

Senate File 475

H-8001

1 Amend Senate File 475, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 ONLINE EDUCATION

7 Section 1. Section 256.7, subsection 32, paragraph a, Code
8 2018, is amended to read as follows:

9 a. Adopt rules for online learning in accordance with
10 sections ~~256.41~~, 256.42, and 256.43, and criteria for waivers
11 granted pursuant to section 256.42.

12 Sec. 2. Section 256.7, subsection 32, paragraph b, Code
13 2018, is amended by striking the paragraph.

14 Sec. 3. Section 256.7, subsection 32, paragraph c, Code
15 2018, is amended to read as follows:

16 ~~c. Adopt rules that limit the statewide enrollment of~~
17 ~~pupils in educational instruction and course content that are~~
18 ~~delivered primarily over the internet to not more than eighteen~~
19 ~~one-hundredths of one percent of the statewide enrollment of~~
20 ~~all pupils, and that limit the number of pupils participating~~
21 ~~in open enrollment for purposes of receiving educational~~
22 ~~instruction and course content that are delivered primarily~~
23 ~~over the internet to no more than one percent of a sending~~
24 ~~district's enrollment. Such limitations shall not apply if~~
25 ~~the limitations would prevent siblings from enrolling in the~~
26 ~~same school district or if a sending district determines that~~
27 ~~the educational needs of a physically or emotionally fragile~~
28 ~~student would be best served by educational instruction and~~
29 ~~course content that are delivered primarily over the internet.~~
30 ~~Students who meet the requirements of section 282.18 may~~
31 ~~participate in open enrollment under this paragraph "c" for~~
32 ~~purposes of enrolling only in the CAM community school district~~
33 ~~or the Clayton Ridge community school district.~~

34 (1) ~~The department, in collaboration with the international~~
35 ~~association for K-12 online learning, shall annually collect~~

1 ~~data on student performance in educational instruction and~~
2 ~~course content that are delivered primarily over the internet~~
3 ~~pursuant to this paragraph "c". The department shall include~~
4 ~~such data in its annual report to the general assembly pursuant~~
5 ~~to subparagraph (4) and shall post the data on the department's~~
6 ~~internet site.~~

7 (2) ~~School districts~~ Adopt rules which require that
8 educational instruction and course content delivered primarily
9 over the internet be aligned with the Iowa core standards as
10 applicable. Under such rules, a school district may develop
11 and offer to students enrolled in the district educational
12 instruction and course content for delivery primarily over the
13 internet. A school district providing educational instruction
14 and course content that are delivered primarily over the
15 internet ~~pursuant to this paragraph "c"~~ shall annually submit
16 to the department, in the manner prescribed by the department,
17 data that includes but is not limited to the following:

- 18 (a) Student achievement and demographic characteristics.
- 19 (b) Retention rates.
- 20 (c) The percentage of enrolled students' active
21 participation in extracurricular activities.
- 22 (d) Academic proficiency levels, consistent with
23 requirements applicable to all school districts and accredited
24 nonpublic schools in this state.
- 25 (e) Academic growth measures, which shall include either of
26 the following:
 - 27 (i) Entry and exit assessments in, at a minimum, math
28 and English for elementary and middle school students, and
29 additional subjects, including science, for high school
30 students.
 - 31 (ii) State-required assessments that track year-over-year
32 improvements in academic proficiency.
- 33 (f) Academic mobility. To facilitate the tracking
34 of academic mobility, school districts shall request the
35 following information from the parent or guardian of a student

1 enrolled in educational instruction and course content that
2 are delivered primarily over the internet pursuant to this
3 paragraph "c":

4 (i) For a student newly enrolling, the reasons for choosing
5 such enrollment.

6 (ii) For a student terminating enrollment, the reasons for
7 terminating such enrollment.

