

EDUCATION DEPARTMENT[281]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 281—Chapter 22
“Senior Year Plus Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 261E.6(3)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 261E

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 2, 2024
10:30 to 11 a.m.

Room B50
Grimes State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Education no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed chapter is intended to benefit Iowa’s students who participate in Senior Year Plus programming.

The Department has removed unduly restrictive rules language, removed outdated or obsolete programs, incorporated statutory language by reference when available, and renumbered rules.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:
Postsecondary institutions and school districts will bear the costs of compliance.

- Classes of persons that will benefit from the proposed rulemaking:
Iowa’s students seeking to pursue advanced learning opportunities will benefit from these proposed rules.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:
There is no known quantitative impact from these proposed rules.
- Qualitative description of impact:
Removing unnecessary language is a qualitative benefit of these rules.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Department enforces this chapter, with costs offset by its general state appropriation and a specific appropriation under Iowa Code section 261E.13.

- Anticipated effect on state revenues:
There is no anticipated effect on state revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction: Inaction would retain obsolete, inflexible, and unnecessary rule language.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The statute requires rules. The Department seeks to ensure any rules adopted are as limited as possible.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The statute requires rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rules have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 281—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22 SENIOR YEAR PLUS PROGRAM

DIVISION I GENERAL PROVISIONS

281—22.1(261E) Definitions. For the purposes of this chapter, the indicated terms are defined as follows:

“*Concurrent enrollment*” means the same as defined in Iowa Code section 261E.2(1).

“*Department*” means the department of education.

“*Director*” means the director of the department of education.

“*Dually enrolled*” means the status of a student who receives competent private instruction under Iowa Code chapter 299A and whose parent, guardian, or legal custodian has registered the student pursuant to Iowa Code section 299A.8 in a school district for any of the purposes listed therein, including, for purposes of these rules, participation in any part of the senior year plus program on the same basis as public school students but subject to the enrollment percentage limitation contained in 281—Chapter 33.

“*Eligible postsecondary institution*” means the same as defined in Iowa Code section 261E.2(4).

“*Institution*” means the same as defined in Iowa Code section 261E.2(5).

“*School board*” means the board of directors of a school district or a collaboration of boards of directors of school districts.

“*State board*” means the state board of education.

“*Student*” means the same as defined in Iowa Code section 261E.2(8).

281—22.2(261E) Student eligibility. A student is eligible if the student satisfies the provisions of Iowa Code section 261E.3(1). If the student was absent for the most recent administration of the statewide assessment, and such absence

was not excused by the student's school of enrollment, the student is deemed not to be proficient in any of the content areas. Measures of college readiness may be jointly agreed upon by the school board and the eligible postsecondary institution that allow a student to demonstrate competency in one or all of the required subject areas. Institutions will ensure the following:

22.2(1) The measures of college readiness align to the proficiency levels established for the statewide assessment and reflect the competence of entering first-year students at the postsecondary institution.

22.2(2) The measures of college readiness are specified in a contract entered into by the participating institutions.

281—22.3(261E) Teacher eligibility, responsibilities. A teacher employed to provide instruction under this chapter is eligible if the teacher satisfies the criteria and responsibilities of Iowa Code section 261E.3(2). The background investigation also applies to a teacher or instructor who is employed by an eligible postsecondary institution if the teacher or instructor provides instruction under this chapter at a school district facility, an accredited nonpublic school facility, or a neutral site. For purposes of this rule, "neutral site" is defined in Iowa Code section 261E.3(2).

281—22.4(261E) Institutional eligibility, responsibilities.

22.4(1) General. Institutions are governed by the provisions of Iowa Code section 261E.3(3).

a. If a fee is charged to other students of the eligible postsecondary institution for any of the services specified in Iowa Code section 261E.3(3) "b," that fee may also be charged to participating secondary students on the same basis as it is charged to postsecondary students.

b. The institutions will provide the teacher or instructor appropriate orientation and training in secondary and postsecondary professional development related to curriculum, pedagogy, assessment, policy implementation, technology, and discipline issues.

c. The institutions will provide the teacher or instructor adequate notification of an assignment to teach a course under this chapter, as well as adequate preparation time to ensure that the course is taught at the college level. The specifics of this paragraph are locally determined.

