 27 enroll in the resident district.

28 6. A school board or public postsecondary  
 29 institution revoking a contract or a school board or  
 30 public postsecondary institution or advisory council  
 31 that fails to renew a contract under this chapter is  
 32 not liable for that action to the charter school, a  
 33 student enrolled in the charter school or the  
 34 student's parent or guardian, or any other person.

35 7. In the case of a revocation or a nonrenewal of  
 36 the charter, the school board or public postsecondary  
 37 institution is exempt from the state board's "Barker  
 38 guidelines", as provided in 1 D.P.I. App. Dec. 145  
 39 (1977).

40 Sec. 20. Section 256F.10, subsection 1, Code 2005,  
 41 is amended to read as follows:

42 1. A charter school shall report at least annually  
 43 to the school board or the public postsecondary  
 44 institution, as applicable, advisory council, and the  
 45 state board the information required by the school  
 46 board or the public postsecondary institution, as  
 47 applicable, advisory council, or the state board. The  
 48 reports are public records subject to chapter 22.

49 Sec. 21. Section 260C.14, Code 2005, is amended by  
 50 adding the following new subsection:

1 NEW SUBSECTION. 21. Request that a student  
 2 pursuing or receiving a high school equivalency  
 3 diploma provide to the community college the student's  
 4 school district of residence and the last year the  
 5 student was enrolled in the school district of  
 6 residence. The community college shall annually  
 7 report the information available to the community  
 8 college pursuant to this subsection to the school  
 9 district of residence.

10 Sec. 22. Section 272.2, Code 2005, is amended by  
 11 adding the following new subsection:

12 NEW SUBSECTION. 17. Adopt rules to require that a  
 13 background investigation be conducted by the division  
 14 of criminal investigation of the department of public  
 15 safety on all initial applicants for licensure. The  
 16 board shall also require all initial applicants to  
 17 submit a completed fingerprint packet and shall use  
 18 the packet to facilitate a national criminal history  
 19 background check. The board shall have access to, and  
 20 shall review the sex offender registry information  
 21 under section 692A.13, the central registry for child  
 22 abuse information established under chapter 235A, and  
 23 the dependent adult abuse records maintained under  
 24 chapter 235B for information regarding applicants for  
 25 license renewal.

26 Sec. 23. Section 272.3, unnumbered paragraph 1,  
 27 Code 2005, is amended to read as follows:

28 The board of educational examiners consists of  
 29 eleven members. Two must be members of the general  
 30 public and the remaining nine must be licensed  
 31 practitioners. One of the public members shall ~~also~~  
 32 ~~be the director of the department of education, or the~~  
 33 ~~director's designee~~ have served on a school board.  
 34 The ~~other~~ public ~~member~~ members shall ~~be a person who~~  
 35 ~~does not hold~~ never have held a practitioner's  
 36 license, but ~~has~~ shall have a demonstrated interest in  
 37 education. One of the licensed practitioners shall be  
 38 the director of the department of education or the  
 39 director's designee. The ~~nine~~ remaining eight  
 40 practitioners shall be selected from the following  
 41 areas and specialties of the teaching profession:

42 Sec. 24. Section 272.3, unnumbered paragraph 2,  
 43 Code 2005, is amended to read as follows:

44 A majority of the licensed practitioner members  
 45 shall be nonadministrative practitioners. Four of the  
 46 members shall be administrators. Membership of the  
 47 board shall comply with the requirements of sections  
 48 69.16 and 69.16A. A quorum of the board shall consist  
 49 of six members. ~~The director of the department of~~  
 50 ~~education~~ Members shall serve as the elect a

1 chairperson of the board. Members, except for the  
2 director of the department of education, shall be  
3 appointed by the governor ~~and the appointments are~~  
4 subject to confirmation by the senate.

5 Sec. 25. Section 272.29, Code Supplement 2005, is  
6 amended to read as follows:

7 272.29 ANNUAL ADMINISTRATIVE RULES REVIEW.

8 The executive director shall annually review the  
9 administrative rules adopted pursuant to this chapter  
10 and related state laws. The executive director shall  
11 ~~annually~~ submit the executive director's findings and  
12 recommendations in a report every three years to the  
13 board and the chairpersons and ranking members of the  
14 senate and house standing committees on education and  
15 the joint appropriations subcommittee on education by  
16 January 15.

17 Sec. 26. Section 279.61, Code Supplement 2005, is  
18 amended to read as follows:

19 279.61 STUDENT PLAN FOR ~~PROGRESS TOWARD UNIVERSITY~~  
20 ADMISSIONS CORE CURRICULUM COMPLETION -- REPORT.

21 1. For the school year beginning July 1, 2006, and  
22 each succeeding school year, the board of directors of  
23 each school district shall cooperate with each student  
24 enrolled in grade eight to develop for the student a  
25 core curriculum plan to guide the student toward the  
26 goal of successfully completing, at a minimum, the  
27 ~~model core curriculum developed by the state board of~~  
28 ~~education pursuant to~~ referred to in section 256.7,  
29 subsection 26, by the time the student graduates from  
30 high school.

31 2. For the school year beginning July 1, 2006, and  
32 each succeeding school year, the board of directors of  
33 each school district shall report annually to each  
34 student enrolled in grades nine through twelve in the  
35 school district, and to each student's parent or  
36 guardian, the student's progress toward meeting the  
37 goal of successfully completing the ~~model~~ core  
38 curriculum ~~developed by the state board of education~~  
39 ~~pursuant to~~ referred to in section 256.7, subsection  
40 26.

41 Sec. 27. NEW SECTION. 279.63 FINANCIAL REPORT.

42 1. The board of directors of each public school  
43 district shall develop, maintain, and distribute a  
44 financial report on an annual basis. The objective of  
45 the financial report shall be to facilitate public  
46 access to a variety of information and statistics  
47 relating to the education funding received by the  
48 school district, enrollment and employment figures,  
49 and additional information.

50 2. The financial report shall contain, at a

- 1 minimum, information relating to the following:  
2 a. All property tax levies, income surtaxes, and  
3 local option sales taxes in place in the school  
4 district, listed by type of levy, rate, amount,  
5 duration, and notification of the maximum rate and  
6 amount limitations permitted by statute.  
7 b. The amount of funding received on a per pupil  
8 basis through the operation of the school finance  
9 formula, and from any other state appropriation or  
10 state funding source.  
11 c. Federal funding received per student or teacher  
12 population targeted to receive the funds, and any  
13 other federal grants or funding received by the  
14 district.  
15 d. Teacher and administrator minimum, maximum, and  
16 average salary paid by the district, and the  
17 percentage and dollar increase under teacher and  
18 administrator salary and benefits settlement  
19 agreements.  
20 e. Teacher and administrator health insurance and  
21 other alternative health benefit information,  
22 including the monthly premium, the percentage of the  
23 premium paid by the district, and the percentage of  
24 the premium paid by a teacher or administrator for  
25 single and family insurance.  
26 f. Teacher and administrator employment  
27 statistics, including the annual number of licensed  
28 full-time and part-time teachers and administrators  
29 employed by the school district during the preceding  
30 five years, and including the number of teachers and  
31 administrators no longer employed by the district, and  
32 new hires.  
33 g. Student enrollment levels during the preceding  
34 five years, including regular enrollment, special  
35 education enrollment, and enrollment adjustments made  
36 pursuant to supplementary weighting.  
37 h. Such additional information as the school  
38 district may determine.

39 3. Copies of a school district's financial report  
40 for the previous school year shall be posted on an  
41 internet website maintained by the school district at  
42 the beginning of the school year. If the school  
43 district does not maintain or develop a website, the  
44 school district shall either distribute or post  
45 written copies of the financial report at specified  
46 locations throughout the school district.

47 Sec. 28. NEW SECTION. 298.6 PUBLIC DISCLOSURE OF  
48 OUTSTANDING LEVIES.

49 The board of directors of a school district shall,  
50 prior to certifying any levy by board approval, or

1 submitting a levy for voter approval, facilitate  
2 public access to a complete listing of all outstanding  
3 levies within the school district by rate, amount,  
4 duration, and the applicable maximum levy limitations.  
5 The information relating to outstanding levies shall  
6 be posted on an internet website maintained by the  
7 school district at the beginning of the school year,  
8 and updated prior to board approval or submission for  
9 voter approval of any levy during the school year. If  
10 the school district does not maintain or develop a  
11 website, the school district shall either distribute  
12 or post written copies of the listing at specified  
13 locations throughout the school district.

14 Sec. 29. TRANSITIONAL PROVISION -- MEMBERS' TERMS  
15 ON THE BOARD OF EDUCATIONAL EXAMINERS. The two public  
16 members serving on the board of educational examiners  
17 on the effective date of this Act shall continue to  
18 serve as public members of the board until April 30,  
19 2007. On May 1, 2007, the director of the department  
20 of education shall commence service on the board as a  
21 licensed practitioner.

22 Sec. 30. EFFECTIVE DATE. The sections of this  
23 division of this Act amending sections 256F.1 through  
24 256F.8 and 256F.10, being deemed of immediate  
25 importance, take effect upon enactment.

26 DIVISION II

27 EDUCATION ADMINISTRATION"

28 2. Page 22, line 10, by inserting after the word  
29 "sections" the following: "of this division".

30 3. Title page, line 2, by inserting before the  
31 word "and" the following: "the board of educational  
32 examiners,".

33 4. By renumbering as necessary.

By TYMESON of Madison

SENATE FILE 2272

H-8589

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 21, by inserting after line 28 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 423E.1, subsection 3, Code  
6 2005, is amended to read as follows:  
7 3. Local sales and services tax moneys received by  
8 a county for school infrastructure purposes pursuant  
9 to this chapter shall be utilized for school  
10 infrastructure needs or property tax relief. For  
11 purposes of this chapter, "school infrastructure"  
12 means those activities for which a school district is  
13 authorized to contract indebtedness and issue general  
14 obligation bonds under section 296.1, except those  
15 activities related to a teacher's or superintendent's  
16 home or homes. These activities include the  
17 construction, reconstruction, repair, demolition work,  
18 purchasing, or remodeling of schoolhouses, stadiums,  
19 gyms, fieldhouses, and bus garages and the procurement  
20 of schoolhouse construction sites and the making of  
21 site improvements and those activities for which  
22 revenues under section 298.3 or 300.2 may be spent. A  
23 school district that uses local sales and services tax  
24 moneys for school infrastructure shall comply with the  
25 state building code in the absence of a local building  
26 code. Additionally, "school infrastructure" includes  
27 the payment or retirement of outstanding bonds  
28 previously issued for school infrastructure purposes  
29 as defined in this subsection, and the payment or  
30 retirement of bonds issued under section 423E.5."  
31 2. By renumbering as necessary.

By HUSER of Polk

H-8589 FILED APRIL 27, 2006

SENATE FILE 2272

H-8593

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 22, by inserting after line 6 the  
4 following:  
5 "Sec. \_\_\_\_ . 2005 Iowa Acts, chapter 179, section  
6 82, is amended to read as follows:  
7 SEC. 82. 2005 Iowa Acts, House File 739, if  
8 enacted, is amended by adding the following new  
9 section:  
10 NEW SECTION. Sec. \_\_\_\_ . EFFECTIVE DATE. The  
11 section of this Act amending section 262.9 to  
12 establish a research triangle and clearinghouse takes  
13 effect July 1, ~~2006~~ 2007."  
14 2. Page 22, by inserting after line 9 the  
15 following:  
16 "Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this  
17 Act amending 2005 Iowa Acts, chapter 179, section 82,  
18 being deemed of immediate importance, takes effect  
19 upon enactment."  
20 3. By renumbering as necessary.

By BOAL of Polk

H-8593 FILED MAY 1, 2006

SENATE FILE 2272

H-8598

1 Amend the amendment, H-8584, to Senate File 2272,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, lines 48 and 49, by striking the words  
5 "or credits".

6 2. By striking page 2, line 14, through page 2,  
7 line 37, and inserting the following:

8 "Sec. \_\_\_\_ . Section 256.7, subsection 26, Code  
9 Supplement 2005, is amended by striking the subsection  
10 and inserting in lieu thereof the following:

11 26. Set a goal of increasing to eighty percent the  
12 number of students graduating from all secondary  
13 schools in school districts in this state who have  
14 successfully completed the core curriculum recommended  
15 by the college testing service whose college entrance  
16 examination is taken by the majority of Iowa's high  
17 school students. The state goal shall be exclusive of  
18 students who have special or alternative means for  
19 satisfying graduation requirements under  
20 individualized educational plans developed for the  
21 students. The state board shall require each school  
22 district to annually report, beginning with the  
23 2006-2007 school year, the percentage of students  
24 graduating from high school in the school district who  
25 complete the core curriculum. The school district  
26 shall report, in the comprehensive school improvement  
27 plan submitted in accordance with subsection 21, how  
28 the district plans to increase the number of students  
29 completing the recommended core curriculum. Taking  
30 into consideration the recommendations of the college  
31 testing service whose college entrance examination is  
32 taken by the majority of Iowa's high school students,  
33 beginning with the students in the 2010-2011 school  
34 year graduating class, the requirements for high  
35 school graduation for all students in school districts  
36 shall be four years of English and language arts,  
37 three years of mathematics, three years of science,  
38 and three years of social studies."

39 3. Page 10, by striking lines 19 through 40 and  
40 inserting the following:

41 "279.61 STUDENT PLAN FOR PROGRESS TOWARD  
42 UNIVERSITY ADMISSIONS -- REPORT.

43 1. For the school year beginning July 1, 2006, and  
44 each succeeding school year, the board of directors of  
45 each school district shall cooperate with each student  
46 enrolled in grade eight to develop for the student a  
47 core curriculum plan to guide the student toward the  
48 goal of successfully completing, at a minimum, the  
49 model core curriculum developed by the state board of  
50 education pursuant to section 256.7, subsection 26, by

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Page 2

1 the time the student graduates from high school. The  
2 plan shall include career options and shall identify  
3 the coursework needed in grades nine through twelve to  
4 support the student's postsecondary education and  
5 career options. If the pupil is under eighteen years  
6 of age, the pupil's parent or guardian shall sign the  
7 core curriculum plan developed with the student and  
8 the signed plan shall be included in the student's  
9 records.

10 2. For the school year beginning July 1, 2006, and  
11 each succeeding school year, the board of directors of  
12 each school district shall report annually to each  
13 student enrolled in grades nine through twelve in the  
14 school district, and, if the student is under the age  
15 of eighteen, to each student's parent or guardian, the  
16 student's progress toward meeting the goal of  
17 successfully completing the model core curriculum  
18 developed by the state board of education pursuant to  
19 section 256.7, subsection 26."

20 4. By renumbering as necessary.

By TYMESON of Madison  
WENDT of Woodbury

**H-8598** FILED MAY 2, 2006

ADOPTED

**SENATE FILE 2272**

**H-8604**

1 Amend the amendment, H-8584, to Senate File 2272,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 12, by inserting after line 13 the  
5 following:

6 "Sec. \_\_\_\_ . DEPARTMENT OF EDUCATION GRADUATION  
7 REQUIREMENTS STUDY. The department of education shall  
8 review the graduation requirements established by the  
9 section of this division of this Act amending section  
10 256.7, subsection 26, if enacted. The department  
11 shall study measures the state may take to assist  
12 students and school districts to achieve the  
13 graduation requirements and increase the number of  
14 graduating high school students who have completed a  
15 rigorous core curriculum. The department shall submit  
16 its findings and recommendations in a report to the  
17 chairpersons and ranking members of the senate and  
18 house standing committees on education by January 10,  
19 2007."

20 2. By renumbering as necessary.

By FORD of Polk

**H-8604** FILED MAY 2, 2006

OUT OF ORDER

S-5257

1 Amend Senate File 2272, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "DIVISION I

6 PRACTITIONER, STUDENT, AND SCHOOL-RELATED MATTERS

7 Section 1. Section 235A.15, subsection 2,  
8 paragraph e, subparagraph (9), Code Supplement 2005,  
9 is amended to read as follows:

10 (9) To the board of educational examiners created  
11 under chapter 272 for purposes of determining whether  
12 a practitioner's license, certificate, or  
13 authorization should be issued, denied, or revoked.

14 Sec. 2. Section 235B.6, subsection 2, paragraph e,  
15 Code Supplement 2005, is amended by adding the  
16 following new subparagraph:

17 NEW SUBPARAGRAPH. (12) To the board of  
18 educational examiners created under chapter 272 for  
19 purposes of determining whether a license,  
20 certificate, or authorization should be issued,  
21 denied, or revoked.

