

# LEGISLATIVE GUIDE TO AREA EDUCATION AGENCIES



Legislative  
Services  
Agency

## TABLE OF CONTENTS

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I.	Introduction .....	1
II.	Executive Summary .....	1
III.	Historical Background.....	2
IV.	Role and Function of Area Education Agencies.....	3
	A. Statutory Intent .....	3
	B. Boundaries .....	4
	C. Legal Status .....	6
	D. Scope of Services .....	6
	E. Service Divisions.....	6
	1. Special Education Services .....	6
	2. Media Services .....	7
	3. Educational Services .....	8
V.	Governance .....	9
VI.	Funding .....	10
VII.	Accreditation .....	11
VIII.	Reorganization or Dissolution.....	13





## I. Introduction.

This Legislative Guide provides an overview of the development, organization, and operation of the area education agency (AEA) system in the State of Iowa. Specifically, the Guide examines the evolution of AEAs from the county superintendent system; Code provisions dealing with the establishment of AEAs; the role of AEAs and functioning of the three component divisions; and AEA governance, funding, accreditation, reorganization, and dissolution.

References in this Legislative Guide to the Code are to the 2007 Iowa Code.

## II. Executive Summary.

Iowa is one of a majority of states having established a statewide system for the delivery of educational programs and services on an intermediate level between local school districts and the state Department of Education. The AEA system evolved as one-room schoolhouses and independent school districts managed by county superintendents gave way to the partial utilization of county superintendent services, later modified to permit joint administration and furnishing of services by adjacent counties, and finally to permit the merger of two or more county systems. In response to reported inequities in the provision of programs and services between counties or merged areas, which had been formed for establishing community colleges and area vocational schools, the AEA system was established in 1974 utilizing the boundary lines established for the community colleges.

Area education agencies have the legal status of school corporations. Their primary role is the provision of special education support services to individuals under the age of 21 years requiring special education, media services to all children through grade 12, and other educational services to pupils and education staff. Code chapter 273 provides specific responsibilities for each of these divisions. Primary responsibilities of the Division of Special Education include evaluation and identification of special needs individuals, ensuring that children requiring special education receive appropriate programs and services either directly from the local school district or from another public or private agency, and the assignment of weights for special education funding purposes. The Media Division involves the establishment of media and technology centers within the AEA. Functions of the Educational Services Division are not directly mandated by Code chapter 273, but include staff development training, educational data processing, and other educational programs and services approved by the State Board of Education.

The governance structure of AEAs is representative in nature. For purposes of electing representatives to an AEA board of directors, agencies are divided into director districts, each of which has one member to the board, elected by the school board.<sup>1</sup> Local school districts within a director district vote in proportion to their population relative to the director district as a whole. Area education agency board members are elected for staggered three-year terms and are subject to a number of specific responsibilities set forth in Code section 273.3.

Funding for AEAs is "flow-through" in nature. The local school districts within an AEA generate the funds for its operation, either directly in the form of property taxes or through

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<sup>1</sup> Iowa Code § 273.8.



## AREA EDUCATION AGENCIES

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aid received pursuant to the state school finance formula. Although included on a school district's budget sheet, the district never actually receives the AEA funds. Instead, they are subtracted by the Department of Management from state aid payable to the district and distributed directly to the AEA. Separate special education support cost per pupil, media cost per pupil, and educational services cost per pupil figures are calculated for each AEA, which are increased annually for allowable growth. Special education support funding is calculated on the basis of a district's weighted enrollment, whereas the funding for media and educational services is based upon enrollment consisting of the actual headcount of the public school pupils plus nonpublic students served.

Area education agencies are subject to an accreditation process mandated by law and established through administrative rules that became effective October 1, 1997. Initial and continued accreditation is evaluated by an accreditation team, which conducts on-site visits and makes recommendations for the consideration of the State Board of Education. Accreditation standards to be applied are contained in Code section 273.11. An AEA found to be deficient in the delivery of a program or service is subject to a remediation plan and subsequent reevaluation.

