

FEB 18 2002

EDUCATION

HOUSE FILE 2388

BY HATCH

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

A BILL FOR

1 An Act relating to the operations of the state board of
2 education, the department of education, school districts,
3 accredited nonpublic schools, and other state and local
4 agencies with regard to attendance and truancy, academic
5 standards, and related matters.

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

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HF 2388

1 Section 1. SHORT TITLE. This Act shall be known and may
2 be cited as the "Education Accountability Act of 2002".

3 Sec. 2. Section 256.7, subsection 21, unnumbered paragraph
4 1, Code Supplement 2001, is amended to read as follows:

5 Develop and adopt rules ~~by July 17, 1999~~, incorporating
6 accountability for student achievement into the standards and
7 accreditation process described in section 256.11. The rules
8 shall provide for all of the following:

9 Sec. 3. Section 256.7, subsection 21, Code Supplement
10 2001, is amended by adding the following new paragraphs:

11 NEW PARAGRAPH. d. A requirement that all school districts
12 and accredited nonpublic schools that administer the Iowa test
13 of basic skills or the Iowa test of educational development
14 annually report to the department and the local community the
15 results of the test, including the number of students taking
16 the test who are defined by the school district or school as
17 advanced, competent, and developmental or nonproficient; the
18 number of students exempted from taking the tests and the
19 reasons, in general, the students received exemptions; and the
20 number of students that failed to take the test due to illness
21 or other absence, including those who failed to take the test
22 because they have dropped out of school.

23 NEW PARAGRAPH. e. Beginning October 1, 2004, a
24 requirement that school districts and accredited nonpublic
25 schools submit to the department key data area information in
26 accordance with the definitions adopted pursuant to subsection
27 25, annually as a component of the comprehensive school
28 improvement plan required pursuant to this subsection. The
29 department's purpose of collecting the data from these key
30 areas is to provide the greatest possible insight into the
31 needs and condition of the state's students.

32 Sec. 4. Section 256.7, Code Supplement 2001, is amended by
33 adding the following new subsections:

34 NEW SUBSECTION. 25. On or by June 30, 2003, adopt rules
35 specifying clear, accurate, and unambiguous definitions for

1 key data areas, including but not limited to truancy, drop-out
2 and graduation rates, expulsion, suspension, excused absence,
3 and unexcused absence. A public hearing shall be held in each
4 congressional district prior to the adoption of rules by the
5 state board pursuant to this subsection.

6 NEW SUBSECTION. 26. Adopt rules establishing statewide
7 academic standards and expectations for students to advance
8 from kindergarten through grade twelve and to graduate from
9 high school with a diploma, including, but not be limited to,
10 adequate grade point averages, subject competencies,
11 attendance requirements, demonstrated proficiencies on
12 standardized and criterion-referenced tests for grade
13 advancement, and completion of minimum core requirements and
14 demonstrated proficiency for graduation. The standards
15 adopted shall prohibit the practice of social promotion.

16 Sec. 5. Section 256.9, Code Supplement 2001, is amended by
17 adding the following new subsections:

18 NEW SUBSECTION. 51. Develop and implement a specific
19 process for monitoring compliance with all state and federal
20 education laws at the state and school district or school
21 levels. The process shall provide for the identification of
22 conflicting laws and for resolution of conflicts occurring in
23 the laws. If the department fails to implement the process as
24 required under this subsection, any aggrieved person may seek
25 a writ of mandamus from the district court to compel the
26 department to take the action required pursuant to this
27 subsection.

28 NEW SUBSECTION. 52. Establish by June 30, 2003, to the
29 maximum degree possible, procedures for cooperation with area
30 education agencies, community colleges, the department of
31 human services and its districts, and judicial districts, to
32 promote continuity in the delivery of services to students and
33 their families.

