



DATE: May 27, 2008

TO: Superintendents  
School Board members  
Principals  
Teachers  
Other interested stakeholders

FROM: Judy Jeffrey, Director

SUBJECT: 2008 Legislative action

The 2008 Legislative session was another landmark year. Education was again a key priority and all sectors of education reaped many benefits from this focus on educational issues and funding. In an effort to keep you informed of the resulting changes, we've provided below a brief synopsis of legislative action related to education. Please note that four themes are included in this letter: 1) policy issues, 2) funding changes, 3) mandated studies, and 4) additional grant opportunities.

The Department understands that these changes will likely prompt discussions and require adjustments to local policy and procedures. Please know that we want to assist you in this process; therefore, we will provide detailed guidance specific to several issues outlined in this document in the upcoming months. In addition, please feel free to contact our consultants with questions or concerns you may have.

## Policy Issues

### Education Appropriations Policy – [HF 2679](#)

**Separate guidance on some of the policy changes included in HF 2679 will be issued. These separate pieces of guidance will address 1) Changes to Educator Quality, 2) Adjustments to preschool programming, 2) Senior Year Plus implementation, and 4) Categorical Fund roll-in issues.**

## Changes to Educator Quality

- A new requirement that all districts in current whole-grade sharing agreements or districts entering into whole-grade sharing agreements in the future must address the disposition of Teacher Quality funds in the agreement. Existing agreements must be amended per the conversation that will occur related to disposition of Teacher Quality funds.
- The minimum salaries for 2008-09 will be \$28,000 for beginning teachers and \$30,000 for career teachers. There are no longer two levels of minimum salaries for career teachers.
- Regular compensation, for the purposes of teacher quality funding, is defined as only base salary plus any salary provided under the Educational Excellence program (IC 294A). This means, in the event that the district and the bargaining unit CANNOT reach agreement on salary distributions related to new appropriations by September 15, that any teacher receiving a salary supplement to reach a minimum salary threshold cannot be included in the even distribution of compensation dollars for the remainder of staff.
- Districts are now required to disburse teacher compensation dollars evenly throughout the year beginning with the October payroll effective for 2008-09.
- Districts are now required to direct “resources” to support individual teacher professional development plans rather than “funding.” This broader definition can include things like peer support and other kinds of contributions.
- There is no longer a requirement to include input from “other evaluators” in the performance review process for career teachers.
- The National Board Certification process was NOT reinstated, but funding will be in place to continue the commitment to those individuals that were in the process prior to December 31, 2007.
- Adds \$8.5 million to the professional development “pot” for specific use by districts to implement the Iowa Core Curriculum (ICC). While the purpose of the \$8.5 million is not negotiable, Teacher Quality Committees will still have to discuss the various ways these funds will be used to support the implementation of the ICC.
- Eliminates Market Factor Pay funding effective for 2008-09. Prior funds can be carried-forward and Code and rules in place guiding uses of those funds at the time they were appropriated still apply.

## Adjustments to 4-year-old Preschool Programming

- Clarifies that eligible students must be four “on or before” September 15.
- Clarifies that school districts may not request additional authority from the SBRC for expansion of this programming.

- Adds a provision that requires the Department to approve school districts for continuation in the program prior to the beginning of year two in the program or any subsequent years.
- Adds language that requires the Department to collaborate with Early Childhood Iowa and its public and private entities on the delivery of early childhood professional development activities.

### Senior Year Plus Statute

- Establishes a new Code Chapter (IC 261E) that consolidates into one place all statutes related to all programming that provides opportunities for high school students to earn college credit. This includes 1) Advanced Placement courses, 2) Concurrent enrollment (commonly called dual-credit) courses, 3) Post-secondary Enrollment Options Act courses, 4) Career and Regional Academy courses, and 5) ICN and Iowa Learning Online courses.
- Establishes new post-secondary course audit committees charged with ensuring that courses offered under this chapter are of college-level difficulty and meeting the expectations of this chapter.
- Creates a new, expanded supplemental weighting for school districts that host courses shared between districts.
- Changes weighting for concurrent enrollment classes to 0.70 for career and technical courses and 0.46 for all other courses.
- Establishes criteria for student, teacher, and institution participation in programming offered under this chapter. This includes a requirement that the student be proficient in reading, math and science or that the student meets other alternate, but equivalent criteria established locally.
- Provides funding that will cover half the cost of all Advanced Placement Exams taken statewide beginning in 2008-09.
- Changes audit processes to take a closer look at categorical and designated funding streams.