22 Sec. 3. Section 256.7, subsection 21, paragraph c,  
23 Code Supplement 2005, is amended to read as follows:

24 c. A requirement that all school districts and  
25 accredited nonpublic schools annually report to the  
26 department and the local community the district-wide  
27 progress made in attaining student achievement goals  
28 on the academic and other core indicators and the  
29 district-wide progress made in attaining locally  
30 established student learning goals. The school  
31 districts and accredited nonpublic schools shall  
32 demonstrate the use of multiple assessment measures in  
33 determining student achievement levels. The school  
34 districts and accredited nonpublic schools shall also  
35 report the number of students who ~~enter ninth grade~~  
36 ~~but do not graduate from the school or school~~  
37 ~~district~~, utilizing the definition of graduation rate  
38 specified by the national governors association; the  
39 number of students who drop out of school; the number  
40 of students pursuing a high school equivalency diploma  
41 pursuant to chapter 259A; the number of students who  
42 were enrolled in the district within the past five  
43 years and who received a high school equivalency  
44 diploma; the percentage of students who receive a high  
45 school diploma and who were not proficient in reading,  
46 mathematics, and science in grade eleven; the number  
47 of students in the prior year who were enrolled as  
48 high school juniors who are within four units of  
49 meeting the district's graduation requirements; the  
50 number of students who are tested and the percentage

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1 of students who are so tested annually; and the  
2 percentage of students who graduated during the prior  
3 school year and who completed a core curriculum. The  
4 board shall develop and adopt uniform definitions  
5 consistent with the federal No Child Left Behind Act  
6 of 2001, Pub. L. No. 107-110 and any federal  
7 regulations adopted pursuant to the federal Act. The  
8 school districts and accredited nonpublic schools may  
9 report on other locally determined factors influencing  
10 student achievement. The school districts and  
11 accredited nonpublic schools shall also report to the  
12 local community their results by individual attendance  
13 center.

14 Sec. \_\_\_\_\_. Section 256.7, subsection 26, Code  
15 Supplement 2005, is amended by striking the subsection  
16 and inserting in lieu thereof the following:

17 26. Set a goal of increasing to eighty percent the  
18 number of students graduating from all secondary  
19 schools in school districts in this state who have  
20 successfully completed the core curriculum recommended  
21 by the college testing service whose college entrance  
22 examination is taken by the majority of Iowa's high  
23 school students. The state goal shall be exclusive of  
24 students who have special or alternative means for  
25 satisfying graduation requirements under  
26 individualized educational plans developed for the  
27 students. The state board shall require each school  
28 district to annually report, beginning with the  
29 2006-2007 school year, the percentage of students  
30 graduating from high school in the school district who  
31 complete the core curriculum. The school district  
32 shall report, in the comprehensive school improvement  
33 plan submitted in accordance with subsection 21, how  
34 the district plans to increase the number of students  
35 completing the recommended core curriculum. Taking  
36 into consideration the recommendations of the college  
37 testing service whose college entrance examination is  
38 taken by the majority of Iowa's high school students,  
39 beginning with the students in the 2010-2011 school  
40 year graduating class, the requirements for high  
41 school graduation for all students in school districts  
42 shall be four years of English and language arts,  
43 three years of mathematics, three years of science,  
44 and three years of social studies.

45 Sec. 5. Section 256D.1, subsection 1, paragraph b,  
46 subparagraph (1), Code 2005, is amended to read as  
47 follows:

48 (1) A school district shall at a minimum  
49 biannually inform parents of their individual child's  
50 performance on the diagnostic assessments in

1 kindergarten through grade three. If intervention is  
2 appropriate, the school district shall inform the  
3 parents of the actions the school district intends to  
4 take to improve the child's reading skills and provide  
5 the parents with strategies to enable the parents to  
6 improve their child's skills. If the diagnostic  
7 assessments administered in accordance with this  
8 subsection indicate that a child is reading below  
9 grade level, the school district shall submit a report  
10 of the assessment results to the parent, which the  
11 parent shall sign and return to the school district.  
12 If the parent does not sign or return the report, the  
13 school district shall note in the student's record the  
14 inaction on the part of the parent. The board of  
15 directors of each school district shall adopt a policy  
16 indicating the methods the school district will use to  
17 inform parents of their individual child's  
18 performance.

19 Sec. 6. Section 256D.9, Code Supplement 2005, is  
20 amended to read as follows:

21 256D.9 FUTURE REPEAL.

22 This chapter is repealed effective July 1, 2006  
23 2007.

24 Sec. 7. Section 256F.1, subsection 2, Code 2005,  
25 is amended to read as follows:

26 2. A charter school may be established by creating  
27 a new school within an existing public school or  
28 converting an existing public school to charter status  
29 under section 256F.3, subsections 2 through 6, or by  
30 creating a charter magnet school under section 256F.3,  
31 subsection 6A.

32 Sec. 8. Section 256F.2, subsection 3, Code 2005,  
33 is amended to read as follows:

34 3. "Charter school" means a state public charter  
35 school operated as a pilot program. "Charter school"  
36 also means a charter magnet school as described in  
37 section 256F.3, subsection 6A.

38 Sec. 9. Section 256F.2, Code 2005, is amended by  
39 adding the following new subsection:

40 NEW SUBSECTION. 4B. "Public postsecondary  
41 institution" means a community college established  
42 under chapter 260C or an institution of higher  
43 education governed by the state board of regents.

44 Sec. 10. Section 256F.3, subsection 1, Code 2005,  
45 is amended to read as follows:

46 1. The state board of education shall apply for a  
47 federal grant under Pub. L. No. 107-110, cited as the  
48 federal No Child Left Behind Act of 2001 (Title V,  
49 Part B, Subpart 1), for purposes of providing  
50 financial assistance for the planning, program design,

1 and initial implementation of public charter schools.  
 2 However, if federal funds are no longer available for  
 3 purposes of this chapter, the state board may continue  
 4 to approve charter school applications. The  
 5 department shall initiate a pilot program to test the  
 6 effectiveness of charter schools and shall implement  
 7 the applicable provisions of this chapter. The state  
 8 board shall monitor and review charter school progress  
 9 on the comprehensive school improvement plan and  
 10 student achievement goals established by a charter  
 11 school pursuant to section 256F.4 and on the  
 12 performance goals and objectives described pursuant to  
 13 section 256F.5.

14 Sec. 11. Section 256F.3, subsection 6, Code 2005,  
 15 is amended to read as follows:

16 6. Upon approval of an application for the  
 17 proposed establishment of a charter school, the school  
 18 board shall submit an application for approval to  
 19 establish the charter school to the state board in  
 20 accordance with section 256F.5. The

21 6A. A public postsecondary institution may apply  
 22 to the state board for approval to establish a junior-  
 23 senior high or a senior high charter magnet school.  
 24 The application submitted by a public postsecondary  
 25 institution shall meet the requirements of subsection  
 26 6B. In addition to the purposes set forth in section  
 27 256F.1, subsection 3, a charter magnet school shall  
 28 provide students who are enrolled in the charter  
 29 magnet school with a rigorous educational program with  
 30 a specialized focus that will prepare students to  
 31 attain a postsecondary degree. The specialized focus  
 32 of the educational program shall include at least one  
 33 or more of the following subject areas:

- 34 a. Science.
- 35 b. Mathematics.
- 36 c. Engineering.
- 37 d. Computer science.
- 38 e. Biotechnology.
- 39 f. International studies, emphasizing foreign  
 40 languages, social sciences, and communications.

41 6B. An application submitted to the state board  
 42 pursuant to this section shall set forth the manner in  
 43 which the charter school will provide special  
 44 instruction, in accordance with section 280.4, to  
 45 students who are limited English proficient. The  
 46 application shall set forth the manner in which the  
 47 charter school will comply with federal and state laws  
 48 and regulations relating to the federal National  
 49 School Lunch Act and the federal Child Nutrition Act  
 50 of 1966, 42 U.S.C. § 1751-1785, and chapter 283A. The

1 state board shall approve only those applications that  
2 meet the requirements specified in section 256F.1,  
3 subsection 3, and sections 256F.4 and 256F.5. The  
4 state board may deny an application if the state board  
5 deems that approval of the application is not in the  
6 best interest of the affected students. The state  
7 board shall approve not more than ~~ten~~ twenty charter  
8 school applications. The state board shall approve  
9 not more than one charter school application per  
10 school district. ~~However, if the state board receives~~  
11 ~~ten or fewer applications as of June 30, 2003, and two~~  
12 ~~or more of the applications received by the state~~  
13 ~~board by that date are submitted by one school~~  
14 ~~district, the state board may approve any or all of~~  
15 ~~the applications submitted by the school district.~~  
16 The state board shall adopt rules in accordance with  
17 chapter 17A for the implementation of this chapter.

18 Sec. 12. Section 256F.4, subsection 4, Code 2005,  
19 is amended to read as follows:

20 4. A charter school shall enroll an eligible  
21 resident student who submits a timely application  
22 unless the number of applications exceeds the capacity  
23 of a program, class, grade level, or building. In  
24 this case, students must be accepted by lot. A  
25 charter school may enroll an eligible nonresident  
26 student who submits a timely application in accordance  
27 with the student admission policy established pursuant  
28 to section 256F.5, subsection 1.

29 a. If the charter school enrolls an eligible  
30 nonresident student, the charter school shall notify  
31 the school district and, if applicable, the sending  
32 district not later than March 1 of the preceding  
33 school year. Transportation for the student shall be  
34 in accordance with section 282.18, subsection 10,  
35 except as provided in paragraph "b". The sending  
36 district shall make payments to the charter school in  
37 the manner required under section 282.18, subsection  
38 7.

39 b. Transportation to and from a charter magnet  
40 school for a student attending the charter magnet  
41 school shall be provided by the parent or guardian  
42 without reimbursement. However, if the student meets  
43 the economic eligibility requirements established by  
44 the department and state board of education, the  
45 charter magnet school is responsible for providing  
46 transportation or paying the pro rata cost of the  
47 transportation to a parent or guardian for  
48 transporting the pupil to and from the charter magnet  
49 school.

50 Sec. 13. Section 256F.4, subsection 7, Code 2005,

1 is amended to read as follows:

2 7. A charter school shall be considered a part of  
3 the school district in which it is located for  
4 purposes of state school foundation aid pursuant to  
5 chapter 257. However, a student enrolled in a charter  
6 school established pursuant to section 256F.3,  
7 subsection 6A, shall be counted, for state school  
8 foundation aid purposes, in the pupil's district of  
9 residence. A pupil's residence, for purposes of this  
10 section, means a residence under section 282.1. The  
11 board of directors of the district of residence shall  
12 pay to the charter magnet school established pursuant  
13 to section 256F.3, subsection 6A, the state cost per  
14 pupil for the previous school year, plus any moneys  
15 received for the pupil as a result of the non-English  
16 speaking weighting under section 280.4, subsection 3,  
17 for the previous school year multiplied by the state  
18 cost per pupil for the previous year. If the student  
19 enrolled in the charter magnet school is also an  
20 eligible pupil under chapter 261C, the receiving  
21 district shall pay the tuition reimbursement amount to  
22 an eligible postsecondary institution as provided in  
23 section 261C.6.

24 Sec. 14. Section 256F.4, Code 2005, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 9. A charter magnet school  
27 established pursuant to section 256F.3, subsection 6A,  
28 shall establish graduation requirements and may award  
29 diplomas to students who meet the graduation  
30 requirements established.

31 Sec. 15. Section 256F.5, subsection 4, Code 2005,  
32 is amended to read as follows:

33 4. The method for appointing or forming an  
34 advisory council for the charter school. The  
35 membership of an advisory council appointed or formed  
36 in accordance with this chapter shall not include more  
37 than one member of the school board if the charter  
38 school is established pursuant to section 256F.3,  
39 subsections 2 through 6.

40 Sec. 16. Section 256F.6, subsections 1 and 3, Code  
41 2005, are amended to read as follows:

42 1. An approved charter school application shall  
43 constitute an agreement, the terms of which shall, at  
44 a minimum, be the terms of a four-year enforceable,  
45 renewable contract between the school board or a  
46 public postsecondary institution and the state board.  
47 The contract shall include an operating agreement for  
48 the operation of the charter school. The terms of the  
49 contract may be revised at any time with the approval  
50 of both the state board and the school board or the

1 public postsecondary institution, whether or not the  
2 stated provisions of the contract are being fulfilled.  
3 The charter school shall provide parents and guardians  
4 of students enrolled in the charter school with a copy  
5 of the charter school application approved pursuant to  
6 section 256F.5.

7 3. The state board of education shall provide by  
8 rule for the ongoing review of a school board's or  
9 public postsecondary institution's compliance with a  
10 contract entered into in accordance with this chapter.

11 Sec. 17. Section 256F.7, subsections 2 and 3, Code  
12 2005, are amended to read as follows:

13 2. The school board, or the public postsecondary  
14 institution if the charter school is established  
15 pursuant to section 256F.3, subsection 6A, in  
16 consultation with the advisory council, shall decide  
17 matters related to the operation of the school,  
18 including budgeting, curriculum, and operating  
19 procedures.

20 3. Employees of a charter school shall be  
21 considered employees of the school district, or if the  
22 charter school is established pursuant to section  
23 256F.3, subsection 6A, the public postsecondary  
24 institution. However, sections 279.12 through 279.19  
25 and section 279.27 shall apply to employees of a  
26 charter school if the employees are licensed by the  
27 board of educational examiners under chapter 272 and  
28 the charter school is established pursuant to section  
29 256F.3, subsection 6A. In applying those sections in  
30 chapter 279, references to the board of directors of a  
31 school district shall be interpreted to apply to the  
32 public postsecondary institution.

33 Sec. 18. Section 256F.8, subsection 1, unnumbered  
34 paragraph 1, Code 2005, is amended to read as follows:

35 A contract for the establishment of a charter  
36 school may be revoked by the state board or the school  
37 board or public postsecondary institution that  
38 established the charter school if the appropriate  
39 board determines that one or more of the following  
40 occurred:

41 Sec. 19. Section 256F.8, subsections 2, 3, 4, 6,  
42 and 7, Code 2005, are amended to read as follows:

43 2. The decision by a school board or public  
44 postsecondary institution to revoke or to fail to take  
45 action to renew a charter school contract is subject  
46 to appeal under procedures set forth in chapter 290.

47 3. A school board or public postsecondary  
48 institution considering revocation or nonrenewal of a  
49 charter school contract shall notify the advisory  
50 council, the parents or guardians of the students

1 enrolled in the charter school, and the teachers and  
2 administrators employed by the charter school, sixty  
3 days prior to revoking or the date by which the  
4 contract must be renewed, but not later than the last  
5 day of classes in the school year.

6 4. If the state board determines that a charter  
7 school is in substantial violation of the terms of the  
8 contract, the state board shall notify the school  
9 board or the public postsecondary institution and the  
10 advisory council of its intention to revoke the  
11 contract at least sixty days prior to revoking a  
12 contract and the school board or the public  
13 postsecondary institution shall assume oversight  
14 authority, operational authority, or both oversight  
15 and operational authority. The notice shall state the  
16 grounds for the proposed action in writing and in  
17 reasonable detail. The school board or the public  
18 postsecondary institution may request in writing an  
19 informal hearing before the state board within  
20 fourteen days of receiving notice of revocation of the  
21 contract. Upon receiving a timely written request for  
22 a hearing, the state board shall give reasonable  
23 notice to the school board or the public postsecondary  
24 institution of the hearing date. The state board  
25 shall conduct an informal hearing before taking final  
26 action. Final action to revoke a contract shall be  
27 taken in a manner least disruptive to students  
28 enrolled in the charter school. The state board shall  
29 take final action to revoke or approve continuation of  
30 a contract by the last day of classes in the school  
31 year. If the final action to revoke a contract under  
32 this section occurs prior to the last day of classes  
33 in the school year, a charter school student may  
34 enroll in the resident district.

35 6. A school board or public postsecondary  
36 institution revoking a contract or a school board or  
37 public postsecondary institution or advisory council  
38 that fails to renew a contract under this chapter is  
39 not liable for that action to the charter school, a  
40 student enrolled in the charter school or the  
41 student's parent or guardian, or any other person.

