

Grundberg Ch
Brunkhorst
Wise

HOUSE FILE ³⁰¹ 02517
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 relating to the operations of and programs for school
2 districts, accredited nonpublic schools, and community
3 colleges, and making changes to provisions allowing tax
4 credits and advances to businesses for participating in
5 community college training programs.

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

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

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

8 Sec. 2. Section 256.7, subsection 21, paragraph c, Code
9 Supplement 2001, is amended to read as follows:

10 c. A requirement that all school districts and accredited
11 nonpublic schools annually report to the department and the
12 local community the district-wide progress made in attaining
13 student achievement goals on the academic and other core
14 indicators and the district-wide progress made in attaining
15 locally established student learning goals. The school
16 districts and accredited nonpublic schools shall demonstrate
17 the use of multiple assessment measures in determining student
18 achievement levels. The school districts and accredited
19 nonpublic schools shall also report the number of students who
20 drop out of school in the ninth through twelfth grades, by
21 grade level; the number of students who enter ninth grade but
22 do not graduate from the school or school district; and the
23 number of students who are tested using the multiple
24 assessment measures and the percentage of students who are so
25 tested annually. The board shall develop and adopt uniform
26 definitions that school districts and accredited nonpublic
27 schools shall use in reporting the data required by this
28 paragraph. The school districts and accredited nonpublic
29 schools may report on other locally determined factors
30 influencing student achievement. The school districts and
31 accredited nonpublic schools shall also report to the local
32 community their results by individual attendance center.

33 Sec. 3. Section 256.11, subsections 3 and 4, Code
34 Supplement 2001, are amended to read as follows:

35 3. The following areas shall be taught in grades one

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1 through six: English-language arts, social studies,
2 mathematics, science, health, human growth and development,
3 physical education, traffic safety, music, and visual art.
4 The health curriculum shall include the characteristics of
5 communicable diseases including acquired immune deficiency
6 syndrome. The science curriculum shall be scientifically
7 accurate. The state board as part of accreditation standards
8 shall adopt curriculum definitions for implementing the
9 elementary program.

10 4. The following shall be taught in grades seven and
11 eight: English-language arts; social studies; mathematics;
12 science; health; human growth and development, family,
13 consumer, career, and technology education; physical
14 education; music; and visual art. The health curriculum shall
15 include the characteristics of sexually transmitted diseases
16 and acquired immune deficiency syndrome. The science
17 curriculum shall be scientifically accurate. The state board
18 as part of accreditation standards shall adopt curriculum
19 definitions for implementing the program in grades seven and
20 eight. However, this subsection shall not apply to the
21 teaching of family, consumer, career, and technology education
22 in nonpublic schools.

23 Sec. 4. Section 256.11, subsection 5, paragraph a, Code
24 Supplement 2001, is amended to read as follows:

25 a. Five units of science including physics and chemistry;
26 the units of physics and chemistry may be taught in alternate
27 years. The science curriculum shall be scientifically
28 accurate.

29 Sec. 5. Section 256.11, Code Supplement 2001, is amended
30 by adding the following new subsection:

31 NEW SUBSECTION. 15. "Scientifically accurate", as used in
32 this section, means supported by research conducted in
33 compliance with accepted scientific methods; recognized as
34 accurate and objective by leading professional organizations
35 and agencies with relevant expertise in the field, which may

1 include but shall not be limited to the American college of
2 obstetricians and gynecologists and the centers for disease
3 control and prevention of the United States department of
4 health and human services; or published in peer-reviewed
5 publications where appropriate.

6 Sec. 6. Section 257.16, Code 2001, is amended to read as
7 follows:

8 257.16 APPROPRIATIONS.

9 1. There is appropriated each year from the general fund
10 of the state an amount necessary to pay the foundation aid and
11 supplementary aid under section 257.4, subsection 2.

12 2. All state aids paid under this chapter, unless
13 otherwise stated, shall be paid in monthly installments
14 beginning on September 15 of a budget year and ending on or
15 about June 15 of the budget year as determined by the
16 department of management, taking into consideration the
17 relative budget and cash position of the state resources.

18 3. All moneys received by a school district from the state
19 under this chapter shall be deposited in the general fund of
20 the school district, and may be used for any school general
21 fund purpose.

22 4. Notwithstanding any provision to the contrary, if the
23 governor orders budget reductions in accordance with section
24 8.31, reductions in the appropriations provided in accordance
25 with this section shall be distributed on a per pupil basis.

26 Sec. 7. Section 260F.6, Code Supplement 2001, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 4. If the department determines that a
29 business that received an advance from the job training fund
30 failed to increase its employment base during the time it
31 participated in the jobs training program, the department
32 shall establish a plan for repayment of the principal of and
33 interest on the advance over a ten-year period.

34 Sec. 8. Section 260G.4A, subsections 2 and 3, Code
35 Supplement 2001, are amended to read as follows:

1 2. Eligibility for program job credits shall be based on
 2 certification of program job positions and program job wages
 3 by the employer at the time established in the agreement. An
 4 amount up to ten percent of the gross program job wage as
 5 certified by the employer in the agreement shall be credited
 6 from the total payment made by an employer pursuant to section
 7 422.16. The Except as provided in subsection 3, the employer
 8 shall receive a credit against all withholding taxes due by
 9 the employer regardless of whether or not the withholding from
 10 the employer of current program job wages is less than ten
 11 percent. The employer shall remit the amount of the credit
 12 quarterly in the same manner as withholding payments are
 13 reported to the department of revenue and finance, to the
 14 community college to be allocated to and when collected paid
 15 into a special fund of the community college to pay, in part,
 16 the program costs. When the program costs have been paid, the
 17 employer credits shall cease and any moneys received after the
 18 program costs have been paid shall be remitted to the
 19 treasurer of state to be deposited in the general fund of the
 20 state.