8 (g) Student progress toward graduation. Measurement of
9 such progress shall account for specific characteristics of
10 each enrolled student, including but not limited to age and
11 course credit accrued prior to enrollment in educational
12 instruction and course content that are delivered primarily
13 over the internet pursuant to this paragraph "c", and shall be
14 consistent with evidence-based best practices.

15 ~~(3) The department shall conduct annually a survey of not
16 less than ten percent of the total number of students enrolled
17 as authorized under this paragraph "c" and [section 282.18](#), to
18 determine whether students are enrolled under this paragraph
19 "c" and [section 282.18](#) to receive educational instruction and
20 course content primarily over the internet or are students who
21 are receiving competent private instruction from a licensed
22 practitioner provided through a school district pursuant to
23 [chapter 299A](#).~~

24 ~~(4)~~ (2) The department shall compile and review the data
25 collected pursuant to this paragraph "c" and shall submit its
26 findings and recommendations for the continued delivery of
27 educational instruction and course content by school districts
28 pursuant to this paragraph "c" delivered primarily over the
29 internet, in a report to the general assembly by January 15
30 annually.

31 ~~(5) School districts providing educational instruction and
32 course content that are delivered primarily over the internet
33 pursuant to this paragraph "c" shall comply with the following
34 requirements relating to such instruction and content:~~

35 ~~(a) Monitoring and verifying full-time student enrollment,~~

1 ~~timely completion of graduation requirements, course credit~~
2 ~~accrual, and course completion.~~

3 ~~(b) Monitoring and verifying student progress and~~
4 ~~performance in each course through a school-based assessment~~
5 ~~plan that includes submission of coursework and security and~~
6 ~~validity of testing.~~

7 ~~(c) Conducting parent-teacher conferences.~~

8 ~~(d) Administering assessments required by the state to all~~
9 ~~students in a proctored setting and pursuant to state law.~~

10 Sec. 4. Section 256.9, subsection 56, Code 2018, is amended
11 to read as follows:

12 56. Develop and establish an online learning program
13 model in accordance with rules adopted pursuant to section
14 256.7, subsection 32, paragraph "a", and in accordance with
15 section 256.43. The director shall maintain a list of approved
16 online providers that meet the standards of section 256.42,
17 subsection 6, and provide course content through an online
18 learning platform taught by an Iowa licensed teacher that
19 has specialized training or experience in online learning.
20 Providers shall apply for approval annually or as determined
21 by the department.

22 Sec. 5. Section 256.41, Code 2018, is amended to read as
23 follows:

24 **256.41 Online learning requirements — legislative findings**
25 **and declarations school districts.**

26 1. ~~The general assembly finds and declares the following:~~

27 ~~a. That prior legislative enactments on the use of~~
28 ~~telecommunications in elementary and secondary school classes~~
29 ~~and courses did not contemplate and were not intended to~~
30 ~~authorize participation in open enrollment under section 282.18~~
31 ~~for purposes of attending online schools, contracts to provide~~
32 ~~exclusively or predominantly online coursework to students, or~~
33 ~~online coursework that does not use teachers licensed under~~
34 ~~chapter 272 for instruction and supervision.~~

35 ~~b. That online learning technology has moved ahead of Iowa's~~

1 ~~statutory framework and the current administrative rules of the~~
2 ~~state board, promulgated over twenty years ago, are inadequate~~
3 ~~to regulate today's virtual opportunities.~~

4 A school district providing educational instruction and
5 course content delivered primarily over the internet shall
6 do all of the following with regard to such instruction and
7 content:

8 a. Monitor and verify full-time student enrollment, timely
9 completion of graduation requirements, course credit accrual,
10 and course completion.

11 b. Monitor and verify student progress and performance
12 in each course through a school-based assessment plan that
13 includes submission of coursework and security and validity of
14 testing components.

15 c. Conduct parent-teacher conferences.

16 d. Administer assessments required by the state to all
17 students in a proctored setting and pursuant to state law.

18 2. Online learning curricula shall be provided and
19 supervised by a teacher licensed under [chapter 272](#).