34 Sec. 6. Section 256.11, subsection 10, unnumbered
35 paragraph 3, Code Supplement 2001, is amended to read as

1 follows:

2 The department shall conduct site visits to schools and
3 school districts to address accreditation issues identified in
4 the desk audit. Such a visit may be conducted by an
5 individual departmental consultant or may be a comprehensive
6 site visit by a team of departmental consultants and other
7 educational professionals. The purpose of a comprehensive
8 site visit is to determine that a district is in compliance
9 with minimum standards, all applicable federal and state
10 education laws, and to provide a general assessment of
11 educational practices in a school or school district and make
12 recommendations with regard to the visit findings for the
13 purposes of improving educational practices above the level of
14 minimum compliance. The department shall establish a long-
15 term schedule of site visits that includes visits of all
16 accredited schools and school districts ~~at-least-once-every~~
17 ~~five-years~~ as needed.

18 Sec. 7. Section 299.1, Code 2001, is amended to read as
19 follows:

20 299.1 ATTENDANCE REQUIREMENTS.

21 1. Except as provided in section 299.2, the parent,
22 guardian, or legal or actual custodian of a child who is of
23 compulsory attendance age, shall cause the child to attend
24 some public school, an accredited nonpublic school, or
25 competent private instruction in accordance with the
26 provisions of chapter 299A, during a school year, as defined
27 under section 279.10. The board of directors of a public
28 school district or the governing body of an accredited
29 nonpublic school shall set the number of days of required
30 attendance for the schools under its control.

31 2. The board of directors of a public or the governing
32 body of an accredited nonpublic school ~~may~~ shall, by
33 resolution, require attendance for the entire time when the
34 schools are in session in any school year and adopt a policy
35 or rules relating to the reasons considered to be valid or

1 acceptable excuses for absence from school. The policy shall
2 provide for the following:

3 a. Not more than two unexcused absences or five excused
4 absences per semester per student, with the exception of a
5 student who suffers from an illness or injury when the illness
6 or injury is documented by a physician licensed in accordance
7 with chapter 148 or 150A, a physician's assistant, advanced
8 registered nurse practitioner, or chiropractor or any other
9 person identified by federal or state law as authorized to
10 perform physical examinations; or the death of a member of the
11 student's immediate family as defined in section 722.11,
12 subsection 1; or in case of an emergency or other dire
13 necessity, which shall be documented by the school district or
14 school building administrative staff and approved by the
15 central administrative staff. The number of excused absences
16 permitted under this paragraph shall be reduced by the number
17 of unexcused absences recorded on behalf of a student.

18 b. A written warning after a student's first unexcused
19 absence, which shall be sent by the school district or school
20 to the student's parent, guardian, or legal or actual
21 custodian, and shall explain the consequences and penalties
22 specified under this chapter for failure to attend and failure
23 to cause the child's attendance.

24 c. Referral of the matter to the county attorney for
25 mediation or prosecution in accordance with sections 299.5A,
26 299.6, 299.6A, and 299.13, if the student accumulates three or
27 more unexcused absences. The school district or school shall
28 send notice of the referral by certified mail to the parent,
29 guardian, or legal or actual custodian of the child. If the
30 school district or school fails to refer the matter to the
31 county attorney, or the county attorney fails to act on the
32 referral, the state board or the department, a school
33 district, the authorities in charge of an accredited nonpublic
34 school, or the parent, guardian, or legal or actual custodian
35 of the child deemed truant by the school district or school

1 may seek a writ of mandamus from the district court to compel
2 the school district or school or the county attorney to take
3 the actions required pursuant to this chapter.

4 Sec. 8. Section 299.1B, Code 2001, is amended to read as
5 follows:

6 299.1B FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE.

7 A person who does not attend a public school, an accredited
8 nonpublic school, competent private instruction in accordance
9 with the provisions of chapter 299A, an alternative school, or
10 an adult education classes,--or-who-is-not-employed-at-least
11 twenty-hours-per-week class shall not receive a motor vehicle
12 operator's license until age eighteen. A person under age
13 eighteen who has been issued a motor vehicle operator's
14 license who does not attend a public school, an accredited
15 nonpublic school, competent private instruction in accordance
16 with the provisions of chapter 299A, an alternative school, or
17 an adult education classes class, shall surrender the license
18 and be issued a temporary restricted license under section
19 321.215.