Provisions detailing circumstances under which AEAs may undergo reorganization or dissolution were enacted in 2001. Two or more AEAs with contiguous areas, with component school districts petitioning in favor of reorganization, and with AEA board and State Board of Education approval may reorganize. Several AEAs took advantage of those provisions, resulting in a reduction in the number of AEAs from the previous number of 15 down to, as of the 2007 revision of this Guide, a total of 10. An AEA may also dissolve, with its component school districts attaching to other contiguous AEAs. Dissolution procedures are similar to reorganization procedures with reference to petition requirements and approval by the State Board of Education. An AEA board investigating dissolution may do so either through conducting a study directly or through the formation of a dissolution commission.

### **III. Historical Background.**

The origin of the AEA system in Iowa can be traced back to 1858. Legislation was enacted that year creating an intermediate level between individual school districts and the state in the form of a county superintendent. The county superintendent was elected by popular vote and served as the educational leader and supervisor of all schools within each county.<sup>2</sup> This intermediate level was later refined and expanded to include a six-member county board of education. The county board served in an advisory capacity to the county superintendent, and members were elected by representatives of the school districts located in the county. Election procedures for county board members were changed in 1948 to election by popular vote instead of by school board representatives, with the county board members then appointing the county superintendent.<sup>3</sup> Additionally, the county offices were authorized to furnish educational programs and services to school districts requesting them located within the county.

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<sup>2</sup> 1858 Iowa Acts ch. 52, § 40.

<sup>3</sup> 1947 Iowa Acts ch. 147, § 5.



While these changes represented a clear progression toward the regional furnishing of programs and services, distribution of those services continued to occur on an individual county-for-county basis. In 1957, for the first time, two or more adjacent counties were authorized to hire an administrator and provide services throughout the districts in the multicounty region.<sup>4</sup> This concept was expanded in 1965 to permit the full merger of two or more county systems into a single joint system.<sup>5</sup> Also in 1965, a network of 15 community colleges and vocational-technical schools was established to provide regional postsecondary education services.<sup>6</sup>

With the advent of the joint system, special education, staff development, and media services were able to be offered to school districts within a region that might not have been able to afford such services on their own. Access to these services, however, varied considerably from district to district, depending on the extent to which the county or joint system provided them. The need for equal access to services, coupled with federal legislation focusing on enhancing programming for handicapped children in the 1960s and 1970s, and a movement toward establishing intermediate service units in other states, led to the establishment of AEAs in 1974.<sup>7</sup>

The AEA system is not unique to the State of Iowa. Approximately 35 states have developed some form of intermediate educational service agency. These agencies are referred to by a variety of names — examples include educational service districts, educational service units, regional education service agencies, intermediate school districts, education service centers, and county offices of education, in addition to our own AEA designation. In general, however, they share the common characteristics of creation by statute; representative governance; and a commitment to the furnishing of high-quality, cost-effective educational support programs and services to local school districts within a given geographic area. These support programs and services are often ones which the school districts cannot develop or obtain as efficiently on their own.<sup>8</sup>

## **IV. Role and Function of Area Education Agencies.**

### **A. Statutory Intent.**

Area education agency provisions are primarily codified in Code chapter 273. In establishing the AEA system, Code section 273.1 states that the intent of the General Assembly is to provide, without duplicating programs and services furnished by any other school corporation, the following:

- An effective, efficient, and economical means of identifying and serving children from under five years of age through grade 12 who require special education.<sup>9</sup>
- Media services and other programs and services for pupils in grades kindergarten through grade 12.<sup>10</sup>

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<sup>4</sup> 1957 Iowa Acts ch. 127, § 1.

<sup>5</sup> 1965 Iowa Acts ch. 247, § 1.

<sup>6</sup> 1965 Iowa Acts ch. 247, § 1.

<sup>7</sup> 1974 Iowa Acts ch. 1172, § 3.

<sup>8</sup> American Association of School Administrators. *Answering Your Questions About Educational Service Agencies* (1996).

<sup>9</sup> Iowa Code § 273.1 references Iowa Code § 256B.2 for the definition of a child requiring special education, which effectively expands individuals covered to those under 21 years of age.



## AREA EDUCATION AGENCIES

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- Services to school districts pursuant to contract with the districts.
- A method of financing these programs and services.