### Categorical Fund Roll-in

- Incorporates four categorical funds into the school aid funding formula effective in FY10:
  - Teacher Quality compensation funding
  - Teacher Quality professional development funding
  - Educational Excellence Phase II funding
  - Class Size/Early Intervention Block Grant funding
- Requires the legislature to make an affirmative decision each year on allowable growth for each of these individual funds within 30 days of the start of each session.
- Requires separate accounting for each designated fund on the CAR.

- Maintains any statutory language that requires specific uses of the designated funds (i.e., class size funds, teacher quality professional development funds).

#### Additional policy changes in HF 2679

- Convenes a Legislative Council interim committee to study post-secondary rigor.
- Changes the statute related to school district background checks on newly hired, nonprobationary staff. The change prohibits the use of private vendors and requires any background check done by private vendors during 2007-08 to be resubmitted to DCI.
- Requires the Department, in collaboration with the community college system, to facilitate a review of community college accreditation and accountability provisions.
- Creates an ad hoc accreditation quality faculty plan protocol committee to advise the department in the development of protocols related to the quality faculty planning process to be used by the accreditation teams during site visits. All community college faculty will be included in this process by July 1, 2011.

#### **Standing Appropriations Policy Issues – [HF 2700](#)**

##### Adjustments to Home School Assistance Program provisions

#### **Additional guidance on this issue is forthcoming.**

- Reduces the state per pupil funding for every HSAP student from 0.6 to 0.3 effective on the funding provided districts for 2008-09.
- Requires the parents of every HSAP student to complete the Competent Private Instruction “Form A”.
- Clarifies that HSAP funding cannot be given, directly or indirectly, to parents and students.
- Requires school districts that offered HSAP programs during 2007-08 to continue to offer them and that the level of expenditure for these programs during 2008-09 and subsequent years be equivalent to the expenditure level in 2007-08 unless the program loses students.
- Provides districts with the ability to petition the SBRC for additional authority to levy cash for HSAP program support.

#### **Health and Human Services Appropriations Policy Issues – [SF 2425](#)**

##### Early Childhood Iowa

Permanently establishes the Early Childhood Iowa collaboration in Code. This collaboration provides advisory guidance to all entities involved in services provided to children birth to five.

### Autism Council

Establishes a statewide Autism Council that will advise the state on future efforts related to services to autistic citizens.

### Healthy Kids Act of 2008

**Additional guidance on the Healthy Kids Act of 2008 is forthcoming.**

This statute includes the following items:

- This statute does not go into effect until July 1, 2009.
- The requirement that school districts and accredited nonpublic schools ensure that every K-5 student has 30 minutes a day of physical activity and every 6-12 student has 120 minutes per week of physical activity. Physical activity will be defined in Department rules and can be included in physical education classes but can be provided in other ways as well.
- Requires the Department to establish nutritional guidelines for all foods sold on school grounds during the school day other than food provided under the federal school lunch program. This applies to school districts and accredited nonpublic schools.
- Requires all district and accredited nonpublic school students to take CPR prior to graduation. Exempts students unable to physically manage the course.
- Requires AEAs to contract with a licensed dietician to support students with specific nutritional needs and regional food and nutrition staff members.

### **Iowa Core Curriculum – [SF 2216](#)**

**Additional guidance is forthcoming.**

### Iowa Core Curriculum provisions

- Converts what was previously known as the Model Core Curriculum into the mandated Iowa Core Curriculum. This core curriculum is K-12 in the areas of literacy, mathematics, science, social studies, financial literacy, health literacy, technology literacy, civic literacy, and employability skills.
- Requires school districts and accredited nonpublic schools to fully implement the Iowa Core Curriculum by July 1, 2012 for grades 9-12 and by July 1, 2014 for grades K-8. Districts and accredited nonpublic schools

must have an implementation plan in place by July 1, 2010 for grades 9-12 and by July 1, 2012 for grades K-8.

