



DATE: May 18, 2007

TO: Administrators of Public School Districts
AEA Administrators

FROM: Pamela Pfitzenmaier, Ph.D., Administrator
Division of PK-12 Education

SUBJECT: Guidance on Senate File 277 Student Achievement and Teacher Quality Program

Senate File 277 made some significant changes to the existing Student Achievement and Teacher Quality program, as well as some new requirements for district staff. The purpose of this memo is to provide updated information about the requirements. **Please note that this guidance does not include changes to Administrator Quality or the impact of SF 277 on Area Education Agencies. That guidance will be sent in a separate memo.**

A. Professional development funding

(Amends Iowa Code Chapter 284.6) The Legislature appropriated up to \$20 million to be used for local district and AEA professional development purposes. Last year's appropriations of and requirements for \$10 million for the equivalent of one day of professional development and the \$6.625 million in "Pot 2" were replaced with this year's \$20 million appropriation. As in previous years, the allocation to each district will be based upon the average per diem contract salary for each district multiplied by the total number of full-time equivalent teachers. Note that the definition of "teacher" for purposes described in Iowa Code Chapter 284 has been expanded. (See item E below). **SF 277 changed the use of the funds to "...providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; and costs associated with implementing the individual professional development plans."** (See item C below for description of who determines how these funds are expended. The district administration/board no longer have sole authority to determine use of these funds.) These funds may not supplant existing funding for professional development activities (e.g. general fund, federal funding sources, carryover of state P.D. funds from the previous school year, etc). Districts are required to certify to the Iowa Department of Education (DE) how funds received were used (more information on data collection to follow later in the summer). Funds will be disbursed to districts and AEAs in one payment, on or about October 15. The amount to be distributed to each district and AEA will be posted on the DE website in early summer.

B. Attendance center professional development plan

(Amends Iowa Code Chapter 284.6) In addition to the previously required district professional development plan and the individual plan for each teacher, SF 277 added the requirement that **each attendance center "shall develop an attendance center professional development plan."** The plan must be based upon the needs of teachers, the Iowa teaching standards, the district professional development plan, and the student achievement goals of the attendance center and the district. The legislation did not establish a date by which attendance center plans must be developed, but it is advisable to develop these plans early in the upcoming school year. (The district professional plan is already incorporated into the Comprehensive School Improvement Plan. The attendance center plans do not need to be incorporated into the CSIP,

however). Districts with a single building (e.g. K-12 students in one building) may elect to do one attendance center plan or may elect to do separate plans by grade spans (e.g. K-8, 9-12). Templates and models for attendance center plans will be provided later this summer.

C. Teacher Quality Committee responsibilities

(Amends Iowa Code Chapter 284.7, subsection 6 and Chapter 284.11) SF 277 requires each district and AEA to create a teacher quality committee with equal representation of administrators and teachers. The number of members on the committee is not defined in SF 277. The teacher members are appointed by the certified employee organization. If there is no local certified employee organization, the school board appoints the teachers. The certified employee organization and the school board may mutually agree to use an existing district committee (such as a professional development, curriculum, and/or school improvement committee) in a capacity such as the following:

- Assign the Teacher Quality Committee responsibilities to an existing committee; or
- Use an existing committee in an advisory role to the Teacher Quality Committee.

The Teacher Quality Committee duties are outlined below:

- Monitor the local implementation of the Student Achievement and Teacher Quality program.
- Determine the use and distribution of the professional development funds (see A above) based on the school district/agency, attendance center, and individual teacher development plans. The legislation also states, "...the use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers." **The legislation no longer requires the equivalent of one additional day for professional development (the additional day that was required in both the 2005-06 and 2006-07 school years is no longer required). However, SF 277 does state, "The goal for use of the funds is to provide one additional contract day or the equivalent thereof for professional development..."** All professional development plans, including district, attendance center, and individual plans, must be aligned with the Iowa Professional Development Model as outlined in Iowa Code Chapter 284.6. Per Iowa Code, the P.D. must contain the following:
 - Support that meets the career development of individual teachers and is aligned with the Iowa Teaching Standards;
 - Research-based instructional strategies aligned with the school district's student achievement needs and the long-range improvement goals established by the districts;
 - Instructional improvement components including student achievement data, analysis, theory, classroom demonstration and practice, technology integration, observations, reflection, and peer coaching;

