

Grundberg, Ch.
Broers
Wise

HSB 216

EDUCATION

S:
SF(HF) 643

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON GRUNDBERG)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing statutory revisions relating to the department
2 of education, school districts and area education agencies,
3 and the kindergarten through grade twelve educational program.

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

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1 Section 1. Section 256.7, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 25. Adopt such rules as necessary to
4 ensure that not-for-profit, professional teacher associations
5 that offer membership to all teachers, noninstructional
6 personnel, and administrators, and which offer teacher
7 training and staff development at no fee to a school district,
8 shall be given equal access to voluntary teacher meetings
9 sanctioned by the school district and shall be provided access
10 to teacher mailboxes for distribution of professional
11 literature.

12 Sec. 2. Section 256.11, unnumbered paragraph 1, Code 2001,
13 is amended to read as follows:

14 The state board shall adopt rules under chapter 17A and a
15 procedure for accrediting all public and nonpublic schools in
16 Iowa offering instruction at any or all levels from the
17 prekindergarten level through grade twelve. The rules of the
18 state board shall require that a multicultural, ~~nonsexist~~
19 gender fair approach is used by schools and school districts.
20 The educational program shall be taught from a multicultural,
21 ~~nonsexist~~ gender fair approach. Global perspectives shall be
22 incorporated into all levels of the educational program.

23 Sec. 3. Section 256.11, subsection 7, paragraph c, Code
24 2001, is amended to read as follows:

25 ~~c. Programs-for-at-risk~~ At-risk students. Rules-adopted
26 ~~by-the-state-board-to-implement-this-paragraph-shall-be-based~~
27 ~~upon-the-definition-of-at-risk-student-developed-by-the-child~~
28 ~~coordinating-council-established-in-section-256A-2-and-the~~
29 ~~department-of-education, and-the-state-board-shall-consider~~
30 ~~the-recommendations-of-the-child-coordinating-council-and-the~~
31 ~~department-in-developing-the-rules.~~

32 Sec. 4. Section 256.11, subsection 10, unnumbered
33 paragraph 2, Code 2001, is amended to read as follows:

34 Phase I shall consist of annual monitoring by the
35 department of education of all accredited schools and school

1 districts for compliance with accreditation standards adopted
2 by the state board of education as provided in this section.
3 The phase I monitoring requires that accredited schools and
4 school districts annually complete accreditation compliance
5 forms adopted by the state board and file them with the
6 department of education. Phase I monitoring requires a
7 comprehensive desk audit of all accredited schools and school
8 districts including review of accreditation compliance forms,
9 accreditation visit reports, methods of administration
10 reports, and reports submitted in compliance with sections
11 section 256.7, subsection 21, paragraph "a", and section
12 280.12 and-280-18.

13 Sec. 5. Section 256A.4, subsection 1, unnumbered paragraph
14 2, Code 2001, is amended to read as follows:

15 A family support program shall meet multicultural ~~nonsexist~~
16 gender fair guidelines. The program shall encourage parents
17 to be aware of practices that may affect equitable development
18 of children. The program shall include parents in the
19 planning, implementation, and evaluation of the program. A
20 program shall be designed to meet the needs of the residents
21 of the participating district and may use unique approaches to
22 provide for those needs. The goals of a family support
23 program shall include, but are not limited to, the following:

24 Sec. 6. Section 256B.9, subsection 4, Code 2001, is
25 amended to read as follows:

26 4. On ~~December~~ October 1, ~~1987~~ 2001, and no later than
27 ~~December~~ October 1 every two years thereafter, for the school
28 year commencing the following July 1, the director of the
29 department of education shall report to the school budget
30 review committee the average costs of providing instruction
31 for children requiring special education in the categories of
32 the weighting plan established under this section, and for
33 providing services to nonpublic school students pursuant to
34 section 256.12, subsection 2, and the director of the
35 department of education shall make recommendations to the

1 school budget review committee for needed alterations to make
2 the weighting plan suitable for subsequent school years. The
3 school budget review committee shall establish the weighting
4 plan for each school year and shall report the plan to the
5 director of the department of education. The school budget
6 review committee may establish weights to the nearest
7 hundredth. The school budget review committee shall not alter
8 the weighting assigned to pupils in a regular curriculum, but
9 it may increase or decrease the weighting assigned to each
10 category of children requiring special education by not more
11 than two-tenths of the weighting assigned to pupils in a
12 regular curriculum. The state board of education shall adopt
13 rules under chapter 17A to implement the weighting plan for
14 each year and to assist in identification and proper indexing
15 of each child in the state who requires special education.

16 Sec. 7. Section 256D.7, subsection 1, Code 2001, is
17 amended to read as follows:

18 1. Commencing with the fiscal year beginning July 1, 2001,
19 each school district shall include, ~~a technology plan~~ as a
20 component of the annual report submitted to the department of
21 education in accordance with section 256.7, subsection 21,
22 paragraphs "a" and "c", a progress report on the use of
23 technology. The plan shall be developed by licensed Licensed
24 professional staff of the district, including both teachers
25 and administrators, shall be responsible for implementation of
26 technology integration throughout the district. The plan
27 Technology integration in the classroom shall, at a minimum,
28 focus on the attainment of student achievement goals on
29 academic and other core indicators, consider utilize the
30 district's interconnectivity with the Iowa communications
31 network, and demonstrate how the board will utilize use of
32 technology to improve student achievement. ~~The technology~~
33 ~~plan shall be kept on file in the district and a copy of the~~
34 ~~plan, and any subsequent amendments to the plan, shall be sent~~
35 ~~to the appropriate area education agency.~~

1 Sec. 8. Section 257.6, subsection 3, unnumbered paragraph
2 1, Code 2001, is amended to read as follows:

3 A school district shall determine its additional enrollment
4 because of special education, as defined in this section, on
5 ~~December~~ October 1 of each year and shall certify its
6 additional enrollment because of special education to the
7 department of education by ~~December~~ October 15 of each year,
8 and the department shall promptly forward the information to
9 the department of management.

10 Sec. 9. Section 257.6, subsection 5, unnumbered paragraph
11 1, Code 2001, is amended to read as follows:

12 Weighted enrollment is the budget enrollment plus the
13 district's additional enrollment because of special education
14 calculated on ~~December~~ October 1 of the base year plus
15 additional pupils added due to the application of the
16 supplementary weighting.

17 Sec. 10. Section 257.18, subsection 1, Code 2001, is
18 amended to read as follows:

19 1. An instructional support program that provides
20 additional funding for school districts is established. A
21 board of directors that wishes to consider participating in
22 the instructional support program shall hold a public hearing
23 on the question of participation. The board shall set forth
24 its proposal, including the method that will be used to fund
25 the program, in a resolution and shall publish the notice of
26 the time and place of a public hearing on the resolution.
27 Notice of the time and place of the public hearing shall be
28 published not less than ten nor more than twenty days before
29 the public hearing either in a newspaper which is a newspaper
30 of general circulation in the school district, or by using
31 electronic means, such as the internet or public access
32 television, or using a school district newsletter, if the
33 electronic means or school district newsletter has been
34 designated as a means of official publication by the board.
35 At the hearing, or no later than thirty days after the date of

1 the hearing, the board shall take action to adopt a resolution
2 to participate in the instructional support program for a
3 period not exceeding five years or to direct the county
4 commissioner of elections to submit the question of
5 participation in the program for a period not exceeding ten
6 years to the registered voters of the school district at the
7 next regular school election or at a special election. If the
8 board submits the question at an election and a majority of
9 those voting on the question favors participation in the
10 program, the board shall adopt a resolution to participate and
11 certify the results of the election to the department of
12 management.

13 Sec. 11. Section 257.38, subsection 7, Code 2001, is
14 amended to read as follows:

15 7. Qualifications required of personnel administering
16 delivering the program.

17 Sec. 12. Section 257B.5, Code 2001, is amended to read as
18 follows:

19 257B.5 NOTICE -- SALE.

20 When the board of supervisors shall offer for sale the
21 sixteenth section or lands selected in lieu thereof, or any
22 portion of the same, or any part of the five-hundred-thousand-
23 acre grant, the county auditor shall give at least forty days'
24 notice, by written or printed notices posted in five public
25 places in the county, two of which shall be in the township in
26 which the land to be sold is situated, and also ~~publish~~ by
27 either publishing a notice of said the sale once each week for
28 two weeks preceding the same sale in a newspaper published in
29 the county, describing or by using electronic means, such as
30 the internet or public access television, or using a school
31 district newsletter, if the electronic means or school
32 district newsletter has been designated as a means of official
33 publication by the board. The notice shall describe the land
34 to be sold and the time and place of such sale. At such time
35 and place, or at such other time and place as the sale may be

1 adjourned to, the county auditor shall offer to the highest
 2 bidder, subject to the provisions of this chapter, and sell,
 3 either for cash or one-third cash and the balance on a credit
 4 not exceeding ten years, with interest on the same at the rate
 5 of not less than three and one-half percent per annum, to be
 6 paid at the office of the county treasurer of said county on
 7 the first day of January in each year, delinquent interest to
 8 bear the same rate as the principal. ~~Such~~ The county
 9 treasurer shall pay to the state treasurer on the first day of
 10 February all interest collected.

11 Sec. 13. Section 275.14, unnumbered paragraph 1, Code
 12 2001, is amended to read as follows:

13 Within ten days after the petition is filed, the area
 14 education agency administrator shall fix a final date for
 15 filing objections to the petition which shall be not more than
 16 sixty days after the petition is filed and shall fix the date
 17 for a hearing on the objections to the petition. Objections
 18 shall be filed in the office of the administrator who shall
 19 give notice at least ten days prior to the final day for
 20 filing objections, by one publication in a newspaper published
 21 within the territory described in the petition, ~~or if none is~~
 22 ~~published in the territory,~~ in a newspaper of general
 23 circulation published in the county where the petition is
 24 filed, ~~and of general circulation in the territory described~~
 25 or by using electronic means, such as the internet or public
 26 access television, or using a school district newsletter, if
 27 the electronic means or school district newsletter has been
 28 designated as a means of official publication by the board.
 29 The notice shall also list the date, time, and location for
 30 the hearing on the petition as provided in section 275.15.
 31 The cost of publication shall be assessed to each district
 32 whose territory is involved in the ratio that the number of
 33 pupils in basic enrollment for the budget year, as defined in
 34 section 257.6 in each district bears to the total number of
 35 pupils in basic enrollment for the budget year in the total

1 area involved. Objections shall be in writing in the form of
2 an affidavit and may be made by any person residing or owning
3 land within the territory described in the petition, or who
4 would be injuriously affected by the change petitioned for and
5 shall be on file not later than twelve o'clock noon of the
6 final day fixed for filing objections.