In a mission statement from a 1995 strategic planning committee, the role of AEAs was characterized as being "to lead the transformation of the early childhood, elementary, and secondary educational system into universally recognized excellence . . . by providing quality equitable services . . . through a cooperative network of innovative regional service centers."<sup>11</sup> In essence, the enabling legislation giving rise to Code chapter 273 mandates, on a statewide basis, the provision of special education and media services previously provided to varying degrees by the county and joint systems, plus the provision of an additional category of "other" educational services. The services are provided to all children through grade 12, to special needs individuals under the age of 21 meeting the definition contained in Code section 256B.2, and with respect to the educational services function, to school district employees. The specific requirements of each of these primary functional divisions will be addressed in a subsequent section of this Guide.

### **B. Boundaries.**

As previously stated, the geographic boundaries for the AEA network originally corresponded to the boundaries established in 1965 for the community colleges. This facilitates the location of school districts in their entirety within a given AEA.<sup>12</sup> The boundaries of an AEA may not divide a school district. In the event of a change in school district boundaries or a merger of school districts, the Director of the Department of Education can adjust the boundary of an AEA accordingly to maintain this requirement.<sup>13</sup> The names and locations of the 10 AEAs are as follows:

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<sup>10</sup> Again referencing Iowa Code § 256B.2 regarding individuals requiring special education.

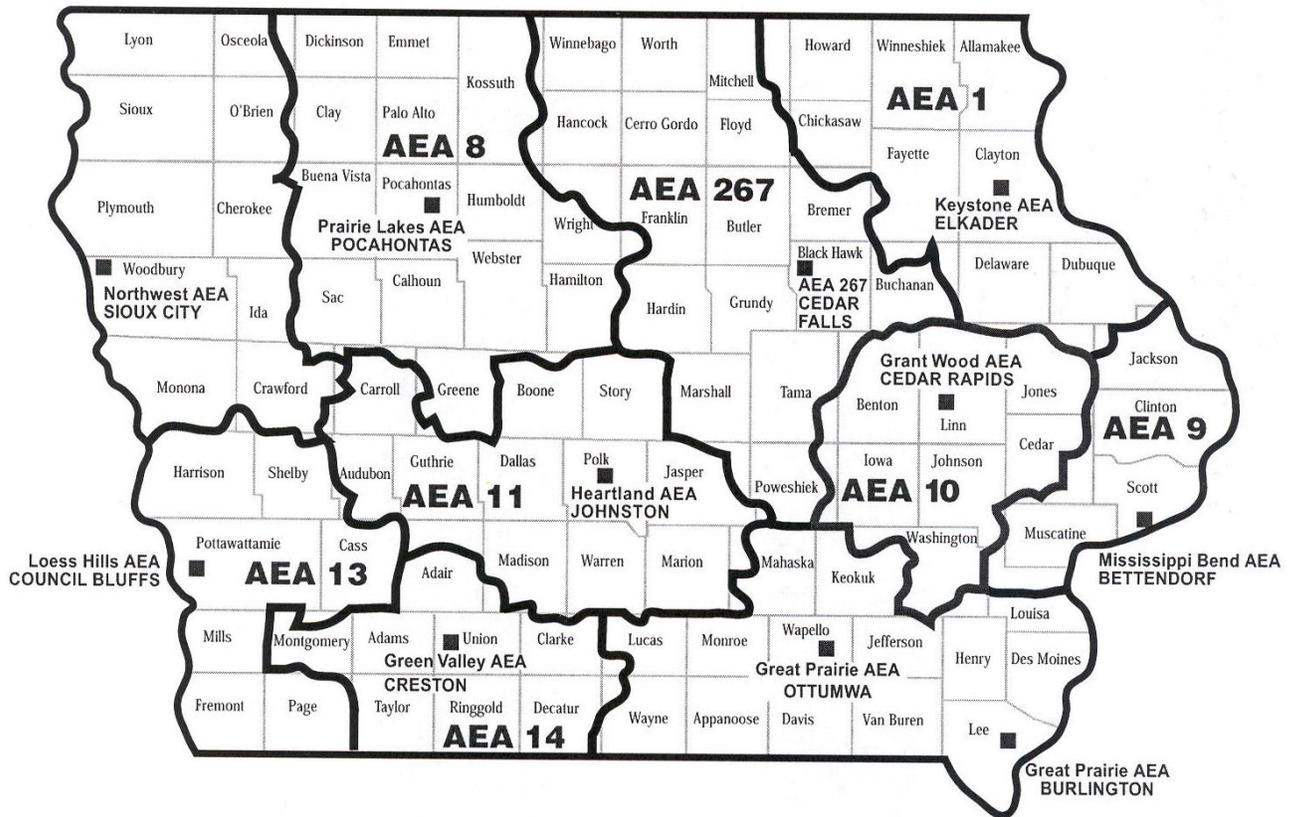
<sup>11</sup> Supporting Materials, Statewide AEA Strategic Planning Conference (October 16, 1995).