21 3. The employer shall certify to the department of revenue
 22 and finance that the program job credit is in accordance with
 23 the agreement and shall provide other information the
 24 department may require. Notwithstanding subsection 2, if the
 25 employer cannot certify that the business's employment base
 26 increased during the time the business participated in the
 27 program, the business shall be ineligible to receive a program
 28 job credit from withholding in accordance with this section.

29 Sec. 9. Section 272.2, subsection 15, Code Supplement
 30 2001, is amended to read as follows:

31 15. Adopt rules that require specificity in written
 32 complaints that are filed by individuals who have personal
 33 knowledge of an alleged violation and which are accepted by
 34 the board, provide that the jurisdictional requirements as set
 35 by the board in administrative rule are met on the face of the

1 complaint before initiating an investigation of allegations,
2 provide that any investigation be limited to the allegations
3 contained on the face of the complaint, provide for an
4 adequate interval between the receipt of a complaint and
5 public notice of the complaint, permit parties to a complaint
6 to mutually agree to a resolution of the complaint filed with
7 the board, allow the respondent the right to review any
8 investigative report upon a finding of probable cause for
9 further action by the board, require that the conduct
10 providing the basis for the complaint occurred within three
11 years of discovery of the event by the complainant unless good
12 cause can be shown for an extension of this limitation, and
13 require the investigation of complaints to-be-resolved and
14 determination of probable cause by the board within one
15 hundred eighty twenty days unless good cause can be shown for
16 an extension of this limitation.

17 Sec. 10. Section 272.7, Code 2001, is amended to read as
18 follows:

19 272.7 VALIDITY OF LICENSE.

20 1. A license issued under board authority is valid for the
21 period of time for which it is issued, unless the license is
22 suspended or revoked. A license issued by the board is valid
23 until the last day of the practitioner's birth month in the
24 year in which the license expires. No permanent licenses
25 shall be issued. A Except as provided in subsection 2, a
26 person employed as a practitioner shall hold a valid license
27 with an endorsement for the type of service for which the
28 person is employed. This section does not limit the duties or
29 powers of a school board to select or discharge practitioners
30 or to terminate practitioners' contracts. A professional
31 development program, except for a program offered by a
32 practitioner preparation institution or area education agency
33 and approved by the state board of education, must possess a
34 valid license for the types of programs offered.

35 2. The executive director of the board may grant or deny

1 license applications, applications for renewal of a license,
 2 and suspension or revocation of a license. A denial of an
 3 application for a license, the denial of an application for
 4 renewal, or a suspension or revocation of a license may be
 5 appealed by the practitioner to the board. The executive
 6 director of the board may waive the licensure requirements of
 7 this chapter for an individual who is employed as a
 8 superintendent for a school district with an enrollment of
 9 seven thousand five hundred or more students.

10 3. The board may issue emergency renewal or temporary,
 11 limited-purpose licenses upon petition by a current or former
 12 practitioner. An emergency renewal or a temporary, limited-
 13 purpose license may be issued for a period not to exceed two
 14 years, if a petitioner demonstrates, to the satisfaction of
 15 the board, good cause for failure to comply with board
 16 requirements for a regular license and provides evidence that
 17 the petitioner will comply with board requirements within the
 18 period of the emergency or temporary license. Under
 19 exceptional circumstances, an emergency license may be renewed
 20 by the board for one additional year. A previously unlicensed
 21 person is not eligible for an emergency or temporary license,
 22 except that a student who is enrolled in a licensed
 23 practitioner preparation program may be issued a temporary,
 24 limited-purpose license, without payment of a fee, as part of
 25 a practicum or internship program.

26 Sec. 11. Section 422.16A, Code Supplement 2001, is amended
 27 to read as follows:

28 422.16A JOB TRAINING WITHHOLDING -- CERTIFICATION AND
 29 TRANSFER.

30 Upon the completion by a business of its repayment
 31 obligation for a training project funded under chapter 260E,
 32 including a job training project funded under section 15A.8 or
 33 repaid in whole or in part by the supplemental new jobs credit
 34 from withholding under section 15A.7 or section 15.331, the
 35 sponsoring community college shall report to the department of

1 economic development the amount of withholding paid by the
2 business to the community college during the final twelve
3 months of withholding payments and the number of new jobs
4 created by the business added to the business's employment
5 figures during the same time period. ~~The~~ If the business
6 added jobs during the period, the department of economic
7 development shall notify the department of revenue and finance
8 of ~~that~~ the amount of withholding paid by the business. The
9 department shall credit to the workforce development fund
10 account established in section 15.342A twenty-five percent of
11 that amount each quarter for a period of ten years. If the
12 amount of withholding from the business or employer is
13 insufficient, the department shall prorate the quarterly
14 amount credited to the workforce development fund account.
15 The maximum amount from all employers which shall be
16 transferred to the workforce development fund account in any
17 year is four million dollars.

18 Sec. 12. DEPARTMENT OF EDUCATION STUDIES.

19 1. The department of education shall conduct the following
20 studies:

21 a. A study of average daily attendance, which shall
22 include a review of average daily attendance policies and
23 efforts from other states and their levels of success in
24 achieving higher daily attendance figures, determine whether
25 other states are using a poverty factor to compensate for
26 average daily attendance problems, and analyze the measures
27 school districts and accredited nonpublic schools with
28 unexpectedly high attendance averages are taking to positively
29 influence attendance. The study shall be designed to gather
30 information that the department shall use in designing a
31 coordinated and systematic approach that schools in this state
32 may use to improve school attendance.

33 b. A study of contract days, which the department shall
34 conduct in consultation with the Iowa association of school
35 boards, the school administrators of Iowa, and the Iowa state

1 education association. The department shall review the ways
2 school districts and accredited nonpublic schools use contract
3 days and define the term "contract days"; review the number of
4 days teachers are in class with students; and review the
5 number of contract days used for in-service, parent-teacher
6 conferences, and holidays. The department shall develop
7 recommendations for a statewide definition for the term
8 "contract days".