42 7. In the case of a revocation or a nonrenewal of  
43 the charter, the school board or public postsecondary  
44 institution is exempt from the state board's "Barker  
45 guidelines", as provided in 1 D.P.I. App. Dec. 145  
46 (1977).

47 Sec. 20. Section 256F.10, subsection 1, Code 2005,  
48 is amended to read as follows:

49 1. A charter school shall report at least annually  
50 to the school board or the public postsecondary

1 institution, as applicable, advisory council, and the  
2 state board the information required by the school  
3 board or the public postsecondary institution, as  
4 applicable, advisory council, or the state board. The  
5 reports are public records subject to chapter 22.

6 Sec. 21. Section 260C.14, Code 2005, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 21. Request that a student  
9 pursuing or receiving a high school equivalency  
10 diploma provide to the community college the student's  
11 school district of residence and the last year the  
12 student was enrolled in the school district of  
13 residence. The community college shall annually  
14 report the information available to the community  
15 college pursuant to this subsection to the school  
16 district of residence.

17 Sec. 22. Section 272.2, Code 2005, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 17. Adopt rules to require that a  
20 background investigation be conducted by the division  
21 of criminal investigation of the department of public  
22 safety on all initial applicants for licensure. The  
23 board shall also require all initial applicants to  
24 submit a completed fingerprint packet and shall use  
25 the packet to facilitate a national criminal history  
26 background check. The board shall have access to, and  
27 shall review the sex offender registry information  
28 under section 692A.13, the central registry for child  
29 abuse information established under chapter 235A, and  
30 the dependent adult abuse records maintained under  
31 chapter 235B for information regarding applicants for  
32 license renewal.

33 Sec. 23. Section 272.3, unnumbered paragraph 1,  
34 Code 2005, is amended to read as follows:

35 The board of educational examiners consists of  
36 eleven members. Two must be members of the general  
37 public and the remaining nine must be licensed  
38 practitioners. One of the public members shall ~~also~~  
39 ~~be the director of the department of education, or the~~  
40 ~~director's designee~~ have served on a school board.  
41 The ~~other public member~~ members shall ~~be a person who~~  
42 ~~does not hold~~ never have held a practitioner's  
43 license, but ~~has~~ shall have a demonstrated interest in  
44 education. One of the licensed practitioners shall be  
45 the director of the department of education or the  
46 director's designee. The ~~nine~~ remaining eight  
47 practitioners shall be selected from the following  
48 areas and specialties of the teaching profession:

49 Sec. 24. Section 272.3, unnumbered paragraph 2,  
50 Code 2005, is amended to read as follows:

1 A majority of the licensed practitioner members  
2 shall be nonadministrative practitioners. Four of the  
3 members shall be administrators. Membership of the  
4 board shall comply with the requirements of sections  
5 69.16 and 69.16A. A quorum of the board shall consist  
6 of six members. ~~The director of the department of~~  
7 ~~education~~ Members shall ~~serve as the~~ elect a  
8 chairperson of the board. Members, except for the  
9 director of the department of education, shall be  
10 appointed by the governor ~~and the appointments are~~  
11 subject to confirmation by the senate.

12 Sec. 25. Section 272.29, Code Supplement 2005, is  
13 amended to read as follows:

14 272.29 ANNUAL ADMINISTRATIVE RULES REVIEW.

15 The executive director shall annually review the  
16 administrative rules adopted pursuant to this chapter  
17 and related state laws. The executive director shall  
18 ~~annually~~ submit the executive director's findings and  
19 recommendations in a report every three years to the  
20 board and the chairpersons and ranking members of the  
21 senate and house standing committees on education and  
22 the joint appropriations subcommittee on education by  
23 January 15.

24 Sec. 26. Section 279.61, Code Supplement 2005, is  
25 amended to read as follows:

26 279.61 STUDENT PLAN FOR PROGRESS TOWARD UNIVERSITY  
27 ADMISSIONS -- REPORT.

28 1. For the school year beginning July 1, 2006, and  
29 each succeeding school year, the board of directors of  
30 each school district shall cooperate with each student  
31 enrolled in grade eight to develop for the student a  
32 core curriculum plan to guide the student toward the  
33 goal of successfully completing, at a minimum, the  
34 model core curriculum developed by the state board of  
35 education pursuant to section 256.7, subsection 26, by  
36 the time the student graduates from high school. The  
37 plan shall include career options and shall identify  
38 the coursework needed in grades nine through twelve to  
39 support the student's postsecondary education and  
40 career options. If the pupil is under eighteen years  
41 of age, the pupil's parent or guardian shall sign the  
42 core curriculum plan developed with the student and  
43 the signed plan shall be included in the student's  
44 records.

45 2. For the school year beginning July 1, 2006, and  
46 each succeeding school year, the board of directors of  
47 each school district shall report annually to each  
48 student enrolled in grades nine through twelve in the  
49 school district, and, if the student is under the age  
50 of eighteen, to each student's parent or guardian, the

1 student's progress toward meeting the goal of  
2 successfully completing the model core curriculum  
3 developed by the state board of education pursuant to  
4 section 256.7, subsection 26.

5 Sec. 27. NEW SECTION. 279.63 FINANCIAL REPORT.

6 1. The board of directors of each public school  
7 district shall develop, maintain, and distribute a  
8 financial report on an annual basis. The objective of  
9 the financial report shall be to facilitate public  
10 access to a variety of information and statistics  
11 relating to the education funding received by the  
12 school district, enrollment and employment figures,  
13 and additional information.

14 2. The financial report shall contain, at a  
15 minimum, information relating to the following:

16 a. All property tax levies, income surtaxes, and  
17 local option sales taxes in place in the school  
18 district, listed by type of levy, rate, amount,  
19 duration, and notification of the maximum rate and  
20 amount limitations permitted by statute.

21 b. The amount of funding received on a per pupil  
22 basis through the operation of the school finance  
23 formula, and from any other state appropriation or  
24 state funding source.

25 c. Federal funding received per student or teacher  
26 population targeted to receive the funds, and any  
27 other federal grants or funding received by the  
28 district.

29 d. Teacher and administrator minimum, maximum, and  
30 average salary paid by the district, and the  
31 percentage and dollar increase under teacher and  
32 administrator salary and benefits settlement  
33 agreements.

34 e. Teacher and administrator health insurance and  
35 other alternative health benefit information,  
36 including the monthly premium, the percentage of the  
37 premium paid by the district, and the percentage of  
38 the premium paid by a teacher or administrator for  
39 single and family insurance.

40 f. Teacher and administrator employment  
41 statistics, including the annual number of licensed  
42 full-time and part-time teachers and administrators  
43 employed by the school district during the preceding  
44 five years, and including the number of teachers and  
45 administrators no longer employed by the district, and  
46 new hires.

47 g. Student enrollment levels during the preceding  
48 five years, including regular enrollment, special  
49 education enrollment, and enrollment adjustments made  
50 pursuant to supplementary weighting.

1 h. Such additional information as the school  
2 district may determine.

3 3. Copies of a school district's financial report  
4 for the previous school year shall be posted on an  
5 internet website maintained by the school district at  
6 the beginning of the school year. If the school  
7 district does not maintain or develop a website, the  
8 school district shall either distribute or post  
9 written copies of the financial report at specified  
10 locations throughout the school district.

11 Sec. 28. NEW SECTION. 298.6 PUBLIC DISCLOSURE OF  
12 OUTSTANDING LEVIES.

13 The board of directors of a school district shall,  
14 prior to certifying any levy by board approval, or  
15 submitting a levy for voter approval, facilitate  
16 public access to a complete listing of all outstanding  
17 levies within the school district by rate, amount,  
18 duration, and the applicable maximum levy limitations.  
19 The information relating to outstanding levies shall  
20 be posted on an internet website maintained by the  
21 school district at the beginning of the school year,  
22 and updated prior to board approval or submission for  
23 voter approval of any levy during the school year. If  
24 the school district does not maintain or develop a  
25 website, the school district shall either distribute  
26 or post written copies of the listing at specified  
27 locations throughout the school district.

28 Sec. 29. TRANSITIONAL PROVISION -- MEMBERS' TERMS  
29 ON THE BOARD OF EDUCATIONAL EXAMINERS. The two public  
30 members serving on the board of educational examiners  
31 on the effective date of this Act shall continue to  
32 serve as public members of the board until April 30,  
33 2007. On May 1, 2007, the director of the department  
34 of education shall commence service on the board as a  
35 licensed practitioner.

36 Sec. 30. EFFECTIVE DATE. The sections of this  
37 division of this Act amending sections 256F.1 through  
38 256F.8 and 256F.10, being deemed of immediate  
39 importance, take effect upon enactment.

40 DIVISION II

41 EDUCATION ADMINISTRATION"

42 2. Page 1, by striking lines 21 and 22 and  
43 inserting the following: "services, available to  
44 children attending nonpublic schools in the same  
45 manner and to the same extent that they".

46 3. Page 4, by striking lines 4 through 17.

47 4. Page 6, line 7, by inserting before the word  
48 "The" the following: "1."

49 5. Page 6, by inserting after line 25 the  
50 following:

1 "2. Beginning January 15, 2007, the department  
 2 shall submit an annual report to the chairpersons and  
 3 ranking members of the senate and house education  
 4 committees that includes the ways school districts in  
 5 the previous school year used modified allowable  
 6 growth approved under subsection 1; identifies, by  
 7 grade level, age, and district size, the students in  
 8 the dropout and dropout prevention programs for which  
 9 the department approves a request; describes school  
 10 district progress toward increasing student  
 11 achievement and attendance for the students in the  
 12 programs; and describes how the school districts are  
 13 using the revenues from the modified allowable growth  
 14 to improve student achievement among minority  
 15 subgroups."

16 6. Page 7, by striking lines 4 through 30.

17 7. By striking page 10, line 29, through page 11,  
 18 line 22.

19 8. By striking page 15, line 12 through page 16,  
 20 line 23.

21 9. Page 17, by striking lines 7 through 14 and  
 22 inserting the following: "receiving district is not  
 23 subject to appeal."

24 10. Page 17, by striking line 16 and inserting  
 25 the following: "Supplement 2005, is amended by  
 26 striking the paragraph and inserting in lieu thereof  
 27 the following:

28 c. If a resident district believes that a  
 29 receiving district is violating this subsection, the  
 30 resident district may, within fifteen days after board  
 31 action by the receiving district, submit an appeal to  
 32 the director of the department of education.

33 The director, or the director's designee, shall  
 34 attempt to mediate the dispute to reach approval by  
 35 both boards as provided in section 282.18, subsection  
 36 16. If approval is not reached under mediation, the  
 37 director or the director's designee shall conduct a  
 38 hearing and shall hear testimony from both boards.  
 39 Within ten days following the hearing, the director  
 40 shall render a decision upholding or reversing the  
 41 decision by the board of the receiving district.  
 42 Within five days of the director's decision, the board  
 43 may appeal the decision of the director to the state  
 44 board of education under the procedures set forth in  
 45 chapter 290."

46 11. Page 17, by inserting before line 17 the  
 47 following:

48 "Sec. \_\_\_\_ . Section 282.18, subsection 9,  
 49 unnumbered paragraph 2, Code Supplement 2005, is  
 50 amended to read as follows:

1 If a request to transfer is due to a change in  
2 family residence, change in the state in which the  
3 family residence is located, a change in a child's  
4 parents' marital status, a guardianship proceeding,  
5 placement in foster care, adoption, participation in a  
6 foreign exchange program, or participation in a  
7 substance abuse or mental health treatment program,  
8 and the child, who is the subject of the request, is  
9 enrolled in any grade from kindergarten through grade  
10 twelve at the time of the request and is not currently  
11 using any provision of open enrollment, the parent or  
12 guardian of the child shall have the option to have  
13 the child remain in the child's original district of  
14 residence under open enrollment with no interruption  
15 in the child's kindergarten through grade twelve  
16 educational program. If a parent or guardian  
17 exercises this option, the child's new district of  
18 residence is not required to pay the amount calculated  
19 in subsection 7, until the start of the first full  
20 year of enrollment of the child."

21 12. Page 19, by inserting after line 2 the  
22 following:

23 "Sec. \_\_\_\_ . NEW SECTION. 299A.11 STUDENT RECORDS  
24 CONFIDENTIAL.

25 Notwithstanding any provision of law or rule to the  
26 contrary, personal information in records regarding a  
27 child receiving competent private instruction pursuant  
28 to this chapter, which are maintained, created,  
29 collected, or assembled by or for a state agency,  
30 shall be kept confidential in the same manner as  
31 personal information in student records maintained,  
32 created, collected, or assembled by or for a school  
33 corporation or educational institution in accordance  
34 with section 22.7, subsection 1."

35 13. Page 21, by inserting after line 28 the  
36 following:

37 "Sec. \_\_\_\_ . Section 423E.1, subsection 3, Code  
38 2005, is amended to read as follows:

39 3. Local sales and services tax moneys received by  
40 a county for school infrastructure purposes pursuant  
41 to this chapter shall be utilized for school  
42 infrastructure needs or property tax relief. For  
43 purposes of this chapter, "school infrastructure"  
44 means those activities for which a school district is  
45 authorized to contract indebtedness and issue general  
46 obligation bonds under section 296.1, except those  
47 activities related to a teacher's or superintendent's  
48 home or homes. These activities include the  
49 construction, reconstruction, repair, demolition work,  
50 purchasing, or remodeling of schoolhouses, stadiums,

1 gyms, fieldhouses, and bus garages and the procurement  
2 of schoolhouse construction sites and the making of  
3 site improvements and those activities for which  
4 revenues under section 298.3 or 300.2 may be spent. A  
5 school district that uses local sales and services tax  
6 moneys for school infrastructure shall comply with the  
7 state building code in the absence of a local building  
8 code. Additionally, "school infrastructure" includes  
9 the payment or retirement of outstanding bonds  
10 previously issued for school infrastructure purposes  
11 as defined in this subsection, and the payment or  
12 retirement of bonds issued under section 423E.5."

13 14. Page 22, by inserting after line 6 the  
14 following:

15 "Sec. \_\_\_\_\_. 2005 Iowa Acts, chapter 179, section  
16 82, is amended to read as follows:

17 SEC. 82. 2005 Iowa Acts, House File 739, if  
18 enacted, is amended by adding the following new  
19 section:

20 NEW SECTION. Sec. \_\_\_\_\_. EFFECTIVE DATE. The  
21 section of this Act amending section 262.9 to  
22 establish a research triangle and clearinghouse takes  
23 effect July 1, ~~2006~~ 2007."

24 15. Page 22, by inserting after line 9 the  
25 following:

26 "Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
27 Act amending 2005 Iowa Acts, chapter 179, section 82,  
28 being deemed of immediate importance, takes effect  
29 upon enactment."

30 16. Page 22, by striking lines 10 through 12.

31 17. Title page, line 2, by inserting before the  
32 word "and" the following: "the board of educational  
33 examiners,".

34 18. Title page, by striking line 3 and inserting  
35 the following: "boards."

36 19. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

SENATE FILE 2272

S-5263

1 Amend the House amendment, S-5257, to Senate File  
2 2272, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 3, line 24, through page 4,  
5 line 42, and inserting the following:

6 "Sec. \_\_\_\_ . Section 256F.3, subsection 6, Code  
7 2005, is amended to read as follows:

8 6. Upon approval of an application for the  
9 proposed establishment of a charter school, the school  
10 board shall submit an application for approval to  
11 establish the charter school to the state board in  
12 accordance with section 256F.5. The application shall  
13 set forth the manner in".

14 2. By striking page 5, line 18, through page 9,  
15 line 5.

16 3. Page 12, by striking lines 36 through 39 and  
17 inserting the following:

18 "Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this  
19 division of this Act amending section 256F.3,  
20 subsection 6, being deemed of immediate importance,  
21 takes effect upon enactment."

22 4. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-5263 FILED MAY 3, 2006  
ADOPTED

SENATE AMENDMENT TO HOUSE AMENDMENT TO  
SENATE FILE 2272

H-8645

1 Amend the House amendment, S-5257, to Senate File  
2 2272, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 3, line 24, through page 4,  
5 line 42, and inserting the following:

6 "Sec. \_\_\_\_ . Section 256F.3, subsection 6, Code  
7 2005, is amended to read as follows:

8 6. Upon approval of an application for the  
9 proposed establishment of a charter school, the school  
10 board shall submit an application for approval to  
11 establish the charter school to the state board in  
12 accordance with section 256F.5. The application shall  
13 set forth the manner in".

