

III. Educational law +
legislation

(1975)

SELECTED SCHOOL LAWS

AND STANDARDS

RELATING TO SCHOOL LIBRARIES
AND MEDIA CENTERS

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CHAPTER 17
OFFICIAL REPORTS AND DOCUMENTS

17.33 State publications to libraries. Upon the request of any library in Iowa which is designated by the federal government as a depository for federal documents, the superintendent of printing shall send to such library one copy, at no cost, of any state publication made available to his office. For each publication a separate request shall be required. Such library shall keep such publications in its collection and make them available to the public. [C62, 66, 71, 73, §17.33]

See also §12.06

CHAPTER 18
GENERAL SERVICES DEPARTMENT

18.67 Libraries. The completed journals of the general assembly, and the official register shall be sent to each free public library in Iowa, the state library, the library commission, libraries at state institutions, and college libraries. [SS15, §§144-m, n; C24, 27, 31, 35, 39, §227; C46, 50, 54, 58, 62, 66, 71, 73, §18.14]

Referred to in §§18.3, 18.28, 18.30, 18.50

18.01 School libraries. The official register shall be distributed, in addition to the foregoing provisions, to the school libraries. [C97, §71; S13, §71; C24, 27, 31, 35, 39, §231; C46, 50, 54, 58, 62, 66, 71, 73, §18.18; 65GA, ch 1172, §14]

Referred to in §§18.3, 18.28, 18.30, 18.50

18.02 General distribution. The superintendent may send additional copies of publications to other state officials, individuals, institutions, libraries, or societies that may make request therefor. [C24, 27, 31, 35, 39, §233; C46, 50, 54, 58, 62, 66, 71, 73, §18.19]

Referred to in §§18.3, 18.28, 18.30, 18.50
Distribution to state historical society, §304.7
Reports of engineering examiners, §114.10

18.95 Old Codes—free distribution. The superintendent of printing may distribute gratuitously, to law enforcement officers and other persons in his discretion, the Code of 1897 and all supplements and supplemental supplements thereto; also all Codes which have been issued subsequent to the Code of 1897 and which have been supplanted by a newly issued Code; also all session laws which antedate the publication of the last issued Code by at least four years; provided that he shall maintain in reserve such number of copies of each such books as may be fixed by the director. Such reserve when fixed shall not be distributed except on the order of the executive council. [S13, §46-a; C24, 27, 31, 35, 39, §237; C46, 50, 54, 58, 62, 66, 71, 73, §16.22]

Referred to in §§18.3, 18.28, 18.30, 18.50

18.96 Distribution to colleges. Upon application, in writing, from the librarian or chief executive officer of any incorporated college in this state, the superintendent of printing shall, upon the approval of the director, forward to said applicant, without charge, bound volumes of the laws enacted. [S13, p.3; C24, 27, 31, 35, 39, §218; C46, 50, 54, 58, 62, 66, 71, 73, §16.23]

Referred to in §§18.3, 18.28, 18.30, 18.50
See also §17.38

CHAPTER 257
PUBLIC INSTRUCTION

4. The following shall be taught in grades seven and eight as a minimum program: Science, including conservation of natural resources and environmental awareness; mathematics; social studies; with attention given to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities and any others who, in the past, may have been ignored or overlooked by reason of race, sex, religion, physical disability or ethnic background, cultures of other peoples and nations, and American citizenship; language arts which shall include reading, spelling, grammar, oral and written composition, and may include other communication subjects; health and physical education, including the effects of alcohol, tobacco, drugs and poisons on the human body, the characteristics of communicable diseases, including venereal diseases and current crucial health issues; music; and art.

5. Provision for special education services and programs shall be made for children requiring special education, who are or would otherwise be enrolled in kindergarten through grade eight of such schools.

257.25.9 To facilitate the implementation and economical operation of the educational program defined in subsections 4 and 6, each school offering any of grades seven through twelve, except a school which offers grades one through eight as an elementary school, shall have:

a. A qualified school media specialist who shall meet the certification and approval standards prescribed by the department of public instruction and adequate media center facilities as hereinafter defined.

(1) *School media specialist.* The media specialist may be employed on a part-time or full-time basis, or may devote only part time to media service activities, according to the needs of the school and the availability of media personnel, as determined by the local board. The state board shall recommend standards based upon the number of students in attendance, the nature of the academic curriculum and other appropriate factors.

(2) *Organization and adequacy of collection.* The media center shall be organized as a resource center of instructional material for the entire educational program. The number and kind of library and reference books, periodicals, newspapers, pamphlets, information files, audio-visual materials and other learning aids shall be adequate for the number of pupils and the needs of instruction in all courses.

d. Adequate instructional materials for classrooms.

CHAPTER 273 AREA EDUCATION AGENCY

273.1 Intent. It is the intent of the general assembly to provide an effective, efficient, and economical means of identifying and serving children from under five years of age through grade twelve who require special education and any other children requiring special education as defined in section 281.2; to provide for media services and other programs and services for pupils in grades kindergarten through twelve and children requiring special education as defined in section 281.2; to provide a method of financing the programs and services; and to avoid a duplication of programs and services provided by any other school corporation in the state. [65GA, ch 1172, §2]

Referred to in §§273.2, 273.3, 281.9

273.2 Area education agency established. There is established in each of the several merged areas of the state an area education agency, governed by an area education agency board of directors. The area education agency shall have boundaries which are coterminous with the boundaries of the merged areas as provided in chapter 280A.

The area education agency board shall furnish educational services and programs to the local school districts as provided in sections 273.1 to 273.9 and chapter 281. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974.

The area education agency board shall provide for special education services and media services for the local school districts in the area.

The area education agency board may provide for the following programs and services to local school districts within the limits of funds available:

1. In-service training programs for employees of school districts and area education agencies, provided at the time programs and services are established they do not duplicate programs and services available in that area from the universities under the state board of regents and from other universities and four-year institutions of higher education in Iowa.

2. Educational data processing pursuant to section 257.10, subsection 14.

3. Research, demonstration projects and models, and educational planning for children under five years of age through grade twelve and children requiring special education as defined in section 281.2 as approved by the department of public instruction.

4. Auxiliary services for children under five years of age through grade twelve and children requiring special education as defined in section 281.2 as provided by law.

5. Other programs and services for children under five years through grade twelve and children requiring special education as defined in section 281.2 and for employees of school districts and area education agencies as approved by the department of public instruction.

The board of directors of an area education agency shall not establish programs and services which duplicate programs and services which are or may be provided by the area schools under the provisions of chapter 280A. An area education agency shall contract, whenever practicable, with other school corporations for the use of personnel, buildings, facilities, supplies, equipment, programs, and services. (65GA, ch 1172, §3; amended HF 558, 1975)

Referred to in §§273.3, 273.6, 281.9

273.3 Duties of Area Education Agency Board.

273.3(2) Be authorized to receive and expend money for providing programs and services as provided in sections 273.1 to 273.9, chapter 281 and chapter four hundred forty-two (442) of the Code. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1 to 273.9 and chapters 281 and 442.

273.3(7) Be authorized, subject to the approval of the state board of public instruction, to lease, receive by gift and operate and maintain such facilities and buildings as deemed necessary to provide authorized programs and services. However, the state board shall not approve the leasing or renting of facilities or buildings until it is satisfied by investigation that no public school corporations within the area have suitable facilities available. (H.F. 558, 1975)

273.4 NEW SUBSECTION. Submit program plans each year to the department of public instruction to reflect the needs of the area education agency for media services as provided in section two hundred seventy-three point six (273.6) of the Code. (H.F. 558, 1975)

273.6 Media Centers.

1. The media centers required under section 273.2 shall contain:

a. A materials lending library, consisting of print and nonprint materials.

b. A professional library.

c. A curriculum laboratory, including textbooks and correlated print and audiovisual materials.

d. Capability for production of media-oriented instructional materials.

e. Qualified media personnel.

f. Appropriate physical facilities.

g. Other materials and equipment deemed necessary by the department.

2. Program plans submitted by the area education agency to the department of public instruction for approval of media centers under this subsection shall include all of the following:

a. Evidence that the services proposed are based upon an analysis of the needs of the local school districts in the area.

b. Description of the manner in which the services of the area education agency media center will be co-ordinated with other agencies and programs providing educational media.

c. Description of the means for delivery of circulation materials.

d. Evidence that the media center fulfills the requirements of subsection 1. (65GA, ch 1172, §7)

Referred to in §§273.2, 273.3, 273.9, 281.9

273.5 FUNDING

273.5(4) The costs of media services provided through the area education agency shall be funded as provided in the first new section of section twenty-five (25) of this Act. (H.F. 558, 1975) Media services shall not be funded until the program plans submitted by the administrators of each area education agency as required by section two hundred seventy-three point four (273.4) of the Code are modified as necessary and approved by the department of public instruction according to the criteria and limitations of section two hundred seventy-three point six (273.6) of the Code and the first new section of section twenty-five (25) of this Act. (H.F. 558, 1975)

273. NEW SECTION. MEDIA PRODUCTION. The purchase or lease of equipment or facilities for media production or reproduction by an area education agency shall require the approval of the state board of public instruction. However, the purchase or lease of equipment for television production, television transmission, or closed circuit television transmission by an area education agency is prohibited. If the area education agency wishes to use equipment for television production, television transmission, or closed circuit television transmission, the area education agency shall contract with the state educational radio and television facility board. (H.F. 558, 1975)

CHAPTER 278

POWERS OF ELECTORS

278.1. Enumeration. The voters at the regular election shall have power to:

1. Direct a change of textbooks regularly adopted.

CHAPTER 279

SCHOOL DIRECTORS

279.25 Insurance--supplies--textbooks. It (the board) may provide and pay out of the general fund to insure school property such as may be necessary, and may purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts, and apparatus for the use of the schools thereof as deemed necessary by the board of directors for each school building under its charge; and may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of the school unless so aided.

CHAPTER 280

UNIFORM SCHOOL REQUIREMENTS

280.14 School requirements. The board or governing authority of each school or school district subject to the provisions of this chapter shall establish and maintain adequate administration, school staffing, personnel assignment policies, teacher qualifications, certification requirements, facilities, equipment, grounds, graduation requirements, instructional requirements, instructional materials, maintenance procedures and policies on extra-curricular activities. In addition the board or governing authority of each school or school district shall provide such principals as it finds necessary to provide effective supervision and administration for each school and its faculty and student body. (C66, 71, 73, §257.25(11, 15); 65GA, ch 1168, §16)

Referred to in §442.14

CHAPTER 280A

AREA VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES

280A.33 Joint action with board of regents.

1. Approval standards, except as hereinafter provided, for area and public community and junior colleges shall be initiated by the area schools branch of the department and submitted to the state board of public instruction and the state board of regents, through the state superintendent of public instruction, for joint consideration and adoption. No proposed approval standard shall be adopted by the boards until the standard has been submitted to the advisory committee created by this chapter and its recommendations thereon obtained.

2. Approval standards for area vocational schools and for vocational programs and courses offered by area community colleges shall be initiated by the area schools branch and submitted to the state board of public instruction through the state superintendent of public instruction, for consideration and adoption. No such proposed approval standard shall be adopted by the state board until the standard has been submitted to the advisory committee created by this chapter and to the advisory committee created by chapter 258 and their recommendations thereon obtained.