7 Sec. 14. Section 275.15, unnumbered paragraph 4, Code
8 2001, is amended to read as follows:

9 The administrator shall at once publish the decision in the
10 same newspaper ~~in-which~~ or by using the same electronic means
11 used to publish the original notice ~~was-published~~. Within
12 twenty days after the publication, the decision rendered by
13 the area education agency board may be appealed to the
14 district court in the county involved by any school district
15 affected. For purposes of appeal, only those school districts
16 who filed reorganization petitions are school districts
17 affected. An appeal from a decision of an area education
18 agency board or joint area education agency boards under
19 section 275.4, 275.16, or this section is subject to appeal
20 procedures under this chapter and is not subject to appeal
21 under chapter 290.

22 Sec. 15. Section 275.16, unnumbered paragraph 2, Code
23 2001, is amended to read as follows:

24 Votes of each member of an area education agency board in
25 attendance shall be weighted so that the total number of votes
26 eligible to be cast by members of each board in attendance
27 shall be equal. However, if the joint boards cast a tie vote
28 and are unable to agree to a decision fixing the boundaries
29 for the proposed school corporation or to a decision to
30 dismiss the petition, the time during which actions must be
31 taken under section 275.15 shall be extended from ten days to
32 fifteen days after the conclusion of the hearing under section
33 275.15, and the joint board shall reconvene not less than ten
34 and not more than fifteen days after the conclusion of the
35 hearing. At the hearing the joint board shall reconsider its

1 action and if a tie vote is again cast it is a decision
 2 granting the petition and changing the plans of any and all of
 3 the agency boards affected by the petition and fixing the
 4 boundaries for the proposed school corporation. The agency
 5 administrator shall at once publish the decision in the same
 6 newspaper in-which, or by using the same electronic means,
 7 used to publish the original notice ~~was-published~~.

8 Sec. 16. Section 275.18, unnumbered paragraph 2, Code
 9 2001, is amended to read as follows:

10 The county commissioner of elections shall give notice of
 11 the election by one publication in the same newspaper, in
 12 which or by using the same electronic means, used to publish
 13 previous notices have-been-published regarding the proposed
 14 school reorganization, and in addition, if more than one
 15 county is involved, by one publication in a legal newspaper in
 16 each county other than that of the first publication, or by
 17 using the same electronic means used to publish previous
 18 notices. The publication shall be not less than four nor more
 19 than twenty days prior to the election. If the decision
 20 published pursuant to section 275.15 or 275.16 includes a
 21 description of the proposed school corporation and a
 22 description of the director districts, if any, the notice for
 23 election and the ballot do not need to include these
 24 descriptions. Notice for an election shall not be published
 25 until the expiration of time for appeal, which shall be the
 26 same as that provided in section 275.15 or 275.16, whichever
 27 is applicable; and if there is an appeal, not until the appeal
 28 has been disposed of.

29 Sec. 17. Section 275.54, unnumbered paragraph 1, Code
 30 2001, is amended to read as follows:

31 Within ten days following the filing of the dissolution
 32 proposal with the board, the board shall fix a date for a
 33 hearing on the proposal which shall not be more than sixty
 34 days after the dissolution petition was filed with the board.
 35 The board shall publish notice of the date, time, and location

1 of the hearing at least ten days prior to the date of the
2 hearing by one publication in a newspaper in general
3 circulation in the district or by using electronic means, such
4 as the internet or public access television, or using a school
5 district newsletter, if the electronic means or school
6 district newsletter has been designated as a means of official
7 publication by the board. The notice shall include the
8 content of the dissolution proposal. A person residing or
9 owning land in the school district may present evidence and
10 arguments at the hearing. The president of the board shall
11 preside at the hearing. The board shall review testimony from
12 the hearing and shall adopt or amend and adopt the dissolution
13 proposal. The board shall notify by registered mail the
14 boards of directors of all school districts to which area of
15 the affected school district will be attached and the director
16 of the department of education of the contents of the
17 dissolution proposal adopted by the board. If the board of a
18 district to which area of the affected school district will be
19 attached objects to the attachment, that portion of the
20 dissolution proposal will not be included in the proposal
21 voted upon under section 275.55 and the director of the
22 department of education shall attach the area to a contiguous
23 school district. If the board of a district to which area of
24 the affected school district will be attached objects to the
25 division of assets and liabilities contained in the
26 dissolution proposal, section 275.30 applies for the division
27 of assets and liabilities to that district.

28 Sec. 18. Section 275.55, unnumbered paragraph 2, Code
29 2001, is amended to read as follows:

30 The board shall give written notice of the proposed date of
31 the election to the county commissioner of elections. The
32 proposed date shall be pursuant to section 39.2, subsections 1
33 and 2 and section 47.6, subsections 1 and 2. The county
34 commissioner of elections shall give notice of the election by
35 one publication in the same newspaper ~~in-which~~ or by using the

1 same electronic means, used to publish the previous notice was
2 published about the hearing, which publication shall not be
3 less than four nor more than twenty days prior to the
4 election.

5 Sec. 19. Section 278.1, unnumbered paragraph 3, Code 2001,
6 is amended to read as follows:

7 Before entering into a rental or lease-purchase option
8 contract, authorized by the electors, the board shall first
9 adopt plans and specifications for a building or buildings
10 which it considers suitable for the intended use and also
11 adopt a form of rental or lease-purchase option contract. The
12 board shall then invite bids thereon, by advertisement
13 published once each week for two consecutive weeks, in a
14 newspaper published in the county in which the building or
15 buildings are to be located, ~~and-the~~ or by using electronic
16 means, such as the internet or public access television, or
17 using a school district newsletter, if the electronic means or
18 school district newsletter has been designated as a means of
19 official publication by the board. The rental or lease-
20 purchase option contract shall be awarded to the lowest
21 responsible bidder, but the board may reject any and all bids
22 and advertise for new bids.

23 Sec. 20. Section 279.13, subsection 1, unnumbered
24 paragraph 2, Code 2001, is amended to read as follows:

25 The contract is invalid if the teacher is under contract
26 with another board of directors to teach during the same time
27 period until a release from the other contract is achieved.
28 The contract shall be signed by the president of the board, or
29 by the superintendent if the board has adopted a policy
30 authorizing the superintendent to sign teaching contracts,
31 when tendered, and after it is signed by the teacher, the
32 contract shall be filed with the secretary of the board before
33 the teacher enters into performance under the contract.

34 Sec. 21. Section 279.36, Code 2001, is amended to read as
35 follows:

1 279.36 PUBLICATION PROCEDURES AND FEE.

2 The requirements of section 279.35 are satisfied by
3 publication in at least one newspaper published in the
4 district or, if there is none, in at least one newspaper
5 having general circulation within the district, or by using
6 electronic means, such as the internet or public access
7 television, or using a school district newsletter, if the
8 electronic means or school district newsletter has been
9 designated as a means of official publication by the board.

10 ~~For the fiscal year beginning July 1, 1987, the fee for~~
11 ~~publications required under section 279.35 shall not exceed~~
12 ~~three-fifths of the legal publication fee provided by statute~~
13 ~~for the publication of legal notices. For the fiscal year~~
14 ~~beginning July 1, 1988, the fee for the publications shall not~~
15 ~~exceed three-fourths of that legal publication fee. For the~~
16 fiscal year beginning July 1, 1989 2001, and each fiscal year
17 thereafter, the fee for the publications shall be the legal
18 publication fee provided ~~by statute~~ under section 618.11.

19 Sec. 22. Section 279.48, subsection 3, Code 2001, is
20 amended to read as follows:

21 3. Before entering into a loan agreement for an equipment
22 purchase, the school corporation must publish a notice,
23 including a statement of the amount and purpose of the
24 agreement, at least once and at least ten days before the
25 meeting at which the loan agreement is to be approved, in a
26 newspaper of general circulation within the school corporation
27 ~~at least ten days before the meeting at which the loan~~
28 ~~agreement is to be approved~~ or by using electronic means, such
29 as the internet or public access television, or using a school
30 district newsletter, if the electronic means or school
31 district newsletter has been designated as a means of official
32 publication by the board.

33 Sec. 23. Section 280.9, unnumbered paragraph 1, Code 2001,
34 is amended to read as follows:

35 The board of directors of each local public school district

1 and the authorities in charge of each nonpublic school shall
 2 incorporate into the educational program, in accordance with
 3 section 256.7, subsection 21, paragraph "a", the total concept
 4 of career education to enable students to become familiar with
 5 the values of a work-oriented society. Curricular and
 6 cocurricular teaching-learning experiences from the
 7 prekindergarten level through grade twelve shall be provided
 8 for all students currently enrolled in order to develop an
 9 understanding that employment may be meaningful and
 10 satisfying. However, career education does not mean a
 11 separate vocational-technical program is required. A
 12 vocational-technical program includes units or partial units
 13 in subjects which have as their purpose to equip students with
 14 marketable skills.

15 Sec. 24. Section 280.12, Code 2001, is amended by striking
 16 the section and inserting in lieu thereof the following:

17 280.12 SCHOOL IMPROVEMENT ADVISORY COMMITTEE.

18 The board of directors of each public school district and
 19 the authorities in charge of each nonpublic school shall do
 20 the following:

- 21 1. Appoint a school improvement advisory committee to make
- 22 recommendations to the board or authorities. The advisory
- 23 committee shall consist of members representing students,
- 24 parents, teachers, administrators, and representatives from
- 25 the local community, which may include representatives of
- 26 business, industry, labor, community agencies, higher
- 27 education, or other community constituents. To the extent
- 28 possible, committee membership shall have balanced
- 29 representation with regard to race, gender, national origin,
- 30 and disability.
- 31 2. Utilize the recommendations from the school improvement
- 32 advisory committee to determine the following:
- 33 a. Major educational needs.
- 34 b. Student learning goals.
- 35 c. Long-range and annual improvement goals that include,

1 but are not limited to, the state indicators that address
2 reading, mathematics, and science achievement.

3 d. Desired levels of student performance.

4 e. Progress toward meeting the goals set out in paragraphs
5 "b" through "d".

6 Sec. 25. Section 280.19, Code 2001, is amended to read as
7 follows:

8 280.19 PLANS FOR AT-RISK CHILDREN.

9 The board of directors of each public school district shall
10 incorporate, into the kindergarten admissions program,
11 criteria and procedures for identification and integration of
12 at-risk children and their developmental needs. This
13 incorporation shall be part of the comprehensive school
14 improvement plan developed and implemented in accordance with
15 section 256.7, subsection 21, paragraphs "a" and "c".