Allowable expenditures of SF 277 professional development funds would not include items such as mandatory trainings (e.g. blood-borne pathogens, mandatory reporter training, etc), parent-teacher conference days, teachers preparing in their classrooms (work days), staff orientations, or time spent preparing grades/report cards/lesson plans. **The DE, in collaboration with ISEA and SAI, will be providing technical assistance to local Teacher Quality Committees regarding the Iowa Professional Development Model and how it may be used for district, attendance center, and individual professional development plans. These regional meetings are tentatively scheduled for the week of August 13. More details about these regional meetings will be sent in a separate memo once the locations and dates are confirmed. We strongly urge teachers and administrators to determine the committee members prior this date.**

- Monitor the professional development in each attendance center to ensure that the professional development meets the district/agency, attendance center and individual professional development plans.

- Make recommendations to the school board regarding the expenditure of market factor incentives (see E below).
- Monitor the district teacher evaluation requirements to ensure they are "...conducted in a fair and consistent manner throughout the school district or agency. In addition to any negotiated evaluation procedures, develop model evidence for the Iowa Teaching Standards and Criteria." (The goal of the model evidence is to minimize paperwork and focus on teacher improvement). **NOTE: The DE, in conjunction with the upcoming Evaluator Approval Renewal Training Level II, will provide examples of "model evidence" that local Teacher Quality Committees may adapt. More information will be shared with Teacher Quality Committees during the regional meetings in August.**

Question 1: May a district opt out of receiving the professional development funds?

No, all districts and AEAs must participate in all aspects of the Student Achievement and Teacher Quality program, including professional development.

Question 2: Who is ultimately responsible for creating the Teacher Quality Committee?

Per Iowa Code Chapter 284.4, the school board must carry out all aspects of Teacher Quality. Therefore, the board is ultimately responsible to see that a Teacher Quality Committee is established.

Question 3: Are the Teacher Quality Committee meetings subject to the open meetings law?

Yes.

Question 4: What if the Teacher Quality Committee cannot reach an agreement on use of the professional development funds?

The funds may only be used for professional development purposes and would be carried into the following school year. If agreement is not reached, the funds may not simply be equally distributed to teachers as salary. Note that the district must annually report to the DE how P.D. funds are used.

Question 5: What if a district wishes to use funds appropriated in SF 277 for professional development? Must they have the approval of the Teacher Quality Committee?

Yes, the Teacher Quality Committee has responsibility for P.D. funds appropriated in SF 277 for '07-08. The duties of the Teacher Quality Committee begin on July 1 and should focus on the use and distribution of SF 277 P.D. funds to implement and support the overall district, attendance center, and individual plans.

Question 6: Does the Teacher Quality Committee approve the professional development plans? (district, attendance center, individual plans?)

No, the Teacher Quality Committee does not have the authority to develop nor approve any of these plans. The Committee does have the responsibility to determine the use and distribution of P.D. funds provided through SF 277 to support the various types of plans. The use of the funds should be "balanced" with the three overall levels of P.D. plans: district, attendance center, and individual plans. The Committee allocates funds to these three general areas of P.D. but does not make individual decisions about funding individual teacher P.D. plans.

Question 7: May a district move forward with professional development plans already made for the 07-08 year?

The district administration may elect to move forward with P.D. plans for the '07-08 school year using funds such as general fund, unexpended state P.D. funds from the '06-07 school year, Title I, Title II A, etc. The district may not move forward with the expenditures of '07-08 P.D. funds without the Teacher Quality committee approval.