9 2. The department shall submit findings and
10 recommendations resulting from the studies conducted pursuant
11 to this section in a report to the senate and house standing
12 committees on education and the joint appropriations
13 subcommittee on education by December 15, 2005.

14 Sec. 13. STATE MANDATE FUNDING SPECIFIED. In accordance
15 with section 25B.2, subsection 3, the state cost of requiring
16 compliance with any state mandate included in this Act shall
17 be paid by a school district from state school foundation aid
18 received by the school district under section 257.16. This
19 specification of the payment of the state cost shall be deemed
20 to meet all the state funding-related requirements of section
21 25B.2, subsection 3, and no additional state funding shall be
22 necessary for the full implementation of this Act by and
23 enforcement of this Act against all affected school districts.

24 EXPLANATION

25 This bill amends a number of Code provisions relating to
26 the operations of and programs for kindergarten through grade
27 14 educational institutions.

28 The bill requires the state board of education to adopt
29 rules affecting the comprehensive school improvement plans and
30 reports submitted by school districts and accredited nonpublic
31 schools by requiring that all schools and school districts
32 annually report to the department and the local community data
33 relating to drop-out rates, percentages of ninth through
34 twelfth grade students that graduate, and the numbers and
35 percentages of students tested using multiple assessment

1 measures. The state board is further required to develop and
2 adopt common definitions for schools and school districts to
3 use when reporting the data.

4 The bill requires that the science curriculum provided by
5 school districts and accredited nonpublic schools must be
6 scientifically accurate.

7 The bill requires that any across-the-board budget
8 reductions to state foundation aid and supplementary aid made
9 by the governor must be distributed on a per pupil basis.

10 The bill also provides that tax credits provided to
11 businesses under the Iowa industrial new jobs training Act or
12 the accelerated career education program Act are conditioned
13 on the business's ability to provide evidence that the
14 business increased its employment base during the time it
15 participated in a program. The bill also amends the Iowa jobs
16 training Act to require the repayment of any state assistance
17 a business received as an advance if the department determines
18 that a business failed to increase its employment base during
19 the time it participated in the program. The bill directs the
20 department to deposit moneys repaid into the job training
21 fund.

22 The bill permits the executive director of the board of
23 educational examiners to waive licensure requirements for
24 superintendents of school districts with an enrollment of at
25 least 7,500 students.

26 The bill strikes language requiring the board of
27 educational examiners to resolve a complaint filed with the
28 board within 180 days unless good cause can be shown for an
29 extension of the limitation. The bill replaces that
30 limitation with language requiring the board to investigate
31 complaints and determine probable cause within 120 days unless
32 good cause can be shown for an extension of the 120-day
33 limitation.

34 The bill directs the department of education to conduct two
35 studies. The first is a study of average daily attendance

1 that is to include a review of other states' policies and
 2 efforts and their levels of success in achieving higher daily
 3 attendance figures. The department is directed to analyze the
 4 measures school districts and accredited nonpublic schools
 5 with unexpectedly high attendance averages are taking to
 6 positively influence attendance. The study must be designed
 7 to gather information for use in designing a coordinated and
 8 systematic approach that schools in this state may use to
 9 improve school attendance. The department is also directed to
 10 study contract days and review the ways school districts and
 11 accredited nonpublic schools use contract days and to define
 12 the term. The department is directed to develop
 13 recommendations for a statewide definition for the term
 14 "contract days". Reports from both studies must be submitted
 15 to the senate and house standing committees on education and
 16 the joint appropriations subcommittee on education by December
 17 15, 2005.

18 The bill may include a state mandate as defined in Code
 19 section 25B.3. The bill requires that the state cost of any
 20 state mandate included in the bill be paid by a school
 21 district from state school foundation aid received by the
 22 school district under Code section 257.16. The specification
 23 is deemed to constitute state compliance with any state
 24 mandate funding-related requirements of Code section 25B.2.
 25 The inclusion of this specification is intended to reinstate
 26 the requirement of political subdivisions to comply with any
 27 state mandates included in the bill.

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REPRINTED

FEB 25 2002

Place On Calendar

HOUSE FILE 2517
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 661)

Passed House, Date ^(P.587) 3/4/02

Passed Senate, Date _____

Vote: Ayes 87 Nays 12

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the operations of and programs for school
2 districts, accredited nonpublic schools, and community
3 colleges.

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

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HF 2517

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

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

8 Sec. 2. Section 256.7, subsection 21, paragraph c, Code
9 Supplement 2001, is amended to read as follows:

10 c. A requirement that all school districts and accredited
11 nonpublic schools annually report to the department and the
12 local community the district-wide progress made in attaining
13 student achievement goals on the academic and other core
14 indicators and the district-wide progress made in attaining
15 locally established student learning goals. The school
16 districts and accredited nonpublic schools shall demonstrate
17 the use of multiple assessment measures in determining student
18 achievement levels. The school districts and accredited
19 nonpublic schools shall also report the number of students who
20 enter ninth grade but do not graduate from the school or
21 school district; and the number of students who are tested and
22 the percentage of students who are so tested annually. The
23 board shall develop and adopt uniform definitions consistent
24 with the federal No Child Left Behind Act of 2001, Pub. L.
25 No. 107-110 and any federal regulations adopted pursuant to
26 the federal Act. The school districts and accredited
27 nonpublic schools may report on other locally determined
28 factors influencing student achievement. The school districts
29 and accredited nonpublic schools shall also report to the
30 local community their results by individual attendance center.

31 Sec. 3. Section 257.16, Code 2001, is amended to read as
32 follows:

33 257.16 APPROPRIATIONS.

34 1. There is appropriated each year from the general fund
35 of the state an amount necessary to pay the foundation aid and

1 supplementary aid under section 257.4, subsection 2.