3 For purposes of this section, "approval standards" shall include standards for administration, qualifications and assignment of personnel, curriculum, facilities and sites, requirements for awarding of diplomas and other evidence of educational achievement, guidance and counseling, instruction, instructional materials, maintenance, and library.

CHAPTER 290
APPEAL FROM DECISIONS OF BOARDS OF DIRECTORS

290.1 Appeal to state board. Any person aggrieved by any decision or order of the board of directors of any school corporation in a matter of law or fact may, within thirty days after the rendition of such decision or the making of such order, appeal therefrom to the state board of public instruction; the basis of the proceedings shall be an affidavit filed with the state board by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner. [R60, §§2133-2135; C73, §§1829-1831; C97, §2818; C24, 27, 31, 35, 39, §4298; C46, 50, 54, 58, 62, 66, 71, 73, §290.1; 65GA, ch 1172, §86]

290.2 Notice -- transcript -- hearing. The state board of public instruction shall, within five days after the filing of such affidavit, notify the secretary of the proper school corporation in writing of the taking of such appeal, who shall, within ten days after being thus notified, file with the state board a complete certified transcript of the record and proceedings relating to the decision appealed from. Thereupon, the state board shall notify in writing all persons adversely interested of the time when and place where the matter of appeal will be heard. [R60, §§2136, 2137; C73, §§1832-1834; C97, §2819; C24, 27, 31, 35, 39, §4299; C46, 50, 54, 58, 62, 66, 71, 73, §290.2; 65GA, ch 1172, §87]

290.3 Hearing -- shorthand reporter -- decision. At the time fixed for the hearing, it shall hear testimony for either party, and may cause the same to be taken down and transcribed by a shorthand reporter, whose fees shall be fixed by the state board and be taxed as a part of the costs in the case, and it shall make such decision as may be just and equitable, which shall be final unless appealed from as hereinafter provided. [C97, §2819; C24, 27, 31, 35, 39, §4300; C46, 50, 54, 58, 62, 66, 71, 73, §290.3; 65GA, ch 1172, §88]

290.4 Witnesses -- fees -- collection. The state board of public instruction in all matters triable before it shall have power to issue subpoenas for witnesses, which may be served by any peace officer, compel the attendance of those thus served, and the giving of evidence by them, in the same manner and to the same extent as the district court may do, and such witnesses and officers may be allowed the same compensation as is paid for like attendance or service in such court, which shall be paid out of the general fund of the proper school corporation, upon the certificate of the state board to and warrant of the secretary

upon the treasurer; but if the superintendent is of the opinion that the proceedings were instituted without reasonable cause therefor, or if, in case of an appeal, it shall not be sustained, it shall enter such findings in the record, and tax all costs to the party responsible therefor. A transcript thereof shall be filed in the office of the clerk of the district court and a judgment entered thereon by him, which shall be collected as other judgments. [C97, §2821; C24, 27, 31, 35, 39, §4301; C46, 50, 54, 58, 62, 66, 71, 73, §290.4; 65GA, ch 1172, §89]

290.5 Decision of state board. The decision of the state board shall be final. The state board may adopt rules of procedure for hearing appeals which shall include the power to delegate the actual hearing of the appeal to the superintendent of public instruction and members of his staff designated by him. The record of appeal so heard shall be reviewed by the state board and the decision recommended by the superintendent of public instruction shall be approved by the state board in the manner provided in section 257.10, subsection 4. [R60, §2139; C73, §1835; C97, §2820; C24, 27, 31, 35, 39, §4302; C46, 50, 54, 58, 62, 66, 71, 73, §290.5; 65GA, ch 1172, §90]

290.6 Money judgment. Nothing in this chapter shall be so construed as to authorize the state board of public instruction to render judgment for money; neither shall they be allowed any other compensation than is now allowed by law. All necessary postage must first be paid by the party aggrieved. [R60, §2140; C73, §1836; C97, §2820; C24, 27, 31, 35, 39, §4303; C46, 50, 54, 58, 62, 66, 71, 73, §290.6; 65GA, ch 1172, §91]

CHAPTER 292
COMMON SCHOOL LIBRARIES

292.1 Library fund. The auditor of each county in this state shall withhold annually the money received from the semiannual apportionment of the interest of the permanent school fund for the several school districts for the purchase of books, as hereinafter provided. [S13, §2823-n; C24, 27, 31, 35, 39, §4322; C46, 50, 54, 58, 62, 66, 71, 73, §292.1]

Referred to in §292.2

292.2 Purchase of books--distribution. Between the first Monday of July and the first day of October in each year, the county auditor shall distribute all money withheld, as provided in section 292.1, for the purchase of books and materials for the use of the school districts to the area education agency board for the area media center.

Directors of the school districts having permanent libraries shall be permitted to make temporary and permanent exchanges of books between school districts or to turn books over to the area education agency administrator to become a part of the area media center. The administrator shall keep a record of all books in his custody. [S13, §2823-o; C24, 27, 31, 35, 39, §4323; C46, 50, 54, 58, 62, 66, 71, 73, §292.2; 65GA, ch 1172, §96]

292.3 and 292.4 Repealed by 65GA, ch 1172, §133; effective July 1, 1975.

292.5 Record of books. It shall be the duty of each secretary to keep in a record book, furnished by the board of directors, a complete record of the books purchased and distributed by him. [S13,§2823-q; C24, 27, 31, 35, 39,§4325; C46, 50, 54, 58, 62, 66, 71, 73,§292.5]

292.6 Librarian. Unless the board of directors shall elect some other person, the secretary in independent districts and director in subdistricts in school townships shall act as librarian and shall receive and have the care and custody of the books, and shall loan them to teachers, pupils, and other residents of the district, in accordance with the rules and regulations prescribed by the state board of educational examiners and board of directors. Each librarian shall keep a complete record of the books in a record book furnished by the board of directors. [S13,§2823-r; C24, 27, 31, 35, 39, §4326; C46, 50, 54, 58, 62, 66, 71, 73,§292.6]

§13,§2823-r, editorially divided.

292.7 Custody of library. During the periods that the school is in session the library shall be placed in the schoolhouse, and the teacher shall be responsible to the district for its proper care and protection. [S13,§2823-r; C24, 27, 31, 35, 39,§4327; C46, 50, 54, 58, 62, 66, 71, 73,§292.7]

292.8 Board to supervise. The board of directors shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the corporation. [S13, §2823-r; C24, 27, 31, 35, 39,§4328; C46, 50, 54, 58, 62, 66, 71, 73,§292.8]

CHAPTER 298 SCHOOL TAXES AND BONDS

298.7 Contract for use of library. The board of directors of any school corporation in which there is no free public library may contract with any free public library for the free use of such library by the residents of such school district, and pay such library the amount agreed therefor as provided by law. During the existence of such contract, the board shall certify annually a tax sufficient to pay such library the consideration agreed upon, not exceeding six and three-fourths cents per thousand dollars of assessed value of the taxable property of such district. During the existence of such contract, the school corporation shall be relieved from the requirement that the school treasurer withhold funds for library purposes. This section shall not apply in townships where a contract for other library facilities is in existence. [S13,§2806; C24, 27, 31, 35, 39,§4391; C46, 50, 54, 58, 62, 66, 71, 73, §298.7; 65GA, ch 1231,§301]

Referred to in §442.6
Withholding funds. [§292.1, 292.2]

CHAPTER 301 TEXTBOOKS

DISTRICT UNIFORMITY

301.1 Adoption—purchase and sale. The board of directors of each and every school district is hereby authorized and empowered to adopt textbooks for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools of the state, and to contract for and buy said books and any and all other necessary school supplies at said contract prices, and to sell the same to the pupils of their respective districts at cost, loan such textbooks to such pupils free, or rent them to such pupils at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund. [C97,§2824; C24, 27, 31, 35, 39,§4446; C46, 50, 54, 58, 62, 66, 71, 73,§301.1]

C97,§2824, editorially divided

301.2 Custodian—bond. The books and supplies so purchased shall be under the charge of the board, who may select one or more persons within the county to keep said books and supplies as the depository agent of the board under such rules and regulations as the board shall adopt. The board shall require of each person so appointed a bond in such sum as may seem to the board to be desirable, the reasonable cost of which, if a bond of an association or corporation as surety is furnished, shall be paid by the district. The board shall adopt rules and regulations to provide that no textbook in any branch determined by the board to be taught in the schools under its charge, shall be sold or rented by such depository agent to the pupils in such schools as a textbook other than those textbooks authorized by said board for use by the pupils in such schools; to provide that no such textbook shall be sold or rented by such depository agent at a price or fee higher than that fixed by the said board; and to provide such other measures not in conflict with law as are necessary properly to govern said depository agents and safeguard the said books and moneys. [C97,§2824; C24, 27, 31, 35, 39,§4447; C46, 50, 54, 58, 62, 66, 71, 73,§301.2]

301.3 Annual settlement by board of directors. At the close of each school year the board of directors in each school district shall cause a complete settlement to be made with each depository agent. A complete inventory of the textbooks on hand, with a statement itemized to show the expenses authorized and paid by the board, and the amount of money collected from each such depository agent during the year from the sale or rental of textbooks, shall be made in duplicate, signed by the secretary of the board and the depository agent and one copy filed with the secretary and one with the depository agent. [C39, §4447.1; C46, 50, 54, 58, 62, 66, 71, 73,§301.3]

301.4 Payment from general fund. All the books and other supplies purchased under the provisions of this chapter shall be paid for out of the general fund. [C97,§2825; C24, 27, 31, 35, 39,§4448; C46, 50, 54, 58, 62, 66, 71, 73,§301.4]

301.5 Purchase—exchange. In the purchasing of textbooks it shall be the duty of the board of directors to take into consideration the books then in use in the respective districts, and they may buy such additional number of said books as may from time to time become necessary to supply their schools, and they may arrange on equitable terms for exchange of books in use for new books adopted. [C97,§2826; C24, 27, 31, 35, 39,§4449; C46, 50, 54, 58, 62, 66, 71, 73,§301.5; 65GA, ch 1172,§111]

Amendment effective July 1, 1976

301.6 Suit on bond. If at any time the publishers of such books as shall have been adopted by any board of directors shall neglect or refuse to furnish such books when ordered by said board in accordance with the provisions of this chapter, at the very lowest price, either contract or wholesale, that such books are furnished any other district or state board, then said board of directors may and it is hereby made their duty to bring suit upon the bond given them by the contracting publisher. [C97, §2827; C24, 27, 31, 35, 39,§4450; C46, 50, 54, 58, 62, 66, 71, 73,§301.6; 65GA, ch 1172,§112]

Amendment effective July 1, 1976

301.7 Bids—advertisement. Before purchasing textbooks from a source other than the publisher and before purchasing supplies under the provisions of this chapter, it shall be the duty of the board of directors to advertise, by publishing a notice once each week for two consecutive weeks in one or more newspapers published in the county; said notice shall state the time up to which all bids will be received, the classes and grades for which textbooks and other necessary supplies are to be bought, and the approximate quantity needed. [C97,§2828; S13,§2828; C24, 27, 31, 35, 39,§4451; C46, 50, 54, 58, 62, 66, 71, 73,§301.7; 65GA, ch 1172,§113]