Question 8: What if the district already developed a school calendar with the equivalent of an extra contract day for professional development and planned to use professional development funds from SF 277 to pay for the extra contract day?

The Teacher Quality Committee determines the use of the P.D. funds appropriated in SF 277 for '07-08. The committee could certainly decide to use SF 277 P.D. funds for the purpose of meeting the goal of adding the equivalent of one additional contract day of professional development. In cases where the planned professional development follows the Iowa Professional Development Model, Teacher Quality Committees are strongly encouraged to support the equivalent of an extra P.D. day. The district administration could also use other allowable revenue sources (e.g. general fund, Title I, Title IIA, unexpended state '06-07 P.D. funds, etc.) to fund extra contract days for P.D.

Question 9: What if the certified employee organization and the board had already negotiated the addition of one more contract day for '07-08? Does the Teacher Quality Committee have to use funds allocated through SF 277 to pay for the extra day?

The language of any locally bargained agreement must be examined. Refer to your legal counsel for guidance.

Question 10: What is the ideal size and composition for a Teacher Quality Committee?

The size and composition of the committee is locally determined. In a small district with only one or two administrators, the committee will naturally be quite small. It's possible in very small districts that the committee would be two or four individuals. But in order to function effectively and efficiently, larger districts should consider limiting the size of the committee. Regardless of the size of the committee, representation should include, to the extent possible, various grade levels/buildings (elementary, middle, high school). Ideally, members of the committee should have a working knowledge of effective professional development practices and the Iowa Professional Development Model.

Question 11: May the administration appoint a teacher to serve on the Teacher Quality Committee as one of the administrator "slots?" For example can the administration appoint a non-association member teacher to serve on the committee as an administrative designee?

SF 277 states, "The committee shall have equal representation of administrators and teachers. The teacher members shall be appointed by the certified employee organization if one exists, and if not, by the school district's or agency's administration." The only case where administration may appoint teachers to the committee is in the situation where there is no certified employee organization. Even in that situation, teachers appointed do not fill administrator "slots. The administrators appointed must be acting in an administrative role within the district. The members of the Teacher Quality Committee may mutually agree to have additional *ex officio* members to advise them on effective professional development design and practice (e.g. AEA curriculum specialists). Districts with existing consortia agreements for P.D. may also elect to meet with other district Teacher Quality Committees in order to better inform their decisions.

Question 12: Won't there be the potential of just creating another Phase III with the individual plans?

This is not another Phase III program. There are major differences set forth in Iowa Code Chapter 284 and SF 277. Professional development must focus on increasing student achievement. The individual P.D. plan must follow the Iowa Professional Development Model, must be aligned with the district and attendance center P.D. plans, and must be developed in cooperation with the teacher's evaluator. Because the process for development of individual P.D. plans is already specified in Iowa Code, the committee does not have the authority to approve an individual teacher's plan. The committee also does not make individual funding decisions about individual teacher P.D. plans.

Question 13: Since P.D. funds are allocated to districts on a per teacher/per diem basis, must the funds be paid on a per diem basis?

SF 277 does not require P.D. funds to be paid on a per diem basis. The Teacher Quality Committee determines the use and distribution of the funds.

Question 14: SF 277 allows compensation of the teachers on the committee for work beyond the normal workday. What's the source of those funds? Could the funds be used to pay for sub costs if the committee elects to meet during the "workday?"

The compensation comes directly from the district's allocation for professional development (the district's share of the \$20 million). The funds may also be used to pay for substitute costs if the committee elects to meet during the workday. Districts may already have agreed upon compensation for teacher committee work of this nature that will determine levels of compensation. If there is no agreed upon compensation language, it is advised that in the first year of implementation an addendum be added to the bargaining agreement.

Question 15: What about P.D. that is planned for SINA schools? What about P.D. for Reading First schools? Does the committee play a role here?