2 2. All state aids paid under this chapter, unless
3 otherwise stated, shall be paid in monthly installments
4 beginning on September 15 of a budget year and ending on or
5 about June 15 of the budget year as determined by the
6 department of management, taking into consideration the
7 relative budget and cash position of the state resources.

8 3. All moneys received by a school district from the state
9 under this chapter shall be deposited in the general fund of
10 the school district, and may be used for any school general
11 fund purpose.

12 4. Notwithstanding any provision to the contrary, if the
13 governor orders budget reductions in accordance with section
14 8.31, reductions in the appropriations provided in accordance
15 with this section shall be distributed on a per pupil basis
16 calculated with the weighted enrollment determined in
17 accordance with section 257.6, subsection 5.

18 Sec. 4. NEW SECTION. 257.50 FEDERAL ASSISTANCE -- SCHOOL
19 DISTRICT RESPONSIBILITIES.

20 The director of the department of education, in accepting
21 and administering federal funds in accordance with section
22 256.9, subsection 7, shall designate a school district
23 receiving federal grant moneys under the federal 21st Century
24 Community Learning Center Grant, Title IV, Part B of the
25 federal No Child Left Behind Act of 2001, Pub.L. No. 107-110,
26 a fiscal agent for the federal grant moneys received by the
27 school district. The school district shall collaborate with a
28 community-based organization, a public or private entity, or a
29 consortium of two or more of such organizations or entities in
30 establishing a community learning center. In administering
31 the federal grant moneys, the school district shall give
32 priority to middle school programs.

33 Sec. 5. Section 272.2, subsection 15, Code Supplement
34 2001, is amended to read as follows:

35 15. Adopt rules that require specificity in written

1 complaints that are filed by individuals who have personal
2 knowledge of an alleged violation and which are accepted by
3 the board, provide that the jurisdictional requirements as set
4 by the board in administrative rule are met on the face of the
5 complaint before initiating an investigation of allegations,
6 provide that any investigation be limited to the allegations
7 contained on the face of the complaint, provide for an
8 adequate interval between the receipt of a complaint and
9 public notice of the complaint, permit parties to a complaint
10 to mutually agree to a resolution of the complaint filed with
11 the board, allow the respondent the right to review any
12 investigative report upon a finding of probable cause for
13 further action by the board, require that the conduct
14 providing the basis for the complaint occurred within three
15 years of discovery of the event by the complainant unless good
16 cause can be shown for an extension of this limitation, and
17 require the investigation of complaints to-be-resolved and
18 determination of probable cause by the board within one
19 hundred eighty twenty days unless good cause can be shown for
20 an extension of this limitation.

21 Sec. 6. Section 272.7, Code 2001, is amended to read as
22 follows:

23 272.7 VALIDITY OF LICENSE.

24 1. A license issued under board authority is valid for the
25 period of time for which it is issued, unless the license is
26 suspended or revoked. A license issued by the board is valid
27 until the last day of the practitioner's birth month in the
28 year in which the license expires. No permanent licenses
29 shall be issued. A Except as provided in subsection 2, a
30 person employed as a practitioner shall hold a valid license
31 with an endorsement for the type of service for which the
32 person is employed. This section does not limit the duties or
33 powers of a school board to select or discharge practitioners
34 or to terminate practitioners' contracts. A professional
35 development program, except for a program offered by a

1 practitioner preparation institution or area education agency
2 and approved by the state board of education, must possess a
3 valid license for the types of programs offered.

4 2. The executive director of the board may grant or deny
5 license applications, applications for renewal of a license,
6 and suspension or revocation of a license. A denial of an
7 application for a license, the denial of an application for
8 renewal, or a suspension or revocation of a license may be
9 appealed by the practitioner to the board. The executive
10 director of the board may waive the licensure requirements of
11 this chapter for an individual who is employed as a
12 superintendent for a school district with an enrollment of
13 seven thousand five hundred or more students.

14 3. The board may issue emergency renewal or temporary,
15 limited-purpose licenses upon petition by a current or former
16 practitioner. An emergency renewal or a temporary, limited-
17 purpose license may be issued for a period not to exceed two
18 years, if a petitioner demonstrates, to the satisfaction of
19 the board, good cause for failure to comply with board
20 requirements for a regular license and provides evidence that
21 the petitioner will comply with board requirements within the
22 period of the emergency or temporary license. Under
23 exceptional circumstances, an emergency license may be renewed
24 by the board for one additional year. A previously unlicensed
25 person is not eligible for an emergency or temporary license,
26 except that a student who is enrolled in a licensed
27 practitioner preparation program may be issued a temporary,
28 limited-purpose license, without payment of a fee, as part of
29 a practicum or internship program.

30 Sec. 7. LEGISLATIVE FISCAL BUREAU REPORT. The legislative
31 fiscal bureau, in cooperation with the department of
32 education, shall report the use and outcomes from other states
33 of average daily attendance for funding kindergarten through
34 grade twelve education. The report shall include whether
35 other states are using a poverty factor to compensate for

1 cooperation with the department of education, to report the
2 use and outcomes from other states of average daily attendance
3 for funding K-12 education. The department must submit its
4 assessment of the impact of such funding in Iowa. The reports
5 are due by October 15, 2003, and December 15, 2003,
6 respectively, to the standing education committees and the
7 joint appropriations subcommittee on education of the general
8 assembly. The department is also directed to prepare a report
9 on contract days and review the ways school districts use
10 contract days. The department is directed to develop
11 recommendations for a statewide definition for the term
12 "professional development day". Annual progress reports must
13 be submitted to the senate and house standing committees on
14 education and the joint appropriations subcommittee on
15 education, with a final report due by December 15, 2005.

16 The bill may include a state mandate as defined in Code
17 section 25B.3. The bill requires that the state cost of any
18 state mandate included in the bill be paid by a school
19 district from state school foundation aid received by the
20 school district under Code section 257.16. The specification
21 is deemed to constitute state compliance with any state
22 mandate funding-related requirements of Code section 25B.2.
23 The inclusion of this specification is intended to reinstate
24 the requirement of political subdivisions to comply with any
25 state mandates included in the bill.