S13,§2828, editorially divided

301.8 Awarding contract. Said board shall award the contract for such textbooks or supplies to the lowest responsible bidder meeting the specifications set forth in the notice to bidders or may reject any and all bids, or any part thereof, and readvertise. [C97,§2828; S13,§2828; C24, 27, 31, 35, 39,§4452; C46, 50, 54, 58, 62, 66, 71, 73,§301.8]

301.9 Repealed by 63GA, ch 1025,§63.

301.10 Samples and lists. Any person or firm desiring to furnish books or supplies under this chapter shall, at or before the time of filing his bid hereunder, make available samples of all textbooks included in his bid, accompanied with lists giving the lowest wholesale and contract prices for the same. [C97,§2830; C24, 27, 31, 35, 39,§4454; C46, 50, 54, 58, 62, 66, 71, 73,§301.10; 65GA, ch 1172,§114]

C97,§2830, editorially divided
Amendment effective July 1, 1976

301.11 Bond. The board of directors shall require any person or persons with whom they contract for furnishing any books or supplies to enter into a good and sufficient bond, in such sum and with such conditions and sureties as may be required by such board of directors for the faithful performance of any

such contract. Bonds of surety companies duly authorized under the laws of Iowa shall be accepted. [C97,§2830; C24, 27, 31, 35, 39, §4453; C46, 50, 54, 58, 62, 66, 71, 73,§301.11; 65GA, ch 1172,§115]

Amendment effective July 1, 1976

COUNTY UNIFORMITY

301.12 to 301.14 Repealed by 52GA, ch 147,§21, see §273.13.

301.15 to 301.18 Repealed by 63GA, ch 1025, §64-67.

301.19 and 301.20 Repealed by 65GA, ch 1172,§133, effective July 1, 1976.

301.21 to 301.23 Repealed by 63GA, ch 1025, §68-70.

FREE TEXTBOOKS

301.24 Petition—election. Whenever a petition signed by ten percent of the qualified voters, to be determined by the school board of any school district, shall be filed with the secretary thirty days or more before the regular election, asking that the question of providing free textbooks for the use of pupils in the public schools thereof be submitted to the voters at the next regular election, he shall cause notice of such proposition to be given in the notice of such election. [C97, §2836; C24, 27, 31, 35, 39,§4464; C46, 50, 54, 58, 62, 66, 71, 73,§301.24]

Referred to in §301.27

301.25 Lending books. If, at such election, a majority of the legal voters present and voting by ballot thereon shall authorize the board of directors of said school district to loan textbooks to the pupils free of charge, then the board shall procure such books as shall be needed, in the manner provided by law for the purchase of textbooks, and loan them to the pupils. [C97,§2837; C24, 27, 31, 35, 39,§4466; C46, 50, 54, 58, 62, 66, 71, 73,§301.25]

C97,§2837, editorially divided

301.26 General regulations. The board shall hold pupils responsible for any damage to, loss of, or failure to return any such books, and shall adopt such rules and regulations as may be reasonable and necessary for the keeping and preservation thereof. Any pupil shall be allowed to purchase any textbook used in the school at cost. No pupil already supplied with textbooks shall be supplied with others without charge until needed. [C97,§2837; C24, 27, 31, 35, 39,§4466; C46, 50, 54, 58, 62, 66, 71, 73, §301.26]

301.27 Discontinuance of loaning. The electors may, at any election called as provided in section 301.24, direct the board to discontinue the loaning of textbooks to pupils. [C97,§2837; C24, 27, 31, 35, 39,§4467; C46, 50, 54, 58, 62, 66, 71, 73,§301.27]

301.28 Officers and teachers as agents for books and supplies. It shall be unlawful for any school director, officer, area education director or teacher to act as agent for any school textbooks or school supplies during such term of office or employment, and any school director, officer, area education director or teacher, who shall act as agent or dealer in school textbooks or school supplies, during the term of

such office or employment, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars, and pay the costs of prosecution. [C97,§2834; C24, 27, 31, 35, 39,§4468; C46, 50, 54, 58, 62, 66, 71, 73,§301.28; 85GA, ch 1172,§116]

CHAPTER 358B
COUNTY LIBRARIES

358B.18 Contracts to use city library.

1. Contracts may be made by a school corporation, township, county, or the trustees of any county library district for the use by their residents of a city library. Townships and counties may enter into contracts, but may only contract for the residents outside of cities. A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.

2. Contracts shall provide for the rate of tax to be levied. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of qualified voters in a number not less than five percent of those who voted in the area for governor at the last general election.

3. The proposition may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than forty days before the election at which the question is to be submitted.

4. The board of trustees of any township which has entered into a contract shall at the April meeting levy a tax not exceeding one-fourth mill on the dollar on all taxable property in the township to create a fund to fulfill its obligation under the contract.

The board of supervisors, after it makes such contract, shall levy annually on the taxable property of the county outside of cities, a tax of not more than one mill to create a fund to fulfill its obligation under the contract.

5. Qualified voters of that part of any county outside of cities in a number of not less than twenty-five percent of those in the area who voted for governor at the last general election may petition the board of supervisors to submit the proposition of requiring the board of supervisors to provide library service for them and their area by contract as provided by this section.

6. The board of supervisors shall submit the proposition to the voters of the county residing outside of cities at the next election, primary or general, provided that the petition has been filed not less than forty days prior to the date of the election at which the question is to be submitted.

7. If a majority of those voting upon the proposition favors it, the board of supervisors shall within thirty days appoint a board of library trustees from residents of the petitioning area. Vacancies shall be filled by the board of supervisors.

8. The board of trustees is authorized to contract with any library for library use or service for the benefit of the residents and area represented by it.

9. The board of supervisors shall levy annually on the taxable property of the county outside of cities, a tax of not more than one mill to create a fund to fulfill the contract obligations of the trustees appointed by it. [S13,§§592-a, 792-a; SS15,§422; C24, 27, 31, 35, 39, §§5859, 5861-5863; C46, 50, 54, 58, 62, 66, 71, 73, §§378.11, 378.13-378.15; GIGA, ch 1088,§303]

Home Rule Amendment effective July 1, 1975

CHAPTER 442
SCHOOL FOUNDATION PROGRAM

442.5 MISCELLANEOUS INCOME - EXPENDITURES.

442.5(1) As used in this chapter:

b. "Expenditures" means the total amounts paid out of the general fund of a school district, exclusive of amounts paid for the following purposes, for which special levies are authorized:

(1) A contract for the use of a library under section 298-7.

442.13 DUTIES OF THE COMMITTEE. (State Budget Review)

442.13(6) If a district has unusual circumstances, creating an unusual need for additional funds, including but not limited to the following circumstances, the committee may grant supplemental aid to the district from any funds appropriated to the department of public instruction for the use of the school budget review committee for this purpose, and such aid shall be miscellaneous income and shall not be included in district costs; or may establish a modified allowable growth for the district by increasing its allowable growth; or both:

d. Unusual initial staffing problems.

f. Substantial reduction in miscellaneous income due to circumstances beyond the control of the district.

g. Unusual necessity for additional funds to permit continuance of a course or program which provides substantial benefit to pupils.

h. Unusual need for a new course or program which will provide substantial benefit to pupils, if the district establishes such need and the amount of necessary increased cost.

442.14 ADDITIONAL ENRICHMENT AMOUNT.

442.14(1) For the budget year beginning July 1, 1976 and each succeeding school year, if a school board wishes to spend more than the amount permitted under sections four hundred forty-two point one (442.1) through four hundred forty-two point thirteen (442.13) of the Code, and the school board has not attempted by resolution to raise an additional enrichment amount for that budget year, the school board may raise an additional enrichment amount not to exceed five percent of the state cost per pupil multiplied by the adjusted enrollment in the district, as provided in this

section. However, the additional enrichment amount may be used only for educational research, curriculum maintenance or development, or innovative programs.

442 NEW SECTION. FUNDING MEDIA AND OTHER SERVICES. Media services and other services provided through the area education agencies shall be funded, to the extent provided, by an addition to the district cost of each school district, determined as follows:

(1) For the budget year beginning July 1, 1975 the total amount funded in each area for media services shall be the greater of an amount equal to the costs for media services in the area in the base year times the sum of one hundred per cent plus the state per cent of growth, or an amount equal to five dollars times the enrollment served in the area in the budget year. The costs for media services in the area in the base year beginning July 1, 1974, shall be a proportionate part of the budgeted expenditures by county school systems and joint county systems formerly serving pupils in the area based upon the enrollment served in that area in the base year by each county school system and joint county system compared to the total enrollment served by that county system or joint county system.

(2) For each succeeding budget year, the total amount funded in each area for media services shall be the total amount funded in the area for media services in the base year times the sum of one hundred per cent plus the state per cent of growth.

(3) However, the total amount funded in each area for media services in any budget year shall not exceed an amount equal to eight dollars times the enrollment served in the area in the budget year.

(4) For the budget year beginning July 1, 1975, the total amount funded in each area for other services shall be an amount equal to ten dollars times the enrollment served in the area in the budget year.

(5) For each succeeding budget year, the total amount funded in each area for other services shall be the total amount funded in the area for other services in the base year times the sum of one hundred per cent plus the state percent of growth. Part of the amount funded for other services may be used by the area

education agencies for nonrecurring media costs for the school year beginning July 1, 1975.

(6) Of the total amounts funded in each area each year for media services and other services, a portion shall be allocated to each district in the area. The portion to be allocated to each district in an area shall be the same percentage of the total amount that the enrollment served in the budget year in the district is of the enrollment served in the budget year in the area.

(7) The portion allocated to each district in an area each budget year for media services and other services shall be added to the district cost of that district for the budget year as provided in section four hundred forty-two point nine (442.9) of the Code.

(8) The department of public instruction and the state comptroller shall determine the total amounts funded in each area for media services and other services each year, and the amounts to be allocated to each district. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the districts' area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district the amount of state aid deducted for this purpose and the balance which will be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover the amount due to its area education agency as calculated by the state comptroller, the school district shall pay the deficiency to its area education agency from other moneys received by the district, on a quarterly basis during each school year.

(9) "Enrollment served" means the basic enrollment plus the number of nonpublic school pupils served with media services or other services, as applicable, except that if a nonpublic school pupil receives services through an area other than the area of the pupil's residence, the pupil shall be deemed to be served by the area of his residence, which shall be deemed to be served by the area of his residence, which shall be contractual arrangement reimbursed the area through which the pupil actually receives services. For the budget year beginning July 1, 1975, the total number of nonpublic pupils served by each area education agency and the number of non-

public school pupils residing within each school district in the area to be served by the area education agency for media and other services, shall be submitted by the department of public instruction to the state comptroller within one week after this Act is duly published. For school years subsequent to the school year beginning July 1, 1975, each school district shall include in the second Friday in January enrollment report the number of nonpublic school pupils within each school district for media and other services served by the area.