22.4(2) Requirements of school district or accredited nonpublic school only.

a. Except as provided under Iowa Code sections 257.11(3) "c," 279.50A and 261E.8(2) "b," the school district or accredited nonpublic school shall certify annually to the department, as an assurance in the district's or accredited nonpublic school's basic education data survey, that the course provided to a high school student for postsecondary credit in accordance with this chapter supplements, and does not supplant, a course provided by the school district or accredited nonpublic school in which the student is enrolled. For purposes of these rules, to comply with the "supplement, not supplant" requirement, the content of a course provided to a high school student for postsecondary credit is not to consist of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school.

b. If the teacher or instructor is employed by an eligible postsecondary institution, the school district or accredited nonpublic school will pay for the background investigation but may request reimbursement of the actual cost to the eligible postsecondary institution.

22.4(3) Requirements of eligible postsecondary institution only.

a. All eligible postsecondary institutions providing programming under this chapter will include the unique student identifier assigned to students while in the kindergarten through grade 12 system as a part of the institution's student data management system.

(1) Eligible postsecondary institutions providing programming under this chapter will cooperate with the department on data requests related to the programming.

(2) All eligible postsecondary institutions providing programming under this chapter are to collect data and report to the department on the proportion of females and minorities enrolled in science-, technology-, engineering-, and mathematics-oriented educational opportunities provided in accordance with this chapter.

b. The eligible postsecondary institution will provide the teacher or instructor with ongoing communication and access to instructional resources and support, and encourage the teacher or instructor to participate in the postsecondary institution's academic departmental activities.

DIVISION II
ADVANCED PLACEMENT PROGRAM

281—22.5(261E) School district obligations. School districts will make advanced placement courses available to students under the terms of Iowa Code section 261E.4, including making such coursework available to a dually enrolled student

under competent private instruction or to a student enrolled in an accredited nonpublic school located in the district if the student meets the same criteria as a regularly enrolled student of the district. An international baccalaureate program is not an advanced placement program.

281—22.6(261E) Obligations regarding registration for advanced placement examinations. The board of directors of a school district or authorities in charge of an accredited nonpublic school are governed by Iowa Code section 261E.5.

DIVISION III
CONCURRENT ENROLLMENT PROGRAM

281—22.7(261E) Applicability. The concurrent enrollment program, also known as district-to-community college sharing, is subject to the provisions of Iowa Code section 261E.8. A student enrolled in a career and technical course under this division does not have to meet the proficiency requirements set forth in Iowa Code section 261E.3(1) “e.”

22.7(1) “Auditing” not allowed. Students are not permitted to “audit” a concurrent enrollment course; the student is to take the course for credit.

22.7(2) Funding. Regardless of whether a district receives supplementary weighted funding, the district will not charge tuition of any of its students who participate in a concurrent enrollment course.

22.7(3) Data collection. Institutions participating in the program established by this rule will comply with data reporting and verification processes established by the department, including the data elements set forth in Iowa Code section 261E.8(9).

281—22.8(261E) Accredited nonpublic school concurrent enrollment option.

22.8(1) Authorization. In addition to enrollment through a school district as authorized under rule 281—22.7(261E), students enrolled at an accredited nonpublic school may access concurrent enrollment coursework through a direct contract between the authorities in charge of an accredited nonpublic school and a community college.

22.8(2) General. For any coursework delivered through a contract established pursuant to this rule, students, institutions, and instructors will meet the requirements for concurrent enrollment established under rule 281—22.7(261E). However, such coursework is not eligible for funding under that rule.

22.8(3) Funding. Subject to the appropriation of funds by the Iowa legislature for such purposes, coursework delivered through a contract between the authorities in charge of an accredited nonpublic school and a community college pursuant to this rule may be eligible for funding under rule 281—97.7(257).

22.8(4) Data collection. Institutions participating in a contract pursuant to this rule are to comply with data reporting and verification processes established by the department.