16 Sec. 26. Section 285.12, Code 2001, is amended to read as
17 follows:

18 285.12 DISPUTES -- HEARINGS AND APPEALS.

19 In the event of a disagreement between a school patron and
20 the board of the school district, the patron if dissatisfied
21 with the decision of the district board, may appeal the same
22 to the area education agency board, notifying the secretary of
23 the district in writing within ten days of the decision of the
24 board and by filing an affidavit of appeal with the agency
25 board within the ten-day period. The affidavit of appeal
26 shall include the reasons for the appeal and points at issue.
27 The secretary of the local board on receiving notice of appeal
28 shall certify all papers to the agency board which shall hear
29 the appeal within ten days of the receipt of the papers and
30 decide it within three days of the conclusion of the hearing
31 and shall immediately notify all parties of its decision.
32 Either party may appeal the decision of the agency board to
33 the director of the department of education by notifying the
34 opposite party and the agency administrator in writing within
35 five days after receipt of notice of the decision of the

1 agency board and ~~shall file~~ by filing with the director of the
 2 department of education an affidavit of appeal, reasons for
 3 appeal, and the facts involved in the disagreement within five
 4 days after receipt of notice of the decision of the agency
 5 board. The agency administrator shall, within ten days of
 6 said notice, file with the director all records and papers
 7 pertaining to the case, including action of the agency board.
 8 The director shall hear the appeal within fifteen days of the
 9 filing of the records in the director's office, notifying all
 10 parties and the agency administrator of the time of hearing.
 11 The director shall forthwith decide the same and notify all
 12 parties of the decision and return all papers with a copy of
 13 the decision to the agency administrator. The decision of the
 14 director shall be subject to judicial review in accordance
 15 with the terms of the Iowa administrative procedure Act.
 16 Pending final order made by the director, upon any appeal
 17 prosecuted to such director, the order of the agency board
 18 from which the appeal is taken shall be operative and be in
 19 full force and effect.

20 Sec. 27. Section 297.22, subsection 1, unnumbered
 21 paragraphs 3 and 4, Code 2001, are amended to read as follows:

22 Before the board of directors may sell, lease for a period
 23 in excess of one year, or dispose of any property belonging to
 24 the school, the board shall hold a public hearing on the
 25 proposal. The board shall set forth its proposal in a
 26 resolution and shall publish notice of the time and the place
 27 of the public hearing on the resolution. The notice shall
 28 also describe the property. A locally known address for real
 29 property may be substituted for a legal description of real
 30 property contained in the resolution. Notice of the time and
 31 place of the public hearing shall be published at least once
 32 not less than ten days but not more than twenty days prior to
 33 the date of the hearing in a newspaper of general circulation
 34 in the district or by using electronic means, such as the
 35 internet or public access television, or using a school

1 district newsletter, if the electronic means or school
2 district newsletter has been designated as a means of official
3 publication by the board. After the public hearing, the board
4 may make a final determination on the proposal contained in
5 the resolution.

6 However, property having a value of not more than five
7 thousand dollars, other than real property, may be disposed of
8 by any procedure which is adopted by the board and each sale
9 shall be published by at least one insertion each week for two
10 consecutive weeks in a newspaper having general circulation in
11 the district or by using electronic means, as set forth in
12 this subsection.

13 Sec. 28. Section 299A.8, Code 2001, is amended to read as
14 follows:

15 299A.8 DUAL ENROLLMENT.

16 If a parent, guardian, or legal custodian of a child who is
17 receiving competent private instruction under this chapter
18 submits a request, the child shall also be registered in a
19 public school for dual enrollment purposes. If the child is
20 enrolled in a public school district for dual enrollment
21 purposes, the child shall be permitted to participate in any
22 academic activities in the district and shall also be
23 permitted to participate on the same basis as public school
24 children in any extracurricular activities available to
25 children in the child's grade or group, and the parent,
26 guardian, or legal custodian shall not be required to pay the
27 costs of any annual evaluation under this chapter. If the
28 child is enrolled for dual enrollment purposes, the child
29 shall be included in the public school's basic enrollment
30 under section 257.6. A pupil enrolled in grades nine through
31 twelve under this section shall be counted in the same manner
32 as a shared-time pupil under section 257.6, subsection 1,
33 paragraph "c".

34 Sec. 29. Section 321.194, subsection 1, paragraph b,
35 unnumbered paragraph 1, Code 2001, is amended to read as

1 follows:

2 Each application shall be accompanied by a statement from
3 the school board, superintendent, or principal, if authorized
4 by the superintendent, of the applicant's school. The
5 statement shall be upon a form provided by the department.
6 The school board, superintendent, or principal, if authorized
7 by the superintendent, shall certify that a need exists for
8 the license and that the board, superintendent, ~~and-a~~ or
9 principal authorized by the superintendent are not responsible
10 for actions of the applicant which pertain to the use of the
11 driver's license. ~~The department of education shall adopt~~
12 ~~rules establishing criteria for issuing a statement of~~
13 ~~necessity.~~ Upon receipt of a statement of necessity, the
14 department shall issue the driver's license. The fact that
15 the applicant resides at a distance less than one mile from
16 the applicant's ~~schools~~ school of enrollment is prima facie
17 evidence of the nonexistence of necessity for the issuance of
18 a license. The student may appeal to the school board the
19 decision of the superintendent, or principal if authorized by
20 the superintendent, to deny certification that a need exists
21 for a license. The decision of the school board is final.
22 The driver's license shall not be issued for purposes of
23 attending a public school in a school district other than
24 either of the following:

25 Sec. 30. Sections 256.40 through 256.43, 258.7, 258.8, and
26 280.18, Code 2001, are repealed.

27 EXPLANATION

28 This bill makes the following statutory revisions relating
29 to the department of education, school districts, and area
30 education agencies.

31 Code section 256.7, new subsection 25: Requires the state
32 board of education to adopt rules to ensure that not-for-
33 profit, professional teacher associations be given equal
34 access to voluntary teacher meetings sanctioned by the school
35 district and be provided access to teacher mailboxes for

1 distribution of professional literature.

2 Code section 256.11, unnumbered paragraph 1, and Code
3 section 256A.4, subsection 1, unnumbered paragraph 2: Require
4 the state board of education to adopt rules that require
5 accredited schools and school districts to teach from and use
6 a gender fair approach. Currently, the Code requires that the
7 approach and teaching be "nonsexist". The bill provides for a
8 conforming amendment in the child development assistant Act,
9 Code chapter 256A.

10 Code section 256.11, subsection 7: Strikes language that
11 requires the state board of education to adopt rules providing
12 that the educational program that each school and accredited
13 nonpublic school must provide to at-risk students be based on
14 the child development coordinating council's definition of
15 "at-risk student".

16 Code section 256.11, subsection 10, unnumbered paragraph 2;
17 Code section 280.9, unnumbered paragraph 1; and Code sections
18 280.12, 280.18, and 280.19: Make changes regarding the
19 comprehensive school improvement plan. In 1998, a new
20 provision was added to the Code with the enactment of H.F.
21 2272. The new provision, Code section 256.7, subsection 21,
22 required the state board of education to adopt rules
23 incorporating accountability for student achievement into the
24 standards and accreditation process, and required that all
25 school districts and accredited nonpublic schools develop,
26 implement, and file with the department a comprehensive school
27 improvement plan, develop core academic indicators, and report
28 progress to the department and the local community. Prior to
29 the enactment of H.F. 2272, Code requirements relating to
30 student achievement goals, school district advisory
31 committees, and assessment reports submitted to the department
32 were contained in Code sections 280.12 and 280.18. The bill
33 repeals Code section 280.18, which requires school districts
34 to adopt goals to improve student achievement and performance
35 and transmit a plan for achieving its goals to the department

1 of education, along with a periodic assessment for use
 2 determining whether its goals have been achieved. Currently,
 3 accredited nonpublic schools must also comply with the
 4 requirements of Code sections 280.12 and 280.18. The language
 5 of Code section 280.12, which requires school districts to
 6 determine educational needs, develop goals, evaluate and
 7 report progress, and requires the local board to appoint an
 8 advisory committee to make recommendations, is struck and
 9 replaced. The new language also requires accredited schools
 10 and school districts to appoint a school improvement advisory
 11 committee to make recommendations to the board or authorities,
 12 and provides for local representation on the committee. The
 13 schools are required to utilize the recommendations of the
 14 committee to determine the major educational needs, student
 15 learning goals, long-range and annual improvement goals,
 16 desired levels of student performance, and progress toward
 17 meeting the goals. The bill replaces references to Code
 18 section 280.18 with references to the appropriate goal-related
 19 or reporting-related paragraphs of Code section 256.7,
 20 subsection 21. The bill also requires that school districts
 21 incorporate into their comprehensive school improvement plan
 22 the criteria and procedures for identification and integration
 23 of at-risk children that districts have incorporated into
 24 their kindergarten admissions programs.

25 Code section 256B.9, subsection 4; 257.6, subsection 3,
 26 unnumbered paragraph 1; and 257.6, subsection 5: Change the
 27 date of the enrollment count for children requiring special
 28 education from December 1 to October 1, and make the same
 29 change to the date by which the director of the department of
 30 education must report to the school budget review committee
 31 the average costs of providing instruction for children
 32 requiring special education.

33 Code section 256D.7, subsection 1: Amends a Code provision
 34 that requires a school district that receives school
 35 improvement technology block grant moneys to submit a progress

1 report to the department on its use of technology, and
2 requires licensed professional staff of the district to be
3 responsible for technology integration throughout the
4 district. Currently, the provision requires that each
5 participating school district submit a technology plan
6 developed by the district's licensed professional staff.

7 Code section 257.18, subsection 1; 257B.5; 275.14,
8 unnumbered paragraph 1; 275.15, unnumbered paragraph 4;
9 275.16, unnumbered paragraph 2; 275.18, unnumbered paragraph
10 2; 275.54, unnumbered paragraph 1; 275.55, unnumbered
11 paragraph 2; 278.1, subsection 9, unnumbered paragraph 3;
12 279.36; 279.48, subsection 3; and 297.22, subsection 1,
13 unnumbered paragraph 3: Provide an option to school
14 districts, and to area education agencies involved in a school
15 reorganization, to allow notices that are required to be
16 published in a local newspaper to instead be published using
17 electronic means, such as the internet or public access
18 television, or using a school district newsletter, if the
19 electronic means or newsletter has been designated as a means
20 of official publication by a school board.