20 Sec. 9. EDUCATION STUDIES.

21 1. a. An attendance-based state school aid committee is
22 established within the department of education to advise and
23 make recommendations to the general assembly and the governor
24 regarding the feasibility, benefits, and consequences of
25 converting from an enrollment-based state school foundation
26 aid formula to an attendance-based state school foundation aid
27 formula. The committee shall include in the study a review of
28 possible sanctions for failure of a school district to
29 maintain accurate attendance records and a review of
30 attendance-based state school foundation aid formulas used by
31 other states and their levels of success in achieving higher
32 daily attendance figures.

33 b. The committee shall consist of nine members. The
34 governor shall appoint three members. Six members shall be
35 appointed by the general assembly, three from each chamber,

1 with no more than two appointed from the same political party
2 in each chamber. Each member shall serve a one-year term.
3 The director of the department of education or the director's
4 designee shall serve as an ex officio member of the committee
5 and shall serve as the nonvoting chair of the committee. The
6 members of the committee are entitled to receive reimbursement
7 for actual expenses incurred as provided for in section 7E.6,
8 subsection 2, while engaged in the performance of the duties
9 of the committee.

10 2. a. An education law enforcement advisory committee is
11 established within the department of education to advise and
12 make recommendations to the general assembly and the governor
13 regarding sanctions for failure of a school district or
14 accredited nonpublic school to comply with federal and state
15 education laws.

16 b. The committee shall consist of nine members. The
17 governor shall appoint three members. One member shall be the
18 attorney general or the attorney general's designee. One
19 member shall be the director of the department of education or
20 the director's designee. Four members shall be appointed by
21 the general assembly, two from each chamber, with no more than
22 one appointed from the same political party in each chamber.
23 Each member shall serve a one-year term. The director of the
24 department of education, or the director's designee, shall
25 serve as the chair of the committee. The members of the
26 committee are entitled to receive reimbursement for actual
27 expenses incurred as provided for in section 7E.6, subsection
28 2, while engaged in the performance of the duties of the
29 committee.

30 3. Each committee shall submit its findings and
31 recommendations in a report to the senate and house standing
32 committees on education and the joint appropriations
33 subcommittee on education by December 15, 2003.

34 Sec. 10. STATE MANDATE FUNDING SPECIFIED. In accordance
35 with section 25B.2, subsection 3, the state cost of requiring

1 compliance with any state mandate included in this Act shall
2 be paid by a school district from state school foundation aid
3 received by the school district under section 257.16. This
4 specification of the payment of the state cost shall be deemed
5 to meet all the state funding-related requirements of section
6 25B.2, subsection 3, and no additional state funding shall be
7 necessary for the full implementation of this Act by and
8 enforcement of this Act against all affected school districts.

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EXPLANATION

10 This bill, titled the "Education Accountability Act of
11 2002", requires the state board of education and the
12 department of education to define key data areas, requires the
13 establishment of statewide academic standards, requires school
14 districts and accredited nonpublic schools to require
15 attendance for the entire time when the schools are in session
16 in any school year, requires the department to conduct a study
17 of attendance-based state school aid and to monitor compliance
18 with federal and state education laws, establishes an
19 education law enforcement advisory committee within the
20 department to advise and make recommendations to the general
21 assembly and the governor regarding sanctions for failure by a
22 school district or accredited nonpublic school to comply with
23 federal and state education laws, requires school districts
24 and schools that administer the Iowa test of basic skills and
25 the Iowa test of educational development to report their
26 scores to the department and their local communities, and
27 requires the department to cooperate with other state and
28 local agencies to promote continuity of service to students
29 and their families.