14 2. By striking page 5, line 18, through page 9,  
15 line 5.

16 3. Page 12, by striking lines 36 through 39 and  
17 inserting the following:

18 "Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this  
19 division of this Act amending section 256F.3,  
20 subsection 6, being deemed of immediate importance,  
21 takes effect upon enactment."

22 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8645 FILED MAY 3, 2006  
CONCURRED

Wood co-chair  
Angelo co-chair  
Connolly  
Brunkhorst

16

SSB# 8107  
Education

Succeeded By  
SENATE FILE 01 / HF 2272  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CO-CHAIRPERSON CONNOLLY)

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

**A BILL FOR**

1 An Act relating to the state's educational standards regarding  
2 qualified guidance counselors and teacher librarians, and to  
3 teacher and administrator quality, including the student  
4 achievement and teacher quality program and a beginning  
5 administrator quality program, and providing effective and  
6 retroactive applicability dates.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.7, subsection 24, Code Supplement  
2 2005, is amended to read as follows:

3 24. Adopt rules ~~on-or-before-January-17-2001~~ to require  
4 school districts and accredited nonpublic schools to adopt  
5 local policies relating to health services, ~~media-services~~  
6 ~~programs~~, and guidance programs, as part of the general  
7 accreditation standards applicable to school districts  
8 pursuant to section 256.11. This subsection shall be  
9 applicable strictly for reporting purposes and shall not be  
10 interpreted to require school districts and accredited  
11 nonpublic schools to provide or offer health services, ~~media~~  
12 ~~services-programs~~, or guidance programs.

13 Sec. 2. Section 256.7, Code Supplement 2005, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 27. Adopt by rule the Iowa standards for  
16 school administrators, including the knowledge and skill  
17 criteria, developed by the director in accordance with section  
18 256.9, subsection 55.

19 Sec. 3. Section 256.9, Code Supplement 2005, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 55. Develop Iowa standards for school  
22 administrators, including knowledge and skill criteria, and  
23 develop, based on the Iowa standards for administrators,  
24 mentoring and induction, evaluation processes, and career  
25 development plans pursuant to chapter 284A. The criteria  
26 shall further define the characteristics of quality  
27 administrators as established by the Iowa standards for school  
28 administrators.

29 Sec. 4. Section 256.11, Code Supplement 2005, is amended  
30 by adding the following new subsections:

31 NEW SUBSECTION. 9. Beginning July 1, 2006, each school  
32 district shall have a qualified teacher librarian who shall be  
33 licensed by the board of educational examiners under chapter  
34 272. The state board shall establish in rule a definition of  
35 and standards for an articulated sequential kindergarten

1 through grade twelve media program.

2 NEW SUBSECTION. 9A. Beginning July 1, 2006, each school  
3 district shall have a qualified guidance counselor who shall  
4 be licensed by the board of educational examiners under  
5 chapter 272. The state board shall establish in rule a  
6 definition of and standards for an articulated sequential  
7 kindergarten through grade twelve guidance and counseling  
8 program.

9 Sec. 5. Section 256.11A, Code 2005, is amended to read as  
10 follows:

11 256.11A GUIDANCE PROGRAM -- MEDIA SERVICES PROGRAM --  
12 WAIVER.

13 ~~1. Schools and school districts unable to meet the~~  
14 ~~standard adopted by the state board requiring each school or~~  
15 ~~school district operating a kindergarten through grade twelve~~  
16 ~~program to provide an articulated sequential elementary-~~  
17 ~~secondary guidance program~~ The board of directors of a school  
18 district may, not later than August 1, ~~1995~~ 2006, for the  
19 school year beginning July 1, ~~1995~~ 2006, file a written  
20 request to the department of education that the department  
21 waive the requirement ~~for~~ adopted by the state board pursuant  
22 to section 256.11, subsection 9, that ~~school or the school~~  
23 ~~district~~ have a qualified teacher librarian. The procedures  
24 specified in subsection 3 apply to the request. Not later  
25 than August 1, ~~1996~~ 2007, for the school year beginning July  
26 1, ~~1996~~ 2007, the board of directors of a school district or  
27 ~~the authorities in charge of a nonpublic school~~ may request a  
28 one-year extension of the waiver.

29 2. Not later than August 1, ~~1995~~ 2006, for the school year  
30 beginning July 1, ~~1995~~ 2006, the board of directors of a  
31 school district, ~~or authorities in charge of a nonpublic~~  
32 ~~school,~~ may file a written request with the department of  
33 education that the department waive the rule adopted by the  
34 state board pursuant to section 256.11, subsection 9A, to  
35 ~~establish and operate a media services program to support the~~

1 ~~total-curriculum-for-that-district-or-school~~ have a qualified  
2 guidance counselor. The procedures specified in subsection 3  
3 apply to the request. Not later than August 1, ~~1996~~ 2007, for  
4 the school year beginning July 1, ~~1996~~ 2007, the board of  
5 directors of a school district ~~or-the-authorities-in-charge-of~~  
6 ~~a-nonpublic-school~~ may request an additional one-year  
7 extension of the waiver.

8 3. A request for a waiver filed by the board of directors  
9 of a school district ~~or-authorities-in-charge-of-a-nonpublic~~  
10 ~~school~~ shall describe actions being taken by the district ~~or~~  
11 ~~school~~ to meet the requirement for which the district ~~or~~  
12 ~~school~~ has requested a waiver.

13 Sec. 6. Section 256.44, subsection 1, paragraph a, Code  
14 Supplement 2005, is amended to read as follows:

15 a. If a teacher registers for national board for  
16 professional teaching standards certification prior to June  
17 30, ~~2006~~ 2012, a one-time initial reimbursement award in the  
18 amount of up to one-half of the registration fee paid by the  
19 teacher for registration for certification by the national  
20 board for professional teaching standards. The teacher shall  
21 apply to the department of education within one year of  
22 registration, submitting to the department any documentation  
23 the department requires. A teacher who receives an initial  
24 reimbursement award shall receive a one-time final  
25 registration award in the amount of the remaining national  
26 board registration fee paid by the teacher if the teacher  
27 notifies the department of the teacher's certification  
28 achievement and submits any documentation requested by the  
29 department.

30 Sec. 7. Section 257.31, subsection 5, Code 2005, is  
31 amended by adding the following new paragraph:

32 NEW PARAGRAPH. m. The addition of one or more teacher  
33 librarians pursuant to section 256.11, subsection 9, or one or  
34 more guidance counselors pursuant to section 256.11,  
35 subsection 9A.

1     Sec. 8. Section 272.9A, Code 2005, is amended by striking  
2 the section and inserting in lieu thereof the following:

3     272.9A ADMINISTRATIVE LICENSES.

4     1. Beginning July 1, 2007, requirements for administrator  
5 licensure beyond an initial license shall include completion  
6 of a beginning administrator mentoring and induction program  
7 provided by the department pursuant to section 284A.5,  
8 subsection 2, and demonstration of competence on the  
9 administrator standards adopted pursuant to section 284A.3.

10    2. The board shall adopt rules for administrator licensure  
11 renewal that include credit for individual administrator  
12 career development plans developed in accordance with section  
13 284A.6.

14    3. An administrator formerly employed by an accredited  
15 nonpublic school or formerly employed as an administrator in  
16 another state or country is exempt from the mentoring and  
17 induction requirement under subsection 1 if the administrator  
18 can document two years of successful administrator experience  
19 and meet or exceed the requirements contained in rules adopted  
20 pursuant to this chapter for endorsement and licensure.  
21 However, if an administrator does not have two years of  
22 successful administrator experience when hired by a school  
23 district, the administrator shall meet the requirements of  
24 subsection 1.

25    Sec. 9. Section 284.1, unnumbered paragraph 1, Code 2005,  
26 is amended to read as follows:

27    A student achievement and teacher quality program is  
28 established to promote high student achievement. The program  
29 shall consist of the following ~~four~~ five major elements:

30    Sec. 10. Section 284.1, Code 2005, is amended by adding  
31 the following new subsection:

32    NEW SUBSECTION. 5. Evaluation of teachers against the  
33 Iowa teaching standards.

34    Sec. 11. Section 284.2, subsection 1, Code 2005, is  
35 amended to read as follows:

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

10 Sec. 12. Section 284.2, subsection 2, Code 2005, is  
11 amended by striking the subsection.

12 Sec. 13. Section 284.2, subsection 8, Code 2005, is  
13 amended to read as follows:

14 8. "Mentor" means an individual employed by a school  
15 district or area education agency as a classroom teacher or a  
16 retired teacher who holds a valid license issued under chapter  
17 272. The individual must have a record of four years of  
18 successful teaching practice, must be employed on a  
19 nonprobationary basis, and must demonstrate professional  
20 commitment to both the improvement of teaching and learning  
21 and the development of beginning teachers.

22 Sec. 14. Section 284.2, subsection 12, Code 2005, is  
23 amended to read as follows:

24 12. "Teacher" means an individual holding a practitioner's  
25 license issued under chapter 272, who is employed in a  
26 nonadministrative position as a teacher, teacher librarian,  
27 ~~media-specialist~~, preschool teacher, or counselor by a school  
28 district or area education agency pursuant to a contract  
29 issued by a board of directors under section 279.13. However,  
30 an individual who is employed by an area education agency  
31 shall only be considered a teacher for purposes of this  
32 chapter if the individual directly delivers instruction to  
33 school or school district students for fifty percent or more  
34 of the individual's contracted time. A teacher may be  
35 employed in both an administrative and a nonadministrative

1 position by a board of directors and shall be considered a  
2 part-time teacher for the portion of time that the teacher is  
3 employed in a nonadministrative position. "Teacher" includes  
4 a licensed individual employed on a less than full-time basis  
5 by a school district through a contract between the school  
6 district and an institution of higher education with a  
7 practitioner preparation program in which the licensed teacher  
8 is enrolled.

9 Sec. 15. Section 284.4, subsection 1, paragraphs c and e,  
10 Code Supplement 2005, are amended to read as follows:

11 c. Provide, beginning in the ~~fifth~~ sixth year of  
12 participation, the equivalent of one two additional contract  
13 ~~day~~ days, outside of instruction time, than ~~was~~ were provided  
14 in the school year preceding the first year of participation,  
15 to provide additional time for teacher career development that  
16 aligns with student learning and teacher development needs,  
17 including the integration of technology into curriculum  
18 development, in order to achieve attendance center and  
19 district-wide student achievement goals outlined in the  
20 district comprehensive school improvement plan. School  
21 districts are encouraged to develop strategies for  
22 restructuring the school calendar to provide for the most  
23 effective professional development, evaluate their current  
24 career development alignment with their student achievement  
25 goals and research-based instructional strategies, and  
26 implement district career development plans. ~~A school~~  
27 ~~district that provides the equivalent of ten or more contract~~  
28 ~~days for career development is exempt from this paragraph.~~

29 e. Adopt a teacher evaluation plan that, at minimum,  
30 requires a performance review of teachers in the participating  
31 district at least once every three years based upon the Iowa  
32 teaching standards and individual career development plans,  
33 and requires administrators to complete evaluator training in  
34 accordance with section 284.10.

35 Sec. 16. Section 284.5, subsections 1, 3, 4, and 7, Code

1 Supplement 2005, are amended to read as follows:

2 1. A beginning teacher mentoring and induction program is  
3 created to promote excellence in teaching, enhance student  
4 achievement, build a supportive environment within school  
5 districts and area education agencies, increase the retention  
6 of promising beginning teachers, and promote the personal and  
7 professional well-being of classroom teachers.

8 3. Each school district and area education agency shall  
9 provide a beginning teacher mentoring and induction program  
10 for all classroom teachers who are beginning teachers, and  
11 notwithstanding section 284.4, subsection 1, a school district  
12 and an area education agency shall be eligible to receive  
13 moneys under section 284.13, subsection 1, paragraph "b", for  
14 purposes of implementing a beginning teacher mentoring and  
15 induction program in accordance with this section.

16 4. Each participating school district and area education  
17 agency shall develop an initial beginning teacher mentoring  
18 and induction plan. A school district shall include its plan  
19 in the school district's comprehensive school improvement plan  
20 submitted pursuant to section 256.7, subsection 21. The  
21 beginning teacher mentoring and induction plan shall, at a  
22 minimum, provide for a two-year sequence of induction program  
23 content and activities to support the Iowa teaching standards  
24 and beginning teacher professional and personal needs; mentor  
25 training that includes, at a minimum, skills of classroom  
26 demonstration and coaching, and district expectations for  
27 beginning teacher competence on Iowa teaching standards;  
28 placement of mentors and beginning teachers; the process for  
29 dissolving mentor and beginning teacher partnerships; district  
30 organizational support for release time for mentors and  
31 beginning teachers to plan, provide demonstration of classroom  
32 practices, observe teaching, and provide feedback; structure  
33 for mentor selection and assignment of mentors to beginning  
34 teachers; a district facilitator; and program evaluation.

35 7. If a beginning teacher who is participating in a

1 mentoring and induction program leaves the employ of a  
2 participating school district or area education agency prior  
3 to completion of the program, the participating school  
4 district or area education agency subsequently hiring the  
5 beginning teacher shall credit the beginning teacher with the  
6 time earned in the program prior to the subsequent hiring.

7 Sec. 17. Section 284.6, subsection 1, unnumbered paragraph  
8 1, Code 2005, is amended to read as follows:

9 The department shall coordinate a statewide network of  
10 career development for Iowa teachers. A participating school  
11 district or career development provider that offers a career  
12 development program in accordance with section 256.9,  
13 subsection 50, shall demonstrate that the program contains the  
14 following:

15 Sec. 18. Section 284.6, subsections 3 and 4, Code 2005,  
16 are amended to read as follows:

17 3. A participating school district shall incorporate a  
18 district career development plan into the district's  
19 comprehensive school improvement plan submitted to the  
20 department in accordance with section 256.7, subsection 21.  
21 The district career development plan shall include a  
22 description of the means by which the school district will  
23 provide access to all teachers in the district to career  
24 development programs or offerings that meet the requirements  
25 of subsection 1. The plan shall align all career development  
26 with the school district's long-range student learning goals  
27 and the Iowa teaching standards. The plan shall indicate the  
28 school district's approved career development provider or  
29 providers.

30 4. In cooperation with the teacher's evaluator, the career  
31 teacher employed by a participating school district shall  
32 develop an individual teacher career development plan. The  
33 evaluator shall consult with the teacher's supervisor on the  
34 development of the individual teacher career development plan.  
35 The purpose of the plan is to promote individual and group

1 career development. The individual plan shall be based, at  
2 minimum, on the needs of the teacher, the Iowa teaching  
3 standards, and the student achievement goals of the attendance  
4 center and the school district as outlined in the  
5 comprehensive school improvement plan.

6 Sec. 19. Section 284.6, Code 2005, is amended by adding  
7 the following new subsections:

8 NEW SUBSECTION. 7. If funds are appropriated by the  
9 general assembly for purposes of section 284.13, subsection 1,  
10 paragraph "d", the department, in collaboration with area  
11 education agencies, shall establish teacher development  
12 academies for school-based teams of teachers and instructional  
13 leaders. Each academy shall include an institute and follow-  
14 up training and coaching.

15 NEW SUBSECTION. 8. Teachers who successfully complete a  
16 teacher development academy or equivalent training, as defined  
17 by the department, shall have the opportunity to apply to a  
18 review panel pursuant to section 284.9 for designation as a  
19 teacher trainer. A teacher's participation in activities  
20 related to teacher development academies shall be given  
21 consideration by the board of educational examiners toward  
22 standard license recertification pursuant to section 272.9.

23 Sec. 20. Section 284.7, unnumbered paragraph 1, Code  
24 Supplement 2005, is amended to read as follows:

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

35 Sec. 21. Section 284.7, subsection 1, unnumbered paragraph

1 1, Code Supplement 2005, is amended to read as follows:

2 ~~Effective July 17, 20017, the~~ The following career path  
3 levels are established and shall be implemented in accordance  
4 with this chapter:

5 Sec. 22. Section 284.7, subsection 1, paragraph a,  
6 subparagraph (1), subparagraph subdivisions (a) and (b), Code  
7 2005, are amended to read as follows:

8 (a) Has successfully completed an approved practitioner  
9 preparation program as defined in section 272.1 or holds an  
10 intern teacher license issued by the board of educational  
11 examiners under chapter 272.