<sup>12</sup> Iowa Code § 273.2.

<sup>13</sup> Iowa Code § 273.2.



## Iowa's Area Education Agency System



**Keystone AEA 1**  
 1400 2nd St. NW  
 Elkader, IA 52043

**Mississippi Bend AEA 9**  
 729 21st St.  
 Bettendorf, IA 52722

**Area Education Agency 267**  
 3712 Cedar Heights Dr.  
 Cedar Falls, IA 50613-6290

**Grant Wood AEA 10**  
 4401 6th St. SW  
 Cedar Rapids, IA 52404

**Prairie Lakes AEA 8**  
 P.O. Box 1399  
 1235 5th Ave. S.  
 Fort Dodge, IA 50501

**Heartland AEA 11**  
 6500 Corporate Dr.  
 Johnston, IA 50131

**Northwest AEA**  
 1520 Morningside Ave.  
 Sioux City, IA 51106

**Great Prairie AEA**  
 2814 N. Court St.  
 Ottumwa, IA 52501



## AREA EDUCATION AGENCIES

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Loess Hills AEA 13  
P.O. Box 1109  
24997 Highway 92  
Council Bluffs, IA 51502-1109

Green Valley AEA 14  
1405 N. Lincoln  
Creston, IA 50801-1199

### C. Legal Status.

An AEA has the legal status of a school corporation.<sup>14</sup> As such, it may:

- File, and be the subject of, a lawsuit.
- Hold property.
- Enter into lease-purchase agreements. A lease exceeding a 10-year duration, or a purchase price in excess of \$25,000, however, is subject to a public hearing and the approval of the AEA Board of Directors and the Director of the Department of Education.

### D. Scope of Services.

Services provided by AEAs are furnished to public and nonpublic schools that meet the accreditation requirements of Code section 256.11. Pupils in grades kindergarten through 12 and special needs pupils from birth through age 21 are eligible to receive services from an AEA. The programs and services furnished shall be "at least commensurate with programs and services existing on July 1, 1974 . . . [and the] programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines."<sup>15</sup>

### E. Service Divisions.

Of the three primary AEA service divisions codified in Code chapter 273, only two are actually mandated. The Code specifies that special education services and media services "shall" be provided. The third division, referred to as "other" or "educational" services, "may" be provided, based on the needs of the component school districts within the AEA.<sup>16</sup>

#### 1. Special Education Services.

The primary mission of the AEA Division of Special Education has been characterized as "to assure, within the general education framework, that appropriate educational programs and services are provided to all children with a disability as defined by the rules of Special Education; therefore, enabling them to obtain the educational experience necessary to pursue their optimal potential."<sup>17</sup> Code section 273.5 establishes the division to provide for special education programs and services to local school districts.<sup>18</sup> Within each AEA, a director of special education is responsible

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<sup>14</sup> Iowa Code § 273.2.

<sup>15</sup> Iowa Code § 273.2.

<sup>16</sup> Iowa Code § 273.2.

<sup>17</sup> Supporting Materials, Statewide AEA Strategic Planning Conference (Oct. 16, 1995).

<sup>18</sup> Iowa Code § 273.5.



for implementation of state rules and guidelines relating to special education programs and services. The Director of Special Education is assigned the following powers and duties:

- Evaluation and identification of children requiring special education.
- Ensuring that children requiring special education within the AEA receive appropriate programs and services.
- Assignment of appropriate weights for children requiring special education programs or services pursuant to Code section 256B.9.<sup>19</sup>
- Supervision of special education support personnel.
- Providing each school district within the area served and the state Department of Education a special education weighted enrollment count, including the additional enrollment because of special education, by December 1 annually.
- Submission of special education instructional and support program plans and applications for approval by the state Department of Education by February 15 annually.
- Coordination of the special education program with the AEA.<sup>20</sup>

With regard to the special education services provided by AEAs, a distinction can be made between special education support services and special education instructional programs. Support services such as initial assessments, ongoing evaluations, compliance reviews, and determination of the weighted enrollment count are provided by each AEA. Actual special education instruction may also be provided under contract with the local district, or alternatively the local school district may furnish the instruction directly or through contract with an independent agency.