21 Code section 257.38, subsection 7: Requires the boards of
22 school districts requesting to use additional allowable growth
23 for programs for returning dropouts and dropout prevention to
24 include in their program plans the qualifications required of
25 personnel delivering the program. Currently, the plans must
26 include the qualifications of personnel administering the
27 program.

28 Code section 279.13, subsection 1, unnumbered paragraph 2:
29 Permits a school district to adopt a policy authorizing the
30 superintendent of a district to sign teachers' contracts, in
31 lieu of the current requirement that limits the authorization
32 to the president of the board.

33 Code section 285.12: Provides that when a school patron or
34 school district board is dissatisfied with the decision of an
35 area education agency board regarding school transportation,

1 the decision may be appealed to the director of the department
2 of education by filing, within five days after receipt of
3 notice of the decision of the agency board, an affidavit of
4 appeal, reasons for appeal, and the facts involved in the
5 disagreement.

6 Code section 299A.8: Provides shared-time weighting for
7 all students in grades nine through 12 who are dual enrolled.
8 Dual enrolled students are currently counted as one-tenth of
9 one pupil. Shared-time students are counted in the proportion
10 that the time for which they are enrolled or receive
11 instruction for the school year is to the time that full-time
12 pupils are enrolled.

13 Code section 321.194, subsection 1, paragraph "b",
14 unnumbered paragraph 1: Strikes language that requires the
15 department of education to adopt rules establishing criteria
16 for issuing a statement of necessity, which a school board or
17 a school administrator must provide if a student is to be
18 issued a special minors' driver's license. The bill permits a
19 student to appeal the decision of a school administrator to
20 the school board denying certification that a need exists for
21 a license. The decision of the school board is final.

22 REPEALS. Provisions creating and setting forth the duties
23 of the Youth 2000 coordinating council are repealed. The bill
24 also repeals provisions establishing a state council on
25 vocational education that was attached, for administrative
26 purposes to the department of education.

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REPRINTED

MAR 16 2001

Place On Calendar

HOUSE FILE 643
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 216)

Passed House, Date ^(P.843) 3/22/01 Passed Senate, ^(P.1406) Date 4/30/01
Vote: Ayes 55 Nays 42 Vote: Ayes 29 Nays 20
Approved May 22, 2001

A BILL FOR

1 An Act providing statutory revisions relating to the department
2 of education, school districts, and the kindergarten through
3 grade twelve educational program.

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

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HF 643

1 Section 1. Section 256.11, unnumbered paragraph 1, Code
2 2001, is amended to read as follows:

3 The state board shall adopt rules under chapter 17A and a
4 procedure for accrediting all public and nonpublic schools in
5 Iowa offering instruction at any or all levels from the
6 prekindergarten level through grade twelve. The rules of the
7 state board shall require that a multicultural, **nonsexist**
8 gender fair approach is used by schools and school districts.
9 The educational program shall be taught from a multicultural,
10 **nonsexist** gender fair approach. Global perspectives shall be
11 incorporated into all levels of the educational program.

12 Sec. 2. Section 256.11, subsection 7, paragraph c, Code
13 2001, is amended to read as follows:

14 c. ~~Programs-for-at-risk~~ At-risk students. ~~Rules-adopted~~
15 ~~by-the-state-board-to-implement-this-paragraph-shall-be-based~~
16 ~~upon-the-definition-of-at-risk-student-developed-by-the-child~~
17 ~~coordinating-council-established-in-section-256A.2-and-the~~
18 ~~department-of-education, and-the-state-board-shall-consider~~
19 ~~the-recommendations-of-the-child-coordinating-council-and-the~~
20 ~~department-in-developing-the-rules.~~

21 Sec. 3. Section 256.11, subsection 10, unnumbered
22 paragraph 2, Code 2001, is amended to read as follows:

23 Phase I shall consist of annual monitoring by the
24 department of education of all accredited schools and school
25 districts for compliance with accreditation standards adopted
26 by the state board of education as provided in this section.
27 The phase I monitoring requires that accredited schools and
28 school districts annually complete accreditation compliance
29 forms adopted by the state board and file them with the
30 department of education. Phase I monitoring requires a
31 comprehensive desk audit of all accredited schools and school
32 districts including review of accreditation compliance forms,
33 accreditation visit reports, methods of administration
34 reports, and reports submitted in compliance with **sections**
35 section 256.7, subsection 21, paragraph "a", and section

1 280.12 and-280-18.

2 Sec. 4. Section 256A.4, subsection 1, unnumbered paragraph
3 2, Code 2001, is amended to read as follows:

4 A family support program shall meet multicultural ~~nonsexist~~
5 gender fair guidelines. The program shall encourage parents
6 to be aware of practices that may affect equitable development
7 of children. The program shall include parents in the
8 planning, implementation, and evaluation of the program. A
9 program shall be designed to meet the needs of the residents
10 of the participating district and may use unique approaches to
11 provide for those needs. The goals of a family support
12 program shall include, but are not limited to, the following:

13 Sec. 5. Section 256D.7, subsection 1, Code 2001, is
14 amended to read as follows:

15 1. Commencing with the fiscal year beginning July 1, 2001,
16 each school district shall include, ~~a-technology-plan~~ as a
17 component of the annual report submitted to the department of
18 education in accordance with section 256.7, subsection 21,
19 paragraphs "a" and "c", a progress report on the use of
20 technology. ~~The-plan-shall-be-developed-by-licensed~~ Licensed
21 professional staff of the district, including both teachers
22 and administrators, shall be responsible for implementation of
23 technology integration throughout the district. ~~The-plan~~
24 Technology integration in the classroom shall, at a minimum,
25 focus on the attainment of student achievement goals on
26 academic and other core indicators, ~~consider~~ utilize the
27 district's interconnectivity with the Iowa communications
28 network, and demonstrate how the ~~board-will-utilize~~ use of
29 technology to improve student achievement. ~~The-technology~~
30 ~~plan-shall-be-kept-on-file-in-the-district-and-a-copy-of-the~~
31 ~~plan,-and-any-subsequent-amendments-to-the-plan,-shall-be-sent~~
32 ~~to-the-appropriate-area-education-agency-~~

33 Sec. 6. Section 257.6, subsection 3, unnumbered paragraph
34 1, Code 2001, is amended to read as follows:

35 A school district shall determine its additional enrollment

1 because of special education, as defined in this section, on
2 ~~December-1~~ October 15 of each year and shall certify its
3 additional enrollment because of special education to the
4 department of education by ~~December-15~~ November 1 of each
5 year, and the department shall promptly forward the
6 information to the department of management.

7 Sec. 7. Section 257.6, subsection 5, unnumbered paragraph
8 1, Code 2001, is amended to read as follows:

9 Weighted enrollment is the budget enrollment plus the
10 district's additional enrollment because of special education
11 calculated on ~~December-1~~ October 15 of the base year plus
12 additional pupils added due to the application of the
13 supplementary weighting.

14 Sec. 8. Section 257.38, subsection 7, Code 2001, is
15 amended to read as follows:

16 7. Qualifications required of personnel ~~administering~~
17 delivering the program.

18 Sec. 9. Section 279.13, subsection 1, unnumbered paragraph
19 2, Code 2001, is amended to read as follows:

20 The contract is invalid if the teacher is under contract
21 with another board of directors to teach during the same time
22 period until a release from the other contract is achieved.
23 The contract shall be signed by the president of the board, or
24 by the superintendent if the board has adopted a policy
25 authorizing the superintendent to sign teaching contracts,
26 when tendered, and after it is signed by the teacher, the
27 contract shall be filed with the secretary of the board before
28 the teacher enters into performance under the contract.

29 Sec. 10. NEW SECTION. 279.59 ACCESS BY ASSOCIATIONS.

30 The board of directors of a school district shall provide
31 not-for-profit, professional education associations that offer
32 membership to teachers or administrators equal access to
33 teacher or administrator mailboxes for distribution of
34 professional literature.

35 Sec. 11. Section 280.9, unnumbered paragraph 1, Code 2001,

1 is amended to read as follows:

2 The board of directors of each local public school district
3 and the authorities in charge of each nonpublic school shall
4 incorporate into the educational program, in accordance with
5 section 256.7, subsection 21, paragraph "a", the total concept
6 of career education to enable students to become familiar with
7 the values of a work-oriented society. Curricular and
8 cocurricular teaching-learning experiences from the
9 prekindergarten level through grade twelve shall be provided
10 for all students currently enrolled in order to develop an
11 understanding that employment may be meaningful and
12 satisfying. However, career education does not mean a
13 separate vocational-technical program is required. A
14 vocational-technical program includes units or partial units
15 in subjects which have as their purpose to equip students with
16 marketable skills.

17 Sec. 12. Section 280.12, Code 2001, is amended by striking
18 the section and inserting in lieu thereof the following:

19 280.12 SCHOOL IMPROVEMENT ADVISORY COMMITTEE.

20 The board of directors of each public school district and
21 the authorities in charge of each nonpublic school shall do
22 the following:

23 1. Appoint a school improvement advisory committee to make
24 recommendations to the board or authorities. The advisory
25 committee shall consist of members representing students,
26 parents, teachers, administrators, and representatives from
27 the local community, which may include representatives of
28 business, industry, labor, community agencies, higher
29 education, or other community constituents. To the extent
30 possible, committee membership shall have balanced
31 representation with regard to race, gender, national origin,
32 and disability.

33 2. Utilize the recommendations from the school improvement
34 advisory committee to determine the following:

35 a. Major educational needs.

1 b. Student learning goals.

2 c. Long-range and annual improvement goals that include,
3 but are not limited to, the state indicators that address
4 reading, mathematics, and science achievement.

5 d. Desired levels of student performance.

6 e. Progress toward meeting the goals set out in paragraphs
7 "b" through "d".

8 Sec. 13. Section 280.19, Code 2001, is amended to read as
9 follows:

10 280.19 PLANS FOR AT-RISK CHILDREN.

11 The board of directors of each public school district shall
12 incorporate, into the kindergarten admissions program,
13 criteria and procedures for identification and integration of
14 at-risk children and their developmental needs. This
15 incorporation shall be part of the comprehensive school
16 improvement plan developed and implemented in accordance with
17 section 256.7, subsection 21, paragraphs "a" and "c".

18 Sec. 14. Section 285.12, Code 2001, is amended to read as
19 follows:

20 285.12 DISPUTES -- HEARINGS AND APPEALS.