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HOUSE FILE 2517

H-8134

- 1 Amend House File 2517 as follows:
 2 1. Page 2, line 22, by striking the words
 3 "designate a school district" and inserting the
 4 following: "upon".
 5 2. Page 2, by striking lines 26 and 27 and
 6 inserting the following: "designate that a school
 7 district be the fiscal agent for an eligible local
 8 grant. Whenever possible, the grant applicant school
 9 district shall collaborate with a".
 10 3. Page 2, by striking lines 30 through 32 and
 11 inserting the following: "establishing a community
 12 learning center. The department shall give priority
 13 to applications for programs serving students
 14 determined through research-based methods to be in the
 15 greatest need of eligible services."

By GRUNDBERG of Polk

H-8134 FILED MARCH 1, 2002

Adopted
 3/4/02 (P. 586)

HOUSE FILE 2517

H-8149

- 1 Amend House File 2517 as follows:
 2 1. Page 4, by inserting after line 29 the
 3 following:
 4 "Sec. ____ . Section 280.12, subsection 2, Code
 5 2001, is amended by adding the following new
 6 paragraphs:
 7 NEW PARAGRAPH. f. Opportunities to build stronger
 8 partnerships between the schools and minority and low-
 9 income families.
 10 NEW PARAGRAPH. g. Methods to eliminate the
 11 achievement gap between the general school population
 12 and minority and low-income students.
 13 NEW PARAGRAPH. h. Strategies to expand early
 14 childhood educational opportunities for children from
 15 birth to four years of age.
 16 NEW PARAGRAPH. i. Current and future needs to
 17 establish or expand youth development programs and
 18 after-school and summer school programming that
 19 provide tutoring and mentoring activities.
 20 NEW PARAGRAPH. j. Methods for improving
 21 communication between schools, families, and community
 22 service organizations and for maintaining minority and
 23 low-income family connections to their school."
 24 2. By renumbering as necessary.

By DOTZLER of Black Hawk

H-8149 FILED MARCH 1, 2002

Adopted
 3/4/02

HOUSE FILE 2517

H-8161

1 Amend the amendment, H-8134, to House File 2517 as
2 follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "____. Title page, by striking lines 2 and 3 and
6 inserting the following: "districts and accredited
7 nonpublic schools.""

By GRUNDBERG of Polk

H-8161 FILED MARCH 4, 2002

Adopted
3/4/02

HOUSE FILE 2517

H-8168

1 Amend the amendment, H-8149, to House File 2517, as
2 follows:
3 1. Page 1, by striking lines 4 through 23, and
4 inserting the following:
5 ""Sec. ____ Section 280.12, subsection 2,
6 paragraph d, Code Supplement 2001, is amended to read
7 as follows:
8 d. Desired levels of student performance,
9 including methods to eliminate the achievement gap
10 between the general school population and minority and
11 low-income students.""

By FORD of Polk

H-8168 FILED MARCH 4, 2002

Adopted
3/4/02 (p. 587)

S. 3/4/02 Education
S. 2/14/02 Amend/Do Pass
W/5171

HOUSE FILE 2517
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 661)

(As Amended and Passed by the House March 4, 2002)

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

A BILL FOR

1 An Act relating to the operations of and programs for school
2 districts and accredited nonpublic schools.

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

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5 House Amendments _____

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

4 Develop and adopt rules ~~by July 17, 1997~~ incorporating
5 accountability for student achievement into the standards and
6 accreditation process described in section 256.11. The rules
7 shall provide for all of the following:

8 Sec. 2. Section 256.7, subsection 21, paragraph c, Code
9 Supplement 2001, is amended to read as follows:

10 c. A requirement that all school districts and accredited
11 nonpublic schools annually report to the department and the
12 local community the district-wide progress made in attaining
13 student achievement goals on the academic and other core
14 indicators and the district-wide progress made in attaining
15 locally established student learning goals. The school
16 districts and accredited nonpublic schools shall demonstrate
17 the use of multiple assessment measures in determining student
18 achievement levels. The school districts and accredited
19 nonpublic schools shall also report the number of students who
20 enter ninth grade but do not graduate from the school or
21 school district; and the number of students who are tested and
22 the percentage of students who are so tested annually. The
23 board shall develop and adopt uniform definitions consistent
24 with the federal No Child Left Behind Act of 2001, Pub. L.
25 No. 107-110 and any federal regulations adopted pursuant to
26 the federal Act. The school districts and accredited
27 nonpublic schools may report on other locally determined
28 factors influencing student achievement. The school districts
29 and accredited nonpublic schools shall also report to the
30 local community their results by individual attendance center.

31 Sec. 3. Section 257.16, Code 2001, is amended to read as
32 follows:

33 257.16 APPROPRIATIONS.

34 1. There is appropriated each year from the general fund
35 of the state an amount necessary to pay the foundation aid and

1 supplementary aid under section 257.4, subsection 2.

2 2. All state aids paid under this chapter, unless
3 otherwise stated, shall be paid in monthly installments
4 beginning on September 15 of a budget year and ending on or
5 about June 15 of the budget year as determined by the
6 department of management, taking into consideration the
7 relative budget and cash position of the state resources.

8 3. All moneys received by a school district from the state
9 under this chapter shall be deposited in the general fund of
10 the school district, and may be used for any school general
11 fund purpose.

12 4. Notwithstanding any provision to the contrary, if the
13 governor orders budget reductions in accordance with section
14 8.31, reductions in the appropriations provided in accordance
15 with this section shall be distributed on a per pupil basis
16 calculated with the weighted enrollment determined in
17 accordance with section 257.6, subsection 5.