The Iowa Administrative Code contains a more detailed listing and description of the responsibilities of AEAs regarding special education services and programs.<sup>21</sup>

## **2. Media Services.**

The second mandated AEA service division concerns the establishment of media centers to provide media and technology services.<sup>22</sup> The services provided can be loosely grouped into maintaining collections of reference material, the production and duplication of reference material, and assistance with technology planning and usage. Media centers are required to be established by each AEA, and must provide or contain the following:

- A materials lending library consisting of print and nonprint materials.
- A professional library.
- A curriculum laboratory, including textbooks and correlated print and audiovisual materials.
- Capability for production of media-oriented instructional materials.

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<sup>19</sup> Special education students are weighted at a value greater than one to reflect the increased expense involved in providing a special education curriculum for them.

<sup>20</sup> Iowa Code § 273.5.

<sup>21</sup> Iowa Admin. Code 281-41.

<sup>22</sup> Iowa Code § 273.2.



## AREA EDUCATION AGENCIES

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- Qualified media personnel.
- Appropriate physical facilities.
- Other materials and equipment deemed necessary by the state Department of Education.<sup>23</sup>

In addition, AEAs are required to submit program plans to the Department of Education for approval by a State Board of Media Centers. A plan must include evidence that proposed media services are based upon a media and technology needs analysis of the local school districts comprising the agency, a description of the manner in which the media services to be provided will be coordinated with other agencies providing educational media services and programs, a description of a delivery method for circulation materials, and evidence that the media center will provide the mandated media services indicated above.<sup>24</sup>

### 3. Educational Services.

The third service division, generally referred to as educational or "other" services, is not, as previously mentioned, mandated. Rather, Code section 273.2 states that a list of programs and services "may" be provided within the limits of funds available, by an AEA to local school districts or, at the school district's request, to providers of child development services who have received grants from the Child Development Coordinating Council pursuant to Code chapter 256A.<sup>25</sup> The educational programs and services may include:

- In-service training programs for school district and AEA employees, provided they do not duplicate programs and services already available in the area.
- Educational data processing.
- Research and demonstration projects and models.
- Auxiliary services for nonpublic school pupils.
- Aid in establishing programs for gifted and talented pupils.
- Other educational programs and services approved by the State Board of Education.

The Educational Services Division focuses to a significant extent on the career development needs of employees of the local school districts and the AEAs, and on curriculum development. In some AEAs, this division is combined with the Media and Technology Services Division in recognition of the impact of technological advances in narrowing the distinction between the two divisions.

Iowa AEAs are authorized to provide additional services to all school districts within an AEA if requested by 60 percent of the number of local school boards located in the AEA, or by school boards representing 60 percent of the enrollment of all school districts in the AEA.<sup>26</sup>

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<sup>23</sup> Iowa Code § 273.6.

<sup>24</sup> Iowa Code § 273.6.

<sup>25</sup> Iowa Code § 273.2.

<sup>26</sup> Iowa Code § 273.7.



## V. Governance.

Area education agencies are governed by a board of directors, comprised of representatives elected by school board members from districts located within the area served by the agency, and they are managed by an administrator employed by the agency.<sup>27</sup> The Code contains detailed provisions regarding the composition and responsibilities of the board of directors.

Regarding the composition of the board, an AEA board of directors consists of between five and nine members, each residing in and elected from a director district.<sup>28</sup> Initially the number of directors matched the number of directors that had been established for the coterminous area schools (community colleges or vocational-technical schools). Area education agencies are divided into director districts, which are roughly equivalent in population, and may contain one, or several, local school districts. The boundaries of director districts correspond, where feasible, to the boundary lines of local school districts and election precincts, and may be adjusted if a census reveals significant population changes.