DIVISION IV
POSTSECONDARY ENROLLMENT OPTIONS PROGRAM

281—22.9(261E) Postsecondary enrollment options program—general. The postsecondary enrollment options (PSEO) program is established pursuant to the terms of Iowa Code section 261E.6. PSEO programming provided by a school district pursuant to this division may be but is not required to be available to students on a year-round basis.

281—22.10(261E) Student eligibility. Student eligibility is described in Iowa Code section 261E.6(6). Persons who have graduated from high school are not eligible for this program. Students who are not residents of Iowa are not eligible.

22.10(1) A student enrolled in an accredited nonpublic school who meets all eligibility requirements may apply to take courses under this division in the school district where the accredited nonpublic school is located, provided that neither the accredited nonpublic school nor the school district offers a comparable course.

22.10(2) A student under competent private instruction who meets the eligibility requirements in this chapter may apply to take courses under this division through the public school district in which the student is dually enrolled, provided that the resident school district does not offer a comparable course.

22.10(3) Postsecondary institutions may require students to meet appropriate standards or requirements for entrance into a course, which may include prerequisite courses, scores on national academic aptitude and achievement tests, or other evaluation procedures to determine competency. Acceptance of a student into a course by a postsecondary institution is not a guarantee that a student will be enrolled in all requested courses. Priority may be given to postsecondary students

before eligible secondary students are enrolled in courses. However, once an eligible secondary student has enrolled in a postsecondary course, the student cannot be displaced by another student for the duration of the course. Students must take the course for credit (no “auditing” of courses allowed) and meet all of the requirements of the course that are required of postsecondary students.

281—22.11(261E) Eligible postsecondary courses. These rules are intended to implement the policy of the state to promote rigorous academic pursuits.

22.11(1) Postsecondary courses eligible for students to enroll in under this division are limited to:

- a. Nonsectarian courses;
- b. Courses that are not comparable to courses offered by the school district where the student attends that are defined in rules adopted by the board of directors of the public school district. For purposes of these rules, “comparable” is not synonymous with “identical,” but means that the content of a course provided to a high school student for postsecondary credit does not consist of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school;
- c. Credit-bearing courses that lead to an educational degree;
- d. Courses in the discipline areas of mathematics, science, social sciences, humanities, and vocational-technical education; and also the courses in career option programs offered by area schools established under the authorization provided in Iowa Code chapter 260C.

22.11(2) A school district or accredited nonpublic school will grant academic or vocational-technical credit to an eligible student enrolled in an eligible postsecondary course.

22.11(3) A course is ineligible for purposes of this rule if the school district has a contractual agreement with the eligible postsecondary institution under Iowa Code section 261E.8 that meets the requirements of Iowa Code section 257.11(3) and if the course may be delivered through such an agreement in accordance with Iowa Code section 257.11(3).

22.11(4) Matters pertaining to the granting and awarding of credit are set forth in Iowa Code section 261E.6(4).

281—22.12(261E) Application process. The application process is set forth in Iowa Code section 261E.6(3).

281—22.13(261E) Transportation. The parent or guardian of an eligible student who has enrolled in and is attending an eligible postsecondary institution under this division is solely responsible to furnish transportation to and from the postsecondary institution for the student.

281—22.14(261E) Payments, claims, and reimbursements. Payments, claims, and reimbursements, including reimbursements and adjustments, under this division are set forth in Iowa Code section 261E.7.

DIVISION V
CAREER ACADEMIES

281—22.15(261E) Career academies. A career academy is defined in Iowa Code section 258.6. Career academies are established and governed by Iowa Code section 261E.10, which is incorporated by this reference. A course offered by a career academy will not qualify as a regional academy course.

DIVISION VI
REGIONAL ACADEMIES

281—22.16(261E) Regional academies. A regional academy is a program established and governed by Iowa Code section 261E.9, which is incorporated by this reference. School districts participating in a regional academy pursuant to this rule are to comply with the application and verification processes established by the department.

DIVISION VII
INTERNET-BASED COURSEWORK

281—22.17(261E) Internet-based coursework. The programming in this chapter may be delivered as specified in Iowa Code section 261E.11.