CHAPTER 725 OBSCENITY AND INDECENCY

725.1 Definitions. As used in this section and sections 725.2 to 725.10, unless the context otherwise requires:

1. "**Obscene material**" is any material depicting or describing the genitals, sex acts, masturbation, excretory functions or sado-masochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material for minors, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political or artistic value.

2. "**Material**" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.

3. "**Disseminate**" means to transfer possession, with or without consideration.

4. "**Knowingly**" means being aware of the character of the matter.

5. "**Sado-masochistic abuse**" means the infliction of physical or mental pain upon a person or the condition of a person being fettered, bound or otherwise physically restrained.

6. "**Minor**" means any person under the age of eighteen.

7. "**Sex act**" means any sexual contact, actual or simulated, between two or more persons, either natural or deviate, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth and genitalia or anus, or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus. [65GA, ch 1267,§1]

Referred to in §§725.4, 725.5, 725.9
Section 725.1, Code 1973, repealed by 65GA, ch 1267,§11

725.2 Dissemination and exhibition of obscene material to minors. Any person, other than the parent or guardian of the minor, who knowingly disseminates or exhibits obscene material to a minor, including the exhibition of obscene material so that it can be observed by a minor on or off the premises where it is displayed, is guilty of a public offense and shall upon conviction be imprisoned in the state penitentiary for not to exceed one year or be fined not to exceed one thousand dollars or be subject to both such fine and imprisonment. [C51,§2717; R60,§4359; C73,§4022; C97, §§1051, 4955; C24, 27, 31, 35, 39,§§13189, 13193; C46, 50, 54, 58, 62, 66, 71, 73,§§725.4, 725.8; 65GA, ch 1267,§2]

Referred to in §§725.1, 725.4-725.7, 725.9, 730A.1
Section 725.2, Code 1973, repealed by 65GA, ch 1267,§11

725.3 Admitting minors to premises where obscene material is exhibited. Any person who knowingly sells, gives, delivers or provides a minor with a pass or admits a minor to premises where obscene material is exhibited is guilty of a public offense and shall upon conviction be imprisoned in the state penitentiary for not to exceed one year or be fined not to exceed one thousand dollars or be subject to both such fine and imprisonment. [C51,§2717; R60,§4359; C73,§4022; C97,§4951; S13, §4944-k; C24, 27, 31, 35, 39,§§13185, 13189; C46, 50, 54, 58, 62, 66, 71, 73,§§725.3, 725.4; 65GA, ch 1267,§3]

Referred to in §§725.1, 725.4-725.7, 725.9
Section 725.3, Code 1973, repealed by 65GA, ch 1267,§11

725.4 Civil suit to determine obscenity. Whenever the county attorney of any county has reasonable cause to believe that any person is engaged or plans to engage in the dissemination or exhibition of obscene material within his county to minors he may institute a civil proceeding in the district court of the county to enjoin the dissemination or exhibition of obscene material to minors. Such application for injunction is optional and not mandatory and shall not be construed as a prerequisite to criminal prosecution for a violation of sections 725.1 to 725.10. [65GA, ch 1267,§4]

Referred to in §§725.1, 725.5, 725.9
Section 725.4, Code 1973, repealed by 65GA, ch 1267,§11

725.5 Exemptions for public libraries and educational institutions. Nothing in sections 725.1 to 725.10 prohibits the use of appropriate material for educational purposes in any accredited school, or any public library, or in any educational program in which the minor is participating. Nothing in said sections prohibits the attendance of minors at an exhibition or display of art works or the use of any materials in any public library. [65GA, ch 1267,§5]

Referred to in §§725.1, 725.4, 725.9
Section 725.5, Code 1973, repealed by 66GA, ch 1266,§1;
see §135.11(19)

725.6 Suspension of licenses or permits. Any person who knowingly permits a violation of section 725.2 or 725.3 to occur on premises under his control shall have all permits and licenses issued to him under state or local law as a prerequisite for doing business on

such premises revoked for a period of six months. The county attorney shall notify all agencies responsible for issuing licenses and permits of any conviction under section 725.2 or 725.3. [65GA, ch 1267,§6]

Referred to in §§725.1, 725.4, 725.5, 725.9
Section 725.6, Code 1973, repealed by 65GA, ch 1267,§11

725.7 Evidence considered. At a trial for violation of sections 725.2 and 725.3 the court may consider the material, and receive into evidence in addition to other competent evidence, the offered testimony of experts pertaining to:

1. The artistic, literary, political or scientific value, if any, of the challenged material.

2. The degree of public acceptance within the community of the material or material of similar character.

3. The intent of the author, artist, producer, publisher or manufacturer in creating the material.

4. The advertising promotion and other circumstances relating to the sale of the material. [65GA, ch 1267,§7]

Referred to in §§725.1, 725.4, 725.5, 725.9
Section 725.7, Code 1973, repealed by 65GA, ch 1267,§11

725.8 Affirmative defense. In any prosecution for disseminating or exhibiting obscene material to minors, it is an affirmative defense that the defendant had reasonable cause to believe that the minor involved was eighteen years old or more and the minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was eighteen years old or more or was accompanied by a parent or spouse eighteen years of age or more. [65GA, ch 1267,§8]

Referred to in §§725.1, 725.4, 725.5, 725.9
Section 725.8, Code 1973, repealed by 65GA, ch 1267,§11

725.9 Uniform application. In order to provide for the uniform application of the provisions of sections 725.1 to 725.10 relating to obscene material applicable to minors within this state, it is intended that the sole and only regulation of obscene material shall be under the provisions of these sections, and no municipality, county or other governmental unit within this state shall make any law, ordinance or regulation relating to the availability of obscene materials. All such laws, ordinances or regulations, whether enacted before or after said sections, shall be or become void, unenforceable and of no effect upon July 1, 1974. [65GA, ch 1267,§9]

Referred to in §§725.1, 725.4, 725.5
Section 725.9, Code 1973, repealed by 65GA, ch 1267,§11

725.10 Lascivious acts with persons under the age of sixteen years. It is unlawful for any person eighteen years of age or older to perform any of the following acts with any person under the age of sixteen, with or without his or her consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the pubes or genitals of a person under the age of sixteen.

2. Permit a person under the age of sixteen to fondle or touch his or her genitals or pubes.

3. Solicit a person under sixteen years of age to engage in sexual contact performed by penetration of the penis into the vagina or anus or by contact between the mouth and genitalia or anus, or by use of artificial sexual organs or substitutes therefor in contact with genitalia or anus.

4. Inflict pain or discomfort upon a person under the age of sixteen or permit a person under the age of sixteen to inflict pain or discomfort on him or her.

Any person who violates a provision of this section shall, upon conviction, be imprisoned in the penitentiary for not to exceed five years or be fined not to exceed five hundred dollars, or be subject to both such fine and imprisonment. [S13,§4938-a; C24, 27, 31, 35, 39,§13184; C46, 50, 54, 58, 62, 65, 71, 72,§725.2; 65GA, ch 1267,§10]

Referred to in §§725.1, 725.4, 725.5, 725.9
Section 725.10, Code 1973, repealed by 65GA, ch 1267,§11

from
Iowa Departmental Rules, 1973
and the July 1974 and January 1975
Supplements

Pursuant to the authority of chapters 257 and 281 of the Code, and Acts of 65 GA, 1974 session, chapter 1172, the following rules are adopted.

[Filed December 31, 1974]

CHAPTER 1

AREA EDUCATION AGENCY
MEDIA CENTERS

1.1(65GA, Ch1172) Scope and general principles. For the purposes of these rules the following scope and general principles will be assumed.

1.1(1) *Scope.* These rules apply to media services which are to be provided by area education agencies to students from prekindergarten through secondary school, to all special education students, and to all teachers of such students.

1.1(2) *General principles.* Media services shall be made available to all students and teachers of local school districts within the boundaries of a given area education agency and which may be made available to non-public students from prekindergarten through secondary schools.

It is the responsibility of the school districts to provide library media centers and adequate professional and support staff in each attendance center to support that center's curriculum program. To the extent practicable all services shall be provided at the attendance center level. The area education agency shall supplement, support and encourage the development of, but not supplant, these local centers and services.

1.2(65GA, Ch1172) Acronyms. For the purposes of these rules the following acronyms shall be used.

1.2(1) "*AEA*" shall mean area education agency.

1.2(2) "*AEAMC*" shall mean area education agency media center.

1.3(65GA, Ch1172) Definitions. For the purposes of these rules the following definitions shall be used.

1.3(1) "*Analysis of needs*" shall mean an assessment of the present holdings and services of local school media centers or attendance centers, the identified needs of those centers, the needs which should be met by the AEAMC, and the degree to which the AEAMC currently meets those needs.

1.3(2) "*Consultative services*" shall mean those one-to-one and one-to-group professional services related to the AEAMC and offered by AEAMC personnel to its patrons, and, similar services off the premises or concerning local school programs, offered by AEAMC personnel.

1.3(3) "*Curriculum laboratory*" shall mean a facility where professional assistance is provided instructional staff members in planning and preparing for instruction. It includes, at least on a temporary basis, any pertinent materials in print, nonprint or other formats, and their support equipment, which will help the user to develop curriculum or instructional plans.

1.3(4) "*Department*" means state department of public instruction.

1.3(5) "*Materials lending library*" shall mean those materials, regardless of format, which are purchased for or otherwise designed for loan to school systems being served by the AEA, the storage space, and the preparation, circulation and borrower services related to the materials.

1.3(6) "*Production of media-oriented instructional materials*" shall mean production, reproduction, or other preparation, of print or nonprint instructional materials.

1.3(7) A "*professional library*" includes both books and other print and nonprint media on subject areas, methodology and other related topics of value to the educational specialist or practitioner. It further includes space for the use of these materials on the premises, provision for borrowing for use off the premises, opportunity for expansion of the collection through various types of interlibrary loan, and professional assistance for the borrower.

1.3(8) "*Services*" from an AEAMC shall mean services available to school districts at no additional charge unless otherwise specified in these rules.

1.4(65GA, Ch1172) Department responsibility. The department shall:

1.4(1) Provide forms, outlines or models for development of AEA program proposals for AEAMC services. These outlines shall be provided not fewer than 60 days before programs are due for approval. The department shall provide models or formats for needs assessment instruments, not fewer than 30 days before these are due to be completed. The department shall also provide other forms, or outlines, as specified in these rules.

1.4(2) Provide program review and approval. Each AEA proposal shall be reviewed in the order received. Each AEA shall be advised of department action in writing. Proposals not approved shall be returned with written comments concerning needed information, clarification or amendment.

1.4(3) Establish a state advisory committee with broad representation to review policy, initiate policy recommendations and suggest priorities.

1.4(4) Provide consultation and evaluation. The department shall provide consultative service to AEAMC staffs regarding their relation to the state and in their service to the schools. It shall assist in in-service planning and participation, in selection of materials and in other appropriate activities. Personnel of the media section of the department shall make at least one consultative visit to each AEAMC each fiscal year. More formal evaluations may be provided at the discretion of the department or on the request of the AEA.