Director district elections are held on an annual basis at about the same time as the annual school election, and are attended by members of the boards of directors of the local school districts included within the director district. At the director district convention, one member from the director district is elected to the AEA board for a three-year term. Terms of the board members are staggered. Each school district either partially or completely located within the director district casts a vote weighted in proportion to the population of that school district in comparison to the population of the director district as a whole, as determined by the state Department of Education. For example, if a component school district contained 30 percent of the total population in its director district, that local school district would possess 30 percent of the votes. The individual elected must be a resident of the director district and may be a member of a local school board, but cannot be a school employee. Vacancies must be filled for the unexpired portion of an AEA board of director's term at a special director district convention.<sup>29</sup>

Duties and powers conferred on AEA boards of directors require the boards to do, at minimum, the following:

- Determine the policies of the AEA regarding agency programs and services, and receive and expend money for providing the programs and services.
- Provide data and prepare reports as directed by the Director of the Department of Education.
- Provide for advisory committees as deemed necessary.
- Subject to rules of the State Board of Education, provide special education programs and services, media services, and educational programs and services (as previously described) to local school districts either directly, or pursuant to contract with the local school district, other AEAs, or a public or private agency.

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<sup>27</sup> Iowa Code § 273.8.

<sup>28</sup> Iowa Code § 273.8(1).

<sup>29</sup> Iowa Code § 273.8(2).



## AREA EDUCATION AGENCIES

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- Operate and maintain facilities and buildings necessary to provide agency programs and services, subject to approval by the state Department of Education for leases exceeding a certain dollar amount or duration of time (as previously indicated).
- Enter into agreements for the joint use of personnel, buildings, facilities, supplies, and equipment with school corporations, subject to the approval of the Director of the Department of Education.
- Apply for, receive, and expend state and federal funds available for programs of educational benefit approved by the Director of the Department of Education, and cooperate with the department regarding the effectuation and administration of such programs.
- Employ personnel, including an administrator, necessary to carry out the functions of the AEA.
- Prepare an annual budget estimating income and expenditures for agency programs and services. After a public hearing and board approval, the budget is then submitted to the state Department of Education. Final board approval shall be given only to budgets submitted by AEAs that have been fully, or conditionally, accredited by the State Board of Education. Accreditation will be addressed in a subsequent section of this Guide.
- Meet at least annually with the members of the boards of directors of the merged areas in which the AEA is located to discuss coordination of programs, services, and other areas of mutual interest. The board may also meet with the boards of the component school districts located within the agency on an annual basis, if they so request.
- Perform all other acts necessary to carry out the provisions and intent of Code chapter 273.<sup>30</sup>

Perhaps the most important concept in AEA governance is that the board of directors of the AEA is elected by and represents the boards of directors of the agency's component local school districts, thereby maintaining the Iowa philosophy of local school control.

### VI. Funding.

Area education agency funding operates pursuant to a "flow-through" concept. With no direct taxing authority, AEAs rely on local school districts to generate funds for their operation. While AEA funding is included within a school district's budget, the district is only a funnel or conduit and does not actually receive AEA-related state aid payments. Instead, funds generated by the districts through the operation of the school finance formula and earmarked for AEAs are subtracted by the Department of Management from the state aid otherwise due to the district and are paid directly to each AEA.<sup>31</sup>

The calculations involved in AEA funding are conceptually the same as those utilized in determining regular program state and district costs per pupil pursuant to the school

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<sup>30</sup> Iowa Code § 273.3.

<sup>31</sup> Iowa Code § 257.35.



finance formula. Each of the three functional AEA divisions in each AEA calculates a separate cost per pupil figure by dividing the total amount funded by the number of pupils enrolled. A state cost per pupil figure is calculated by each division for the purpose of calculating allowable growth.<sup>32</sup> Enrollment is determined differently for special education support services versus media and educational services. For special education support services, enrollment consists of the actual K-12 headcount plus additional weighted enrollment because of special education.<sup>33</sup> Special education support services are funded at 79 percent of the special education support services state cost per pupil and receive state aid based upon that foundation level.<sup>34</sup> For media and educational services, enrollment consists of the actual K-12 public school headcount plus the number of nonpublic school pupils served.<sup>35</sup> Both media and educational services are funded entirely through property taxes.