- Prohibits the State Board of Education or the Department from the mandating of specific textbooks, textbook series, or instructional strategies.
- Requires the Department, in collaboration with the AEAs, to make available technical assistance and implementation strategies that districts and accredited nonpublic schools shall use as they work to implement the Iowa Core Curriculum. This guidance includes the development of model formative and end-of-course assessments that MAY be used by districts and accredited nonpublic schools.
- Requires the DE to convene a working group related to the development of model assessments to support the core curriculum.
- Districts must ensure that any course made available to students through any sharing agreement with a community college meets the expectations contained in the Iowa Core Curriculum. This includes ensuring that any course that has the capacity to generate college credit shall be equivalent to college-level work.

#### 8<sup>th</sup> Grade Planning provisions

- Mandates that every student, prior to graduation, will complete all components of the state-designated career information and decision-making system, which is currently the CHOICES program. This should be incorporated into students' four year high school plans. Districts currently using a different product must either switch to CHOICES or make CHOICES available along with the other product.

#### **FY10 School District Allowable Growth – [HF 2140](#)**

Sets the school district funding formula allowable growth rate at 4% for FY10.

#### **Statewide smoking ban – [HF 2212](#)**

The bill places into statute the following mandates:

1. Smoking now is prohibited in all areas of school buildings, including nonpublic schools, as well as all school grounds, parking lots, athletic fields, including inside any vehicle located on school grounds or school parking lots. No longer can a school designate a smoking area.
2. Smoking is prohibited inside all publicly owned vehicles, even if parked in a private drive.
3. Smoking is prohibited inside a private vehicle that is parked in a school parking lot.

The Iowa Department of Public Health (DPH) is in charge of writing administrative rules for the enforcement of this new law. DPH states that it will

also provide sample “no smoking” signs that schools may download for free at the following web site: <http://www.idph.state.ia.us/tobacco/smokefree.asp>.

**PPEL fund expansion – [HF 2364](#)**

Permits PPEL funds to be used to cover energy savings contracts.

**Disposition of school property – [HF 2526](#)**

Limits to twelve calendar months the ability of the public to contest the sale of school property in certain instances.

**Changes to School Board member terms and special election laws – [HF 2620](#)**

Changes the length of term of board members in school districts, AEAs, and community colleges from three to four years, moves school board elections to every other year, and limits the number of special elections that can be held in a calendar year to four. The Iowa Secretary of State has several helpful documents, including an election calendar on its web site at: <http://www.sos.state.ia.us/elections/electioninfo/SchoolElections.html>

**SILO – [HF 2663](#)**

Institutes a statewide one cent sales tax for school infrastructure. Additional guidance is forthcoming from the Department related to the certificate of need process.

**Adjustments to Dental and Lead Screening mandates – [SF 2111](#)**

Adjusts the language to remove the term “provisional enrollment.” Districts will be expected to require proof of (or exemption from) both the dental and lead screens beginning in 2008-09. The Iowa Department of Public Health is developing rules related to this process. Some data collection will be required and monitoring of compliance will be expected. Additional guidance is forthcoming.

**State Council on Homelessness – [SF 2161](#)**

Creates a statewide Council on Homelessness to advocate for issues related to the homeless.

**Mandated eye screening for certain children – [SF 2251](#)**

Requires, effective July 1, 2009, that districts provide a student vision card at kindergarten round-ups. Requires districts to consider an eye exam with a licensed ophthalmologist or optometrist if a student is having learning difficulties. This exam should be considered at the same time the district is considering a referral for IDEA supports.

**Extension of complaint filing window for Civil Rights Commission complaints – [SF 2292](#)**

Extends the filing window for complaints to the Civil Rights Commission from 180 to 300 days.

**Notification of Breach of Security and Unintended Personal Information Disclosure – [SF 2308](#)**

All entities that keep electronic records of students', employees', and other persons' names along with a unique identification number (SSN, driver's license number, etc., that is not encrypted) must notify such persons of any breach of that information unless requested not to do so by law enforcement. This is a new law that affects all public and private businesses as well as all levels of state government. As more guidance is prepared by the Department of Public Safety and others, the DE will pass it along to schools, school districts, and community colleges.

**IPERS – [SF 2424](#)**

Incremental increases to IPERS contributions.