18 Sec. 4. NEW SECTION. 257.50 FEDERAL ASSISTANCE -- SCHOOL
19 DISTRICT RESPONSIBILITIES.

20 The director of the department of education, in accepting
21 and administering federal funds in accordance with section
22 256.9, subsection 7, shall upon receiving federal grant moneys
23 under the federal 21st Century Community Learning Center
24 Grant, Title IV, Part B of the federal No Child Left Behind
25 Act of 2001, Pub.L. No. 107-110, designate that a school
26 district be the fiscal agent for an eligible local grant.
27 Whenever possible, the grant applicant school district shall
28 collaborate with a community-based organization, a public or
29 private entity, or a consortium of two or more of such
30 organizations or entities in establishing a community learning
31 center. The department shall give priority to applications
32 for programs serving students determined through research-
33 based methods to be in the greatest need of eligible services.

34 Sec. 5. Section 272.2, subsection 15, Code Supplement
35 2001, is amended to read as follows:

1 15. Adopt rules that require specificity in written
2 complaints that are filed by individuals who have personal
3 knowledge of an alleged violation and which are accepted by
4 the board, provide that the jurisdictional requirements as set
5 by the board in administrative rule are met on the face of the
6 complaint before initiating an investigation of allegations,
7 provide that any investigation be limited to the allegations
8 contained on the face of the complaint, provide for an
9 adequate interval between the receipt of a complaint and
10 public notice of the complaint, permit parties to a complaint
11 to mutually agree to a resolution of the complaint filed with
12 the board, allow the respondent the right to review any
13 investigative report upon a finding of probable cause for
14 further action by the board, require that the conduct
15 providing the basis for the complaint occurred within three
16 years of discovery of the event by the complainant unless good
17 cause can be shown for an extension of this limitation, and
18 require the investigation of complaints to-be-resolved and
19 determination of probable cause by the board within one
20 hundred ~~eighty~~ twenty days unless good cause can be shown for
21 an extension of this limitation.

22 Sec. 6. Section 272.7, Code 2001, is amended to read as
23 follows:

24 272.7 VALIDITY OF LICENSE.

25 1. A license issued under board authority is valid for the
26 period of time for which it is issued, unless the license is
27 suspended or revoked. A license issued by the board is valid
28 until the last day of the practitioner's birth month in the
29 year in which the license expires. No permanent licenses
30 shall be issued. A Except as provided in subsection 2, a
31 person employed as a practitioner shall hold a valid license
32 with an endorsement for the type of service for which the
33 person is employed. This section does not limit the duties or
34 powers of a school board to select or discharge practitioners
35 or to terminate practitioners' contracts. A professional

1 development program, except for a program offered by a
2 practitioner preparation institution or area education agency
3 and approved by the state board of education, must possess a
4 valid license for the types of programs offered.

5 2. The executive director of the board may grant or deny
6 license applications, applications for renewal of a license,
7 and suspension or revocation of a license. A denial of an
8 application for a license, the denial of an application for
9 renewal, or a suspension or revocation of a license may be
10 appealed by the practitioner to the board. The executive
11 director of the board may waive the licensure requirements of
12 this chapter for an individual who is employed as a
13 superintendent for a school district with an enrollment of
14 seven thousand five hundred or more students.

15 3. The board may issue emergency renewal or temporary,
16 limited-purpose licenses upon petition by a current or former
17 practitioner. An emergency renewal or a temporary, limited-
18 purpose license may be issued for a period not to exceed two
19 years, if a petitioner demonstrates, to the satisfaction of
20 the board, good cause for failure to comply with board
21 requirements for a regular license and provides evidence that
22 the petitioner will comply with board requirements within the
23 period of the emergency or temporary license. Under
24 exceptional circumstances, an emergency license may be renewed
25 by the board for one additional year. A previously unlicensed
26 person is not eligible for an emergency or temporary license,
27 except that a student who is enrolled in a licensed
28 practitioner preparation program may be issued a temporary,
29 limited-purpose license, without payment of a fee, as part of
30 a practicum or internship program.

31 Sec. 7. Section 280.12, subsection 2, paragraph d, Code
32 Supplement 2001, is amended to read as follows:

33 d. Desired levels of student performance, including
34 methods to eliminate the achievement gap between the general
35 school population and minority and low-income students.

1 Sec. 8. LEGISLATIVE FISCAL BUREAU REPORT. The legislative
2 fiscal bureau, in cooperation with the department of
3 education, shall report the use and outcomes from other states
4 of average daily attendance for funding kindergarten through
5 grade twelve education. The report shall include whether
6 other states are using a poverty factor to compensate for
7 average daily attendance problems and the levels of success in
8 achieving higher daily attendance figures. The legislative
9 fiscal bureau shall submit its findings and recommendations to
10 the department of education, the senate and house standing
11 committees on education, and the joint appropriations
12 subcommittee on education by October 15, 2003. The department
13 of education shall submit its assessment of the impact of
14 statewide average daily attendance funding in this state in a
15 report to the legislative fiscal bureau, the senate and house
16 standing committees on education, and the joint appropriations
17 subcommittee on education by December 15, 2003.

18 Sec. 9. DEPARTMENT OF EDUCATION REPORT. The department of
19 education shall submit a report on the use by school districts
20 of contract days, which the department shall prepare in
21 consultation with the Iowa association of school boards, the
22 school administrators of Iowa, and the Iowa state education
23 association. The department shall chart the ways school
24 districts use contract days, including but not limited to, the
25 number of contract days school districts use for contact
26 between teachers and students, for professional development,
27 parent-teacher conferences, holidays, and any other use the
28 school district may make of a contract day. The department
29 shall develop recommendations for a statewide definition for
30 the term "professional development day". The department shall
31 submit progress reports prepared in accordance with this
32 section to the senate and house standing committees on
33 education and the joint appropriations subcommittee on
34 education annually by December 15, and shall submit its final
35 report by December 15, 2005.