While it is advisable to make sure the committee is aware of all the P.D. efforts in the district, the committee does not have authority to determine implementation of P.D. for efforts such as SINA and Reading First.

Question 16: One of the duties of the Teacher Quality Committee is to monitor the district teacher evaluation requirements to ensure they are "...conducted in a fair and consistent manner throughout the school district or agency." Does this monitoring include teacher dismissal processes per Iowa Code Chapter 279?

The Teacher Quality Committee responsibility to monitor the evaluation is limited to the evaluation processes in Iowa Code Chapter 284. Other employment issues are addressed in Iowa Code Chapter 279 and are not the responsibility of the committee.

Question 17: Does the monitoring of the teacher evaluation requirements include having the committee review an individual teacher's evaluation?

No, "monitor" means to review the process by which teachers are evaluated to ensure the overall process is fair and consistent. Any concerns about the evaluation process should be highlighted by the committee and reported to the certified employee organization and the board.

D. Market Factor Incentives (previously known as Market Factor Pay)

(Amends Iowa Code Chapter 284.11) SF 277 expanded the allowable uses of market factor incentives to include, but not be limited to, "...salaries, educational opportunities and support, moving expenses, and housing expenses for the recruitment and retention needs of the school district in such areas as hard-to-staff schools and subject-area shortages, improving the racial or ethnic diversity on local teaching staff, funding to prepare a teacher to attain a license or endorsement in a shortage area, or funds to support educational support personnel in pursuing a license in a shortage area." The Teacher Quality Committee "shall make recommendations to the school board and the certified bargaining representative regarding the expenditures of market factor incentives." Market Factor funds are not allocated for AEAs. Use of Market Factor Incentives is limited to classroom teachers and/or educational support personnel (e.g. paraprofessionals) who are pursuing a license in a shortage area. Districts are required to certify to the DE how funds received were used (more information to follow later in the summer). The amount to be distributed to each district will be posted on the DE website in early summer.

Question 18: What happens if our district doesn't use all the allocated Market Factor Incentive funds in one year?

Districts are allowed to carry Market Factor Incentives funds into the following school year. Given the timing of the hiring process, it is recognized that Market Factor Incentives are needed in late winter/early spring during prime hiring time.

Question 19: Are any portions of Market Factor Incentive subject to negotiation and bargaining?

One of the duties of the Teacher Quality Committee is to make recommendations to the school board and certified bargaining representative regarding the expenditures of Market Factor Incentives. The role of the committee is limited to recommendations. The school board determines the portion of Market Factor Incentives to be used for allowable expenditures (e.g. portions for salaries, educational opportunities and support, moving expenses, and housing expenses, etc). Market Factor Incentive is now subject to negotiation and bargaining but only for that portion being used to pay for additional teacher salaries. Expenses such as “educational opportunities and support, moving expenses, and housing expenses...” are not subject to negotiation.

Question 20: If the board determines that a portion of Market Factor Incentives will be used for salaries for particular teaching positions, what role does negotiation and bargaining play in determining the amount paid to each position?

The board determines the specific shortage areas for which the salary incentives are to be paid. The salary allocations for specific shortage areas are subject to negotiation and bargaining..

Question 21: How does the board determine what constitutes the difference between a hiring bonus vs. salary incentive?

A hiring bonus is a one-time recruitment tool used for initial hiring of a teacher into a position. The bonus is not subject to negotiation and bargaining. A salary incentive is used as a retention tool and is subject to negotiation and bargaining.

Question 22: What about Market Factor Pay funds carried forward from the '06-07 school year? Is that subject to negotiation?

No, use of Market Factor Pay allocations in '06-07 was under the sole discretion of the school board.

Question 23: What happens if our district doesn't use all the allocated Market Factor Incentive funds in one year?

Districts are allowed to carry Market Factor Incentive funds into the following school year. Given the timing of the hiring process, it is recognized that Market Factor Incentive funds are needed in late winter/early spring during prime hiring time.

NOTE: The following are additional changes created in SF 277. They are not related to the role of the Teacher Quality Committee.