A discussion of the concepts of state cost per pupil, district cost per pupil, state foundation aid, and related terms or subject areas is beyond the scope of this Guide. Individuals seeking an in-depth understanding of AEA funding might wish to consult two Legislative Services Agency publications — the Legislative Guide to Basic Iowa Education Finance, issued by the Legal Services Division, and the Area Education Agencies Issue Review, issued by the Fiscal Services Division. Both publications may be accessed via the internet from the Iowa General Assembly home webpage at <http://www.legis.state.ia.us> for a more detailed review of formula terminology and operation.

## VII. Accreditation.

In 1996, legislation was enacted directing the State Board of Education to develop standards and rules for the accreditation of AEAs by July 1, 1997. The standards and rules developed implement Code sections 273.10 and 273.11 relating to the accreditation of AEAs and standards to be used in the accreditation process, respectively.

The process for obtaining an initial or renewed accreditation of an AEA involves approval of a comprehensive plan, approval of an annual budget and plan update, and approval of programs and services evaluated during a comprehensive on-site review. The on-site review is conducted by an accreditation team appointed by the Director of the Department of Education. The accreditation team must include, but is not limited to, the following members:

- State Department of Education staff members.
- School district representatives from the districts served by the AEA.
- Representatives from AEAs other than the one being evaluated for accreditation.
- Other team members with expertise deemed appropriate by the Director of the Department of Education.<sup>36</sup>

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<sup>32</sup> Iowa Code §§ 257.8(2), 257.37(1), 257.37(3).

<sup>33</sup> Iowa Code § 257.6(5).

<sup>34</sup> Iowa Code § 257.1(2).

<sup>35</sup> Iowa Code § 257.37(4).

<sup>36</sup> Iowa Code § 273.10(1)(b).



## AREA EDUCATION AGENCIES

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Prior to a visit by the accreditation team, the team has access to the AEA's program audit report filed with the state Department of Education. Following the visit, the team is to determine whether the accreditation standards for the AEA's programs have been met, report on any observed program strengths and weaknesses, advise the AEA of available resources and technical assistance to further enhance the strengths and improve the areas of weakness identified, and make a recommendation as to whether or not initial or continued accreditation should be granted. The AEA undergoing evaluation is given the opportunity to respond to the accreditation team report.<sup>37</sup> Approval of AEA programs for accreditation is made by the State Board of Education based upon the recommendation of the Director of the Department of Education after reviewing the factual and evaluative evidence contained in the accreditation team report. An AEA receiving accreditation will generally remain accredited for a five-year period, although the State Board of Education may grant conditional accreditation for a shorter period of time if found to be warranted.<sup>38</sup>

If it is determined by the State Board of Education that the standards for accreditation have not been met by an AEA, a remediation plan developed by the Board and the Director of the Department of Education is to be established. The remediation plan will detail the actions necessary to correct identified deficiencies in meeting program standards, and specify the date by which the actions must be taken.<sup>39</sup> During the remediation period, the AEA is conditionally accredited. A subsequent visit and report by the accreditation team, and review by the State Board of Education, will determine whether the deficiencies identified have been addressed and corrected.<sup>40</sup> In the event that the deficiencies are found to have persisted, the AEA board of directors, within 60 days after the removal of accreditation, can either opt to merge the deficient program with a program from another accredited AEA,<sup>41</sup> or contract with another AEA or other public educational institution to deliver the program or service.<sup>42</sup>

Code section 273.11 identifies the following general accreditation standards addressing the services provided by each AEA division and the quality of those services:

- Support for school-community planning, including a means of assessing needs, establishing shared direction, implementing program plans, and reporting progress.
- Professional development programs responsive to current needs.
- Support for curriculum development, instruction, and assessment for reading, language arts, math, and science, using research-based methodologies.
- Special education compliance and support.
- Management services, including financial reporting and purchasing as requested and funded by local districts.

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<sup>37</sup> Iowa Code § 273.10(2).

<sup>38</sup> Iowa Code § 273.10(3).

<sup>39</sup> Iowa Code § 273.10(4).

<sup>40</sup> Iowa Code § 273.10(5).

<sup>41</sup> Iowa Code § 273.10(6)(a).

<sup>42</sup> Iowa Code § 273.10(6)(b).