12 (b) Holds an initial or intern teacher license issued by  
13 the board of educational examiners.

14 Sec. 23. Section 284.7, subsection 1, paragraph a,  
15 subparagraph (2), Code Supplement 2005, is amended by striking  
16 the subparagraph and inserting in lieu thereof the following:

17 (2) Beginning July 1, 2006, the minimum salary for a  
18 first-year beginning teacher shall be twenty-five thousand  
19 five hundred dollars.

20 Sec. 24. Section 284.7, subsection 1, paragraph b,  
21 subparagraph (2), Code Supplement 2005, is amended by striking  
22 the subparagraph and inserting in lieu thereof the following:

23 (2) Beginning July 1, 2006, the minimum salary for a  
24 first-year career teacher shall be twenty-six thousand five  
25 hundred dollars and the minimum salary for a second-year  
26 career teacher shall be twenty-seven thousand five hundred  
27 dollars.

28 Sec. 25. Section 284.7, subsection 1, Code Supplement  
29 2005, is amended by adding the following new paragraph:

30 NEW PARAGRAPH. c. TEACHER TRAINER.

31 (1) A teacher trainer is a teacher who meets the following  
32 requirements:

33 (a) Holds a standard or master teacher license issued by  
34 the board of educational examiners for the area in which the  
35 teacher is teaching.

1 (b) Participates in career development as set forth in  
2 this chapter.

3 (c) Has successfully completed teacher development academy  
4 or equivalent training as defined by the department in rule.

5 (d) Has successfully demonstrated competency on the Iowa  
6 teaching standards through a performance review.

7 (e) Has successfully completed at least four years of  
8 consecutive classroom instruction.

9 (f) Meets other requirements as specified by the review  
10 panel established pursuant to section 284.9.

11 (2) The teacher trainer designation is valid for five  
12 years. A teacher may renew the teacher trainer designation  
13 through a renewal process determined by rule by the  
14 department.

15 (3) A teacher trainer is eligible to annually receive a  
16 teacher trainer stipend if the teacher trainer annually serves  
17 as a trainer and participates in follow-up activities as  
18 designated by the department. A teacher who meets the  
19 requirements of this subparagraph shall receive an annual  
20 stipend of up to five thousand dollars. The department shall  
21 prorate the amount distributed to school districts for  
22 purposes of this subparagraph if the teacher trainer provides  
23 less than a full school year of training. The department  
24 shall pay to the school district an amount for the teacher  
25 trainer stipend that includes any applicable school district  
26 costs of the employer's share of contributions to federal  
27 social security and the Iowa public employees' retirement  
28 system or a pension and annuity retirement system established  
29 under chapter 294. The regional selection of teacher trainers  
30 to deliver training shall be determined based on the  
31 availability of funding and the existing needs for  
32 professional development of the school districts in the  
33 region. A region may increase the number of teacher trainers  
34 selected using funding sources other than those specifically  
35 allocated for purposes of this subparagraph. Teacher trainers

1 who are selected through the regional process shall have a  
2 responsibility to work with the area education agency that  
3 serves the region, their local school districts, and other  
4 school districts located in the region to deliver professional  
5 development as defined in section 284.6, subsection 1. The  
6 state board shall adopt rules to administer this section.

7 Sec. 26. Section 284.7, subsections 2 and 3, Code  
8 Supplement 2005, are amended by striking the subsections.

9 Sec. 27. Section 284.7, subsection 5, Code Supplement  
10 2005, is amended to read as follows:

11 5. A teacher employed in a participating district shall  
12 not receive less compensation in that participating district  
13 than the teacher received in the school year preceding  
14 participation, as set forth in section 284.4 due to  
15 implementation of this chapter. A teacher who achieves  
16 national board for professional teaching standards  
17 certification and meets the requirements of section 256.44  
18 shall continue to receive the award as specified in section  
19 256.44 in addition to the compensation set forth in this  
20 section.

21 Sec. 28. Section 284.7, subsection 6, paragraphs a and b,  
22 Code Supplement 2005, are amended to read as follows:

23 a. If the licensed employees of a school district or area  
24 education agency receiving funds pursuant to section 284.13,  
25 subsection 1, paragraph "d" "f" or "e" "g", for purposes of  
26 this section, are organized under chapter 20 for collective  
27 bargaining purposes, the board of directors and the certified  
28 bargaining representative for the licensed employees shall  
29 mutually agree upon a formula for distributing the funds among  
30 the teachers employed by the school district or area education  
31 agency. However, the school district must comply with the  
32 salary minimums provided for in this section. The parties  
33 shall follow the negotiation and bargaining procedures  
34 specified in chapter 20 except that if the parties reach an  
35 impasse, neither impasse procedures agreed to by the parties

1 nor sections 20.20 through 20.22 shall apply and the funds  
2 shall be paid as provided in paragraph "b". Negotiations  
3 under this section are subject to the scope of negotiations  
4 specified in section 20.9. If a board of directors and the  
5 certified bargaining representative for licensed employees  
6 have not reached mutual agreement for the distribution of  
7 funds received pursuant to section 284.13, subsection 1,  
8 paragraph "d" "f" or "e" "g", by July 15 of the fiscal year  
9 for which the funds are distributed, paragraph "b" of this  
10 subsection shall apply.

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

25 Sec. 29. Section 284.8, subsection 1, Code 2005, is  
26 amended to read as follows:

27 1. A ~~participating~~ school district shall review a  
28 teacher's performance at least once every three years for  
29 purposes of assisting teachers in making continuous  
30 improvement, documenting continued competence in the Iowa  
31 teaching standards, identifying teachers in need of  
32 improvement, or to determine whether the teacher's practice  
33 meets school district expectations for career advancement in  
34 accordance with section 284.7. The review shall include, at  
35 minimum, classroom observation of the teacher, the teacher's

1 progress, and implementation of the teacher's individual  
2 career development plan; shall include supporting  
3 documentation from other evaluators, teachers, parents, and  
4 students; and may include video portfolios as evidence of  
5 teaching practices.

6 Sec. 30. Section 284.8, subsection 3, Code 2005, is  
7 amended by striking the subsection.

8 Sec. 31. Section 284.9, subsections 1 through 3, Code  
9 2005, are amended to read as follows:

10 1. A ~~career-FF~~ teacher seeking to receive an-advanced  
11 designation as a teacher trainer shall submit a portfolio of  
12 work evidence aligned with the Iowa teaching standards to a  
13 review panel established in accordance with subsection 2. A  
14 majority of the evidence in the portfolio shall be classroom-  
15 based. The review panel shall evaluate the ~~career-FF~~  
16 teacher's portfolio to determine whether the teacher  
17 demonstrates superior teaching skills and shall make a  
18 recommendation to the ~~board-of-educational-examiners~~ director  
19 whether or not the teacher shall receive an-advanced such  
20 designation. The standards for recommendation include, but  
21 are not limited to, meeting the Iowa teaching standards at an  
22 advanced level.

23 2. The department shall establish up to five regional  
24 review panels consisting of five members per panel. Each  
25 panel shall include, at a minimum, a ~~nationally-board-~~  
26 ~~certified~~ teacher and a school district administrator. Panel  
27 members shall be appointed by the director and shall possess  
28 the knowledge necessary to determine the quality of the  
29 evidence submitted in an applicant's portfolio. Panel members  
30 shall serve staggered three-year terms and may be reappointed  
31 to a second term. The department shall provide support and  
32 evaluation training for panel members and convene panels as  
33 needed. Panel members shall be reimbursed for ~~mileage~~  
34 expenses incurred while engaged in the performance of official  
35 duties ~~and-shall-receive-per-diem-compensation-by-the~~

1 department.

2 3. To assure fairness and consistency in the evaluation  
3 process, the review panels may perform random audits of the  
4 ~~comprehensive-evaluations-and~~ performance reviews conducted by  
5 evaluators throughout the state, and may randomly review how  
6 the evaluators are evaluating teachers based upon the Iowa  
7 teaching standards.

8 Sec. 32. Section 284.10, subsection 5, Code 2005, is  
9 amended to read as follows:

10 5. By July 1, ~~2005~~ 2007, the director shall develop and  
11 implement an evaluator training certification renewal program  
12 for administrators and other practitioners who need to renew a  
13 certificate issued pursuant to this section.

14 Sec. 33. Section 284.13, subsection 1, Code Supplement  
15 2005, is amended by striking the subsection and inserting in  
16 lieu thereof the following:

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

21 a. For the fiscal year beginning July 1, 2006, and ending  
22 June 30, 2007, the amount of two million two hundred fifty  
23 thousand dollars to the department for the issuance of  
24 national board certification awards in accordance with section  
25 256.44. Of the amount allocated under this paragraph, up to  
26 two hundred fifty thousand dollars may be used to support the  
27 implementation of a national board certification support  
28 program, and not less than eighty-five thousand dollars shall  
29 be used to administer the ambassador to education position in  
30 accordance with section 256.45.

31 b. For the fiscal year beginning July 1, 2006, and  
32 succeeding fiscal years, an amount up to four million four  
33 hundred thousand dollars for first-year and second-year  
34 beginning teachers, to the department for distribution to  
35 school districts and area education agencies for purposes of

1 the beginning teacher mentoring and induction programs. A  
2 school district or area education agency shall receive one  
3 thousand three hundred dollars per beginning teacher in the  
4 program. If the funds appropriated for the program are  
5 insufficient to pay mentors, school districts, and area  
6 education agencies as provided in this paragraph, the  
7 department shall prorate the amount distributed to school  
8 districts and area education agencies based upon the amount  
9 appropriated. Moneys received by a school district or area  
10 education agency pursuant to this paragraph shall be expended  
11 to provide each mentor with an award of five hundred dollars  
12 per semester, at a minimum, for participation in the school  
13 district's or area education agency's beginning teacher  
14 mentoring and induction program; to implement the plan; and to  
15 pay any applicable costs of the employer's share of  
16 contributions to federal social security and the Iowa public  
17 employees' retirement system or a pension and annuity  
18 retirement system established under chapter 294, for such  
19 amounts paid by the district or agency.

20 c. For the fiscal year beginning July 1, 2006, and ending  
21 June 30, 2007, an amount up to six hundred thousand dollars to  
22 the department for purposes of implementing the career  
23 development program requirements of section 284.6, the review  
24 panel requirements of section 284.9, and the evaluator  
25 training program in section 284.10. A portion of the funds  
26 allocated to the department for purposes of this paragraph may  
27 be used by the department for administrative purposes.

28 d. For the fiscal year beginning July 1, 2006, and ending  
29 June 30, 2007, an amount up to four million six hundred eighty  
30 thousand dollars to the department of education for the  
31 establishment of teacher development academies in accordance  
32 with section 284.6, subsections 7 and 8, and stipends to  
33 teacher trainers as provided in section 284.7, subsection 1,  
34 paragraph "c", subparagraph (3). Not more than five percent  
35 of the funds allocated to the department for purposes of this

1 paragraph, may be used for administrative purposes.

2 e. For the fiscal year beginning July 1, 2006, and ending  
3 June 30, 2007, twenty million dollars to the department for  
4 use by school districts to add the equivalent of two  
5 additional teacher contract days to the school calendar. The  
6 department shall distribute funds allocated for the purpose of  
7 this paragraph based on the average per diem contract salary  
8 for each district as reported to the department for the school  
9 year beginning July 1, 2005, multiplied by the total number of  
10 full-time equivalent teachers in the base year. The  
11 department shall adjust each district's average per diem  
12 salary by the allowable growth rate established under section  
13 257.8 for the fiscal year beginning July 1, 2006. A school  
14 district may adjust its teacher per diem salary based on the  
15 allocation received under this subsection using the district's  
16 average teacher per diem salary. The department shall  
17 proportionally increase or decrease the amount each school  
18 district receives under this paragraph based upon the  
19 calculated amount each school district would have received  
20 compared to the sum of what all school districts would have  
21 received if the additional teacher contract days were fully  
22 funded. The contract salary amount shall be the amount paid  
23 for their regular responsibilities but shall not include pay  
24 for extracurricular activities. School districts shall  
25 distribute funds to teachers based on individual teacher per  
26 diem amounts. These funds shall not supplant existing funding  
27 for professional development activities. A school district's  
28 administration may use up to ten percent of the moneys  
29 received pursuant to this paragraph to offset district  
30 expenses related to the planning and implementation of the  
31 professional development program for teachers in accordance  
32 with section 284.6 and for implementation of professional  
33 development recommended by the district's school improvement  
34 advisory committee as provided in section 280.12. The  
35 provisions of section 284.7, subsection 6, paragraphs "a" and

1 "b", shall not apply to funds allocated pursuant to this  
2 paragraph. Notwithstanding any provision to the contrary,  
3 moneys received by a school district under this paragraph  
4 shall not revert but shall remain available for the same  
5 purpose in the succeeding fiscal year. A school district  
6 shall submit a report to the department in a manner determined  
7 by the department describing its use of the funds received  
8 under this paragraph. The department shall submit a report on  
9 school district use of the moneys distributed pursuant to this  
10 paragraph to the chairpersons and ranking members of the house  
11 and senate standing committees on education, the joint  
12 appropriations subcommittee on education, and the legislative  
13 services agency not later than January 15, 2007.

14 f. For each fiscal year in which funds are appropriated  
15 for purposes of this chapter, moneys remaining after  
16 distribution as provided in paragraphs "a" through "e" shall  
17 be allocated to school districts for salaries and career  
18 development in accordance with the following formula:

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

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

28 g. From moneys available under paragraph "f", the  
29 department shall allocate to area education agencies an amount  
30 per teacher employed by an area education agency that is  
31 approximately equivalent to the average per teacher amount  
32 allocated to the school districts. The average per teacher  
33 amount shall be calculated by dividing the total number of  
34 teachers employed by school districts and the teachers  
35 employed by area education agencies into the total amount of

1 moneys available under paragraph "f".

2 h. Notwithstanding section 8.33, any moneys remaining  
3 unencumbered or unobligated from the moneys allocated for  
4 purposes of paragraph "a" through "d" shall not revert but  
5 shall remain available in the succeeding fiscal year for  
6 expenditure for the purposes designated. The provisions of  
7 section 8.39 shall not apply to the funds appropriated  
8 pursuant to this subsection.

9 Sec. 34. Section 284.13, subsections 2 and 3; Code  
10 Supplement 2005, are amended by striking the subsections.

11 Sec. 35. NEW SECTION. 284A.1 ADMINISTRATOR QUALITY  
12 PROGRAM.

13 An administrator quality program is established to promote  
14 high student achievement and enhanced educator quality. The  
15 program shall consist of the following three major elements:

16 1. Mentoring and induction programs that provide support  
17 for administrators in accordance with section 284A.5.

18 2. Professional development designed to directly support  
19 best practices for leadership.

20 3. Evaluation of administrators against the Iowa standards  
21 for school administrators.

22 Sec. 36. NEW SECTION. 284A.2 DEFINITIONS.

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

25 1. "Administrator" means an individual holding a  
26 professional administrator license issued under chapter 272,  
27 who is employed in a school district administrative position  
28 by a school district or area education agency pursuant to a  
29 contract issued by a board of directors under section 279.23.  
30 An administrator may be employed in both an administrative and  
31 a nonadministrative position by a board of directors and shall  
32 be considered a part-time administrator for the portion of  
33 time that the individual is employed in an administrative  
34 position.

35 2. "Beginning administrator" means an individual serving

1 under an initial administrator license, issued by the board of  
2 educational examiners under chapter 272, who is assuming a  
3 position as a school district administrator for the first  
4 time.

5 3. "Comprehensive evaluation" means a summative evaluation  
6 of a beginning administrator conducted by an evaluator in  
7 accordance with section 284A.3, for purposes of determining a  
8 beginning administrator's level of competency for  
9 recommendation based on the Iowa standards for school  
10 administrators.

11 4. "Department" means the department of education.

12 5. "Director" means the director of the department of  
13 education.

14 6. "Evaluation" means a summative evaluation of an  
15 administrator and used to determine whether the  
16 administrator's practice meets school district expectations  
17 and the Iowa standards for school administrators.

18 7. "Mentor" means an individual employed by a school  
19 district or area education agency as a school district  
20 administrator or a retired administrator who holds a valid  
21 license issued under chapter 272. The individual must have a  
22 record of four years of successful administrative experience  
23 and must demonstrate professional commitment to both the  
24 improvement of teaching and learning and the development of  
25 beginning administrators.