20 Sec. 6. Section 256.42, subsection 7, Code 2018, is amended
21 by striking the subsection and inserting in lieu thereof the
22 following:

23 7. a. The provisions of section 256.11, subsection 5, which
24 require that specified subjects be offered and taught by a
25 school district or accredited nonpublic school, shall not apply
26 for up to two specified subjects at a school district or school
27 under this section if any of the following apply:

28 (1) The school district or school makes every reasonable and
29 good faith effort to employ a teacher licensed under chapter
30 272 for the specified subject, and is unable to employ such a
31 teacher.

32 (2) Fewer than ten students typically register for
33 instruction in the specified subject at the school district or
34 school.

35 b. The department may waive for one school year the

1 applicability of section 256.11, subsection 5, at its
2 discretion, to additional specified subjects for a school
3 district or accredited nonpublic school that proves to the
4 satisfaction of the department that the school district or
5 school has made every reasonable effort, but is unable to meet
6 the requirements of section 256.11, subsection 5. A school
7 district or accredited nonpublic school may apply for an annual
8 waiver each year.

9 *c.* Any specified subject course to which section 256.11,
10 subsection 5, does not apply under paragraph “a” or “b” shall
11 be provided by the initiative if the initiative offers the
12 course unless the course offered by the initiative lacks the
13 capacity to accommodate additional students. In that case,
14 the specified subject course may instead be provided by the
15 school district or accredited nonpublic school through an
16 online learning platform, provided the online learning platform
17 is taught by an Iowa licensed teacher with online learning
18 experience and the course content is aligned with the Iowa
19 content standards and satisfies the requirements of subsection
20 6.

21 *d.* For purposes of this subsection, “good faith effort”
22 means the same as defined in section 279.19A, subsection 9.

23 Sec. 7. Section 256.42, subsection 8, Code 2018, is amended
24 to read as follows:

25 8. The department shall establish fees payable by school
26 districts and accredited nonpublic schools participating in
27 the initiative. Fees collected pursuant to [this subsection](#)
28 are appropriated to the department to be used only for the
29 purpose of administering [this section](#) and shall be established
30 so as not to exceed the budgeted cost of administering this
31 section ~~to the extent not covered by the moneys appropriated~~
32 ~~in [subsection 9](#)~~. Providing professional development
33 necessary to prepare teachers to participate in the initiative
34 shall be considered a cost of administering [this section](#).
35 Notwithstanding [section 8.33](#), fees collected by the department

1 that remain unencumbered or unobligated at the close of the
2 fiscal year shall not revert but shall remain available for
3 expenditure for the purpose of expanding coursework offered
4 under the initiative in subsequent fiscal years.

5 Sec. 8. Section 256.42, subsection 9, Code 2018, is amended
6 by striking the subsection.

7 Sec. 9. Section 256.43, subsection 1, paragraph i, Code
8 2018, is amended to read as follows:

9 *i.* Criteria for school districts or schools to use when
10 choosing providers of online learning to meet the online
11 learning program requirements specified in rules adopted
12 pursuant to [section 256.7, subsection 32](#), ~~paragraph "a"~~.

13 Sec. 10. Section 256.43, subsection 2, Code 2018, is amended
14 to read as follows:

15 2. *Private providers.* At the discretion of the school board
16 or authorities in charge of an accredited nonpublic school,
17 after consideration of circumstances created by necessity,
18 convenience, and cost-effectiveness, courses developed by
19 private providers may be utilized by the school district or
20 school in implementing a high-quality online learning program.
21 Courses obtained from private providers shall be taught by
22 teachers licensed under [chapter 272](#). A school district may
23 provide courses developed by private providers and delivered
24 primarily over the internet to pupils who are participating in
25 open enrollment under section 282.18.