E. Requirements for employing a guidance counselor, teacher librarian, and school nurse

(Amends Iowa Code Chapter 256.11) In 2006, the Iowa General Assembly added a requirement that each district have a teacher librarian (the law did not require full-time employment). SF 277 added the requirements that starting with the 07-08 school year districts shall also have a qualified guidance counselor and an articulated sequential K-12 guidance and counseling program. It also requires districts to have a school nurse. Included in SF 277 is language that each school district shall work toward the goals of having one qualified guidance counselor for every three hundred fifty students and of having one school nurse for every seven hundred fifty students. As was true in 2006, under certain circumstances, districts may seek a one-year waiver from the requirement for a guidance counselor and a counseling program as well as a one-year waiver from the requirement for a school nurse. Such a waiver must be filed by August 1, 2007. Districts that filed a teacher librarian waiver for the 2006-07 school year and need a one-year

extension must also file the waiver extension request by August 1, 2007. The waiver forms are available at <http://www.iowa.gov/educate/content/view/483/530/>. The mandates do not apply to non-public schools.

SF 277 allows districts to apply to the School Budget Review Committee for one-time authority to increase its modified allowable growth in order to fund one or more teacher librarians, counselors and/or school nurses.

The DE was also appropriated \$1,000,000 “to assist school districts to recruit, employ, and retain qualified teacher librarians, guidance counselors, and school nurses...To be eligible for assistance, a school district shall submit an application to the DE by September 1, 2007.” **More guidance on applying for these limited funds will be sent in a separate guidance document.**

Question 24: Does the legislation require a full-time guidance counselor? Is a full-time nurse required? Is a full-time teacher librarian required?

No, the legislation does not say these positions must be full time. Districts may employ personnel on a part-time basis. Districts may meet these requirements by sharing or contracting with other public entities for the services of a qualified individual.

Question 25: If a district had a teacher librarian, guidance counselor and/or nurse in the '06-07 school year and decided to “pink slip” the employee, is the district eligible for a waiver in '07-08?

No, a school district cannot request a waiver if the requirements were met in '06-07.

Question 26: What is the requirement for a school nurse? Must the individual have a baccalaureate degree?

No, to meet the mandate in SF 277, the school nurse does not have to hold a baccalaureate degree. It is important to separate the two components in SF 277 as they pertain to school nurses. The first component is a mandate for districts to have qualified school nurse services. The district may either employ a nurse or share/contract with another public entity for school nurse services (e.g. Public Health, another school district, etc.). At a minimum, the nurse must be a registered nurse (RN) and be licensed by the Board of Nursing. The second component of SF 277 is described below in question 28.

Question 27: What about licensed practical nurses?

Per rules from the Board of Nursing, a district may not rely solely on a licensed practical nurse (LPN) to meet the mandate. LPNs must be under the supervision of a registered nurse (RN) at the building site to meet the mandate.

Question 28: Are nurses now included in all of the teacher quality benefits including minimum salary, distribution of additional funds for teacher compensation, professional development, and Market Factor Incentives? Do they need to be evaluated per the Iowa Teaching Standards?

The second component of SF 277 as it pertains to school nurses is a determination of whether the school nurse meets the new definition of “teacher,” as it applies to Iowa Code Chapter 284.

- A. Nurses with a baccalaureate: In order to be eligible for any teacher quality compensation funds provided per Iowa Code Chapter 284, the nurse **MUST** hold a minimum of a baccalaureate degree.
 - Teacher Quality compensation funds through Chapter 284 will be disbursed only to districts with nurses holding a baccalaureate degree.
 - Nurses with a baccalaureate do not receive funds for mentoring and induction because there is no initial license requirement through the Board of Educational Examiners.