26 8. "School board" means the board of directors of a school  
27 district or a collaboration of boards of directors of school  
28 districts.

29 9. "State board" means the state board of education.

30 Sec. 37. NEW SECTION. 284A.3 IOWA STANDARDS FOR SCHOOL  
31 ADMINISTRATORS EVALUATIONS.

32 By July 1, 2007, each school board shall provide for  
33 evaluations for administrators pursuant to section 279.23A  
34 individual career development plans, and the Iowa standards  
35 for school administrators and related criteria adopted by the

1 state board in accordance with section 256.7, subsection 55.  
2 A local school board may establish additional administrator  
3 standards and related criteria.

4 Sec. 38. NEW SECTION. 284A.4 PARTICIPATION.

5 1. The board of directors of a school district shall do  
6 all of the following:

7 a. Implement a beginning administrator mentoring and  
8 induction program as provided in this chapter.

9 b. Adopt individual administrator career development plans  
10 in accordance with this chapter.

11 c. Adopt an administrator evaluation plan that, at a  
12 minimum, requires an evaluation of administrators in the  
13 school district annually pursuant to section 279.23A and based  
14 upon the Iowa standards for school administrators and  
15 individual administrator career development plans.

16 2. Effective July 1, 2006, each school district shall  
17 participate in the administrator quality program.

18 Sec. 39. NEW SECTION. 284A.5 BEGINNING ADMINISTRATOR  
19 MENTORING AND INDUCTION PROGRAM.

20 1. A beginning administrator mentoring and induction  
21 program is created to promote excellence in school leadership,  
22 improve classroom instruction, enhance student achievement,  
23 build a supportive environment within school districts,  
24 increase the retention of promising school leaders, and  
25 promote the personal and professional well-being of  
26 administrators.

27 2. The department, in collaboration with other educational  
28 partners, shall provide a beginning administrator mentoring  
29 and induction program for all beginning administrators.

30 3. The beginning administrator mentoring and induction  
31 program shall, at a minimum, provide for one year of  
32 programming to support the Iowa standards for school  
33 administrators and beginning administrators' professional and  
34 personal needs, describe the mentor selection process,  
35 describe supports for beginning administrators, describe

1 program organizational and collaborative structures, provide a  
2 budget, provide for sustainability of the program, and provide  
3 for program evaluation.

4 4. A beginning administrator shall be informed by the  
5 school district or the area education agency, prior to the  
6 beginning administrator's participation in a mentoring and  
7 induction program, of the criteria upon which the  
8 administrator shall be evaluated and of the evaluation process  
9 utilized by the school district or area education agency.

10 5. By the end of a beginning administrator's second year  
11 of employment, the beginning administrator shall be  
12 comprehensively evaluated to determine if the administrator  
13 meets expectations to move to a standard administrator  
14 license. The school district or area education agency that  
15 employs the beginning administrator shall recommend for a  
16 standard license a beginning administrator who is determined  
17 through a comprehensive evaluation to demonstrate competence  
18 in the Iowa standards for school administrators. A school  
19 district or area education agency may allow a beginning  
20 administrator a third year to demonstrate competence in the  
21 Iowa standards for school administrators if, after conducting  
22 a comprehensive evaluation, the school district or area  
23 education agency determines that the administrator is likely  
24 to successfully demonstrate competence in the Iowa standards  
25 for school administrators by the end of the third year. An  
26 administrator granted a third year shall undergo a  
27 comprehensive evaluation at the end of the third year. The  
28 board of educational examiners shall grant a one-year  
29 extension of the beginning administrator's initial license  
30 upon notification by the school district or area education  
31 agency.

32 Sec. 40. NEW SECTION. 284A.6 ADMINISTRATOR CAREER  
33 DEVELOPMENT.

34 1. Each school district shall be responsible for the  
35 provision of professional growth programming for individuals

1 employed in a school district administrative position by the  
2 school district or area education agency as deemed appropriate  
3 by the board of directors of the school district or area  
4 education agency. School districts may collaborate with other  
5 educational stakeholders including other school districts,  
6 area education agencies, professional organizations, higher  
7 education institutions, and private providers, on the  
8 provision of professional development for school district  
9 administrators. Professional development programming for  
10 school district administrators may include supports that meet  
11 the career development needs of individual administrators  
12 aligned to the Iowa standards for school administrators and  
13 individual administrator career development plans.

14 2. In cooperation with the administrator's evaluator, the  
15 administrator employed in a school district administrative  
16 position, on a standard administrator's license issued by the  
17 board of educational examiners pursuant to chapter 272, by a  
18 school district or area education agency, shall develop an  
19 individual administrator career development plan. The purpose  
20 of the plan is to promote individual and group career  
21 development. The individual plan shall be based, at a  
22 minimum, on the needs of the administrator, the Iowa standards  
23 for school administrators, and the student achievement goals  
24 of the attendance center and the school district as outlined  
25 in the comprehensive school improvement plan.

26 3. The administrator's evaluator shall meet annually as  
27 provided in section 279.23A with the administrator to review  
28 progress in meeting the goals in the administrator's  
29 individual plan. The purpose of the meeting shall be to  
30 review collaborative work with other staff on student  
31 achievement goals and to modify as necessary the  
32 administrator's individual plan to reflect the individual  
33 administrator's and the school district's needs and the  
34 individual's progress in meeting the goals in the plan. The  
35 administrator shall present to the evaluator evidence of

1 progress. The administrator's supervisor and the evaluator  
2 shall review, modify, or accept modifications made to the  
3 administrator's individual plan.

4 Sec. 41. NEW SECTION. 284A.7 EVALUATION REQUIREMENTS FOR  
5 ADMINISTRATORS.

6 A school district shall conduct an evaluation of an  
7 administrator who holds a standard license issued under  
8 chapter 272 at least once every three years for purposes of  
9 assisting the administrator in making continuous improvement,  
10 documenting continued competence in the Iowa standards for  
11 school administrators, or to determine whether the  
12 administrator's practice meets school district expectations.  
13 The review shall include, at a minimum, an assessment of the  
14 administrator's progress toward meeting the Iowa standards for  
15 school administrators and the implementation of the  
16 administrator's individual career development plan, including  
17 supporting documentation or artifacts aligned to the Iowa  
18 standards for school administrators and the individual  
19 administrator's career development plan.

20 Sec. 42. NEW SECTION. 284A.8 STATE PROGRAM ALLOCATIONS.

21 1. For each fiscal year in which moneys are appropriated  
22 by the general assembly for purposes of the administrator  
23 quality program, an amount up to two hundred fifty thousand  
24 dollars shall be allocated to the department for purposes of  
25 the beginning administrator mentoring and induction program.

26 2. Notwithstanding section 8.33, any moneys remaining  
27 unobligated or unexpended from the moneys appropriated under  
28 subsection 1 shall not revert, but shall remain available in  
29 the succeeding fiscal year for expenditure for the purposes  
30 designated. The provisions of section 8.39 shall not apply to  
31 the funds appropriated pursuant to this section.

32 Sec. 43. STATE MANDATE FUNDING SPECIFIED. In accordance  
33 with section 25B.2, subsection 3, the state cost of requiring  
34 compliance with any state mandate included in this Act shall  
35 be paid by a school district from state school foundation aid

1 received by the school district under section 257.16 and  
2 moneys appropriated in this Act. This specification of the  
3 payment of the state cost shall be deemed to meet all the  
4 state funding-related requirements of section 25B.2,  
5 subsection 3, and no additional state funding shall be  
6 necessary for the full implementation of this Act by and  
7 enforcement of this Act against all affected school districts.

8                   2005-2006 TECHNICAL CORRECTION

9                   STATE PROGRAM ALLOCATION FORMULA

10       Sec. 44. Section 284.13, subsection 1, paragraph d,  
11 unnumbered paragraph 1, Code Supplement 2005, is amended to  
12 read as follows:

13       For each fiscal year in which funds are appropriated for  
14 purposes of this chapter, the moneys remaining after  
15 distribution as provided in paragraphs "a" through "c", "f",  
16 and "e" "g" shall be allocated to school districts for  
17 salaries and career development in accordance with the  
18 following formula:

19       Sec. 45. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.  
20 Section 44 of this Act, which amends section 284.13,  
21 subsection 1, paragraph "d", unnumbered paragraph 1, being  
22 deemed of immediate importance, takes effect upon enactment  
23 and applies retroactively to July 1, 2005.

24                   EXPLANATION

25       This bill requires school districts to have qualified  
26 teacher librarians and guidance counselors, but permits school  
27 districts to request a waiver from the department of  
28 education, and makes changes to the student achievement and  
29 teacher quality program, establishes an administrator quality  
30 program, requires the state board of education to adopt Iowa  
31 standards for school administrators, and provides for  
32 implementation of a beginning administrator mentoring and  
33 induction program.

34       The bill adds new elements to the student achievement and  
35 teacher quality program, including teacher development

1 programs and evaluation of teachers against the Iowa teaching  
2 standards.

3 QUALIFIED TEACHER LIBRARIANS AND GUIDANCE COUNSELORS.

4 While requiring school districts to have qualified teacher  
5 librarians and guidance counselors, the bill authorizes school  
6 districts to seek supplemental aid for the cost of adding  
7 these positions from the school budget review committee. The  
8 bill also updates a provision to allow districts to seek a  
9 waiver from the department.

10 NATIONAL BOARD CERTIFICATION. The bill extends until 2012  
11 the time by which a teacher may register for national board  
12 for professional teaching standards certification and receive  
13 a reimbursement award for the registration fee.

14 TEACHER DEFINITIONS. The bill changes the definitions of  
15 "beginning teacher" to add those who hold an intern license,  
16 and changes the definition of "teacher" to add teacher  
17 librarians in order that these people qualify for the student  
18 achievement and teacher quality program. The bill also  
19 provides that only those individuals employed by an area  
20 education agency who spend a majority of their time delivering  
21 instruction to students qualify for the program as teachers.

22 TEACHER DEVELOPMENT ACADEMIES AND TEACHER TRAINERS. The  
23 bill directs the department of education to establish, if the  
24 general assembly appropriates funds for such a purpose,  
25 teacher development academies, including an institute and  
26 follow-up training and coaching. Teachers serving as teacher  
27 trainers shall be eligible to receive stipends equivalent to  
28 up to \$5,000. Area education agency personnel may participate  
29 but shall not be eligible for stipends or reimbursement of  
30 expenses unless they directly deliver instruction to school or  
31 school district students. Teachers who successfully complete  
32 academy training may apply for a training program to become a  
33 teacher trainer. Regional review panel members who audit  
34 performance reviews are eligible for expense reimbursement,  
35 but not per diem compensation.

1 CONTRACT DAYS. The bill increases the number of contract  
2 days for teacher career development that a school district  
3 must add to the school year under the student achievement and  
4 teacher quality program from one to two in the sixth year of a  
5 school district's participation in the program. The bill also  
6 eliminates an exemption for school districts that provide the  
7 equivalent of 10 or more contract days for professional  
8 development.

9 MINIMUM SALARY CHANGES. The bill provides that the minimum  
10 salary for a first year beginning teacher is \$25,500; for a  
11 first-year beginning career teacher is \$26,500; and for a  
12 second-year career teacher is \$27,500. Currently, the Code  
13 provides a formula for beginning and career teacher salaries.

14 TEACHER ACHIEVEMENT LEVELS AND REFERENCES ELIMINATED. The  
15 bill strikes references to "classroom teacher" and "career II  
16 teacher" from the chapter establishing the student achievement  
17 and teacher quality program.

18 EVALUATOR TRAINING CERTIFICATION RENEWAL PROGRAM DEADLINE  
19 EXTENSION. The bill delays until July 1, 2007, a requirement  
20 that the director of the department of education develop and  
21 implement an evaluator training certification renewal program.

22 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM  
23 APPROPRIATIONS. The bill makes appropriations and allocations  
24 to the department of education to continue providing funding  
25 to school districts and area education agencies for salaries  
26 and career development purposes, to continue funding national  
27 board certification awards, to fund a support program for  
28 national board certification applicants, to continue funding  
29 beginning teacher mentoring and induction programs, to  
30 continue funding evaluator training, to fund teacher career  
31 development programs, and to deliver teacher development  
32 academies and pay stipends to teacher trainers.

33 The bill makes a technical correction to the current Code  
34 language relating to the allocation of moneys to school  
35 districts for salaries and career development, and makes the

1 provision effective upon enactment and retroactively  
2 applicable to July 1, 2005.

3 ADMINISTRATOR QUALITY PROGRAM. The administrator quality  
4 program established by the bill is designed to function much  
5 like the teacher quality, career development, and evaluation  
6 provisions of the student achievement and teacher quality  
7 program. The program consists of three components: mentoring  
8 and induction programs, professional development designed to  
9 directly support best practices for leadership, and evaluation  
10 of administrators against the Iowa standards for school  
11 administrators.

12 The bill requires the director of the department of  
13 education to develop, and the state board to adopt, the Iowa  
14 standards for school administrators, including core knowledge  
15 and skill criteria, based upon the standards, for mentoring  
16 and induction, evaluation processes, and administrator career  
17 development plans.

18 The bill requires each school board to, by July 1, 2007,  
19 provide annual evaluations that assess administrators, at a  
20 minimum, against the Iowa standards for school administrators  
21 and the criteria for the standards developed by the  
22 department. A local school board may negotiate with its  
23 administrators additional evaluation and grievance procedures.  
24 The bill also requires school districts to implement an  
25 administrator mentoring and induction program, adopt  
26 individual career development plans for administrators, and  
27 adopt an administrator evaluation plan.

28 BEGINNING ADMINISTRATOR MENTORING AND INDUCTION. The  
29 department of education is directed to provide a new  
30 administrator mentoring and induction program for all new  
31 administrators. The program shall, at a minimum, provide for  
32 one year of programming, though a school district may allow a  
33 beginning administrator to participate for up to three years.

34 Each school district must provide for the professional  
35 growth programming for individuals employed in an

1 administrative position at the school district.

2 Each school district administrator must develop an  
3 individual career development plan. The administrator's  
4 evaluator shall annually meet with the administrator to review  
5 progress in meeting the goals in the administrator's  
6 individual plan.

7 A school district shall review an administrator's  
8 performance annually for purposes of assisting the  
9 administrator in making continuous improvement, documenting  
10 continued competence in the Iowa standards for school  
11 administrators, or to determine whether the administrator's  
12 practice meets school district expectations. An administrator  
13 from another state or country is exempt from the mentoring and  
14 induction requirements if they can document two years of  
15 successful administrator experience and meet or exceed the  
16 board of educational examiners licensure requirements.

17 ADMINISTRATOR LICENSURE RENEWAL REQUIREMENT OPTION. The  
18 bill directs the board of educational examiners to include in  
19 its administrator licensure renewal requirements an option  
20 that allows credit for administrators' individual career  
21 development plans.

22 ADMINISTRATOR QUALITY PROGRAM APPROPRIATIONS. If the  
23 general assembly appropriates moneys to the department of  
24 education for purposes of the administrator quality program,  
25 the bill allocates to each school district \$1,500 per new  
26 administrator participating in the program.

27 The bill may include a state mandate as defined in Code  
28 section 25B.3. The bill requires that the state cost of any  
29 state mandate included in the bill be paid by a school  
30 district from state school foundation aid received by the  
31 school district under Code section 257.16 and moneys  
32 appropriated in the bill. The specification is deemed to  
33 constitute state compliance with any state mandate funding-  
34 related requirements of Code section 25B.2. The inclusion of  
35 this specification is intended to reinstate the requirement of

1 political subdivisions to comply with any state mandates  
2 included in the bill.

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SENATE FILE 2272

AN ACT

RELATING TO THE DUTIES AND OPERATIONS OF THE STATE BOARD OF  
EDUCATION, THE DEPARTMENT OF EDUCATION, THE BOARD OF  
EDUCATIONAL EXAMINERS, AND LOCAL SCHOOL BOARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PRACTITIONER, STUDENT, AND SCHOOL-RELATED MATTERS

Section 1. Section 235A.15, subsection 2, paragraph e, subparagraph (9), Code Supplement 2005, is amended to read as follows:

(9) To the board of educational examiners created under chapter 272 for purposes of determining whether a practitioner's license, certificate, or authorization should be issued, denied, or revoked.

Sec. 2. Section 235B.6, subsection 2, paragraph e, Code Supplement 2005, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (12) To the board of educational examiners created under chapter 272 for purposes of determining whether a license, certificate, or authorization should be issued, denied, or revoked.

