

CHAPTER 1011

EDUCATION — ENGLISH LANGUAGE LEARNERS AND COMMUNITY COLLEGE FACULTY STANDARDS

S.F. 2128

AN ACT relating to education, including the education of students who are not fully English proficient and the standards applicable to the hiring, developing, and evaluation of community college faculty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 256.7, subsection 31](#), paragraph c, Code 2022, is amended to read as follows:

c. Adopt rules to establish standards for the identification, selection, and use of research-based educational and instructional models for students identified as ~~limited English proficient~~ English learners, and standards for the professional development of the instructional staff responsible for implementation of those models.

Sec. 2. [Section 256.16, subsection 1](#), paragraph b, Code 2022, is amended to read as follows:

b. Include preparation in reading theory, knowledge, strategies, and approaches; and for integrating literacy instruction into content areas. Such preparation shall address all students, including but not limited to students with disabilities; students who are at risk of academic failure; students who have been identified as gifted and talented or ~~limited English proficient~~ English learners; and students with dyslexia, whether or not such students have been identified as children requiring special education under [chapter 256B](#).

Sec. 3. [Section 256E.4, subsection 4](#), paragraph 1, Code 2022, is amended to read as follows:

1. Plans for identifying and serving students with disabilities, students who are ~~limited English proficient~~ English learners, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.

Sec. 4. [Section 256E.5, subsection 4](#), paragraph 1, Code 2022, is amended to read as follows:

1. Plans for identifying and serving students with disabilities, students who are ~~limited English proficient~~ English learners, students who are academically failing or below grade level, and gifted students, including but not limited to compliance with applicable laws and regulations.

Sec. 5. [Section 256E.9, subsection 1](#), paragraph c, Code 2022, is amended to read as follows:

c. Achievement gaps in both proficiency and growth between specified populations or groups of students, including groups based on gender, race, poverty, special education status, ~~limited English proficiency~~ English learner status, and gifted status.

Sec. 6. [Section 256F.3, subsection 7](#), Code 2022, is amended to read as follows:

7. An application submitted to the state board pursuant to [subsection 2](#), paragraph “b”, or [subsection 6](#) shall set forth the manner in which the charter school or innovation zone school will provide special instruction, in accordance with [section 280.4](#), to students who are ~~limited English proficient~~ English learners. The application shall set forth the manner in which the charter school or innovation zone school will comply with federal and state laws and regulations relating to the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §1751–1785, and [chapter 283A](#). The state board shall approve only those applications that meet the requirements specified in [section 256F.1, subsection 3](#), and [sections 256F.4](#) and [256F.5](#). The state board may deny an application if the state board deems that approval of the application is not in the best interest of the affected students.

Sec. 7. [Section 260C.36, subsection 1](#), paragraph h, Code 2022, is amended to read as follows:

h. Compliance with the faculty accreditation standards of the higher learning commission similar accredited institutions of higher education that are consistent with the standards established pursuant to [section 260C.48](#), and compliance with faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. For purposes of this paragraph, “accredited” means that an institution of higher education meets the standards established by an accrediting agency recognized under [34 C.F.R. pt. 602](#) and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

Sec. 8. [Section 260C.48, subsection 1](#), paragraph b, subparagraph (1), Code 2022, is amended to read as follows:

(1) Possess a master’s degree from ~~a regionally~~ an accredited graduate school, and has successfully completed a minimum of twelve credit hours of graduate level courses in each field of instruction in which the instructor is teaching classes. For purposes of this subparagraph, “accredited” means that a graduate school meets the standards established by an accrediting agency recognized under [34 C.F.R. pt. 602](#) and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

Sec. 9. [Section 260C.48, subsection 4](#), Code 2022, is amended to read as follows:

4. Standards relating to quality assurance of faculty and ongoing quality professional development shall be the accreditation standards of ~~the higher learning commission similar accredited institutions of higher education that are consistent with the standards established pursuant to [this section](#)~~ and the faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. For purposes of [this subsection](#), “accredited” means that an institution of higher education meets the standards established by an accrediting agency recognized under [34 C.F.R. pt. 602](#) and by Tit. IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

Sec. 10. [Section 280.4](#), Code 2022, is amended to read as follows:

~~280.4 Limited English proficiency English learners — weighting.~~

1. *a.* The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a world language is deemed appropriate in the teaching of any subject or when the student is ~~limited English proficient~~ an English learner. When the student is ~~limited English proficient~~ an English learner, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language.

b. As used in [this section](#):

(1) “English learner” means a student whose language background is in a language other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background. Each English learner shall be identified as either an intensive student or an intermediate student.

(4) ~~(2)~~ “Fully English proficient” means a student who has attained a level of English-language skill in reading, writing, listening, and speaking to be proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency as required by section 1111 of the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95.

~~(2)~~ ~~(3)~~ “Intensive student” means a ~~limited-English-proficient student~~ an English learner who, even with support, is not proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

~~(3)~~ ~~(4)~~ “Intermediate student” means a ~~limited-English-proficient student~~ an English learner who, either with or without support, approaches being proficient under the state’s

English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

(4) ~~“Limited English proficient” means a student’s language background is in a language other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background. Each limited English proficient student shall be identified as either an intensive student or an intermediate student.~~

2. The department of education shall adopt rules relating to the identification of ~~limited English proficient students~~ English learners who require special instruction under [this section](#) and to application procedures for funds available under [this section](#).

3. a. In order to provide funds for the excess costs of instruction of ~~limited English proficient students~~ English learners specified in paragraph “b” above the costs of instruction of pupils in a regular curriculum, each ~~limited English proficient student~~ English learner identified as an intensive student shall be assigned an additional weighting of twenty-six hundredths, each ~~limited English proficient student~~ English learner identified as an intermediate student shall be assigned an additional weighting of twenty-one hundredths, and the applicable weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding five years as provided in paragraph “b”. However, the school budget review committee may grant supplemental aid or a modified supplemental amount to a school district to continue funding a program for students after the expiration of the five-year period.

b. For students first determined to be ~~limited English proficient~~ English learners for a budget year beginning on or after July 1, 2010, the additional weighting provided under paragraph “a” shall be included in the weighted enrollment of the school district of residence for a cumulative period of time not exceeding five years beginning with the budget year for which the student was first determined to be ~~limited English proficient~~ an English learner. The five years of eligibility for the additional weighting need not be consecutive and a student’s eligibility for the additional weighting is transferable to another district of residence.

Sec. 11. [Section 284.11, subsection 2](#), paragraph a, Code 2022, is amended to read as follows:

a. Collect relevant data and establish a list of high-need schools eligible for state supplemental assistance. The department shall establish a process and criteria to determine which schools are placed on the list and the department shall revise the list annually. Criteria for the determination of which high-need schools shall be placed on the list shall be based upon factors that include but are not limited to the socioeconomic status of the students enrolled in the school, the percentage of the school’s student body who are ~~limited English proficient students~~ English learners, student academic growth, certified instructional staff attrition, and geographic balance. The department may approve or disapprove requests for revision of the list, which a school district submits pursuant to [subsection 3](#).

Approved April 21, 2022