21 In the event of a disagreement between a school patron and
22 the board of the school district, the patron if dissatisfied
23 with the decision of the district board, may appeal the same
24 to the area education agency board, notifying the secretary of
25 the district in writing within ten days of the decision of the
26 board and by filing an affidavit of appeal with the agency
27 board within the ten-day period. The affidavit of appeal
28 shall include the reasons for the appeal and points at issue.
29 The secretary of the local board on receiving notice of appeal
30 shall certify all papers to the agency board which shall hear
31 the appeal within ten days of the receipt of the papers and
32 decide it within three days of the conclusion of the hearing
33 and shall immediately notify all parties of its decision.
34 Either party may appeal the decision of the agency board to
35 the director of the department of education by notifying the

1 opposite party and the agency administrator in writing within
2 five days after receipt of notice of the decision of the
3 agency board and ~~shall file~~ by filing with the director of the
4 department of education an affidavit of appeal, reasons for
5 appeal, and the facts involved in the disagreement within five
6 days after receipt of notice of the decision of the agency
7 board. The agency administrator shall, within ten days of
8 said notice, file with the director all records and papers
9 pertaining to the case, including action of the agency board.
10 The director shall hear the appeal within fifteen days of the
11 filing of the records in the director's office, notifying all
12 parties and the agency administrator of the time of hearing.
13 The director shall forthwith decide the same and notify all
14 parties of the decision and return all papers with a copy of
15 the decision to the agency administrator. The decision of the
16 director shall be subject to judicial review in accordance
17 with the terms of the Iowa administrative procedure Act.
18 Pending final order made by the director, upon any appeal
19 prosecuted to such director, the order of the agency board
20 from which the appeal is taken shall be operative and be in
21 full force and effect.

22 Sec. 15. Section 299A.8, Code 2001, is amended to read as
23 follows:

24 299A.8 DUAL ENROLLMENT.

25 If a parent, guardian, or legal custodian of a child who is
26 receiving competent private instruction under this chapter
27 submits a request, the child shall also be registered in a
28 public school for dual enrollment purposes. If the child is
29 enrolled in a public school district for dual enrollment
30 purposes, the child shall be permitted to participate in any
31 academic activities in the district and shall also be
32 permitted to participate on the same basis as public school
33 children in any extracurricular activities available to
34 children in the child's grade or group, and the parent,
35 guardian, or legal custodian shall not be required to pay the

1 costs of any annual evaluation under this chapter. If the
2 child is enrolled for dual enrollment purposes, the child
3 shall be included in the public school's basic enrollment
4 under section 257.6. A pupil enrolled in grades nine through
5 twelve under this section shall be counted in the same manner
6 as a shared-time pupil under section 257.6, subsection 1,
7 paragraph "c".

8 Sec. 16. Section 321.194, subsection 1, paragraph b,
9 unnumbered paragraph 1, Code 2001, is amended to read as
10 follows:

11 Each application shall be accompanied by a statement from
12 the school board, superintendent, or principal, if authorized
13 by the superintendent, of the applicant's school. The
14 statement shall be upon a form provided by the department.
15 The school board, superintendent, or principal, if authorized
16 by the superintendent, shall certify that a need exists for
17 the license and that the board, superintendent, ~~and-a~~ or
18 principal authorized by the superintendent are not responsible
19 for actions of the applicant which pertain to the use of the
20 driver's license. ~~The department of education shall adopt~~
21 ~~rules establishing criteria for issuing a statement of~~
22 ~~necessity.~~ Upon receipt of a statement of necessity, the
23 department shall issue the driver's license. The fact that
24 the applicant resides at a distance less than one mile from
25 the applicant's ~~schools~~ school of enrollment is prima facie
26 evidence of the nonexistence of necessity for the issuance of
27 a license. The school board shall develop and adopt a policy
28 establishing the criteria that shall be used by a school
29 district administrator to approve or deny certification that a
30 need exists for a license. The student may appeal to the
31 school board the decision of a school district administrator
32 to deny certification. The decision of the school board is
33 final. The driver's license shall not be issued for purposes
34 of attending a public school in a school district other than
35 either of the following:

1 Sec. 17. Sections 256.40 through 256.43, 258.7, 258.8, and
2 280.18, Code 2001, are repealed.

3 EXPLANATION

4 This bill makes the following statutory revisions relating
5 to the department of education, school districts, and area
6 education agencies.

7 Code section 256.11, unnumbered paragraph 1, and Code
8 section 256A.4, subsection 1, unnumbered paragraph 2: Require
9 the state board of education to adopt rules that require
10 accredited schools and school districts to teach from and use
11 a gender fair approach. Currently, the Code requires that the
12 approach and teaching be "nonsexist". The bill provides for a
13 conforming amendment in the child development assistant Act,
14 Code chapter 256A.

15 Code section 256.11, subsection 7: Strikes language that
16 requires the state board of education to adopt rules providing
17 that the educational program that each school and accredited
18 nonpublic school must provide to at-risk students be based on
19 the child development coordinating council's definition of
20 "at-risk student".

21 Code section 256.11, subsection 10, unnumbered paragraph 2;
22 Code section 280.9, unnumbered paragraph 1; and Code sections
23 280.12, 280.18, and 280.19: Make changes regarding the
24 comprehensive school improvement plan. In 1998, a new
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28 incorporating accountability for student achievement into the
29 standards and accreditation process, and required that all
30 school districts and accredited nonpublic schools develop,
31 implement, and file with the department a comprehensive school
32 improvement plan, develop core academic indicators, and report
33 progress to the department and the local community. Prior to
34 the enactment of H.F. 2272, Code requirements relating to
35 student achievement goals, school district advisory

1 committees, and assessment reports submitted to the department
2 were contained in Code sections 280.12 and 280.18. The bill
3 repeals Code section 280.18, which requires school districts
4 to adopt goals to improve student achievement and performance
5 and transmit a plan for achieving its goals to the department
6 of education, along with a periodic assessment for use
7 determining whether its goals have been achieved. Currently,
8 accredited nonpublic schools must also comply with the
9 requirements of Code sections 280.12 and 280.18. The language
10 of Code section 280.12, which requires school districts to
11 determine educational needs, develop goals, evaluate and
12 report progress, and requires the local board to appoint an
13 advisory committee to make recommendations, is struck and
14 replaced. The new language also requires accredited schools
15 and school districts to appoint a school improvement advisory
16 committee to make recommendations to the board or authorities,
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18 schools are required to utilize the recommendations of the
19 committee to determine the major educational needs, student
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21 desired levels of student performance, and progress toward
22 meeting the goals. The bill replaces references to Code
23 section 280.18 with references to the appropriate goal-related
24 or reporting-related paragraphs of Code section 256.7,
25 subsection 21. The bill also requires that school districts
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27 the criteria and procedures for identification and integration
28 of at-risk children that districts have incorporated into
29 their kindergarten admissions programs.

30 Code section 257.6, subsection 3, unnumbered paragraph 1;
31 and 257.6, subsection 5: Change the date of the enrollment
32 count for children requiring special education from December 1
33 to October 15.

34 Code section 256D.7, subsection 1: Amends a Code provision
35 that requires a school district that receives school

1 improvement technology block grant moneys to submit a progress
2 report to the department on its use of technology, and
3 requires licensed professional staff of the district to be
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7 developed by the district's licensed professional staff.

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9 school districts requesting to use additional allowable growth
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16 Permits a school district to adopt a policy authorizing the
17 superintendent of a district to sign teachers' contracts, in
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19 to the president of the board.

20 Code section 279.59: Requires school boards to provide
21 not-for-profit, professional education associations equal
22 access to teacher mailboxes for distribution of professional
23 literature.

24 Code section 285.12: Provides that when a school patron or
25 school district board is dissatisfied with the decision of an
26 area education agency board regarding school transportation,
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29 notice of the decision of the agency board, an affidavit of
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33 all students in grades nine through 12 who are dual enrolled.
34 Dual enrolled students are currently counted as one-tenth of
35 one pupil. Shared-time students are counted in the proportion

1 that the time for which they are enrolled or receive
2 instruction for the school year is to the time that full-time
3 pupils are enrolled.

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5 unnumbered paragraph 1: Strikes language that requires the
6 department of education to adopt rules establishing criteria
7 for issuing a statement of necessity, which a school board or
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9 issued a special minors' driver's license. The bill requires
10 school boards to adopt a policy establishing the criteria for
11 approval or denial of a special minors' driver's license. The
12 bill permits a student to appeal the decision of a school
13 administrator to the school board denying certification that a
14 need exists for a license. The decision of the school board
15 is final.

16 REPEALS. Provisions creating and setting forth the duties
17 of the Youth 2000 coordinating council are repealed. The bill
18 also repeals provisions establishing a state council on
19 vocational education that was attached, for administrative
20 purposes to the department of education.

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HOUSE FILE 643

23

H-1259

24

1 Amend House File 643 as follows:

25

2 1. Page 3, by striking lines 29 through 34.

26

3 2. By renumbering as necessary.

27

By WISE of Lee

28

H-1259 FILED MARCH 20, 2001

Lost 3/22/01 (P.843)

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HOUSE FILE 643

H-1291

1 Amend House File 643 as follows:

2 1. Page 3, line 2, by striking the words and
3 figures "~~December 1~~ October 15" and inserting the
4 following: "~~December~~ November 1".

5 2. Page 3, line 4, by striking the words and
6 figures "~~December 15~~ November 1" and inserting the
7 following: "~~December~~ November 15".

8 3. Page 3, line 11, by striking the words and
9 figures "~~December 1~~ October 15" and inserting the
10 following: "~~December~~ November 1".

11 4. Page 3, by inserting after line 13 the
12 following:

13 "Sec. ____ . Section 257.6, Code 2001, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 6. For the school year beginning
16 July 1, 2001, and each succeeding school year, a
17 student shall not be included in a district's
18 enrollment for purposes of this chapter, or considered
19 an eligible pupil under chapter 261C if the student
20 meets all of the following:

21 a. Was eligible to receive a diploma with the
22 class in which they were enrolled and that class
23 graduated in the previous school year.

24 b. Continues enrollment in the district to take
25 courses either provided by the district, offered by
26 community colleges under the provisions of section
27 257.11, or to take courses under the provisions of
28 chapter 261C."

29 5. By renumbering as necessary.

By GRUNDBERG of Polk

H-1291 FILED MARCH 21, 2001

adopted
3/22/01
(P. 841)

S. 4/3/01 Do Pass

HOUSE FILE 643
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 216)

(As Amended and Passed by the House March 22, 2001)

Passed House, Date _____ Passed Senate, ^(p. 146) Date 4/3/01
Vote: Ayes _____ Nays _____ Vote: Ayes 29 Nays 20
Approved May 22, 2001

A BILL FOR

1 An Act providing statutory revisions relating to the department
2 of education, school districts, and the kindergarten through
3 grade twelve educational program.