Sec. 3. Section 256.7, subsection 21, paragraph c, Code Supplement 2005, is amended to read as follows:

c. A requirement that all school districts and accredited nonpublic schools annually report to the department and the local community the district-wide progress made in attaining student achievement goals on the academic and other core indicators and the district-wide progress made in attaining locally established student learning goals. The school districts and accredited nonpublic schools shall demonstrate the use of multiple assessment measures in determining student achievement levels. The school districts and accredited nonpublic schools shall also report the number of students who enter-ninth-grade-but-do-not graduate from-the-school-or school-district, utilizing the definition of graduation rate specified by the national governors association; the number of students who drop out of school; the number of students pursuing a high school equivalency diploma pursuant to chapter 259A; the number of students who were enrolled in the district within the past five years and who received a high school equivalency diploma; the percentage of students who receive a high school diploma and who were not proficient in reading, mathematics, and science in grade eleven; the number of students in the prior year who were enrolled as high school juniors who are within four units of meeting the district's graduation requirements; the number of students who are tested and the percentage of students who are so tested annually; and the percentage of students who graduated during the prior school year and who completed a core curriculum. The board shall develop and adopt uniform definitions consistent with the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110 and any federal regulations adopted pursuant to the federal Act. The school districts and accredited nonpublic schools may report on other locally determined factors

influencing student achievement. The school districts and accredited nonpublic schools shall also report to the local community their results by individual attendance center.

Sec. 4. Section 256.7, subsection 26, Code Supplement 2005, is amended by striking the subsection and inserting in lieu thereof the following:

26. Set a goal of increasing to eighty percent the number of students graduating from all secondary schools in school districts in this state who have successfully completed the core curriculum recommended by the college testing service whose college entrance examination is taken by the majority of Iowa's high school students. The state goal shall be exclusive of students who have special or alternative means for satisfying graduation requirements under individualized educational plans developed for the students. The state board shall require each school district to annually report, beginning with the 2006-2007 school year, the percentage of students graduating from high school in the school district who complete the core curriculum. The school district shall report, in the comprehensive school improvement plan submitted in accordance with subsection 21, how the district plans to increase the number of students completing the recommended core curriculum. Taking into consideration the recommendations of the college testing service whose college entrance examination is taken by the majority of Iowa's high school students, beginning with the students in the 2010-2011 school year graduating class, the requirements for high school graduation for all students in school districts shall be four years of English and language arts, three years of mathematics, three years of science, and three years of social studies.

Sec. 5. Section 256D.1, subsection 1, paragraph b, subparagraph (1), Code 2005, is amended to read as follows:

(1) A school district shall at a minimum biannually inform parents of their individual child's performance on the diagnostic assessments in kindergarten through grade three. If intervention is appropriate, the school district shall

inform the parents of the actions the school district intends to take to improve the child's reading skills and provide the parents with strategies to enable the parents to improve their child's skills. If the diagnostic assessments administered in accordance with this subsection indicate that a child is reading below grade level, the school district shall submit a report of the assessment results to the parent, which the parent shall sign and return to the school district. If the parent does not sign or return the report, the school district shall note in the student's record the inaction on the part of the parent. The board of directors of each school district shall adopt a policy indicating the methods the school district will use to inform parents of their individual child's performance.

Sec. 6. Section 256D.9, Code Supplement 2005, is amended to read as follows:

256D.9 FUTURE REPEAL.

This chapter is repealed effective July 1, 2006 2007.

Sec. 7. Section 256F.3, subsection 6, Code 2005, is amended to read as follows:

6. Upon approval of an application for the proposed establishment of a charter school, the school board shall submit an application for approval to establish the charter school to the state board in accordance with section 256F.5. The application shall set forth the manner in which the charter school will provide special instruction, in accordance with section 280.4, to students who are limited English proficient. The application shall set forth the manner in which the charter school will comply with federal and state laws and regulations relating to the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, and chapter 283A. The state board shall approve only those applications that meet the requirements specified in section 256F.1, subsection 3, and sections 256F.4 and 256F.5. The state board may deny an application if the state board deems that approval of the application is not in the best interest of the affected students. The state board

shall approve not more than ten twenty charter school applications. The state board shall approve not more than one charter school application per school district. ~~However, if the state board receives ten or fewer applications as of June 30, 2003, and two or more of the applications received by the state board by that date are submitted by one school district, the state board may approve any or all of the applications submitted by the school district.~~ The state board shall adopt rules in accordance with chapter 17A for the implementation of this chapter.

Sec. 8. Section 260C.14, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 21. Request that a student pursuing or receiving a high school equivalency diploma provide to the community college the student's school district of residence and the last year the student was enrolled in the school district of residence. The community college shall annually report the information available to the community college pursuant to this subsection to the school district of residence.

Sec. 9. Section 272.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 17. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall have access to, and shall review the sex offender registry information under section 692A.13, the central registry for child abuse information established under chapter 235A, and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal.

Sec. 10. Section 272.3, unnumbered paragraph 1, Code 2005, is amended to read as follows:

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~~ have served on a school board. The other public member ~~members~~ shall ~~be a person who does not hold~~ never have held a practitioner's license, but ~~has~~ shall have a demonstrated interest in education. One of the licensed practitioners shall be the director of the department of education or the director's designee. The ~~nine~~ remaining eight practitioners shall be selected from the following areas and specialties of the teaching profession:

Sec. 11. Section 272.3, unnumbered paragraph 2, Code 2005, is amended to read as follows:

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~~ Members shall ~~serve as the~~ elect a 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. 12. Section 272.29, Code Supplement 2005, is amended to read as follows:

272.29 ANNUAL ADMINISTRATIVE RULES REVIEW.

The executive director shall annually review the administrative rules adopted pursuant to this chapter and related state laws. The executive director shall ~~annually~~ submit the executive director's findings and recommendations in a report every three years to the board and the chairpersons and ranking members of the senate and house standing committees on education and the joint appropriations subcommittee on education by January 15.

Sec. 13. Section 279.61, Code Supplement 2005, is amended to read as follows:

279.61 STUDENT PLAN FOR PROGRESS TOWARD UNIVERSITY  
ADMISSIONS -- REPORT.

1. For the school year beginning July 1, 2006, and each succeeding school year, the board of directors of each school district shall cooperate with each student enrolled in grade eight to develop for the student a core curriculum plan to guide the student toward the goal of successfully completing, at a minimum, the model core curriculum developed by the state board of education pursuant to section 256.7, subsection 26, by the time the student graduates from high school. The plan shall include career options and shall identify the coursework needed in grades nine through twelve to support the student's postsecondary education and career options. If the pupil is under eighteen years of age, the pupil's parent or guardian shall sign the core curriculum plan developed with the student and the signed plan shall be included in the student's records.

2. For the school year beginning July 1, 2006, and each succeeding school year, the board of directors of each school district shall report annually to each student enrolled in grades nine through twelve in the school district, and, if the student is under the age of eighteen, to each student's parent or guardian, the student's progress toward meeting the goal of successfully completing the model core curriculum developed by the state board of education pursuant to section 256.7, subsection 26.

Sec. 14. NEW SECTION. 279.63 FINANCIAL REPORT.

1. The board of directors of each public school district shall develop, maintain, and distribute a financial report on an annual basis. The objective of the financial report shall be to facilitate public access to a variety of information and statistics relating to the education funding received by the school district, enrollment and employment figures, and additional information.

2. The financial report shall contain, at a minimum, information relating to the following:

a. All property tax levies, income surtaxes, and local option sales taxes in place in the school district, listed by type of levy, rate, amount, duration, and notification of the maximum rate and amount limitations permitted by statute.

b. The amount of funding received on a per pupil basis through the operation of the school finance formula, and from any other state appropriation or state funding source.

c. Federal funding received per student or teacher population targeted to receive the funds, and any other federal grants or funding received by the district.

d. Teacher and administrator minimum, maximum, and average salary paid by the district, and the percentage and dollar increase under teacher and administrator salary and benefits settlement agreements.

e. Teacher and administrator health insurance and other alternative health benefit information, including the monthly premium, the percentage of the premium paid by the district, and the percentage of the premium paid by a teacher or administrator for single and family insurance.

f. Teacher and administrator employment statistics, including the annual number of licensed full-time and part-time teachers and administrators employed by the school district during the preceding five years, and including the number of teachers and administrators no longer employed by the district, and new hires.

g. Student enrollment levels during the preceding five years, including regular enrollment, special education enrollment, and enrollment adjustments made pursuant to supplementary weighting.

h. Such additional information as the school district may determine.

3. Copies of a school district's financial report for the previous school year shall be posted on an internet website maintained by the school district at the beginning of the school year. If the school district does not maintain or develop a website, the school district shall either distribute or post written copies of the financial report at specified locations throughout the school district.

Sec. 15. NEW SECTION. 298.6 PUBLIC DISCLOSURE OF  
OUTSTANDING LEVIES.

The board of directors of a school district shall, prior to certifying any levy by board approval, or submitting a levy for voter approval, facilitate public access to a complete listing of all outstanding levies within the school district by rate, amount, duration, and the applicable maximum levy limitations. The information relating to outstanding levies shall be posted on an internet website maintained by the school district at the beginning of the school year, and updated prior to board approval or submission for voter approval of any levy during the school year. If the school district does not maintain or develop a website, the school district shall either distribute or post written copies of the listing at specified locations throughout the school district.

Sec. 16. TRANSITIONAL PROVISION -- MEMBERS' TERMS ON THE BOARD OF EDUCATIONAL EXAMINERS. The two public members serving on the board of educational examiners on the effective date of this Act shall continue to serve as public members of the board until April 30, 2007. On May 1, 2007, the director of the department of education shall commence service on the board as a licensed practitioner.

Sec. 17. EFFECTIVE DATE. The section of this division of this Act amending section 256F.3, subsection 6, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

EDUCATION ADMINISTRATION

Sec. 18. Section 256.9, subsection 40, Code Supplement 2005, is amended by striking the subsection.

Sec. 19. Section 256.12, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

This section does not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting the specially enrolled students, each of the boards shall prescribe the terms of the special enrollment, including but not limited to scheduling of courses and the length of class periods. In

addition, the board of the affected public school district shall be given notice by the department of its decision to permit the special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may waive the notice requirement. School districts and area education agency boards shall make public school services, which shall include special education programs and services and may include health services, services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. ~~However, services that are made available shall be provided on neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and area education agencies providing the services, and not on nonpublic school property, except for health services, services funded by Title I of the federal Elementary and Secondary Education Act of 1965, diagnostic services for speech, hearing, and psychological purposes, and assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter, which may be provided on nonpublic school premises, with the permission of the lawful custodian.~~ Service activities shall be similar to those undertaken for public school students. Health services, special education support, and related services provided by area education agencies for the purpose of identifying children with disabilities, assistance with physical and communications needs of students with physical disabilities, and services of an educational interpreter may be provided on nonpublic school premises with the permission of the lawful custodian of the property. Other special education services may be provided on nonpublic school premises at the discretion of the school district or area education agency provider of the service and with the permission of the lawful custodian of the property.

Sec. 20. Section 256.46, Code Supplement 2005, is amended to read as follows:

256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY CERTAIN CHILDREN.

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship, or pursuant to other court-ordered decree or order of custody; the child is a foreign exchange student, unless undue influence was exerted to place the child for primarily athletic purposes; the child has been placed in a juvenile correctional facility; the child is a ward of the court or the state; the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district. The rules shall permit a child who is otherwise eligible to participate, but who does not meet one of the foregoing or similar circumstances relating to residence requirements, to participate at any level of competition ~~inferior to~~ other than the varsity level. For purposes of this section and section 282.18, "varsity" means the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district.

Sec. 21. Section 256.51, subsection 1, paragraph d, Code 2005, is amended by striking the paragraph.

Sec. 22. Section 257.6, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Actual enrollment is determined annually on the third Friday of September in each year October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, and includes all of the following:

Sec. 23. Section 257.6, subsection 1, unnumbered paragraph 3, Code 2005, is amended to read as follows:

A school district shall certify its actual enrollment to the department of education by October  $\pm$  15 of each year, and the department shall promptly forward the information to the department of management.

Sec. 24. Section 257.10, subsection 5, Code 2005, is amended to read as follows:

5. COMBINED DISTRICT COST PER PUPIL. The combined district cost per pupil for a school district is the sum of the regular program district cost per pupil and the special education support services district cost per pupil. Combined district cost per pupil does not include ~~additional~~ modified allowable growth added for school districts that have a negative balance of funds raised for special education instruction programs, ~~additional~~ modified allowable growth granted by the school budget review committee for a single school year, or ~~additional~~ modified allowable growth added for programs for dropout prevention.

Sec. 25. Section 257.31, subsection 14, paragraph b, unnumbered paragraph 3, Code 2005, is amended to read as follows:

A school district is only eligible to receive supplemental aid payments during the budget year if the school district certifies to the school budget review committee that for the year following the budget year it will notify the school budget review committee to instruct the director of the department of management to increase the district's allowable growth and will fund the allowable growth increase either by using moneys from its unexpended cash balance to reduce the district's property tax levy or by using cash reserve moneys

to equal the amount of the deficit that would have been property taxes and any part of the state aid portion of the deficit not received as supplemental aid under this subsection. The director of the department of management shall make the necessary adjustments to the school district's budget to provide the ~~additional~~ modified allowable growth and shall make the supplemental aid payments.

Sec. 26. Section 257.37, subsection 4, Code 2005, is amended to read as follows:

4. "Enrollment served" means the basic enrollment plus the number of nonpublic school pupils served with media services or educational services, as applicable, except that if a nonpublic school pupil or a pupil attending another district under a whole-grade sharing agreement or open enrollment receives services through an area other than the area of the pupil's residence, the pupil shall be deemed to be served by the area of the pupil's residence, which shall by contractual arrangement reimburse the area through which the pupil actually receives services. Each school district shall include in the ~~third-Friday-in-September~~ enrollment report submitted pursuant to section 257.6, subsection 1, the number of nonpublic school pupils within each school district for media and educational services served by the area.

Sec. 27. Section 257.38, unnumbered paragraphs 1 and 2, Code 2005, are amended to read as follows:

Boards of school districts, individually or jointly with boards of other school districts, requesting to use ~~additional~~ modified allowable growth for programs for returning dropouts and dropout prevention, shall ~~annually~~ submit comprehensive program plans for the programs and budget costs, including annual requests for ~~additional~~ modified allowable growth for funding the programs, to the department of education as ~~provided-in-this-chapter~~ a component of the comprehensive school improvement plan submitted to the department pursuant to section 256.7, subsection 21. The program plans shall include:

Program plans shall identify the parts of the plan that will be implemented first upon approval of the application request. If a district is requesting to use ~~additional~~ modified allowable growth to finance the program, ~~it the~~ school district shall not identify more than five percent of its budget enrollment for the budget year as returning dropouts and potential dropouts.

Sec. 28. Section 257.40, Code 2005, is amended to read as follows:

257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT PREVENTION.

1. The board of directors of a school district requesting to use ~~additional~~ modified allowable growth for programs for returning dropouts and dropout prevention shall submit ~~applications-for-approval-for-the-programs~~ requests for modified at-risk allowable growth, including budget cost, to the department not later than ~~November-1~~ December 15 of the year preceding the budget year during which the program will be offered. The department shall review the ~~program-plans request~~ and shall prior to January 15 either grant approval for the program request or return the request for approval with comments of the department included. An unapproved request for a program may be resubmitted with modifications to the department not later than February 1. Not later than February 15, the department shall notify the department of management and the school budget review committee of the names of the school districts for which programs using ~~additional~~ modified allowable growth for funding have been approved and the approved budget of each program listed separately for each school district having an approved program request.

2. Beginning January 15, 2007, the department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that includes the ways school districts in the previous school year used modified allowable growth approved under subsection 1; identifies, by grade level, age, and district size, the students in the dropout and dropout prevention programs for

which the department approves a request; describes school district progress toward increasing student achievement and attendance for the students in the programs; and describes how the school districts are using the revenues from the modified allowable growth to improve student achievement among minority subgroups.

Sec. 29. Section 259A.1, Code 2005, is amended to read as follows:

259A.1 TESTS.