1.5(65GA, Ch1172) Area education agency media center responsibility. The AEAMC shall:

1.5(1) Provide a materials lending library which shall contain print and nonprint materials which may include, but not be limited to, 8mm and 16mm films, filmstrips, slides, transparencies, art and study prints, models, sculpture, realia, framed pictures, multimedia kits, audio and video recordings, books, periodicals, pamphlets, microforms and programmed materials. The AEAMC shall provide for repair and maintenance of all material collections and equipment. There shall be at least one catalog for this collection for each school media center in each local school district with a minimum of one per attendance center. Additional catalogs may be provided at the discretion of the AEAMC. The catalog shall be updated at least annually by supplements or revision and shall be totally revised at least once every three years. The department shall develop minimum standards for AEAMC catalogs with implementation to begin by July 1, 1978. The department shall use an advisory committee in the development of these standards.

1.5(2) Provide a professional library which shall contain those print and nonprint materials necessary to provide basic reference and research materials. Each AEAMC shall supplement its own professional collections as needed by the use of state and regional information services.

Each AEA may also co-operate or contract with other agencies for supplemental services. Such contracts shall be subject to approval by the department. Space shall be provided for educators to use these collections. Professional media assistance shall be available. There shall be one catalog for this collection for each local school media center in each school district with a minimum of one per attendance center. Additional catalogs may be provided at the discretion of the AEAMC. The catalog may be separate or a part of the materials lending library catalog. The catalog shall be updated at least annually by supplements or revision and shall be totally revised at least once every three years.

1.5(3) Supply a curriculum laboratory which shall provide for storage and display of curriculum materials and may circulate these materials. The AEAMC shall purchase, accept on long-term loan, borrow, or transfer from its lending library whatever curriculum materials are needed to maintain a functional collection. Space shall be provided for educators to work with these materials. Professional assistance shall be available. Current lists of materials available for use in the center or for loan shall be maintained.

1.5(4) Provide or contract to provide the following production services:

a. Each AEAMC shall have the capability to provide basic media-oriented materials production services, including but not limited to: Dry mounting and laminating; slide photography; transparency production (in both thermal and diazo methods); audio tape duplication; enlarging or reducing teacher materials; offset print services. These services shall not be contracted and shall be provided at the actual cost of materials used.

b. Each AEAMC shall provide, contract, or subcontract to provide, quality and quantity reproduction services and other more sophisticated media services including but not limited to: Microfilming services; photography services; TV production and cable programming; motion picture production; video tape duplication; graphic and print services; maintenance of media hardware. The AEAMC may charge actual costs incurred in providing these services.

c. Each AEAMC staff shall include a specialist who can supervise production facilities.

1.5(5) Meet the following requirements for staff, staff employment qualifications, and staff responsibilities:

a. Each AEAMC staff shall include a minimum of two full-time media specialists, one of whom shall serve as director. Their specializations shall be complementary. For example, if one has emphasis in library science, the other shall have emphasis in instructional technology.

b. Each AEAMC serving more than thirty thousand pupils shall include at least one additional media specialist or qualified media professional as defined in these rules, for each additional thirty thousand pupils or major fraction thereof.

c. Minimum employment qualifications for mandated professional staff, whether employed directly or included in a contractual agreement, shall be:

(1) The director shall have a master's degree with endorsement as director of library services or educational media specialist; permanent professional teacher's certificate in Iowa; minimum of three years experience in school media services.

(2) A media specialist shall have a master's degree with endorsement as educational media specialist or director of library services; permanent professional teacher's certificate in Iowa; minimum of two years experience in school media services.

(3) A qualified media professional shall have a master's degree with endorsement as educational media specialist or director of library services; professional teacher's certificate in Iowa.

(4) These criteria shall not be applied to any media employee of county school systems and joint county systems who holds a valid Iowa teacher's certificate or has a master's degree in library science or educational media and whose position terminates on July 1, 1975 and who was employed prior to July 1, 1974.

d. The number and kind of supporting staff members shall be determined by the extent of the approved programs and services provided by the AEAMC. Support staff in each AEAMC may include, but not be limited to: Clerical personnel, technicians, aides, delivery and custodial personnel, working under the direction of a professional staff member.

e. In addition each AEA shall provide the professional staff needed for services which are not mandated but are included in its approved media services program.

f. The primary responsibility of the director of the AEAMC shall be the administration, supervision and operation of the AEAMC. However, the director may supervise other programs, or personnel if included as part of the AEA's proposed program for media services and approved by the department. The director of each AEAMC shall be directly responsible to the AEA Administrator.

1.5(6) Provide physical facilities. The physical facilities for each AEAMC may vary depending on the needs of that area. Each shall include space for: The materials lending library, professional library and curriculum laboratory; a media production area which will allow school personnel as well as staff to use selected equipment; office and work areas for staff; preview areas; storage space; and circulation and distribution area. Each AEAMC shall also have: Access to a large meeting area which may be shared with other AEA programs; a location that is easily accessible to a loading area, and easy access to parking area. Any major change of facilities, including new construction, remodeling, or relocation, shall provide for physically handicapped persons.

1.5(7) Purchase other materials and equipment necessary for the continued development of its materials lending library; professional library; curriculum laboratory, and production services. In addition each AEA shall purchase the necessary equipment and materials for services which are not mandated but are included in its approved program.

1.5(8) Submit to the department its proposed media services program for the ensuing fiscal year. This proposed program shall follow the format developed by the department and made available to each AEA at least sixty days prior to the due date.

1.5(9) Include in its proposed AEAMC program a summary of its analysis of needs of the local school district media programs with explanation of the relation of the proposed AEAMC program to those needs. Both the model for the analysis and the summary report shall follow formats approved by the department and shall include but not be limited to:

a. What local materials and equipment are available, and what materials and equipment services are needed from the AEAMC.

b. What local production services are available, and what production services are needed from the AEAMC.

c. What local staff is available and what in-service is needed from the AEAMC.

1.5(10) Establish an AEAMC advisory committee which shall meet not fewer than three times a year and which shall include but not be limited to administrators, classroom teachers, curriculum specialists, media specialists and students. Committee membership, tenure, and function shall be included in the AEAMC's program proposal. However, the functions shall include but not be limited to:

a. Selection of a chairman and a secretary for the committee.

b. Evaluation of needs assessment and relation of local needs to the AEAMC materials and services.

c. Review of program and budget.

d. Recommendation of policy and procedures.

e. Preview and recommend selection of materials and equipment.

f. Consideration of other areas of concern identified by the department, the AEA, the AEAMC staff, or the advisory committee itself.

1.5(11) Select all materials purchased for or received by an AEAMC in accordance with a materials selection policy filed by the AEA as part of its proposed program for the AEAMC and approved by the department. In preparation of this policy the AEAMC shall give consideration to at least the following:

a. The media needs of the local school districts.

b. Cost effectiveness of circulation of specific titles or media from an AEAMC as opposed to a local school media center.

c. Cost effectiveness of circulation of specific titles or media from an AEAMC as opposed to use of interlibrary loan or other co-operative activity.

d. Provision for reconsideration of challenged materials.

e. Provision for weeding or discarding.

1.5(12) Submit all contractual arrangements for media services to the department for its approval.

1.5(13) Include in its program plans submitted to the department a description of its co-ordination of services with other divisions of the AEA, with the merged area school, local schools, colleges and universities, and with other library, information, and communication networks. Each AEA shall participate in planning for state level co-operation among AEAMCs and between AEAMCs and other agencies.

1.5(14) Provide for delivery and return by AEA operated or contracted vehicles of all AEAMC circulating materials to each local school district attendance center on at least a twice a week basis during the regular school year. The AEA may contract for local delivery services with any school district that has established at least twice a week delivery to each attendance center in its district.

1.5(15) Submit to the department prior to August 15 of each year an annual report of the AEAMC services for the previous fiscal year. This report shall follow the format developed by the department and made available to each AEA at least thirty days prior to the beginning of the reporting period.

1.5(16) Provide appropriate consultative services. The primary function of the AEAMC consultative services shall be to provide center-related consultation and in-service training. Within the limits of funds available, an AEAMC may also provide other qualified media professionals for related consultation and in-service training which may include but not be limited to:

a. Providing leadership and working with local school personnel in the planning and equipping of media centers, the selection of the materials and equipment, including planning general facilities for effective use of print and nonprint materials.

b. Working closely with administrators, consultants, and teachers at the local, area, and state levels in providing workshops in the evaluation, selection, and use of materials and equipment.

c. Co-operating with merged area schools, colleges and universities, and other agencies, on preservice, extension and visitation activities.

d. Participating with professional education and media associations in planning, developing and implementing media activities in improving instruction.

[Effective January 30, 1975]

TITLE II
APPROVED AND CLASSIFIED SCHOOLS
AND SCHOOL DISTRICTS

CHAPTER 2
MINIMUM REQUIREMENTS AND
STANDARDS FOR INSTRUCTIONAL
MATERIALS

2.1(287) Reading programs in general.
All educators recognize the importance of a thorough-going reading program. This need has been impressed upon them through investigation, reports, and conferences on reading problems.

In order to help teachers promote and develop an effective reading program the department of public instruction issued a teachers handbook on reading, which should be used as a guide and in conjunction with the teachers manuals provided by the publisher of the basic reading series used in the school.

Reading is one of the most important experiences children are to have in school. Success or failure depends largely upon reading abilities, as there is a very close relationship between reading and practically every school subject. With this in mind major emphasis has been placed on the reading instructional materials in establishing these minimum requirements and standards.

DIVISION I
STANDARDS FOR THE ELEMENTARY GRADES

2.2(257) Primer and first grade.

2.2(1) Reading readiness materials
(Reading Handbook, Pages 32-62).

Preprimer or preprimers of basic series.

Word, phrase, and sentence cards or charts.

One set of basic preprimers.

NOTE: We recommend that the primer or primers of the basic series usually be read before reading preprimers of a different series. (See Reading Handbook, Page 37, Plan A.) Presenting the reading instruction outlined above will insure a vocabulary of the proper number of words and their introduction will follow a planned program.

2.2(2) A basic first reader.

Workbooks which accompany the readers.

Teachers manuals for all basic books shall be provided.

Five broken sets preprimers.

Five broken sets primers.

Three broken sets first readers.

NOTE: Several broken sets readers should be available because the better readers will read as high as ten or fifteen books in addition to the basic series. (See Reading Handbook, Page 47.) The term broken sets is used to mean that a sufficient number of copies of a reading series are purchased to take care of the different reading groups and a similar number of copies of another series are purchased. The main point to remember is that when changing from a reader of one series to a reader of another series, check the overlap of vocabulary carefully and drill on the new words. (Reading Handbook, Page 36.)

2.2(3) Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

NOTE: On the average the district should spend annually at least fifty cents per pupil for reading materials, exclusive of textbooks and exclusive of county library funds. (See Library Bulletin, Number 45, Pages 15-17.)

NOTE: Credit will not be given for sample copies, books with ragged covers, private books donated to the school, books belonging to teachers, and supplementary or basic readers having a copyright earlier than 1935.

2.2(4) A library table and chairs.

A sufficient number of primary chairs for reading groups.

A suitable bulletin board (See Reading Handbook, Pages 126-127).

2.3(257) Second grade. Begin with a book which they can read easily; in most cases it will be first readers, but it may also be primers.

NOTE: There should be a very high vocabulary overlap with the book or books completed in the first grade.