1 Sec. 10. STATE MANDATE FUNDING SPECIFIED. In accordance
2 with section 25B.2, subsection 3, the state cost of requiring
3 compliance with any state mandate included in this Act shall
4 be paid by a school district from state school foundation aid
5 received by the school district under section 257.16. This
6 specification of the payment of the state cost shall be deemed
7 to meet all the state funding-related requirements of section
8 25B.2, subsection 3, and no additional state funding shall be
9 necessary for the full implementation of this Act by and
10 enforcement of this Act against all affected school districts.

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HOUSE FILE 2517

S-5171

1 Amend House File 2517, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. ____ Section 256.7, subsection 21, Code
6 Supplement 2001, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. d. A requirement that all school
9 districts and accredited nonpublic schools that
10 administer the Iowa test of basic skills or the Iowa
11 test of educational development annually submit to the
12 department and make available to the local community a
13 summary report that contains statistical information
14 about the test scores for reading, math, language, and
15 science. The report is to be produced for each grade
16 group in a building and for each entire grade group in
17 the school district or accredited nonpublic school.
18 The report shall at a minimum include the percentage
19 of students in each grade who scored in each of the
20 four national percentile rankings, one to twenty-four,
21 twenty-five to forty-nine, fifty to seventy-four, and
22 seventy-five to ninety-nine. The department shall
23 develop and publish a standardized reporting mechanism
24 that school districts and accredited nonpublic schools
25 shall utilize in submitting the reports in accordance
26 with this paragraph."

27 2. Page 2, by striking lines 18 through 33.

28 3. Page 4, by inserting after line 35 the
29 following:

30 "Sec. ____ Section 280.12, subsection 2, paragraph
31 e, Code Supplement 2001, is amended to read as
32 follows:

33 e. Progress toward meeting the goals set out in
34 paragraphs "b" through "d". For purposes of meeting
35 the requirements of this paragraph, the advisory
36 committee shall develop and maintain a longitudinal
37 analysis chart that uses data from the Iowa test of
38 basic skills or the Iowa test of educational
39 development and is based on grade-equivalent scores
40 resulting from tests administered during the same time
41 period each year. The analysis shall review reading,
42 math, and science scores and include average gain
43 scores."

44 4. By renumbering as necessary.

By COMMITTEE ON EDUCATION
NANCY BOETTGER, Chairperson

HOUSE FILE 2517

S-5254

1 Amend House File 2517, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 403.19, subsections 2 and 7,
6 Code Supplement 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,
21 taxes for the instructional support levy of a school
22 district imposed pursuant to section 257.21, and taxes
23 for the payment of bonds and interest of each taxing
24 district must be collected against all taxable
25 property within the taxing district without limitation
26 by the provisions of this subsection. However, all or
27 a portion of the taxes for the physical plant and
28 equipment levy and for the instructional support levy
29 shall be paid by the school district to the
30 municipality if the auditor certifies to the school
31 district by July 1 the amount of such levy that is
32 necessary to pay the principal and interest on bonds
33 issued by the municipality to finance an urban renewal
34 project, which bonds were issued before July 1, 2001.
35 Indebtedness incurred to refund bonds issued prior to
36 July 1, 2001, shall not be included in the
37 certification. Such school district shall pay over
38 the amount certified by November 1 and May 1 of the
39 fiscal year following certification to the school
40 district as provided in subsection 7. Unless and
41 until the total assessed valuation of the taxable
42 property in an urban renewal area exceeds the total
43 assessed value of the taxable property in such area as
44 shown by the last equalized assessment roll referred
45 to in subsection 1, all of the taxes levied and
46 collected upon the taxable property in the urban
47 renewal area shall be paid into the funds for the
48 respective taxing districts as taxes by or for the
49 taxing districts in the same manner as all other
50 property taxes. When such loans, advances,

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1 indebtedness, and bonds, if any, and interest thereon,
2 have been paid, all moneys thereafter received from
3 taxes upon the taxable property in such urban renewal
4 area shall be paid into the funds for the respective
5 taxing districts in the same manner as taxes on all
6 other property.

7 7. a. All or a portion of the taxes for the
8 physical plant and equipment levy shall be paid by the
9 school district to the municipality if the auditor
10 certifies to the school district by July 1 the amount
11 of such levy that is necessary to pay the principal
12 and interest on bonds issued by the municipality to
13 finance an urban renewal project, which bonds were
14 issued before July 1, 2001. Indebtedness incurred to
15 refund bonds issued prior to July 1, 2001, shall not
16 be included in the certification. Such school district
17 shall pay over the amount certified by November 1 and
18 May 1 of the fiscal year following certification to
19 the school district. For any fiscal year, a
20 municipality may certify to the county auditor for
21 physical plant and equipment revenue necessary for
22 payment of principal and interest on bonds issued
23 prior to July 1, 2001, only if the municipality
24 certified for such revenue for the fiscal year
25 beginning July 1, 2000. A municipality shall not
26 certify to the county auditor for a school district
27 more than the amount the municipality certified for
28 the fiscal year beginning July 1, 2000. If for any
29 fiscal year a municipality fails to certify to the
30 county auditor for a school district by July 1 the
31 amount of physical plant and equipment revenue
32 necessary for payment of principal and interest on
33 such bonds, as provided in subsection 2, the school
34 district is not required to pay over the revenue to
35 the municipality. If a school district and a
36 municipality are unable to agree on the amount of
37 physical plant and equipment revenue certified by the
38 municipality for the fiscal year beginning July 1,
39 2001, either party may request that the state appeal
40 board review and finally pass upon the amount that may
41 be certified. Such appeals must be presented in
42 writing to the state appeal board no later than July
43 31 following certification. The burden shall be on
44 the municipality to prove that the physical plant and
45 equipment levy revenue is necessary to pay principal
46 and interest on bonds issued prior to July 1, 2001. A
47 final decision must be issued by the state appeal
48 board no later than the following October 1.