- Support for instructional media services supplementing and supporting local district media centers and services.
- Support for school technology planning and staff development for implementing instructional technologies.
- An evaluation and reporting system for programs and services.
- Support for school district libraries.<sup>43</sup>

## VIII. Reorganization or Dissolution

Legislation enacted in 2001 created a new subchapter within Code Chapter 273 specifying circumstances under which AEAs may reorganize or dissolve.<sup>44</sup>

Two or more AEAs may voluntarily reorganize if certain conditions are met. The areas affected by the proposed reorganization must be contiguous, at least 20 percent of the school districts contained within the AEAs involved in the proposed reorganization must file a petition for reorganization, a majority of the members of each of the boards of the AEAs involved in the reorganization must approve the reorganization, and a reorganization plan must be submitted to and approved by the State Board of Education.<sup>45</sup>

Code section 273.21 contains a number of provisions detailing the actions which AEA boards contemplating reorganization are required to take. The deadline for filing the petition signed by school districts is December 1 annually. Immediately following approval by the boards of the affected AEAs, the boards are required to conduct studies of the facilities, property, services, staffing necessities, equipment, programs, and other capabilities available in each of the affected area education agencies in order to achieve a more economical operation or attain higher educational service standards; and to survey the school districts within the affected area education agencies to determine programs and services, professional development, and technology needs.

The boards are also required to consult with school district officials and other citizens, periodically hold public hearings during the development of a reorganization plan, and to conduct a public hearing on the finalized plan prior to its submission to the State Board of Education. The submitted plan needs to demonstrate that the reorganized AEA will attain improved efficiency and program effectiveness to meet accreditation standards, and must include a preliminary budget for the reorganized areas and board membership criteria.

Reorganization plans must be submitted to the State Board of Education by July 15. The Board will review the plan and, prior to September 30, either approve a plan or return a plan with recommendations for resubmission with modifications. An approved plan takes effect on July 1 of the fiscal year following the date of approval by the State Board of Education. A plan submitted after July 15 is to be considered by the State Board of Education, but cannot take effect until July 1 of the year following the next succeeding fiscal year.<sup>46</sup>

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<sup>43</sup> Iowa Code § 273.11(2).

<sup>44</sup> 2001 Iowa Acts ch. 114.

<sup>45</sup> Iowa Code § 273.21(1) and (2).

<sup>46</sup> Iowa Code § 273.21(3).



## AREA EDUCATION AGENCIES

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A newly formed AEA is considered accredited for purposes of budget approval by the State Board of Education, but must meet state accreditation requirements and standards within one year of the reorganization.<sup>47</sup> Code sections 273.22 and 273.23 contain provisions prescribing the status of preexisting employment contracts, collective bargaining agreements, board membership, and state cost per pupil calculations.

As previously stated, as of November 2007, several AEAs had taken advantage of the reorganization provisions, with mergers resulting in a reduction in the number of AEAs from a previous level of 15 down to 10. The most recent mergers include the Western Hills AEA and AEA 4 merger as of July 1, 2006, to form the Northwest AEA, and the July 1, 2007, merger of AEA 15 and AEA 16 to form Great Prairie AEA in southeast Iowa.

In contrast to efforts to reorganize, an AEA may dissolve and its component school districts attach to one or more contiguous AEAs. Upon the receipt by an AEA board of a petition requesting dissolution signed by at least 20 percent of the school district boards within the area, the board must consider and vote on the petition, and may vote to either study the question of dissolution or establish a dissolution commission.<sup>48</sup> If established, a dissolution commission is required to request statements from contiguous AEAs indicating their willingness to accept territory attachments and must meet with the contiguous AEA boards and their component school boards in the process of establishing the dissolution proposal.<sup>49</sup> Code section 273.26 provides that within one year of formation, a dissolution commission must either send a copy of its dissolution proposal to the affected AEA board or inform the board that it cannot agree upon a proposal, whereupon a new commission may be formed. Objections received by the commission after dissolution proposal review may result in a modification of the proposal.

After a dissolution proposal is developed and filed with the AEA board, a public hearing on the question is required to be held, followed by a vote on the question of dissolution by the school boards of districts located within the affected AEA and within other AEAs to which territory may be attached. A simple majority vote of directors in favor of the dissolution results in submission of the dissolution proposal to the State Board of Education for final approval.<sup>50</sup>

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<sup>47</sup> Iowa Code § 273.23(8).

<sup>48</sup> Iowa Code § 273.24.

<sup>49</sup> Iowa Code § 273.25.

<sup>50</sup> Iowa Code § 273.27.