2.3(1) One set first grade level readers—new materials.

A basic second reader or readers (Reading Handbook, Pages 64-75).

NOTE: This reader should be of the same basic series used in the primer and first grades.

2.3(2) Workbooks should be used with the basic series.

NOTE: These workbooks should relate in content and vocabulary with the basic series used.

Teachers' manuals should be provided.

2.3(3) One work-type reader.

NOTE: At least two drill lessons a week should be given over some of the study skills using a study reader, a dictionary, or teacher-prepared material. (Reading Handbook, Pages 77-78.) Work-type readers are not to be used after finishing the basic text but are to be used along with the basic reader, and the lessons should vary with the teacher's purpose and the child's needs.

2.3(4) Two sets literary or recreatory readers.

Three broken sets of readers of different levels.

Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

2.3(5) A library table and chairs.

A sufficient number of chairs for reading groups.

2.3(6) A bulletin board (Reading Handbook, Pages 126-127).

2.3(7) A set of arithmetic flash cards (addition and subtraction).

2.4(257) Third grade.

2.4(1) One set of first or second-reader level books—not previously read.

A basic third reader or readers (Reading Handbook, Pages 64-73).

NOTE: This should be the same basic series used in primer, first, and second grades.

2.4(2) Workbooks should be used with the basic series.

NOTE: These workbooks should relate in content and vocabulary with the basic series used.

2.4(3) Teachers' manuals for all books should be provided.

One set work-type readers.

NOTE: At least two drill lessons a week should be given over some of the study skills. (Reading Handbook, Pages 77-78.) Work-type readers are not to be used after finishing the basic text but are to be used along with the basic reader, and the lessons should vary with the teacher's purpose and the child's needs.

2.4(4) Two sets literary or recreatory readers.

Three broken sets of readers of different levels.

Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

NOTE: On the average the district should spend annually at least 50 cents per pupil for reading materials, exclusive of textbooks and exclusive of county library funds. (See Library Bulletin, Number 45, Pages 15-17.)

NOTE: The department will not grant credit for sample copies, books with ragged covers, private books donated to the school, books belonging to teacher, and supplementary or basic readers having copyright earlier than 1930.

2.4(5) A library table and chairs. A sufficient number of primary chairs for reading groups.

A bulletin board (Reading Handbook, Pages 126-127).

2.4(6) A set of arithmetic flash cards (addition, subtraction, multiplication and division).

2.5(257) Fourth through eighth grades.

2.5(1) One set of lower grade level books (for easy reading in the fall).

A basic reader (Read carefully Reading Handbook, Pages 75-95).

NOTE: This reader should be of the same series used in primer, first, second, and third grades. "Schools are courting disaster in their selection of such materials when, in a misguided effort to distribute commercial patronage, they adopt for different primary grades portions of several systems that are essentially incompatible and hence virtually incapable of sequential use."

2.5(2) Teachers' manuals for all basic books should be provided.

2.5(3) One set work-type or content readers.

NOTE: At least two drill lessons a week should be given over some of the study skills. (Reading Handbook, Pages 84-85.)

2.5(4) Each pupil should have a standard, elementary dictionary furnished either by his parents or the school. (Reading Handbook, Pages 169-176.) Several single copies of other texts and books to supplement history, geography, science, health, safety, etc.

NOTE: These books should have a spread of several grade levels in reading difficulty. Some books should be easier than the text for slower readers and some books of the expanded, more difficult type for the more capable readers.

2.5(5) Two sets of literary or recreatory-type readers.

(One standard juvenile reference set.)

NOTE: Selections should be made from the list recommended for elementary grades in the report of the special committee of the Iowa Library Association.

Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

2.6(257) Other equipment for fourth grade.

2.6(1) A set of arithmetic flash cards (addition, subtraction, multiplication, and division).

2.6(2) A map of United States.

2.6(3) A geographic terms map.

2.6(4) A map of the world on an equal area projection.

2.6(5) A political-physical globe.

NOTE: The 16-inch (in diameter) globe is recommended because of its superior size and because of its added legibility.

2.7(257) Fifth grade.

2.7(1) A large map of North America.

2.7(2) A large map of the United States.

2.7(3) A large map of Iowa.

2.7(4) A bulletin board (Reading Handbook, Pages 126-127).

2.8(257) Sixth through eighth grades.

2.8(1) One standard Atlas.

2.8(2) One political-physical globe.

2.8(3) Large maps of Europe, Asia, Africa, South America and the World.

2.8(4) Other desirable maps would be:

a. Blackboard outline maps, especially of the world and the United States.

b. Political map of the United States, showing states in separate colors, at least 38 inches by 48 inches.

c. Rainfall map and population density map of world, of the United States, of Europe.

2.8(5) Visual materials:

a. Film strip projector.

b. A 16 mm sound projector.

NOTE: The visual aids should be fitted to the curriculum and films should be obtained that meet the instructional aims.

2.8(6) Magazine list:

Please refer to Library Bulletin, Number 45, page 37.

DIVISION II

STANDARDS FOR THE HIGH SCHOOL

2.9(257) Condition of books. In evaluating a school with reference to the standards, credit will not be allowed for sample copies, books with ragged covers, supplementary readers having a copyright earlier than 1930, private books donated to the school, or books belonging to teachers. The covers of older books should be repaired or the books rebound if they are not in reasonably attractive condition. Worn-out sets and copies of obsolete books should be taken off the shelves to make room for more recent, attractive books.

2.10(257) Types of materials for library.

The high school library should include at least the following types of books:

2.10(1) Encyclopedias.

2.10(2) Single copies of recent textbooks to parallel and supplement the adopted text.

2.10(3) Single copies of books for collateral reading, enrichment and appreciation in the various subjects taught.

2.10(4) Fiction, travel, biography, etc., for recreational reading.

2.10(5) Dictionaries—abridged and unabridged.

2.10(6) Atlas.

2.10(7) Magazines and periodicals.

2.10(8) Compilations and collections of source materials, including autobiographies, letters, memoirs, documents, etc.

2.11(257) Encyclopedias. It is recommended that two sets of encyclopedias be available in the high school: One of those recommended for first purchase for senior high school only on page 3 of the report of the special committee of the Iowa Library Association and one set recommended for secondary purchase for senior high school.

2.12(257) Parallel text and supplementary books.

2.12(1) Parallel texts. For each content subject taught in high school there should be some copies of recent parallel texts. Old, obsolete, ragged, useless books of the textbook type should be removed from the library and the classroom.

2.12(2) Specialized books. There should also be books of a more expanded, specialized type than the textbooks. They may be of a semirecreational, biographical, historical or popular nature. Their chief purpose is to broaden the scope of the pupil's knowledge of topics or subjects, to fill in details, to familiarize the pupil with literature in fields of special interest, to develop an appreciation of this literature, and to cultivate a desire on the part of the student to spend more of his leisure time in worthwhile reading.

2.12(3) Lists of books. Suggested lists of books for some subjects in high school will be found on pages 67-99 of Library Bulletin Number 45. These lists were prepared by prominent classroom teachers in Iowa and are graded as to difficulty. They should be of assistance to superintendents and classroom teachers who wish to purchase supplementary enrichment books. Other books can be selected from bibliographies in Iowa courses of study, from recent textbooks, or from the single or double-starred books in the Standard Catalog for High School Libraries.

2.12(4) Number of books. The number of books of the types described above in the high school library or classrooms should be equal to the enrollment of the class, up to 30 copies for each subject.

2.13(257) Books for recreational reading.

2.13(1) Number and condition. The school should own a minimum of 100 titles of these types of books in usable, attractive condition. One book should be added for each pupil above 100. Books from the state traveling library are helpful, but the school should not depend upon this source alone. Additions and replacements should be made annually.

2.13(2) Types and interests. Books should have a wide spread of interest appeal and reading level. They should deal with the present interests of high school boys and girls. Many of them should be graded considerably below the high school reading level so that they will not be too difficult for the slower readers and will develop an interest in reading for leisure time enjoyment. (See lists and suggestions for selection of fiction given on page 32, Library Bulletin, Number 45.)

2.14(257) Dictionaries.

2.14(1) Unabridged. One recent edition of an unabridged dictionary of recognized standing should be available in the high school.

2.14(2) Abridged. It is recommended that copies of dictionaries of the secondary or collegiate type be available in the library, study hall, and classrooms, where they may be handy for ready reference.

2.15(257) Magazines and periodicals. In schools with an enrollment of 100 pupils or less, there should be at least five carefully selected current magazines, appropriate for the various departments, and a daily newspaper. If the five magazines indicated in the report of the special committee of the Iowa Library Association are provided, the "Abridged Readers' Guide to Periodical Literature" can be secured for \$2.25 per year. This will be of great service in providing classified subject references to current materials for the various classes. (See page 8 of report of Iowa Library Association Committee, Reference Books Recommended for First Purchase in Elementary Grades and High Schools of Iowa, for description and addresses of publishers.)

[Filed prior to July 4, 1952]

CHAPTER 3

APPROVED SCHOOLS AND SCHOOL DISTRICTS

3.5(19) Instructional needs. The board of each school shall establish and maintain adequate facilities, grounds, instructional supplies and materials to support the educational program it has adopted in compliance with sections 280.10, 280.11 and 280.14, Code 1975.

3.5(20) Organization and adequacy of media center. Each board shall establish in each secondary school attendance center a media center organized as a resource center of instructional materials for that school attendance center's entire educational program. The number and kind of library and reference books, periodicals, newspapers, pamphlets, information files, audiovisual materials and equipment, and other learning aids shall be adequate for the number of pupils and the needs of instruction in all courses.

Each media center shall be equipped to adequately support the programs of media utilization and service adopted for that center. The entire collection shall be cataloged and classified according to a recognized accepted system and made accessible to teachers and pupils alike. An area for the preparation of learning and instructional materials shall be provided in each center.

3.7(2) *In-service library.* The board shall establish and maintain library/media materials collection for use by its staff. The budget shall provide for annual expenditures to make additions to the collection.

These rules are intended to implement chapters 257, 280 and 281 of the Code.

[Effective December 31, 1974]

CHAPTER 4 APPROVAL OF PUBLIC JUNIOR OR COMMUNITY COLLEGES

4.17(288A) *Qualifications for librarians.* A person serving as librarian for half-time or less shall have completed 20 semester hours of preparation in library science; or, in lieu thereof, said person shall hold a certificate endorsed for service as a school librarian; a person serving as librarian for more than half-time shall have completed 15 hours of graduate credit in library science, and said person shall hold a certificate endorsed for service as a school librarian.

4.28(286A) *Library.* In evaluating a junior college library, for purposes of approval hereunder, consideration shall be given to the following specific recommendations:

4.28(1) *Organization and administration.* The library shall be adequately housed and professionally administered with books well distributed. An appropriate reading room, separate from the high school library if possible, should be open to all students throughout the day. Adequate seating space (recommended to seat 20 percent of the student body) shall be provided.

4.28(2) *Adequacy of materials.* The library shall contain adequate basic general reference books, and appropriate current periodicals in sufficient variety for each department in which instruction is given.

4.28(3) *Annual appropriation.* In each junior college there shall be an annual appropriation for the purchase of new books, exclusive of government documents and periodicals, of not less than \$1000 or ten dollars per student, whichever is greater.