49 b. All or a portion of the taxes for the
50 instructional support levy shall be paid by the school

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1 district to the municipality if the auditor certifies
2 to the school district by July 1 the amount of such
3 levy that is necessary to pay the principal and
4 interest on bonds issued by the municipality to
5 finance an urban renewal project, which bonds were
6 issued before July 1, 2002. Indebtedness incurred to
7 refund bonds issued prior to July 1, 2002, shall not
8 be included in the certification. Such school district
9 shall pay over the amount certified by November 1 and
10 May 1 of the fiscal year following certification to
11 the school district. For any fiscal year, a
12 municipality shall not certify to the county auditor
13 for a school district more than the amount the
14 municipality certified for the fiscal year beginning
15 July 1, 2002. If for any fiscal year a municipality
16 fails to certify to the county auditor for a school
17 district by July 1 the amount of instructional support
18 property tax revenue necessary for payment of
19 principal and interest on such bonds, as provided in
20 subsection 2, the school district is not required to
21 pay over the revenue to the municipality. If a school
22 district and a municipality are unable to agree on the
23 amount of instructional support property tax revenue
24 certified by the municipality for the fiscal year
25 beginning July 1, 2002, either party may request that
26 the state appeal board review and finally pass upon
27 the amount that may be certified. Such appeals must
28 be presented in writing to the state appeal board no
29 later than July 31 following certification. The
30 burden shall be on the municipality to prove that the
31 instructional support property tax revenue is
32 necessary to pay principal and interest on bonds
33 issued prior to July 1, 2002. A final decision must
34 be issued by the state appeal board no later than the
35 following October 1."

36 2. Page 6, by inserting after line 10 the
37 following:

38 "Sec. _____. The section of this Act, amending
39 section 403.19, being deemed of immediate importance,
40 takes effect upon enactment."

41 3. Title page, line 2, by inserting after the
42 word "schools" the following: "and including an
43 effective date."

By MIKE CONNOLLY

S-5254 FILED MARCH 26, 2002

Legislative Fiscal Bureau

Fiscal Note

Senate Amendment S - 5171 to HF 2517 - Education Provisions (LSB 6636 HV.1)
Analyst: Robin Madison (Phone: (515) 281-5270) (robin.madison@legis.state.ia.us)
Fiscal Note Version - Amendment S - 5171

Description

The first operation in Senate Amendment S - 5171 would require that all school districts and accredited nonpublic schools that administer the Iowa Test of Basic Skills (ITBS) or the Iowa Test of Educational Development (ITED) annually report to the Department of Education and to the local community test scores for reading, math, language, and science for each grade group in a building and for each grade group in a school district or accredited nonpublic school. The report must include the percentage of students in each grade who scored in each of the four national percentile rankings.

The second operation in Senate Amendment S - 5171 would strike language in HF 2517 requiring school districts and accredited nonpublic schools to report certain graduation statistics consistent with the federal No Child Left Behind Act of 2001.

The third operation in Senate Amendment S - 5171 would require school improvement advisory committees to develop and maintain a longitudinal analysis chart using ITBS or ITED data based on grade-equivalent scores from reading, math, and science tests administered during the same time period each year. The analysis must include average gain scores.

Assumptions

1. Currently, school districts are required to test only in grades 4, 8, and 11 and only in math and reading. Beginning in FY 2003, school districts will be required to test those grades in science, as well. Many school districts are voluntarily testing in grades 3 through 8, and some test in grades 9 through 11 or 12. Some may already be testing in the subject area of language. The extent to which school districts test beyond the requirements is not known. The Amendment would require school districts and nonpublic schools to test at every grade level, K-12, and in four subject areas.
2. The ITBS is not intended for testing in grades K-1. An appropriate testing vehicle would have to be identified for these grades, at an unknown cost.
3. Scoring the ITBS and ITED for additional grades and in additional subjects areas would cost school districts and nonpublic schools \$0.20 per additional student per additional subject area. The cost of adding one new subject area in grades 2-12 statewide would be \$84,000 for public school districts. The total cost to nonpublic schools would be \$6,000. The maximum potential cost to test every public and nonpublic student in all four subjects is \$364,000. How much of this would be new cost is not known due to lack of information on current testing activities and costs.
4. At one time, the Iowa Testing Program made the Building Evaluator's Summary available to schools that use the ITBS and the ITED. This summary report grouped student test scores by the four national percentile rankings and would serve as an appropriate reporting mechanism for purposes of the Department of Education's responsibilities under the Amendment. The Iowa Testing Program and Riverside Publishing Company could reinstate the Building Evaluator's Summary but would require at least one year to do so and would incur developmental and programming costs.
5. Senate Amendment S - 5171 requires school districts to maintain the longitudinal analysis of grade-equivalent scores for the school board's use in determining progress toward meeting achievement goals. Schools using the ITBS receive, at no additional cost, the grade-equivalent scores necessary to maintain the longitudinal analysis and to

calculate average gain scores. Because the ITED does not report grade-equivalent scores, it would not be possible for school districts and nonpublic schools to meet this particular requirement for grades 9 through 12.

6. School districts currently set achievement goals based upon the percentage of students at various proficiency levels rather than grade-equivalent scores. The Amendment would require additional goals using grade-equivalent scores. The Department of Education estimates that the time required to implement this provision would equate to two full days of work by 10 teachers per building at a cost of \$5.2 million for grades K-8 and to obtain grade-equivalent scores for grades 9-12, the cost estimate would increase by \$1.7 million. Some school districts may reallocate funds to compensate staff for these additional duties.

Fiscal Impact

Senate Amendment S - 5171 does not require significant additional expenditures from the General Fund. Local school districts may reallocate funds to compensate staff for additional duties related to the provisions of the Amendment. The cost to local school districts for administering additional tests cannot be accurately estimated due to lack of information on current testing activities and costs.

Sources

The Iowa Testing Program, University of Iowa
Department of Education
Educational Services, Area Education Agency 11

/s/ Dennis C Prouty

March 26, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