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

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House Amendments _____

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2 2001, is amended to read as follows:

3 The state board shall adopt rules under chapter 17A and a
4 procedure for accrediting all public and nonpublic schools in
5 Iowa offering instruction at any or all levels from the
6 prekindergarten level through grade twelve. The rules of the
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8 gender fair approach is used by schools and school districts.
9 The educational program shall be taught from a multicultural,
10 ~~nonsexist~~ gender fair approach. Global perspectives shall be
11 incorporated into all levels of the educational program.

12 Sec. 2. Section 256.11, subsection 7, paragraph c, Code
13 2001, is amended to read as follows:

14 c. ~~Programs-for-at-risk~~ At-risk students. ~~Rules-adopted~~
15 ~~by-the-state-board-to-implement-this-paragraph-shall-be-based~~
16 ~~upon-the-definition-of-at-risk-student-developed-by-the-child~~
17 ~~coordinating-council-established-in-section-256A.2-and-the~~
18 ~~department-of-education,-and-the-state-board-shall-consider~~
19 ~~the-recommendations-of-the-child-coordinating-council-and-the~~
20 ~~department-in-developing-the-rules-~~

21 Sec. 3. Section 256.11, subsection 10, unnumbered
22 paragraph 2, Code 2001, is amended to read as follows:

23 Phase I shall consist of annual monitoring by the
24 department of education of all accredited schools and school
25 districts for compliance with accreditation standards adopted
26 by the state board of education as provided in this section.
27 The phase I monitoring requires that accredited schools and
28 school districts annually complete accreditation compliance
29 forms adopted by the state board and file them with the
30 department of education. Phase I monitoring requires a
31 comprehensive desk audit of all accredited schools and school
32 districts including review of accreditation compliance forms,
33 accreditation visit reports, methods of administration
34 reports, and reports submitted in compliance with ~~sections~~
35 section 256.7, subsection 21, paragraph "a", and section

1 280.12 ~~and-280-18.~~

2 Sec. 4. Section 256A.4, subsection 1, unnumbered paragraph
3 2, Code 2001, is amended to read as follows:

4 A family support program shall meet multicultural ~~nonsexist~~
5 gender fair guidelines. The program shall encourage parents
6 to be aware of practices that may affect equitable development
7 of children. The program shall include parents in the
8 planning, implementation, and evaluation of the program. A
9 program shall be designed to meet the needs of the residents
10 of the participating district and may use unique approaches to
11 provide for those needs. The goals of a family support
12 program shall include, but are not limited to, the following:

13 Sec. 5. Section 256D.7, subsection 1, Code 2001, is
14 amended to read as follows:

15 1. Commencing with the fiscal year beginning July 1, 2001,
16 each school district shall include, ~~a-technology-plan~~ as a
17 component of the annual report submitted to the department of
18 education in accordance with section 256.7, subsection 21,
19 paragraphs "a" and "c", a progress report on the use of
20 technology. ~~The-plan-shall-be-developed-by-licensed~~ Licensed
21 professional staff of the district, including both teachers
22 and administrators, shall be responsible for implementation of
23 technology integration throughout the district. ~~The-plan~~
24 Technology integration in the classroom shall, at a minimum,
25 focus on the attainment of student achievement goals on
26 academic and other core indicators, ~~consider~~ utilize the
27 district's interconnectivity with the Iowa communications
28 network, and demonstrate ~~how the board-will-utilize~~ use of
29 technology to improve student achievement. ~~The-technology~~
30 ~~plan-shall-be-kept-on-file-in-the-district-and-a-copy-of-the~~
31 ~~plan,-and-any-subsequent-amendments-to-the-plan,-shall-be-sent~~
32 ~~to-the-appropriate-area-education-agency-~~

33 Sec. 6. Section 257.6, subsection 3, unnumbered paragraph
34 1, Code 2001, is amended to read as follows:

35 A school district shall determine its additional enrollment

1 because of special education, as defined in this section, on
2 December November 1 of each year and shall certify its
3 additional enrollment because of special education to the
4 department of education by December November 15 of each year,
5 and the department shall promptly forward the information to
6 the department of management.

7 Sec. 7. Section 257.6, subsection 5, unnumbered paragraph
8 1, Code 2001, is amended to read as follows:

9 Weighted enrollment is the budget enrollment plus the
10 district's additional enrollment because of special education
11 calculated on December November 1 of the base year plus
12 additional pupils added due to the application of the
13 supplementary weighting.

14 Sec. 8. Section 257.6, Code 2001, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 6. For the school year beginning July 1,
17 2001, and each succeeding school year, a student shall not be
18 included in a district's enrollment for purposes of this
19 chapter, or considered an eligible pupil under chapter 261C if
20 the student meets all of the following:

21 a. Was eligible to receive a diploma with the class in
22 which they were enrolled and that class graduated in the
23 previous school year.

24 b. Continues enrollment in the district to take courses
25 either provided by the district, offered by community colleges
26 under the provisions of section 257.11, or to take courses
27 under the provisions of chapter 261C.

28 Sec. 9. Section 257.38, subsection 7, Code 2001, is
29 amended to read as follows:

30 7. Qualifications required of personnel **administering**
31 **delivering** the program.

32 Sec. 10. Section 279.13, subsection 1, unnumbered
33 paragraph 2, Code 2001, is amended to read as follows:

34 The contract is invalid if the teacher is under contract
35 with another board of directors to teach during the same time

1 period until a release from the other contract is achieved.
2 The contract shall be signed by the president of the board, or
3 by the superintendent if the board has adopted a policy
4 authorizing the superintendent to sign teaching contracts,
5 when tendered, and after it is signed by the teacher, the
6 contract shall be filed with the secretary of the board before
7 the teacher enters into performance under the contract.

8 Sec. 11. NEW SECTION. 279.59 ACCESS BY ASSOCIATIONS.

9 The board of directors of a school district shall provide
10 not-for-profit, professional education associations that offer
11 membership to teachers or administrators equal access to
12 teacher or administrator mailboxes for distribution of
13 professional literature.

14 Sec. 12. Section 280.9, unnumbered paragraph 1, Code 2001,
15 is amended to read as follows:

16 The board of directors of each local public school district
17 and the authorities in charge of each nonpublic school shall
18 incorporate into the educational program, in accordance with
19 section 256.7, subsection 21, paragraph "a", the total concept
20 of career education to enable students to become familiar with
21 the values of a work-oriented society. Curricular and
22 cocurricular teaching-learning experiences from the
23 prekindergarten level through grade twelve shall be provided
24 for all students currently enrolled in order to develop an
25 understanding that employment may be meaningful and
26 satisfying. However, career education does not mean a
27 separate vocational-technical program is required. A
28 vocational-technical program includes units or partial units
29 in subjects which have as their purpose to equip students with
30 marketable skills.

31 Sec. 13. Section 280.12, Code 2001, is amended by striking
32 the section and inserting in lieu thereof the following:

33 280.12 SCHOOL IMPROVEMENT ADVISORY COMMITTEE.

34 The board of directors of each public school district and
35 the authorities in charge of each nonpublic school shall do

1 the following:

2 1. Appoint a school improvement advisory committee to make
3 recommendations to the board or authorities. The advisory
4 committee shall consist of members representing students,
5 parents, teachers, administrators, and representatives from
6 the local community, which may include representatives of
7 business, industry, labor, community agencies, higher
8 education, or other community constituents. To the extent
9 possible, committee membership shall have balanced
10 representation with regard to race, gender, national origin,
11 and disability.

12 2. Utilize the recommendations from the school improvement
13 advisory committee to determine the following:

14 a. Major educational needs.

15 b. Student learning goals.

16 c. Long-range and annual improvement goals that include,
17 but are not limited to, the state indicators that address
18 reading, mathematics, and science achievement.

19 d. Desired levels of student performance.

20 e. Progress toward meeting the goals set out in paragraphs
21 "b" through "d".

22 Sec. 14. Section 280.19, Code 2001, is amended to read as
23 follows:

24 280.19 PLANS FOR AT-RISK CHILDREN.

25 The board of directors of each public school district shall
26 incorporate, into the kindergarten admissions program,
27 criteria and procedures for identification and integration of
28 at-risk children and their developmental needs. This
29 incorporation shall be part of the comprehensive school
30 improvement plan developed and implemented in accordance with
31 section 256.7, subsection 21, paragraphs "a" and "c".

32 Sec. 15. Section 285.12, Code 2001, is amended to read as
33 follows:

34 285.12 DISPUTES -- HEARINGS AND APPEALS.

35 In the event of a disagreement between a school patron and

1 the board of the school district, the patron if dissatisfied
2 with the decision of the district board, may appeal the same
3 to the area education agency board, notifying the secretary of
4 the district in writing within ten days of the decision of the
5 board and by filing an affidavit of appeal with the agency
6 board within the ten-day period. The affidavit of appeal
7 shall include the reasons for the appeal and points at issue.
8 The secretary of the local board on receiving notice of appeal
9 shall certify all papers to the agency board which shall hear
10 the appeal within ten days of the receipt of the papers and
11 decide it within three days of the conclusion of the hearing
12 and shall immediately notify all parties of its decision.
13 Either party may appeal the decision of the agency board to
14 the director of the department of education by notifying the
15 opposite party and the agency administrator in writing within
16 five days after receipt of notice of the decision of the
17 agency board and ~~shall file~~ by filing with the director of the
18 department of education an affidavit of appeal, reasons for
19 appeal, and the facts involved in the disagreement within five
20 days after receipt of notice of the decision of the agency
21 board. The agency administrator shall, within ten days of
22 said notice, file with the director all records and papers
23 pertaining to the case, including action of the agency board.
24 The director shall hear the appeal within fifteen days of the
25 filing of the records in the director's office, notifying all
26 parties and the agency administrator of the time of hearing.
27 The director shall forthwith decide the same and notify all
28 parties of the decision and return all papers with a copy of
29 the decision to the agency administrator. The decision of the
30 director shall be subject to judicial review in accordance
31 with the terms of the Iowa administrative procedure Act.
32 Pending final order made by the director, upon any appeal
33 prosecuted to such director, the order of the agency board
34 from which the appeal is taken shall be operative and be in
35 full force and effect.

1 Sec. 16. Section 299A.8, Code 2001, is amended to read as
2 follows:

3 299A.8 DUAL ENROLLMENT.