4.28(4) *Cataloging.* Books must be properly cataloged.

4.28(5) *Co-ordination with other library facilities.* In no case shall the junior college depend upon the city library for any large share of materials or facilities unless it is close enough for students to use it for study during the school day and unless the junior college has adequate control over the books purchased and their use.

4.28(6) *Use by students and staff.* Both students and staff members shall have free access to all library facilities.

CHAPTER 5 AREA VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES

5.3(1) *Certification and subject matter approval.*

f. *Support personnel faculty.*

(2) *Librarian and learning resource faculty.* A librarian or learning resource specialist shall hold a master's degree in this area of specialization from an accredited graduate school. An assistant librarian or assistant learning resource specialist shall hold a bachelor's degree in this area of specialization from an accredited institution. This preparation shall include six semester hours of professional preparation appropriate for community college teaching, or adequate experience in college teaching or its equivalent as evaluated by a review committee appointed by the state superintendent of public instruction shall be accepted in lieu of part or all of the required credits in professional education.

5.5(280A) *Library or learning resource center.*

5.5(1) *Facilities.* Area school libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and should show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort and setting of the facility used to house the collection.

5.5(2) *Staffing.* The library or learning resource center shall be adequately staffed with qualified and certified professionals and skilled nonprofessional personnel.

5.5(3) *Collection.* The collection of an area school shall be adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled. The collection shall show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up-to-date through a planned program of acquisition and deletion. The collection shall contain an appropriate range and number of print and nonprint materials, effectively organized and quartered in a manner which maximizes use.

5.5(4) *Expenditures.* The budget of the library or learning resource center shall be appropriate for the programs and services offered by the institution. New programs and new curricula shall be reflected in library or learning resource center expenditures.

CHAPTER 12
SPECIAL EDUCATION

12.26(281) Authorized personnel. The following types of special education personnel are authorized to be employed by a school district or area education agency as appropriate. Except as provided in subrule 12.13(4) of these rules, the area education agency or school district must employ its authorized personnel on a full-time special education assignment to be eligible for special education funding.

12.26(3) The following positions are classified as support personnel:

j. "Educational strategist" shall provide assistance to regular classroom teachers in developing intervention strategies for pupils who are mildly handicapped in obtaining an education but can be accommodated in the regular classroom environment.

p. "Special education media specialist" a media specialist who shall provide correlation of media services only for children requiring special education and provide for the development, availability, maintenance and effective utilization of media for special education programs and support services.

12.30(281) Materials and equipment.

12.30(1) Each school district shall make provision for its special education programs and services, building modifications, necessary equipment and materials, including both durable items and expendable supplies; provided that, where an area education agency, pursuant to appropriate arrangements authorized by the laws of this state, furnishes a special education program or service, performance by the area education agency shall be accepted in lieu of performance by the school district.

12.30(2) Each area education agency or school district operating one or more special education programs or services shall have a comprehensive program in operation under which equipment for those programs and services is acquired, inventoried, maintained, calibrated and replaced on a planned and regular basis.

12.30(3) The area education agency or school district responsible for the operation of a special education program or service shall provide special aids, equipment, materials, or supplies as necessary and approved by the department, but shall not provide devices prescribed or designed on an individual basis for a particular pupil.

CHAPTER 14
CLASSIFICATION OF CERTIFICATES

14.1(257) Classes listed. The teachers' certificates available are grouped into five major classes.¹ The various types of specific services which each teacher is authorized to perform are indicated by one or more endorsements² on the certificate held.

The classes of certificates are:

14.1(1) *Permanent professional certificate.* Valid throughout lifetime of holder except when revoked for cause.

14.1(2) *Professional certificate.* Valid for ten-year term and renewable according to prescribed conditions.

14.1(3) *Preprofessional certificate.* Valid for six-year term and renewable according to prescribed conditions.

14.1(4) *Substitute certificate.* Valid for two-year term, but, except as authorized by the department of public instruction by written statement, not to exceed 90 full days of teaching in any one academic year and renewable according to prescribed conditions.

14.1(5) *Temporary certificates.* Valid for one-year term.

DIVISION I
PERMANENT PROFESSIONAL CERTIFICATE

14.2(257) *Validity.* The permanent professional certificate shall be valid throughout the lifetime of the holder except when revoked for cause, and for service as indicated by the endorsement or endorsements appearing thereon.

14.3(257) *Endorsements available.* This certificate shall have exactly the same endorsement or endorsements available on the professional certificate which every person applying for a permanent professional certificate must first have had. Additional endorsements may be made at any time that the requirements for them have been met. (See 14.8, below.)

14.4(257) *Requirements.* The holder of a professional certificate who has had four years of successful experience and 30 semester hours of approved preparation beyond the baccalaureate degree shall be eligible to receive the permanent professional certificate except that on and after August 31, 1960, said 30 semester hours of approved preparation shall have been graduate credit and a master's degree from an accredited institution shall have been awarded to said holder.

DIVISION II
PROFESSIONAL CERTIFICATE

14.5(257) *Validity.* The professional certificate shall be valid for a term of ten years, and for service as indicated by the endorsement or endorsements appearing thereon. It shall be renewable according to conditions prescribed in this bulletin.¹

14.6(257) Elementary endorsement.

14.6(1) Type of service authorized. Authorization to teach in kindergarten and grades one through nine.

14.6(2) Requirements. Four years of approved college preparation and a baccalaureate degree from a recognized institution.

14.7(257) Secondary endorsement.

14.7(1) Type of service authorized. Authorization to teach in grades seven through fourteen.

14.7(2) Requirements. Four years of approved college preparation and a baccalaureate degree from a recognized institution.

14.8(257) Community or junior college endorsement.

14.8(1) Type of service authorized. Authorization to teach in a community or junior college.

14.8(2) Requirements. A master's degree from a recognized institution in an approved program of graduate study with a graduate major in a principal field of instruction and including also six semester hours of appropriate professional preparation for college teaching. [Implementing 5267.10(11)]

14.9(257) Elementary-secondary and other specialized endorsements.

14.9(1) Type of service authorized. Authorization to teach only in special subjects or to serve in special service areas in nursery school, kindergarten, grades one through fourteen or limited groupings associated therewith.

14.9(3) Special service areas and specialized endorsements. The special service areas for which such endorsements are available are: Speech clinician, librarian, director of library services, public school health nurse, educational media specialist, hearing clinician, reading clinician and special education. The endorsement for special education may be further subdivided by approval area to authorize its holder to render services primarily to the emotionally or socially maladjusted, the mentally handicapped, those handicapped in hearing, the visually handicapped, the physically handicapped and those handicapped in their ability to communicate with others. A specialized endorsement is available for the area of nursery school-kindergarten.

14.9(4) General requirements. The requirements for the foregoing endorsements shall include four years of approved college preparation and a baccalaureate degree in all cases.

14.9(5) Special requirements. The following requirements shall be applicable to the specific endorsements indicated:

b. Director of library services. For authorization by endorsement to serve as director of library services, the applicant shall have met the requirements for a professional certificate endorsed for elementary- or secondary- school teaching and shall possess a master's degree or its equivalent in library science. The applicant must present evidence of successful completion of a course or courses of study in the administration of school library services, which course or courses may be either included in, or in addition to, the work leading to said degree.

d. Educational media specialist. For authorization by endorsement to serve as an educational media specialist in kindergarten and grades one through fourteen, the applicant shall have met the requirements for a professional certificate endorsed for elementary- or secondary-school teaching and shall possess a master's degree based upon an approved program in the specialized area of educational media.

**DIVISION III
PREPROFESSIONAL CERTIFICATE**

14.15(257) Validity. The preprofessional certificate shall be valid for a term of six years, and for service as indicated by the endorsement or

**CHAPTER 19
POSITION REQUIREMENTS**

**DIVISION IV
SPECIAL SUBJECT TEACHERS**

19.11(257) Teachers in special services. See chapter 14 for the special service areas in which certification is available. With the exception of librarians and public school health nurses, these special service areas are concerned with the education of exceptional children (special education). See Divisions VI and VIII for further comment about librarians and nurses.

Any person who works in the schools in the field of special education must hold appropriate special service certification in order for the program to be approved for reimbursement by the department of public instruction.

**DIVISION VI
LIBRARIANS**

19.16(257) Certificate. On and after August 31, 1958, a person approved for service as a teacher-librarian for half-time service or less shall hold a certificate valid for either or both elementary- and secondary-school teaching, and also shall have completed nine semester hours in library science, three semester hours in children's literature and three semester hours in methods and materials of audio-visual instruction.

On and after August 31, 1958, a person approved for service as a school librarian devoting more than half time to such service shall hold a certificate endorsed for service as a school librarian in the elementary- and secondary-school grades

CHAPTER 51
APPEAL PROCEDURES

51.1(257) Definitions.

51.1(1) "Board," as used in this Chapter, shall refer to the State Board of Public Instruction.

51.1(2) "Superintendent," as used in this Chapter, shall refer to the Superintendent of Public Instruction.

51.1(3) "Appellant," as used in this Chapter, shall refer to a party bringing an appeal to the State Board of Public Instruction, the Superintendent of Public Instruction or the Department of Public Instruction.

51.1(4) "Appellee," as used in this Chapter, shall refer to the party in a matter against whom an appeal is taken, or the party whose interest is adverse to the reversal of a prior decision now on appeal to the State Board of Public Instruction, the Superintendent of Public Instruction or the Department of Public Instruction.

51.1(5) "Parties," as used in this Chapter, shall refer to the appellant, appellee, and third parties directly involved in the original proceeding but neither appellant nor appellee on appeal.

51.1(6) "Hearing Panel," as used in this Chapter, shall refer to the Superintendent of Public Instruction and two members of the Department of Public Instruction staff designated by him to hear the presentation of evidence and oral argument concerning appeals. The Superintendent may be replaced by an administrative hearing officer designated by him.

51.1(7) "Presiding Officer," as used in this Chapter, shall refer to the Superintendent, or in the event of contested cases under Chapter 17A of the Code, it shall refer to the Superintendent or an administrative hearing officer designated by him, when hearing presentation of evidence and oral argument concerning appeals.

51.2(257) Type of appeal.

51.2(1) In the event an appeal is made pursuant to sections 290.1 or 281.6 (Special Education) of the Code, the rules under this Chapter shall be followed expressly unless otherwise waived.

51.3(257) Manner of appeal.

51.3(1) An appeal shall be made in the form of an affidavit which shall set forth the facts any error complained of, or the reasons for the appeal in a plain and concise manner, and which shall be signed by the appellant.

51.3(2) The Superintendent or someone designated by him shall, within five days after the filing of such affidavit, notify the proper officer in writing of the taking of such appeal, and the officer shall, within ten days, file with the Board a complete certified transcript of the record and proceedings related to the decision appealed.

51.11(257) Finality of decision. The decision is final upon Board approval of the hearing panel's decision.

51.12(257) Application for rehearing of final decision.

Any party may file an application for rehearing stating the specific grounds therefore, and the relief sought, within twenty days after the issuance of any final decision by the Board. A copy of such application shall be timely mailed by the applicant to all parties of record not joining therein. Such application for rehearing shall be deemed to have been denied unless the Board grants the application within thirty days after its filing.