DIVISION VIII
PROJECT LEAD THE WAY

281—22.18(261E) Project lead the way.

22.18(1) *Program established.* A project lead the way program is established to be administered by the department to promote rigorous science, technology, engineering, and mathematics pursuits.

22.18(2) *Notification.* A school district shall provide descriptions of the project lead the way courses available to students using a course registration handbook. The handbook is to identify which courses, if successfully completed, generate college credit under the program. Information about available project lead the way courses is to be provided to every junior high school student or middle school student prior to the development of a core curriculum plan pursuant to Iowa Code section 279.61.

22.18(3) *Access.* Students from accredited nonpublic schools and students receiving competent private instruction under Iowa Code chapter 299A may access the program through the school district in which the accredited nonpublic school or private institution is located.

22.18(4) *Curriculum.* A school district offering a project lead the way program will offer the curriculum developed by the national organization that administers the project lead the way program.

22.18(5) *Instructor.* A school district will ensure that a teacher or instructor employed to provide instruction under this rule meets the following additional criteria:

a. The teacher has successfully completed the training required by the national organization that administers the project lead the way program.

b. The teacher meets the minimum requirements of the national organization that administers the project lead the way program.

c. The teacher participates, on a regular basis, in available professional development provided by the national organization that administers the project lead the way program.

22.18(6) *Accreditation standards.*

a. A project lead the way course may apply toward high school program accreditation standards pursuant to 281—Chapter 12. To meet the requirement, the instructor must be appropriately licensed and endorsed by the board of educational examiners to teach the subject area of the accreditation standard.

b. If the project lead the way course being taught is within a career and technical education program or is one in a sequence of project lead the way courses that collectively are used to meet one of the career and technical education sequential unit requirements of 281—Chapter 12, the program must be approved by the department pursuant to 281—Chapter 46.

22.18(7) *Collaborative project lead the way courses.*

a. A collaborative program for project lead the way courses is established to be administered by the department to promote rigorous science, technology, engineering, and mathematics pursuits in partnership with a community college established under Iowa Code chapter 260C. The program is to be made available to all resident students in grades 9 through 12.

b. A comparable course, as defined in rules adopted by the board of directors of the school district consistent with department administrative rule, is not offered by the school district or accredited nonpublic school the student attends.

c. A school district is to be certified by the national organization that administers the project lead the way program and have a signed agreement with that organization.

d. To be eligible, institutions, instructors, and students meet the provisions of Iowa Code section 261E.3.

e. A school district may set additional eligibility requirements to ensure student readiness to achieve success. All students in the shared course are to meet the expectations of the national organization that administers the project lead the way program and be registered for college credit.

f. A district-to-community college sharing program for project lead the way courses that meets the requirements of 281—subrule 97.2(6) is eligible for funding under that provision for collaborative project lead the way career and technical education courses.

22.18(8) *Credit.*

a. The school district shall grant high school credit to a student enrolled in a project lead the way course not offered by a community college. At a school district's discretion, a project lead the way course may count toward a school district's

graduation requirements provided that the teacher is licensed by the board of educational examiners and endorsed within the subject area of the graduation requirement.

b. The school district shall grant high school credit to a student enrolled in a project lead the way course for college credit under this chapter if the student successfully completes the course as determined by the community college and the course was previously approved by the school board pursuant to Iowa Code section 261E.8(3). If a student is not successful in completing a project lead the way course as determined by the community college, the student's high school transcript will reflect the failing grade. The board of directors of the school district determines the number of high school credits to be granted to a student who successfully completes a project lead the way course.

c. The school district may offer a project lead the way course as an articulated course. Articulated courses are offered through an agreement between the district and postsecondary institution that allows students to receive college credit at the postsecondary institution upon matriculation based on the demonstrated mastery of concepts in the high school course. An articulated course shall not be delivered by a postsecondary institution.

DIVISION IX
SUMMER COLLEGE CREDIT PROGRAM

281—22.19(261E) Summer college credit program.