26 DIVISION II

27 CONCURRENT ENROLLMENT — CAREER AND TECHNICAL EXCEPTION TO
28 LIMITATION

29 Sec. 11. Section 257.11, subsection 3, Code 2018, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. *c.* Notwithstanding paragraph "b",
32 subparagraph (1), a school district that otherwise meets the
33 requirements of this subsection may enter into a sharing
34 agreement with a community college under which the community
35 college may offer, or provide a community college-employed

1 instructor to teach, one or more classes in only one of the
2 six career and technical education service areas specified in
3 section 256.11, subsection 5, paragraph "h", and the pupils
4 enrolled in such a class shall be assigned additional weighting
5 in accordance with this subsection if the number of pupils
6 enrolled in such a class exceeds five and the school district's
7 total enrollment does not exceed six hundred pupils.

8 Sec. 12. Section 261E.3, subsection 3, paragraph g, Code
9 2018, is amended to read as follows:

10 g. The school district shall certify annually to the
11 department that the course provided to a high school student
12 for postsecondary credit in accordance with [this chapter](#) does
13 not supplant a course provided by the school district in which
14 the student is enrolled, except as provided under section
15 257.11, subsection 3, paragraph "c".

16 DIVISION III

17 STUDENT HEALTH WORKING GROUP

18 Sec. 13. STUDENT HEALTH WORKING GROUP.

19 1. The department of public health and the department
20 of education shall convene a student health working group to
21 review state-initiated student health requirements, including
22 but not limited to requirements relating to dental and vision
23 health screenings under sections 135.17 and 135.39D, blood
24 lead testing under section 135.105D, and immunizations under
25 section 139A.8, and other related requirements imposed on
26 public schools. The working group shall study measures
27 for implementing such student health screening requirements
28 while reducing the administrative burden such requirements
29 impose on public schools. The working group shall develop a
30 uniform enforcement framework that includes a single method
31 for enforcement of the current student health requirements and
32 related data collection.

33 2. Voting members of the working group shall include persons
34 deemed appropriate by the department of public health as well
35 as one representative of each of the following, appointed by

1 the respective entity:

2 a. The department of education.

3 b. The department of public health.

4 c. The area education agencies.

5 d. The Iowa academy of family physicians.

6 3. a. The working group shall elect a chairperson and vice
7 chairperson from the voting members appointed.

8 b. A majority of the voting members of the working group
9 shall constitute a quorum.

10 4. The department of public health and the department of
11 education shall work cooperatively to provide staffing and
12 administrative support to the working group.

13 5. The working group shall submit its uniform enforcement
14 framework, findings, and recommendations to the general
15 assembly not later than December 31, 2018.

16 DIVISION IV

17 OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY FEE

18 Sec. 14. Section 282.18, subsection 7, Code 2018, is amended
19 to read as follows:

20 7. a. A pupil participating in open enrollment shall be
21 counted, for state school foundation aid purposes, in the
22 pupil's district of residence. A pupil's residence, for
23 purposes of [this section](#), means a residence under section
24 282.1.

25 b. (1) The board of directors of the district of residence
26 shall pay to the receiving district the sum of the state cost
27 per pupil for the previous school year plus either the teacher
28 leadership supplement state cost per pupil for the previous
29 fiscal year as provided in [section 257.9](#) or the teacher
30 leadership supplement foundation aid for the previous fiscal
31 year as provided in [section 284.13, subsection 1, paragraph "d"](#),
32 if both the district of residence and the receiving district
33 are receiving such supplements, plus any moneys received for
34 the pupil as a result of the non-English speaking weighting
35 under [section 280.4, subsection 3](#), for the previous school

1 year multiplied by the state cost per pupil for the previous
2 year. If the pupil participating in open enrollment is also
3 an eligible pupil under [section 261E.6](#), the receiving district
4 shall pay the tuition reimbursement amount to an eligible
5 postsecondary institution as provided in [section 261E.7](#).