The department of education shall cause to be made available for qualified individuals a high school equivalency diploma. The diploma shall be issued on the basis of satisfactory competence as shown by tests covering all of the following: ~~The-correctness-and-effectiveness-of-expression; the-interpretation-of~~ reading materials-in-the, arts, language arts, writing, mathematics, science, and social studies; ~~interpretation-of-reading-material-in-the-natural-sciences; interpretation-of-literary-materials;-and-general-mathematical~~ ability.

Sec. 30. Section 260C.14, subsection 2, Code 2005, is amended to read as follows:

2. Have authority to determine tuition rates for instruction. Tuition for residents of Iowa shall not exceed the lowest tuition rate per semester, or the equivalent, charged by an institution of higher education under the state board of regents for a full-time resident student. However, except for students enrolled under chapter 261C, if a local school district pays tuition for a resident pupil of high school age, the limitation on tuition for residents of Iowa shall not apply, the amount of tuition shall be determined by the board of directors of the community college with the consent of the local school board, and the pupil shall not be included in the full-time equivalent enrollment of the community college for the purpose of computing general aid to the community college. Tuition for nonresidents of Iowa shall not be less than the marginal cost of instruction of a student attending the college. A lower tuition for nonresidents may

be permitted under a reciprocal tuition agreement between a merged area and an educational institution in another state, if the agreement is approved by the state-board director. The board may designate that a portion of the tuition moneys collected from students be used for student aid purposes.

Sec. 31. Section 260C.28, subsection 2, Code 2005, is amended to read as follows:

2. However, the board of directors may annually certify for levy a tax on taxable property in the merged area at a rate in excess of the three cents per thousand dollars of assessed valuation specified under subsection 1 if the excess tax levied does not cause the total rate certified to exceed a rate of nine cents per thousand dollars of assessed valuation, and the excess revenue generated is used for purposes of program sharing between community colleges or for the purchase of instructional equipment. Programs that are shared shall be designed to increase student access to community college programs and to achieve efficiencies in program delivery at the community colleges, including, but not limited to, the programs described under ~~sections-260C-45-and~~ section 260C.46. Prior to expenditure of the excess revenues generated under this subsection, the board of directors shall obtain the approval of the director of the department of education.

Sec. 32. Section 261C.6, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to an eligible postsecondary institution that has enrolled its resident eligible pupils under this chapter, unless the eligible pupil is participating in open enrollment under section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the third Friday-in-September date specified in section 257.6, subsection 1, or the district in which the child was counted under section 257.6, subsection 1, paragraph "f". For pupils

enrolled at the school for the deaf and the Iowa braille and sight saving school, the state board of regents shall pay a tuition reimbursement amount by June 30 of each year. The amount of tuition reimbursement for each separate course shall equal the lesser of:

Sec. 33. Section 273.22, subsections 6 and 7, Code 2005, are amended to read as follows:

6. Within forty-five days of the state board's approval, the board of directors of a school district that is contiguous to a newly reorganized area education agency may petition the board of directors of their current area education agency and the newly reorganized area education agency to join the newly reorganized area education agency. If the initial, or new board if established in time under section 273.23, subsection 3, and the board of the contiguous area education agency approve the petition, the reorganization, including any school district whose petition to join the newly reorganized area education agency has been approved, shall take effect in accordance with the dates established under section 273.21, subsection 4. Both the initial, or new, and the contiguous area education agency boards must act within forty-five days of the deadline, as set forth in this subsection, for the filing of the school district's petition. A Within ten days of an area education agency board's action, a school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

7. Within forty-five days of the state board's approval, the board of directors of a school district that is within a newly reorganized area education agency and whose school district is contiguous to another area education agency not included in the newly reorganized area education agency may petition the board of directors of the newly reorganized area education agency and the contiguous area education agency to join that area education agency. If the initial, or new board if established in time under section 273.23, subsection 3, and the board of the contiguous area education agency approve the petition, the reorganization, excluding any school district

whose petition to join an area education agency contiguous to the newly reorganized area education agency has been approved, shall take effect in accordance with the dates established under section 273.21, subsection 4. Both the initial, or new, and the contiguous area education agency boards must act within forty-five days of the deadline, as set forth in this subsection, for the filing of the school district's petition. A Within ten days of an area education agency board's action, a school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

Sec. 34. Section 279.30, Code 2005, is amended to read as follows:

279.30 EXCEPTIONS.

Each warrant payment must be made payable to the person entitled to receive the money. The board of directors of a school district or an area education agency may by resolution authorize the secretary, upon approval of the superintendent or designee, or administrator, in the case of an area education agency, to issue warrants payments when the board of directors is not in session in payment of freight, drayage, express, postage, printing, water, light, and telephone rents reasonable and necessary expenses, but only upon verified bills filed with the secretary or administrator, and for the payment of salaries pursuant to the terms of a written contract, ~~and the secretary or administrator shall either deliver in person or mail the warrants to the payees. In addition, the board of directors may by resolution authorize the secretary or administrator, upon approval of the president of the board, to issue warrants when the board of directors is not in session, but only upon verified bills filed with the secretary or administrator, and the secretary or administrator shall either deliver in person or mail the warrants to the payees.~~ Each warrant payment must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the warrant payment is issued. All bills and salaries for which warrants payments

are issued prior to audit and allowance by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary.

Sec. 35. Section 279.33, Code 2005, is amended to read as follows:

279.33 ANNUAL SETTLEMENTS.

At a regular or special meeting held on or after August 31 and prior to the organizational meeting held after the regular school election, the board of each school corporation shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a sworn statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer fails to make proper reports for the settlement, the board shall take action to obtain the balance information.

Sec. 36. Section 279.41, Code 2005, is amended to read as follows:

279.41 SCHOOLHOUSES AND SITES SOLD -- FUNDS.

Moneys received from the condemnation, sale, or other disposition for public purposes of schoolhouses, school sites, or both schoolhouses and school sites, shall be deposited in the physical plant and equipment levy fund and may without a vote of the electorate be used for ~~the purchase of school sites or the erection or repair of schoolhouses, or both purposes authorized under section 298.3,~~ as ordered by the board of directors of the school district.

Sec. 37. Section 279.60, Code Supplement 2005, is amended to read as follows:

279.60 KINDERGARTEN ASSESSMENT -- ACCESS TO DATA -- REPORTS.

Each school district shall administer the dynamic indicators of basic early literacy skills kindergarten benchmark assessment or other kindergarten benchmark assessment adopted by the department of education in consultation with the Iowa empowerment board to every

kindergarten student enrolled in the district not later than ~~October 1~~ the date specified in section 257.6, subsection 1. The school district shall also collect information from each parent, guardian, or legal custodian of a kindergarten student enrolled in the district, including but not limited to whether the student attended preschool, factors identified by the early care staff pursuant to section 28.3, and other demographic factors. Each school district shall report the results of the assessment and the preschool information collected to the department of education in the manner prescribed by the department not later than January 1 of that school year. The early care staff designated pursuant to section 28.3 shall have access to the raw data. The department shall review the information submitted pursuant to this section and shall submit its findings and recommendations annually in a report to the governor, the general assembly, the Iowa empowerment board, and the community empowerment area boards.

Sec. 38. Section 282.1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Persons between five and twenty-one years of age are of school age. ~~A board may establish and maintain evening schools or an educational program under section 282.1A for residents of the corporation regardless of age and for which no tuition need be charged.~~ Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, subsection 1, with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board, and boards discontinuing grades under section 282.7, subsection 1 or subsections 1 and 3, shall be charged tuition as provided in section 282.24, subsection 2.

Sec. 39. Section 282.8, Code 2005, is amended to read as follows:

282.8 ATTENDING SCHOOL OUTSIDE STATE.

The boards of directors of school districts located near the state boundaries may designate schools of equivalent

standing across the state line for attendance of both elementary and high school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the chief state school officers of the respective states. Notwithstanding section 282.1, arrangements between districts pursuant to the reciprocal agreements made under this section shall establish tuition and transportation fees in an amount acceptable to the affected boards, but the tuition and transportation fees shall not be less than the lower average cost per pupil for the previous school year of the two affected school districts. For the purpose of this section average cost per pupil for the previous school year is determined by dividing the district's operating expenditures for the previous school year by the number of children enrolled in the district in the previous school year on the third-Friday-of-September-of-the-previous-school-year date specified in section 257.6, subsection 1. A person attending school in another state shall continue to be treated as a pupil of the district of residence in the apportionment of the current school fund and the payment of state aid.

Sec. 40. Section 282.12, subsection 4, Code 2005, is amended to read as follows:

4. The number of pupils participating in a whole grade sharing agreement shall be determined on the third-Friday-of-September date specified in section 257.6, subsection 1, and on the third Friday of February of each year.

Sec. 41. Section 282.18, subsection 4, paragraph a, Code Supplement 2005, is amended to read as follows:

a. After March 1 of the preceding school year and until the third-Friday-in-September-of-that-calendar-year date specified in section 257.6, subsection 1, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause, as defined in

paragraph "b", exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

Sec. 42. Section 282.18, subsection 4, paragraph c, Code Supplement 2005, is amended by striking the paragraph and inserting in lieu thereof the following:

c. If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

The director, or the director's designee, shall attempt to mediate the dispute to reach approval by both boards as provided in section 282.18, subsection 16. If approval is not reached under mediation, the director or the director's designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision upholding or reversing the decision by the board of the receiving district. Within five days of the director's decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in chapter 290.

Sec. 43. Section 282.18, subsection 9, unnumbered paragraph 2, Code Supplement 2005, is amended to read as follows:

If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption,

participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child, who is the subject of the request, is enrolled in any grade from kindergarten through grade twelve at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's kindergarten through grade twelve educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7, until the start of the first full year of enrollment of the child.

Sec. 44. Section 282.31, subsection 1, paragraph b, unnumbered paragraph 2, Code 2005, is amended to read as follows:

However, on June 30 of a school year, if the board of directors of a school district determines that the number of children under this paragraph who were counted in the basic enrollment of the school district ~~on the third-Friday-of~~ September of that school year in accordance with section 257.6, subsection 1, is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of administrative services to the school district by October 1. The department of administrative services shall transfer the total amount of the approved claim of a school district from the moneys appropriated under section 257.16 and the amount paid shall be deducted monthly from the state foundation aid paid to all school districts in the state

during the remainder of the subsequent fiscal year in the manner provided in paragraph "a".

Sec. 45. Section 285.11, subsection 9, Code 2005, is amended by striking the subsection.

Sec. 46. Section 294A.5, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. For the school year beginning July 1, 1998, for phase I, each school district and area education agency shall certify to the department of education by the ~~third-Friday-in~~ September date specified in section 257.6, subsection 1, the names of all teachers employed by the district or area education agency whose regular compensation is less than twenty-three thousand dollars per year for that year and the amounts needed as minimum salary supplements. The minimum salary supplement for each eligible teacher is the total of the difference between twenty-three thousand dollars and the teacher's regular compensation plus the amount required to pay the employer's share of the federal social security and Iowa public employees' retirement system, or a pension and annuity retirement system established under chapter 294, payments on the additional salary moneys. ~~However, for purposes of this paragraph a teacher's regular compensation for the school year beginning July 1, 1998, shall not be lower than eighteen thousand dollars.~~

Sec. 47. Section 297.14, Code 2005, is amended to read as follows:

297.14 BARBED WIRE.

No fence ~~provided for in section 297.13~~ shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten feet of any school grounds attendance centers. Any person violating the provisions of this section shall be guilty of a simple misdemeanor.

Sec. 48. NEW SECTION. 299A.11 STUDENT RECORDS  
CONFIDENTIAL.

Notwithstanding any provision of law or rule to the contrary, personal information in records regarding a child receiving competent private instruction pursuant to this

chapter, which are maintained, created, collected, or assembled by or for a state agency, shall be kept confidential in the same manner as personal information in student records maintained, created, collected, or assembled by or for a school corporation or educational institution in accordance with section 22.7, subsection 1.

Sec. 49. Section 301.1, subsection 2, Code Supplement 2005, is amended to read as follows:

2. Textbooks adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent under comparable terms as made available to pupils attending public schools. If the general assembly appropriates moneys for purposes of making textbooks available to accredited nonpublic school pupils, the department of education shall ascertain the amount available to a school district for the purchase of nonsectarian, nonreligious textbooks for pupils attending accredited nonpublic schools. The amount shall be in the proportion that the basic enrollment of a participating accredited nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. For purposes of this section, a "participating accredited nonpublic school" means an accredited nonpublic school that submits a written request on behalf of the school's pupils in accordance with this subsection, and that certifies its actual enrollment to the department of education by October 1, annually. By ~~October 15~~ November 1, annually, the department of education shall certify to the director of the department of administrative services the annual amount to be paid to each school district, and the director of the department of administrative services shall draw warrants payable to school districts in accordance with this subsection. For purposes of this subsection, an accredited nonpublic school's enrollment count shall include only students who are residents of Iowa. The costs of providing textbooks to accredited nonpublic

school pupils as provided in this subsection shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Textbook expenditures made in accordance with this subsection shall be kept on file in the school district. In the event that a participating accredited nonpublic school physically relocates to another school district, textbooks purchased for the nonpublic school with funds appropriated for purposes of this chapter shall be transferred to the school district in which the nonpublic school has relocated and may be made available to the nonpublic school. Funds distributed to a school district for purposes of purchasing textbooks in accordance with this subsection which remain unexpended and available for the purchase of textbooks for the nonpublic school that relocated in the fiscal year in which the funds were distributed shall also be transferred to the school district in which the nonpublic school has relocated.

Sec. 50. Section 321.375, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Any of the following shall constitute grounds for ~~a school bus driver's~~ the immediate suspension from duties of a school bus driver, including a part-time or substitute bus driver, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school ~~if the bus driver is under contract, pending confirmation of the grounds by the school district or accredited nonpublic school if the bus driver is a part-time or substitute bus driver who is not under contract,~~ or pending confirmation of the grounds by the employer of the school bus driver if the employer is not a school district or accredited nonpublic school ~~by the board~~:

Sec. 51. Section 321.376, subsection 1, Code 2005, is amended to read as follows:

1. The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and a certificate of

qualification for operation of a commercial motor vehicle issued by a physician licensed pursuant to chapter 148 or 150A, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations, and shall successfully complete an approved course of instruction in accordance with subsection 2. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department of education shall ~~revoke~~ or refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

Sec. 52. Section 423E.1, subsection 3, Code 2005, is amended to read as follows:

3. Local sales and services tax moneys received by a county for school infrastructure purposes pursuant to this chapter shall be utilized for school infrastructure needs or property tax relief. For purposes of this chapter, "school infrastructure" means those activities for which a school district is authorized to contract indebtedness and issue general obligation bonds under section 296.1, except those

activities related to a teacher's or superintendent's home or homes. These activities include the construction, reconstruction, repair, demolition work, purchasing, or remodeling of schoolhouses, stadiums, gyms, fieldhouses, and bus garages and the procurement of schoolhouse construction sites and the making of site improvements and those activities for which revenues under section 298.3 or 300.2 may be spent. A school district that uses local sales and services tax moneys for school infrastructure shall comply with the state building code in the absence of a local building code. Additionally, "school infrastructure" includes the payment or retirement of outstanding bonds previously issued for school infrastructure purposes as defined in this subsection, and the payment or retirement of bonds issued under section 423E.5.

Sec. 53. Section 423E.3, subsection 5, paragraph d, subparagraph (2), Code Supplement 2005, is amended to read as follows:

(2) The combined actual enrollment for a county, for purposes of this section, shall be determined for each county by the department of management based on the actual enrollment figures reported by October ± 15 to the department of management by the department of education pursuant to section 257.6, subsection 1. The combined actual enrollment count shall be forwarded to the director of revenue by March 1, annually, for purposes of supplying estimated tax payment figures and making estimated tax payments pursuant to this section for the following fiscal year.

Sec. 54. 2005 Iowa Acts, chapter 179, section 82, is amended to read as follows:

SEC. 82. 2005 Iowa Acts, House File 739, if enacted, is amended by adding the following new section:

NEW SECTION. Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this Act amending section 262.9 to establish a research triangle and clearinghouse takes effect July 1, 2006 2007.

Sec. 55. Chapters 288 and 289, Code 2005, are repealed.

Sec. 56. Sections 260C.45, 282.1A, and 297.13, Code 2005, are repealed.

Sec. 57. EFFECTIVE DATE. The section of this Act amending 2005 Iowa Acts, chapter 179, section 82, being deemed of immediate importance, takes effect upon enactment.

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2272, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK  
Governor