4 If a parent, guardian, or legal custodian of a child who is
5 receiving competent private instruction under this chapter
6 submits a request, the child shall also be registered in a
7 public school for dual enrollment purposes. If the child is
8 enrolled in a public school district for dual enrollment
9 purposes, the child shall be permitted to participate in any
10 academic activities in the district and shall also be
11 permitted to participate on the same basis as public school
12 children in any extracurricular activities available to
13 children in the child's grade or group, and the parent,
14 guardian, or legal custodian shall not be required to pay the
15 costs of any annual evaluation under this chapter. If the
16 child is enrolled for dual enrollment purposes, the child
17 shall be included in the public school's basic enrollment
18 under section 257.6. A pupil enrolled in grades nine through
19 twelve under this section shall be counted in the same manner
20 as a shared-time pupil under section 257.6, subsection 1,
21 paragraph "c".

22 Sec. 17. Section 321.194, subsection 1, paragraph b,
23 unnumbered paragraph 1, Code 2001, is amended to read as
24 follows:

25 Each application shall be accompanied by a statement from
26 the school board, superintendent, or principal, if authorized
27 by the superintendent, of the applicant's school. The
28 statement shall be upon a form provided by the department.
29 The school board, superintendent, or principal, if authorized
30 by the superintendent, shall certify that a need exists for
31 the license and that the board, superintendent, ~~and-a~~ or
32 principal authorized by the superintendent are not responsible
33 for actions of the applicant which pertain to the use of the
34 driver's license. ~~The-department-of-education-shall-adopt~~
35 ~~rules-establishing-criteria-for-issuing-a-statement-of~~

1 ~~necessity~~. Upon receipt of a statement of necessity, the
2 department shall issue the driver's license. The fact that
3 the applicant resides at a distance less than one mile from
4 the applicant's ~~schools~~ school of enrollment is prima facie
5 evidence of the nonexistence of necessity for the issuance of
6 a license. The school board shall develop and adopt a policy
7 establishing the criteria that shall be used by a school
8 district administrator to approve or deny certification that a
9 need exists for a license. The student may appeal to the
10 school board the decision of a school district administrator
11 to deny certification. The decision of the school board is
12 final. The driver's license shall not be issued for purposes
13 of attending a public school in a school district other than
14 either of the following:

15 Sec. 18. Sections 256.40 through 256.43, 258.7, 258.8, and
16 280.18, Code 2001, are repealed.

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HOUSE FILE 643

S-3318

1 Amend House File 643, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 256.7, subsection 21,
6 paragraph c, Code 2001, is amended to read as follows:

7 c. A requirement that all school districts and
8 accredited nonpublic schools annually report to the
9 department and the local community the district-wide
10 progress made in attaining student achievement goals
11 on the academic and other core indicators and the
12 district-wide progress made in attaining locally
13 established student learning goals. The school
14 districts and accredited nonpublic schools shall
15 demonstrate the use of multiple assessment measures in
16 determining student achievement levels. A school
17 district shall offer alternatives to traditional
18 standardized testing in alternative options education
19 schools and programs in order to assess the actual
20 performance level of students in those schools and
21 programs. Students in alternative options education
22 schools and programs who elect to participate in
23 traditional standardized testing, as provided at other
24 attendance centers in the district, shall be provided
25 the opportunity to participate in the traditional
26 standardized testing. The school districts and
27 accredited nonpublic schools may report on other
28 locally determined factors influencing student
29 achievement. The school districts and accredited
30 nonpublic schools shall also report to the local
31 community their results by individual attendance
32 center."

33 2. Page 3, by inserting after line 27 the
34 following:

35 "Sec. ____ . Section 257.11, subsection 4, paragraph
36 a, Code 2001, is amended to read as follows:

37 a. In order to provide additional funding to
38 school districts for programs serving at-risk pupils
39 in grades nine through twelve and alternative school
40 pupils in secondary schools, a supplementary weighting
41 plan for at-risk pupils is adopted. A supplementary
42 weighting of forty-eight ten-thousandths per pupil
43 shall be assigned to the percentage of pupils in a
44 school district enrolled in grades one through six, as
45 reported by the school district on the basic
46 educational data survey for the base year, who are
47 eligible for free and reduced price meals under the
48 federal National School Lunch Act and the federal
49 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785,
50 multiplied by the budget enrollment in the school

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1 district; and a supplementary weighting of one hundred
2 fifty-six one-hundred-thousandths per pupil shall be
3 assigned to pupils included in the budget enrollment
4 of the school district. Amounts received as
5 supplementary weighting for at-risk pupils shall be
6 utilized by a school district to develop or maintain
7 at-risk pupils' programs, which may include
8 alternative school programs.

9 Sec. ____ . Section 257.11, subsection 6, Code 2001,
10 is amended to read as follows:

11 6. a. PUPILS INELIGIBLE. A Except as provided in
12 paragraph "b", a pupil eligible for the weighting plan
13 provided in section 256B.9 is not eligible for
14 supplementary weighting pursuant to this section. A
15 pupil attending an alternative program or an at-risk
16 pupils' program, including alternative high school
17 programs, is not eligible for supplementary weighting
18 under subsection 2.

19 b. PUPILS ELIGIBLE. At-risk pupils enrolled in
20 alternative schools or classes organized by
21 cooperating school districts are eligible for
22 supplementary weighting under subsection 2."

23 3. By renumbering as necessary.

By WALLY E. HORN

S-3318 FILED APRIL 9, 2001

WID 4/30/01 (P 1404)

HOUSE FILE 643

S-3315

1 Amend House File 643, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 4, by striking lines 8 through 13.
- 4 2. By renumbering as necessary.

By MIKE CONNOLLY

S-3315 FILED APRIL 9, 2001

Lost

4-30-01

(P1405)

HOUSE FILE 643

S-3357

1 Amend House File 643, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 14 the
4 following:
5 "Sec. 100. Section 403.19, subsections 2 and 5,
6 Code 2001, are amended to read as follows:
7 2. That portion of the taxes each year in excess
8 of such amount shall be allocated to and when
9 collected be paid into a special fund of the
10 municipality to pay the principal of and interest on
11 loans, moneys advanced to, or indebtedness, whether
12 funded, refunded, assumed, or otherwise, including
13 bonds issued under the authority of section 403.9,
14 subsection 1, incurred by the municipality to finance
15 or refinance, in whole or in part, an urban renewal
16 project within the area, and to provide assistance for
17 low and moderate income family housing as provided in
18 section 403.22, except that taxes for the regular and
19 voter-approved physical plant and equipment levy of a
20 school district imposed pursuant to section 298.2 and
21 taxes for the payment of bonds and interest of each
22 taxing district must be collected against all taxable
23 property within the taxing district without limitation
24 by the provisions of this subsection. However, all or
25 a portion of the taxes for the physical plant and
26 equipment levy shall be paid by the school district to
27 the municipality if the municipality auditor
28 certifies, as provided in subsection 5, paragraph "b",
29 to the school district by July 1 the amount of such
30 levy that is necessary to pay the principal and
31 interest on ~~indebtedness incurred~~ bonds issued by the
32 municipality to finance an urban renewal project,
33 which ~~indebtedness was incurred~~ bonds were issued
34 before July 1, 2000. Such school district shall pay
35 over the amount certified by November 1 following
36 certification to the school district. Unless and
37 until the total assessed valuation of the taxable
38 property in an urban renewal area exceeds the total
39 assessed value of the taxable property in such area as
40 shown by the last equalized assessment roll referred
41 to in subsection 1, all of the taxes levied and
42 collected upon the taxable property in the urban
43 renewal area shall be paid into the funds for the
44 respective taxing districts as taxes by or for the
45 taxing districts in the same manner as all other
46 property taxes. When such loans, advances,
47 indebtedness, and bonds, if any, and interest thereon,
48 have been paid, all moneys thereafter received from
49 taxes upon the taxable property in such urban renewal
50 area shall be paid into the funds for the respective

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1 taxing districts in the same manner as taxes on all
2 other property.

3 5. a. A municipality shall certify to the county
4 auditor on or before December 1 the following amounts:

5 (1) The amount of loans, advances, indebtedness,
6 or bonds which qualify for payment from the special
7 fund referred to in subsection 2, and the and
8 including the amount certified in subparagraph 2.

9 (2) The amount of principal and interest payments
10 to be made during the fiscal year on bonds issued
11 prior to July 1, 2000, that qualify for payment from
12 taxes received from the physical plant and equipment
13 levy. Indebtedness issued to refund the bonds issued
14 prior to July 1, 2000, shall not be included in this
15 separate certification.

16 b. The auditor shall certify to the school
17 district by July 1 the amount of tax from the physical
18 plant and equipment levy that shall be paid to the
19 municipality as follows:

20 (1) If the amount in the special fund referred to
21 in subsection 2, is less than the amount certified by
22 the municipality in paragraph "a", subparagraph (2),
23 determined before any other payments for loans,
24 advances, indebtedness, or bonds are to be made, the
25 amount to be certified by the auditor to the school
26 district is the difference.

27 (2) If the amount in the special fund referred to
28 in subsection 2, is equal to or greater than the
29 amount certified by the municipality in paragraph "a",
30 subparagraph (2), determined before any other payments
31 for loans, advances, indebtedness, or bonds are to be
32 made, the amount to be certified by the auditor to the
33 school district is zero.

34 c. The filing of the certificate in paragraph "a",
35 subparagraph (1), shall make it a duty of the auditor
36 to provide for the division of taxes in each
37 subsequent year until the amount of the loans,
38 advances, indebtedness, or bonds is paid to the
39 special fund. In any year, the county auditor shall,
40 upon receipt of a certified request from a
41 municipality filed on or before December 1, increase
42 the amount to be allocated under subsection 1 in order
43 to reduce the amount to be allocated in the following
44 fiscal year to the special fund, to the extent that
45 the municipality does not request allocation to the
46 special fund of the full portion of taxes which could
47 be collected. Upon receipt of a certificate from a
48 municipality, the auditor shall mail a copy of the
49 certificate to each affected taxing district."

50 2. Page 8, by inserting after line 16, the

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1 following:
 2 "Sec. 101. EFFECTIVE AND APPLICABILITY DATES.
 3 Section 100 of this Act, relating to the physical
 4 plant and equipment levy, being deemed of immediate
 5 importance, takes effect upon enactment and applies to
 6 physical plant and equipment taxes collected on or
 7 after July 1, 2001."
 8 3. Title page, line 3, by inserting after the
 9 word "program" the following: "and providing
 10 effective and applicability dates".