6 (2) If a pupil participates in cocurricular or
7 extracurricular activities in accordance with subsection
8 11A, the district of residence may deduct up to two hundred
9 dollars per activity, for up to two activities, from the amount
10 calculated in subparagraph (1). For a cocurricular activity,
11 one semester shall equal one activity. Extracurricular
12 activities for which such a resident district may charge up
13 to two hundred dollars per activity for up to two activities
14 under this subparagraph include interscholastic athletics,
15 music, drama, and any other activity with a general fund
16 expenditure exceeding five thousand dollars annually. A pupil
17 may participate in additional extracurricular activities at the
18 discretion of the resident district. The school district of
19 residence may charge the pupil a fee for participation in such
20 cocurricular or extracurricular activities equivalent to the
21 fee charged to and paid in the same manner by other resident
22 pupils.

23 Sec. 15. Section 282.18, Code 2018, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 11A. A pupil participating in open
26 enrollment for purposes of receiving educational instruction
27 and course content primarily over the internet in accordance
28 with section 256.7, subsection 32, may participate in any
29 cocurricular or extracurricular activities offered to children
30 in the pupil's grade or group and sponsored by the district
31 of residence under the same conditions and requirements
32 as the pupils enrolled in the district of residence. The
33 pupil may participate in not more than two cocurricular or
34 extracurricular activities during a school year unless the
35 resident district approves the student's participation in

1 additional activities. The student shall comply with the
2 eligibility, conduct, and other requirements relating to the
3 activity that are established by the district of residence for
4 any student who applies to participate or who is participating
5 in the activity.

6 DIVISION V

7 DEPARTMENT OF EDUCATION — BILITERACY SEAL

8 Sec. 16. Section 256.9, Code 2018, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 60. Develop and administer a seal of
11 biliteracy program to recognize students graduating from
12 high school who have demonstrated proficiency in two or more
13 world languages, one of which may be American sign language,
14 though one of which must be English. Participation in the
15 program by a school district, attendance center, or accredited
16 nonpublic school shall be voluntary. The department shall work
17 with stakeholders to identify standardized tests that may be
18 utilized to demonstrate proficiency. The department shall
19 produce a seal of biliteracy, which may include but need not
20 be limited to a sticker that may be affixed to a student's
21 high school transcript or a certificate that may be awarded to
22 the student. A participating school district or school shall
23 notify the department of the names of the students who have
24 qualified for the seal and the department shall provide the
25 school district or school with the appropriate number of seals
26 or other authorized endorsement. The department may charge a
27 nominal fee to cover printing and postage charges related to
28 issuance of the biliteracy seal under this subsection.

29 DIVISION VI

30 LIMITATION ON DEPARTMENT OF EDUCATION GUIDANCE

31 Sec. 17. NEW SECTION. 256.9A Limitation on guidance and
32 interpretations.

33 1. For the purposes of this section, "guidance" means a
34 document or statement issued by the department, the state
35 board, or the director that purports to interpret a law, a

1 rule, or other legal authority and is designed to provide
2 advice or direction to a person regarding the implementation
3 of or compliance with the law, the rule, or the other legal
4 authority being interpreted.

5 2. The department, the state board, or the director shall
6 not issue guidance inconsistent with any statute, rule, or
7 other legal authority and shall not issue guidance that imposes
8 any legally binding obligations or duties upon any person
9 unless such legally binding obligations or duties are required
10 or reasonably implied by any statute, rule, or other legal
11 authority.

12 3. This section shall not apply to a rule adopted pursuant
13 to chapter 17A, a declaratory order issued pursuant to section
14 17A.9, a document or statement required by federal law or a
15 court, or a document or statement issued in the course of a
16 contested case proceeding, an administrative proceeding, or a
17 judicial proceeding to which the department, the state board,
18 or the director is a party.

19 4. Guidance issued by the department, the state board, or
20 the director in violation of subsection 2 shall not be deemed
21 to be legally binding.

22 Sec. 18. EFFECTIVE UPON ENACTMENT. This division of this
23 Act, being deemed of immediate importance, takes effect upon
24 enactment.>

COMMITTEE ON EDUCATION
ROGERS of Black Hawk, Chairperson