22.19(1) Program established. A summer college credit program is established to expand access for high school students to high-quality career and technical education experiences aligned with career pathways leading to postsecondary credentials and high-demand jobs. Programs approved under subrule 22.19(3) will be offered during the summer term of an eligible postsecondary institution.

22.19(2) Type of coursework offered. The following provisions apply to coursework delivered through an approved program under this rule:

a. Coursework eligible to be offered through an approved program under this rule will be technical core coursework within and prerequisite coursework for a career and technical education program approved under 281—subrule 21.4(3).

b. The career and technical education program is to be aligned to in-demand occupations identified by the state workforce development board and community colleges pursuant to Iowa Code section 84A.1B(14).

c. Coursework delivered under this rule shall comply with Iowa Code section 257.11(3). The course will not be eligible for supplementary weighting under that section.

22.19(3) Program proposals. The department will establish an annual process for the submission and review of proposals for summer college credit programs. A postsecondary institution eligible to offer programming under Division III of this chapter may submit program proposals to the department.

a. *Minimum components.* The proposal will detail the following components.

(1) A program description, including the course or courses to be made available through the program; total number of credit hours; additional cocurricular experiences and activities including project-, problem-, and work-based learning opportunities; additional support services to be made available through the program; and any other pertinent program information.

(2) The total number of students that the program is capable of serving.

(3) The start date and duration of the program.

b. *Enrollment threshold.* The postsecondary institution will propose, and the department will approve, a minimum program enrollment threshold. Programs that surpass the minimum enrollment threshold shall be eligible for funding under paragraph 22.19(4)“b.”

c. *Review of proposals.* The department will establish a review process to evaluate all program proposals. In reviewing proposals, the department will give priority consideration to program proposals that will ensure equitable geographic disbursement of approved programs. The department will consider additional criteria including number of students served; alignment to in-demand occupations; the inclusion of extracurricular experiences with an emphasis on project-, problem-, and work-based learning opportunities; and the inclusion of provisions that address and remove barriers to participation for nontraditional students, underrepresented minority students, and low-income students.

d. *Funding of proposals.* A program proposal approved under this rule is funded under paragraph 22.19(4)“a” for the amount described under paragraph 22.19(3)“a.”

22.19(4) Disbursement of funds. Subject to the appropriation of funds, the department will disburse funds to a postsecondary institution offering an approved program in the following manner. All funds received under this rule shall be used to support and sustain the approved program.

a. Base funding. The amount of funds reserved for base funding as specified in paragraph 22.19(4)“c” will be distributed equally between approved programs.

b. Enrollment. Any funds not distributed under paragraph 22.19(4)“a” will be distributed to postsecondary institutions offering an approved program with student enrollment greater than the minimum enrollment threshold.

(1) An approved program shall gather a count of students enrolled in the program on the third day following the start date of the program, and submit this count to the department in a manner prescribed by the department.

(2) Enrollment funding shall be calculated by the department for each program with enrollment greater than the minimum enrollment threshold. For purposes of this rule, the portion of enrollment funding to be received by a postsecondary institution offering an approved program is equal to the total student enrollment in the approved program divided by the total student enrollments statewide.

c. Subsequent years. In each of the subsequent three years following the implementation year, the portion of the allocation distributed based on enrollment will increase by 10 percent each year until the minimum amount awarded based on enrollment is equal to 80 percent of the total allocation.

22.19(5) Availability. A postsecondary institution offering an approved program shall enter into a contract with a school district interested in making the program available to eligible students of the school district. The program will be made available to any eligible student from a participating school district. An institution offering programming to a student under this rule will comply with Division III of this chapter.

a. Student eligibility. To participate in an approved program, a student will comply with the criteria established under rules 281—22.2(261E) and 281—22.7(261E).

b. Teacher eligibility. A teacher assigned to provide instruction under this rule will comply with the criteria established under rule 281—22.3(261E) and be a community college-employed instructor.

c. Institutional eligibility. Institutions offering an approved program under this rule will comply with the criteria established under rule 281—22.4(261E).

These rules are intended to implement Iowa Code chapter 261E.