By MIKE CONNOLLY

S-3357 FILED APRIL 16, 2001

*w/d
4/30/01 (P.1405)*

HOUSE FILE 643

S-3396

1 Amend the amendment, S-3362, to House File 643, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 8, by striking the word "shall"
 5 and inserting the following: "may".
 6 2. Page 1, line 10, by striking the words "on
 7 public school property" and inserting the following:
 8 "through a public school".
 9 3. Page 1, by striking lines 12 through 18 and
 10 inserting the following: "of the school district.
 11 The approved hunter safety and ethics education course
 12 shall not be conducted within one thousand feet of an
 13 attendance center or any other school building in
 14 which classrooms are located.""

By JOHNIE HAMMOND

S-3396 FILED APRIL 19, 2001

*o/o
4/30/01 (P.1405)*

HOUSE FILE 643

S-3362

1 Amend House File 643, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by inserting after line 14, the
 4 following:
 5 "Sec. ____ Section 483A.27, Code 2001, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 11. A hunter safety and ethics
 8 instructor certified by the department shall be
 9 allowed to conduct an approved hunter safety and
 10 ethics education course on public school property with
 11 the approval of a majority of the board of directors
 12 of the school district. The conduct of an approved
 13 hunter safety and ethics education course is not a
 14 violation of any public policy, rule, regulation,
 15 resolution, or ordinance which prohibits the
 16 possession, display, or use of a firearm, bow and
 17 arrow, or other hunting weapon on public school
 18 property or other public property in this state."
 19 2. By renumbering as necessary.

By TOM FLYNN

DENNIS H. BLACK

STEVE KING

JEFF LAMBERTI

DAVID MILLER

WALLY E. HORN

S-3362 FILED APRIL 17, 2001

*WID**4/30/01 (p. 1405)*

HOUSE FILE 643

S-3437

1 Amend the amendment, S-3318, to House File 643, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. By striking page 1, line 35 through page 2,
 5 line 8.

Adopted 4/30/01 (p. 1404) By WALLY E. HORN

S-3437 FILED APRIL 23, 2001

HOUSE FILE 643

AN ACT

PROVIDING STATUTORY REVISIONS RELATING TO THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, AND THE KINDERGARTEN THROUGH GRADE TWELVE EDUCATIONAL PROGRAM.

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

Section 1. Section 256.11, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, nonsexist gender fair approach is used by schools and school districts. The educational program shall be taught from a multicultural, nonsexist gender fair approach. Global perspectives shall be incorporated into all levels of the educational program.

Sec. 2. Section 256.11, subsection 7, paragraph c, Code 2001, is amended to read as follows:

~~c. Programs-for-at-risk At-risk students. Rules-adopted by-the-state-board-to-implement-this-paragraph-shall-be-based upon-the-definition-of-at-risk-student-developed-by-the-child coordinating-council-established-in-section-256A.2-and-the department-of-education, and-the-state-board-shall-consider the-recommendations-of-the-child-coordinating-council-and-the department-in-developing-the-rules.~~

Sec. 3. Section 256.11, subsection 10, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Phase I shall consist of annual monitoring by the department of education of all accredited schools and school districts for compliance with accreditation standards adopted by the state board of education as provided in this section. The phase I monitoring requires that accredited schools and school districts annually complete accreditation compliance forms adopted by the state board and file them with the department of education. Phase I monitoring requires a comprehensive desk audit of all accredited schools and school districts including review of accreditation compliance forms, accreditation visit reports, methods of administration reports, and reports submitted in compliance with sections section 256.7, subsection 21, paragraph "a", and section 280.12 and-280-18.

Sec. 4. Section 256A.4, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

A family support program shall meet multicultural nonsexist gender fair guidelines. The program shall encourage parents to be aware of practices that may affect equitable development of children. The program shall include parents in the planning, implementation, and evaluation of the program. A program shall be designed to meet the needs of the residents of the participating district and may use unique approaches to provide for those needs. The goals of a family support program shall include, but are not limited to, the following:

Sec. 5. Section 256D.7, subsection 1, Code 2001, is amended to read as follows:

1. Commencing with the fiscal year beginning July 1, 2001, each school district shall include ~~a technology plan~~ as a component of the annual report submitted to the department of education in accordance with section 256.7, subsection 21, paragraphs "a" and "c", a progress report on the use of technology. The plan shall be developed by licensed professional staff of the district, including both teachers and administrators, shall be responsible for implementation of technology integration throughout the district. The plan Technology integration in the classroom shall, at a minimum, focus on the attainment of student achievement goals on academic and other core indicators, consider utilize the district's interconnectivity with the Iowa communications network, and demonstrate how the ~~board will utilize use of~~ technology to improve student achievement. ~~The technology plan shall be kept on file in the district and a copy of the plan, and any subsequent amendments to the plan, shall be sent to the appropriate area education agency.~~

Sec. 6. Section 257.6, subsection 3, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A school district shall determine its additional enrollment because of special education, as defined in this section, on ~~December~~ November 1 of each year and shall certify its additional enrollment because of special education to the department of education by ~~December~~ November 15 of each year, and the department shall promptly forward the information to the department of management.

Sec. 7. Section 257.6, subsection 5, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Weighted enrollment is the budget enrollment plus the district's additional enrollment because of special education calculated on ~~December~~ November 1 of the base year plus additional pupils added due to the application of the supplementary weighting.

Sec. 8. Section 257.6, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For the school year beginning July 1, 2001, and each succeeding school year, a student shall not be included in a district's enrollment for purposes of this chapter, or considered an eligible pupil under chapter 261C if the student meets all of the following:

- a. Was eligible to receive a diploma with the class in which they were enrolled and that class graduated in the previous school year.
- b. Continues enrollment in the district to take courses either provided by the district, offered by community colleges under the provisions of section 257.11, or to take courses under the provisions of chapter 261C.

Sec. 9. Section 257.38, subsection 7, Code 2001, is amended to read as follows:

7. Qualifications required of personnel administering delivering the program.

Sec. 10. Section 279.13, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be signed by the president of the board, or by the superintendent if the board has adopted a policy authorizing the superintendent to sign teaching contracts, when tendered, and after it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

Sec. 11. NEW SECTION. 279.59 ACCESS BY ASSOCIATIONS.

The board of directors of a school district shall provide not-for-profit, professional education associations that offer membership to teachers or administrators equal access to teacher or administrator mailboxes for distribution of professional literature.

Sec. 12. Section 280.9, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The board of directors of each local public school district and the authorities in charge of each nonpublic school shall incorporate into the educational program, in accordance with section 256.7, subsection 21, paragraph "a", the total concept of career education to enable students to become familiar with the values of a work-oriented society. Curricular and cocurricular teaching-learning experiences from the prekindergarten level through grade twelve shall be provided for all students currently enrolled in order to develop an understanding that employment may be meaningful and satisfying. However, career education does not mean a separate vocational-technical program is required. A vocational-technical program includes units or partial units in subjects which have as their purpose to equip students with marketable skills.

Sec. 13. Section 280.12, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

280.12 SCHOOL IMPROVEMENT ADVISORY COMMITTEE.

The board of directors of each public school district and the authorities in charge of each nonpublic school shall do the following:

1. Appoint a school improvement advisory committee to make recommendations to the board or authorities. The advisory committee shall consist of members representing students, parents, teachers, administrators, and representatives from the local community, which may include representatives of business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall have balanced representation with regard to race, gender, national origin, and disability.

2. Utilize the recommendations from the school improvement advisory committee to determine the following:

a. Major educational needs.

b. Student learning goals.

c. Long-range and annual improvement goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement.

d. Desired levels of student performance.

e. Progress toward meeting the goals set out in paragraphs "b" through "d".

Sec. 14. Section 280.19, Code 2001, is amended to read as follows:

280.19 PLANS FOR AT-RISK CHILDREN.

The board of directors of each public school district shall incorporate, into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs. This incorporation shall be part of the comprehensive school improvement plan developed and implemented in accordance with section 256.7, subsection 21, paragraphs "a" and "c".

Sec. 15. Section 285.12, Code 2001, is amended to read as follows:

285.12 DISPUTES -- HEARINGS AND APPEALS.

In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal the same to the area education agency board, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the agency board within the ten-day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the agency board which shall hear the appeal within ten days of the receipt of the papers and decide it within three days of the conclusion of the hearing and shall immediately notify all parties of its decision. Either party may appeal the decision of the agency board to the director of the department of education by notifying the

opposite party and the agency administrator in writing within five days after receipt of notice of the decision of the agency board and ~~shall file~~ by filing with the director of the department of education an affidavit of appeal, reasons for appeal, and the facts involved in the disagreement within five days after receipt of notice of the decision of the agency board. The agency administrator shall, within ten days of said notice, file with the director all records and papers pertaining to the case, including action of the agency board. The director shall hear the appeal within fifteen days of the filing of the records in the director's office, notifying all parties and the agency administrator of the time of hearing. The director shall forthwith decide the same and notify all parties of the decision and return all papers with a copy of the decision to the agency administrator. The decision of the director shall be subject to judicial review in accordance with the terms of the Iowa administrative procedure Act. Pending final order made by the director, upon any appeal prosecuted to such director, the order of the agency board from which the appeal is taken shall be operative and be in full force and effect.

Sec. 16. Section 299A.8, Code 2001, is amended to read as follows:

299A.8 DUAL ENROLLMENT.

If a parent, guardian, or legal custodian of a child who is receiving competent private instruction under this chapter submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the

costs of any annual evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph "c".

Sec. 17. Section 321.194, subsection 1, paragraph b, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Each application shall be accompanied by a statement from the school board, superintendent, or principal, if authorized by the superintendent, of the applicant's school. The statement shall be upon a form provided by the department. The school board, superintendent, or principal, if authorized by the superintendent, shall certify that a need exists for the license and that the board, superintendent, ~~and a~~ or principal authorized by the superintendent are not responsible for actions of the applicant which pertain to the use of the driver's license. ~~The department of education shall adopt rules establishing criteria for issuing a statement of necessity.~~ Upon receipt of a statement of necessity, the department shall issue the driver's license. The fact that the applicant resides at a distance less than one mile from the applicant's ~~school's~~ school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. The school board shall develop and adopt a policy establishing the criteria that shall be used by a school district administrator to approve or deny certification that a need exists for a license. The student may appeal to the school board the decision of a school district administrator to deny certification. The decision of the school board is final. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following:

Sec. 18. Sections 256.40 through 256.43, 258.7, 258.8, and 280.18, Code 2001, are repealed.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 643, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/22, 2001

THOMAS J. VILSACK
Governor