- The minimum teacher salaries also do not apply to school nurses because they do not meet the definition of “beginning teacher” or “career teacher.”
 - Nurses with a baccalaureate are included in some other aspects of teacher quality (distribution of additional funds for teacher quality compensation, P.D, Market Factor Incentives).
 - Nurses with a baccalaureate must obtain a Statement of Professional Recognition (SPR) from the Board of Educational Examiners, if they do not already have one.
 - Nurses with a baccalaureate degree do need to be evaluated per the Iowa Teaching Standards, participate in P.D. and develop individual P.D. plans.
- B. Nurses without a baccalaureate: Nurses who do not have a baccalaureate degree are not eligible for teacher quality compensation funds, P.D., Market Factor Incentives and do not have to be evaluated per the Iowa Teaching Standards. They will, however, continue to be eligible for Ed Excellence funding (Phase I, Phase II).

The DE does not currently have data concerning which individual school district and AEA nurses hold a baccalaureate degree. The DE also needs to verify that other individuals with Statements of Professional Recognition (SPR) issued by the Board of Educational Examiners are accurately accounted for. Further data collection information will be needed in order to calculate Teacher Quality funding allocations. Instructions for districts and AEAs will be sent in a separate memo. The sooner all districts and AEAs respond to the data collection request, the sooner the allocations for each district and AEA can be determined.

Question 29: The Board of Educational Examiners is now requiring evidence of a baccalaureate degree before they will issue a Statement of Professional Recognition (SPR). What about individuals who do not have a baccalaureate degree but do have a previously issued SPR?

Those individuals with an SPR but not holding a baccalaureate degree meet the mandate of being qualified as a school nurse. These individuals are NOT eligible for teacher quality compensation provided in SF 277. They remain eligible for Ed Excellence funding (Phase I, Phase II).

Question 30: What if a district has other positions with SPRs such as school social worker and school psychologist? Are they now eligible for teacher quality compensation?

They are eligible for the same teacher quality compensation funds as are school nurses with a baccalaureate degree (see Question 28, A).

F. Minimum teacher salaries

(Amends Iowa Code Chapter 284) SF 277 increased the minimum teacher salaries to the following:

- | | |
|-------------------------------|----------|
| a. Beginning teacher | \$26,500 |
| b. First-year career teacher | \$27,500 |
| c. Second-year career teacher | \$28,500 |

The amount allocated to each district and AEA for Teacher Quality compensation has not yet been calculated. The amount to be distributed to each district and AEA will be posted on the DE website in early summer. Districts are urged to pay teacher quality compensation salary increases on a regular basis rather than as bonus checks once or twice a year.

G. Other changes to district procedures per SF 277

- (Amends Iowa Code Chapter 284.3) School boards and the certified bargaining representative shall negotiate, pursuant to Iowa Code Chapter 20, evaluation and grievance procedures for teachers other than beginning teachers (teachers holding initial licensure). Previously the language was “...may negotiate, pursuant to Iowa Code Chapter 20...”

- (Amends Iowa Code Chapter 284.7, subsection 6) School boards and the certified bargaining representatives now have until September 15 to determine distribution of teacher salary compensation funds received through the SF 277 appropriation. The two parties may mutually agree to go beyond September 15. Previously the date was July 15.
- (Amends Iowa Code Chapter 284.8) The intensive assistance program and its implementation are subject to negotiation and grievance procedures. Previously intensive assistance was not subject to negotiation and grievance procedures.
- (Amends Iowa Code Chapter 284.8) A career teacher (a teacher with a standard teaching license, not a beginning teacher) not meeting the Iowa Teaching Standards and Criteria shall participate in an intensive assistance program. Previously intensive assistance was not required.

Question 31: Must intensive assistance be provided for a teacher is being dismissed per Iowa Code Chapter 279?

No, intensive assistance only applies to the Iowa Teaching Standards and Criteria outlined in Iowa Code Chapter 284. Dismissals per Iowa Code Chapter 279 do not require intensive assistance.

Questions? Contact Dianne Chadwick (Dianne.Chadwick@iowa.gov) or 515-281-3718.