## Funding

- Empowerment funding - \$22,302,006 – \$1,479,588 less than FY08
- Empowerment Early Childhood funding - \$10,000,000 – same as FY08
- Nonpublic textbooks - \$690,165 - \$26,000 above FY08
- Community College funding - \$183,062,414 - \$9,100,000 over FY08
- Nonpublic transportation - \$8,604,714 – same as FY08
- Community College funds for expenses related to deaf interpreters - \$200,000 to Iowa Western CC only – same as FY08
- Community College funds for ADA compliance - \$2,000,000 – same as FY08
- Vocational Education salaries - \$576,613 – same as FY08
- School Food Service - \$2,509,683 – same as FY08
- Vocational Education Programming - \$2,936,904 – same as FY08
- Educational Excellence program - \$55,469,053 – same as FY08

- Core Curriculum and Career Information and Decision-making System – new - \$2,192,351
- Early Intervention/Class Size - \$29,250,000 – same as FY08
- Shared Visions program - \$12,606,196 – same as FY08
- Department of Education administration - \$8,720,341 – \$400,000 above FY08 (\$400,000 of separate line-item for data warehouse rolled into general adm.)
- Instructional Support levy - \$14,428,271 – same as FY08
- School Foundation Aid - \$2,226,800,000 (est.) – \$81,200,000 above FY08
- Senior Year Plus - \$1,900,000 – new
  - \$500,000 to cover half of every AP exam taken during 08-09
  - \$500,000 for transfer articulation web site
  - \$500,000 for data warehousing including transcript repository
  - \$400,000 for expansion of on-line learning opportunities
- Vocational Agriculture Youth Organization - \$50,000 – same as FY08
- Before/After school grant program - \$1,100,000 - \$100,000 over FY08
- IDEA Part C (0-3 years) services - \$1,721,400 – same as FY08
- Early Head Start Pilots - \$400,000 – same as FY08
- Voluntary statewide access to quality 4 year old preschool programming - \$15,000,000 – same as FY08
- New Administrator Mentoring and Induction - \$250,000 – same as FY08
- Statewide Education Data Warehouse - \$1,000,000 – same as FY08
- Educator Quality - \$248,943,894 - \$75,000,000 above FY08
- Community College Salary enhancements - \$1,500,000 over FY08
- STEM initiative – new - \$4,000,000

## **Department of Education Statewide Studies**

1. Ad Hoc Community College Quality Faculty Plan Protocol Committee – [HF 2679](#)

Requires the Department to reconvene a work group to develop protocols related to statute/rule pertaining to Quality Faculty Plans for community college staff. There must be a process in place for all community college staff by July 1, 2011.

2. Community College accreditation and accountability review committee – [HF 2679](#)

Requires the Department to convene a committee to address the following issues:

- measures to ensure consistency in program quality statewide,
- adequate oversight of community college programming by the state board of education,

- consistency in definitions for information and data requirements (in consultation with the community college management information system standing committee),
- barriers to providing quality programming,
- methods to improve compensation of community college faculty, and
- system performance measures that adequately respond to identified needs and concerns.

A progress report is due to the legislature by January 15, 2009 with a final report due to the legislature by January 15, 2010.

### 3. Core Curriculum study – [SF 2216](#)

Requires the department to conduct a study of the measures necessary for the successful adoption of the mandated core curriculum by school districts and accredited nonpublic schools. The study will also address the possible expansion of the core curriculum to include content areas not currently incorporated into the core curriculum including, but not limited to, fine arts, applied arts, humanities, and world languages. A report to the legislature is due by November 14, 2008.

### 4. State K-12 Research and Development School study – [SF 2307](#)

In collaboration with UNI, requires the Department to do an additional year of study to examine governance and finance issues related to the development of a state K-12 R & D school. A report to the legislature is due January 15, 2009.

## **New Grant Opportunities**

### 1. Before and After School Grant Program Expansion – [HF 2679](#)

A total of \$1.1 million will be available for before/after school grants for 2008-09. This extension of last year's program includes some adjustments including:

- Awards will be for a minimum of \$30,000 and a maximum of \$50,000.
- The grant award must be matched equally (up from 20%) and can include in-kind contributions.
- Middle and High schools are eligible if they serve students once a week or a minimum of two hours per week.
- Grant funding may be carried forward over multiple fiscal years at the local level.

### 2. Iowa Learning Technology Commission – [SF 2432](#)

\$250,000 was awarded to the ILTC for grants for innovative technology to be issued in the 2008-09 school year.

For additional information, please visit the Department's Legislative Update page at <https://www.edinfo.state.ia.us/web/legisupdate.asp> or contact the Department's Legislative Liaison Jeff Berger at 515-281-3399 or [jeff.berger@iowa.gov](mailto:jeff.berger@iowa.gov).