These rules are intended to implement sections 285.12, 275.16, 281.6 and Chapter 290 of the Code.

These rules shall become effective July 1, 1975, upon filing in the office of Secretary of State as provided in Chapter 17A of the Code.

51.3(3) The Superintendent or someone designated by him shall send written notice by certified mail, return receipt requested, at least ten days prior to the hearing, to all persons known to be interested. Such notice shall include the time and the place where the matter of appeal will be heard. A copy of the appeal hearing rules shall be included with the notice.

51.3(4) A request for continuance may be made to the Superintendent upon reasonable cause.

51.3(5) Continuances may be granted upon the sole discretion of the Superintendent.

51.4(257) Subpoena of witnesses and costs.

51.4(1) The Superintendent, in the name of the Board, shall have the power to issue subpoenas for witnesses, to compel the attendance of those thus served and the giving of evidence by them in the same manner and to the same extent as the district court may do.

51.4(2) Such witnesses and serving officers shall be allowed the same compensation as is paid for like attendance or service in district court. Such compensation shall be paid out of the general fund of the proper school corporation upon the certificate of the Superintendent to and warrant of the proper official unless rule 51.4(3) is applicable.

51.4(3) If the Board is of the opinion that the proceedings were instituted without reasonable cause, or if an appeal is not sustained, it shall enter such findings in the record and tax all costs including witness and service fees to the party responsible. A transcript shall be filed in the office of the clerk of the district court of the district in which the controversy arose.

51.5(257) Participants in the hearing.

51.5(1) The appeals hearing shall be conducted by the hearing panel. The Superintendent or an administrative hearing officer designated by him shall serve as presiding officer.

51.5(2) The appellant or his representative shall be heard.

51.5(3) The appellee or his representative shall be heard.

51.5(4) A person or his representative who was a party in the original proceedings, but neither the appellant or appellee, may be heard at the discretion of the presiding officer.

51.6(257) Appeal hearing.

51.6(1) On stipulated record. Upon the written agreement of the parties, the transcript of the record and proceedings as certified by the proper official may become the evidentiary basis for the hearing on appeal. In the event that the hearing is to be conducted on the certified record, the following procedures shall be followed:

a. At the established time, the name and nature of the case are announced by the presiding officer. Inquiries shall be made as to whether the respective parties or their representatives are present.

b. When it is determined that parties or their representatives are present, or that absent parties have been properly notified, the appeal hearing may proceed. When any absent party has been properly notified, it shall be entered into the record. When notice to an absent party has been sent by certified mail, return requested, the return shall be placed in the record. If the notice was in another manner, sufficient details of the time and manner of notice shall be entered into the record. If it is not determined whether absent parties have been properly notified, the proceedings may be recessed at the discretion of the presiding officer.

c. The appeal hearing on stipulated record is non-evidentiary in nature. No witnesses will be heard nor evidence received. The controversy will be decided on the basis of the record certified by the proper official and the arguments presented on behalf of the respective parties. The parties shall be so reminded by the presiding officer at the outset of the proceedings.

d. Illustrative materials such as charts and maps may be used to illustrate an argument, but may not be used as new evidence to prove a point in controversy.

e. Unless the presiding officer determines otherwise, each party shall have one spokesman.

f. The appellant shall present his argument first. The appellee shall follow with his argument and his rebuttal of the appellant's argument. A third party who was a party in

the initial proceeding but not either appellant or appellee may, at the discretion of the presiding officer, be allowed to make remarks. The appellant may then rebut the preceding arguments but may not introduce new arguments.

g. Appellant and appellee shall have equal time to present their arguments and appellant's total time shall not be increased by his right of rebuttal. The time limit for argument shall be established by the presiding officer and shall in most instances be limited to 30 minutes for each party. Should a party desire a longer period, a request in advance of the hearing should be made to the Superintendent.

h. At the conclusion of arguments, each party shall have the opportunity to submit written briefs or arguments, or additional written briefs if they have already done so. Any party submitting a written brief or argument must deliver a copy to all other parties, preferably in advance of the appeal hearing. In the event that all parties have not been furnished a copy of another party's brief at least two days in advance of the appeal hearing, each party shall be afforded the opportunity to submit reply briefs within ten days of the conclusion of the appeal hearing. The opportunity to submit reply briefs may be waived by any party and shall be entered into the record.

i. The appeal hearing is then closed upon order of the presiding officer.

51.6(2) Evidentiary hearing. When the parties do not agree to a stipulated record, the following procedure shall be followed:

a. The appellant shall begin by giving an opening statement of a general nature which may include the basis for the appeal, the type and nature of the evidence he proposes to introduce and the conclusions which he feels the evidence will substantiate.

b. With the permission of the presiding officer, a third party directly involved in the original proceeding but neither appellant or appellee may make an opening statement of a general nature.

c. The appellee may present an opening statement of a general nature in which he may discuss the type and nature of evidence he proposes to introduce, and the conclusions which he feels the evidence will substantiate.

d. The appellant may then call witnesses and present other evidence.

e. Each witness shall be administered an oath by the presiding officer. The oath may be in the following form: "You do solemnly swear and affirm that the testimony or evidence which you are about to give in the proceeding now in hearing shall be the truth, the whole truth, and nothing but the truth."

f. The appellee may cross-examine all witnesses and may examine and question all other evidence.

g. Upon conclusion of the presentation of evidence by the appellant, the appellee may call witnesses and present other evidence. The appellant may cross-examine all witnesses and may examine and question all other evidence.

h. The hearing panel members may address questions to each witness at the conclusion of questioning by the appellant and the appellee.

i. At the discretion of the presiding officer, either party may be permitted to present rebuttal witnesses and additional evidence of matters previously placed in evidence. No new matters of evidence may be raised during this period of rebuttal.

j. The appellant shall make a final argument for a length of time established by the presiding officer, in which he may review the evidence presented, the conclusions which he feels most logically follows from the evidence and a recommendation of action to the hearing panel.

k. The appellee may make a final argument for a period of time equal to that granted to the appellant in which he may review the evidence presented, the conclusions which he feels most logically follows from the evidence and a recommendation of action to the hearing panel.

l. At the discretion of the presiding officer, a third party directly involved in the original proceeding but neither the appellant or appellee may make a final argument.

m. At the discretion of the presiding officer, either side may be given an opportunity to rebut the other's final argument. No new arguments may be raised during rebuttal.

n. Any party may submit written briefs. Written briefs by non-parties may be accepted at the discretion of the presiding officer. Any party submitting a written brief or argument must deliver a copy to all other parties, preferably in advance of the appeal hearing. In the event that all parties have not been furnished a copy of another party's brief or argument at least two days in advance of the appeal hearing, each party shall be afforded the opportunity to submit reply briefs within ten days of the conclusion of the appeal hearing. The opportunity to submit reply briefs may be waived by any party and such waiver shall be entered into the record.

o. Rules of Evidence

(1) Because the hearing panel must decide each case correctly as to the parties before it and it must also decide what is best in the public interest, it is necessary to allow for the reception of all relevant evidence which will contribute to an informed result. The ultimate test of admissibility is whether the offered evidence is reliable, probative, and relevant.

(2) Irrelevant, immaterial, or unduly repetitious evidence should be excluded. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial. The hearing panel shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form.

(3) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original, if available.

(4) Witnesses at the hearing, or persons whose testimony has been submitted in written form, if available, shall be subject to cross-examination by any party as necessary for a full and true disclosure of the facts.

(5) Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the hearing panel. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, and shall be afforded an opportunity to contest such facts before the decision is announced.

(6) The hearing panel's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(7) No decision shall be made except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative and substantial evidence.

51.6(3) Mixed evidentiary and stipulated hearing. Any party may, if without timely objection from any other party, place into the hearing record a written presentation of the facts or portions of the certified record which are not contested by the parties. Such facts cannot later be contested by the parties and no introduction of evidence contrary to that which has been stipulated may be allowed. All oral arguments and written briefs may refer to evidence contained in the material as any other evidentiary material entered at the hearing. Portions of the certified record stipulated to in writing by the parties shall also be treated in this manner.

51.7(257) Communications.

51.7(1) Except when parties who have received notice are absent from proceedings, hearing panel and Board members shall not communicate directly or indirectly in connection with any issue of fact or law in that contested case with any person or party except upon notice and opportunity for all parties to participate. However, hearing

panel and board members are conscientious with strict adherence to the rules and may have the aid and advice of persons other than those with a personal interest in, or those directly engaged in preparation or advocating to settle, the case upon introduction of a similar case pending involving the same parties.

51.9(2) Parties or their representatives shall not communicate directly or indirectly in connection with any issue of fact or law with the hearing panel or board members except upon notice and opportunity for all parties to participate, as are provided for by departmental rules. The recipient of any prohibited communication shall submit the communication, if written, or a summary of the communication, if oral, for inclusion in the record of the proceedings.

51.9(3) Any or all of the following sanctions may be imposed upon a party who violates the rules: censure, suspension or revocation of the privilege to speak or before the department, or the rendering of a decision against a party who violates the rules.

51.9(4) Oral testimony shall be open to the public and shall be recorded by mechanical means or by certified shorthand reporters. Oral proceedings in whole or in part shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party.

51.9(5) All proceedings or stenographic notes of oral proceedings or the verbatim transcript shall be maintained and preserved by the department for at least five years from the date of rendition.

51.9(6) The record of a hearing under this rule shall include:

- a. all questions, motions and interpretive rulings;
 - b. all evidence received or considered and all other submissions;
 - c. a statement of actions officially noticed;
 - d. All questions and rulings of procedure, objections and rulings thereon;
 - e. all requests, findings and conclusions;
 - f. any decision, opinion or report by the presiding officer presented to the hearing;
 - g. any other matters.
- 51.9(7) The presiding officer shall have the responsibility of the record and the appropriate responsibility with the parties and counsel at the hearing to ensure that the decision is based on the record.

51.9(8) Any decision rendered by the hearing panel or the board shall be subject to review by the Board of Public Safety and the Board of Public Safety, the Department of Public Safety and shall be in the best interest of the public.

51.9(9) The decision of the presiding officer shall be placed on the agenda of the next regular Board meeting for review or the record and decision.

51.9(10) The Board shall either approve the decision or direct a rehearing before the hearing panel.

51.9(11) In the event the decision is approved by the Board, copies will be sent to the parties within twenty days.

51.9(12) No individual who participates in the making of any decision shall be involved in connection with the hearing, the specific controversy underlying the case, or other pending factually related matters. No shall any individual who participates in the making of any process, decision by subject to the authority, direction, or discretion of any person who has appeared in connection with the hearing, the specific controversy underlying the hearing, or a pending related matter involving the same parties.

51.10(1) Subchapter

51.10(2) In the event the Board directs a rehearing, the hearing panel, in arriving at a subsequent decision, may either review the record and arguments, or may proceed with either a full or partial hearing under the usual hearing provisions of this Chapter.

51.10(3) Upon receiving a subsequent decision, the decision shall be included on the agenda of the next regular Board meeting for review of the record and decision as provided for in rule 51.9.

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