30 STATE BOARD OF EDUCATION. The bill requires the state
31 board to adopt rules specifying clear, accurate, and
32 unambiguous definitions for key data areas, including but not
33 limited to truancy, drop-out and graduation rates, expulsion,
34 suspension, excused absence, and unexcused absence, and to
35 hold public hearings in each congressional district prior to

1 the adoption of the rules; to adopt rules establishing
2 statewide academic standards and expectations for students to
3 advance from kindergarten through grade 12 and to graduate
4 from high school with a diploma, and to establish a
5 requirement that all school districts and accredited nonpublic
6 schools that administer the Iowa test of basic skills or the
7 Iowa test of educational development annually report the test
8 results to the department and the local community.

9 DEPARTMENT OF EDUCATION. The bill requires the director to
10 develop and implement a specific process for monitoring
11 compliance with all state and federal education laws at the
12 state and school district or school levels. If the department
13 fails to implement the process, the bill allows any aggrieved
14 person to seek a writ of mandamus from the district court to
15 compel the state board to take the action. The bill expands
16 the purpose of the comprehensive school accreditation site
17 visit to include determination of whether a district is in
18 compliance with all applicable federal and state education
19 laws. The bill also requires the director to establish by
20 June 30, 2003, to the maximum degree possible, cooperation
21 with area education agencies, community colleges, the
22 department of human services and its districts, and judicial
23 districts to promote continuity in the delivery of services to
24 students and their families.

25 SCHOOL DISTRICTS AND SCHOOLS. The bill requires school
26 districts and accredited nonpublic schools, beginning October
27 1, 2004, to submit key data area information to the department
28 annually as a component of their comprehensive school
29 improvement plans.

30 TRUANCY REQUIREMENTS. The bill directs school districts
31 and accredited nonpublic schools to require attendance for the
32 entire time schools are in session in any school year and to
33 adopt a policy or rules relating to the reasons considered to
34 be valid or acceptable excuses for absence from school. Under
35 the bill, the policy must provide for not more than two

1 unexcused absences or five excused absences per semester per
2 student. The number of excused absences must be reduced by
3 the number of unexcused absences a student has on record.
4 After the first unexcused absence, the school must send
5 written warning to the truant student's parent or guardian.
6 The school district or school must refer the matter to the
7 county attorney if the student accumulates three or more
8 unexcused absences. If the school district or school fails to
9 refer the matter, or the county attorney fails to act, the
10 state board or the department, the school district or school,
11 or the parent or guardian may seek a writ of mandamus.

12 FAILURE TO ATTEND -- LOSS OF DRIVER'S LICENSE. The bill
13 strikes a provision that currently allows a person who is
14 under age 18 and who works at least 20 hours per week, but who
15 does not attend a public school, an accredited nonpublic
16 school, competent private instruction, or an alternative
17 school, to attain and keep a motor vehicle license.

18 EDUCATION STUDIES. The bill establishes an attendance-
19 based state school aid committee within the department of
20 education to advise and make recommendations to the general
21 assembly and the governor regarding the feasibility, benefits,
22 and consequences of converting from an enrollment-based state
23 school foundation aid formula to an attendance-based state
24 school foundation aid formula. The bill also establishes an
25 education law enforcement advisory committee within the
26 department to advise and make recommendations to the general
27 assembly and the governor regarding sanctions for failure by a
28 school district or accredited nonpublic school to comply with
29 federal and state education laws. Committee findings and
30 recommendations are due to the senate and house standing
31 committees on education and the joint appropriations
32 subcommittee on education by December 15, 2003.

33 STATE MANDATE. The bill may include a state mandate as
34 defined in Code section 25B.3. The bill requires that the
35 state cost of any state mandate included in the bill be paid

1 by a school district from state school foundation aid received
2 by the school district under Code section 257.16. The
3 specification is deemed to constitute state compliance with
4 any state mandate funding-related requirements of Code section
5 25B.2. The inclusion of this specification is intended to
6 reinstate the requirement of political subdivisions to comply
7 with any state mandates included in the bill.

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