

**Senate File 170 - Introduced**

SENATE FILE 170

BY MCKINLEY

**A BILL FOR**

1 An Act establishing a deregulated schools pilot program for  
2 certain public and nonpublic schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 256F.12 Deregulated schools pilot  
2 program.

3 1. *Program established.* A deregulated schools pilot program  
4 is established to provide public and nonpublic schools with  
5 greater flexibility. By January 1, 2012, the department shall  
6 select not more than six public school pilot project proposals  
7 and not more than six nonpublic school pilot project proposals  
8 submitted in accordance with subsection 3. School districts  
9 and nonpublic schools selected to implement pilot projects  
10 pursuant to this section may continue the projects through the  
11 2016-2017 school year.

12 2. *Program purposes.* The purposes of the deregulated  
13 schools pilot program shall be to accomplish the following:

14 a. Improve student learning.

15 b. Increase learning opportunities for all students, with  
16 special emphasis on expanded learning experiences for students  
17 identified as academically low-achieving.

18 c. Encourage different and innovative methods to address  
19 various learning styles.

20 d. Encourage different and innovative methods of teaching.

21 e. Increase choice of learning opportunities for children.

22 f. Establish a new form of accountability for schools.

23 g. Create innovative measurement tools for measuring  
24 learning outcomes.

25 h. Make the school the unit for improvement.

26 i. Relieve schools of paperwork and procedures that  
27 are otherwise required by the state, except those required  
28 for purposes of health, safety, fiscal accountability, and  
29 documentation of student achievement.

30 3. *Project proposal — elements.*

31 a. The board of directors of a school district and the  
32 authorities in charge of a nonpublic school may submit a  
33 proposal for a deregulated school to the department not later  
34 than October 1, 2011. The department may provide technical  
35 assistance to a pilot project applicant upon written request.

1 The terms and conditions for the operation of a deregulated  
2 school shall be set forth in the proposal.

3 *b.* The proposal shall address, and criteria for approval of  
4 the proposal shall be based on, the following:

5 (1) The school's budget in detail.

6 (2) The methods by which academic achievement will be  
7 measured.

8 (3) The measures that will be used to assure that at least  
9 ninety-five percent of the students enrolled in the school will  
10 demonstrate a minimum of one year of academic growth for each  
11 year of instruction.

12 (4) Assurance that the deregulated school shall, at a  
13 minimum, administer the Iowa test of basic skills and the Iowa  
14 tests of educational development in the manner and frequency  
15 used by the majority of school districts in this state.

16 (5) The method to be used for resolving conflicts between  
17 the school and the school district or the authorities in charge  
18 of the school, as appropriate.

19 (6) The admissions procedures and dismissal procedures to  
20 be employed, including the school's code of student conduct.

21 (7) The ways by which the school's racial and ethnic balance  
22 reflects the community it serves or reflects the racial and  
23 ethnic range of other schools located within the boundaries of  
24 the school district in which the school is located.

25 (8) The proposed financial and administrative management  
26 of the school including a statement of the areas in which  
27 the school will have administrative and fiscal autonomy and,  
28 in the case of a deregulated public school, the areas in  
29 which the school will follow district school board fiscal and  
30 administrative policies.

31 (9) The manner in which the school will be insured, the  
32 amounts of coverage, whether the school will be required to  
33 have liability insurance and, if so, the terms and conditions  
34 of the liability insurance.

35 (10) The qualifications to be required of the teachers.

1     *c.* The proposal shall be innovative but consistent with  
2 the educational goals adopted by the state board pursuant to  
3 section 256.7, subsection 4.

4     4. *Eligible students.* A deregulated school shall be open  
5 to all students residing in the school district's boundaries  
6 or within the nonpublic school's attendance boundaries. The  
7 deregulated school shall have maximum flexibility to enroll  
8 students.

9     5. *Requirements.* A deregulated public school shall be  
10 free of tuition or fees, except those fees normally charged by  
11 other public schools. Any deregulated school shall meet all  
12 applicable state and local health and safety requirements.

13     6. *Discrimination prohibited.* A deregulated school  
14 shall not discriminate in its student admissions policies or  
15 practices on the basis of a student's intellectual or athletic  
16 ability, measures of achievement or aptitude, or status as a  
17 person with a disability. However, a deregulated school may  
18 limit admission to students who are within a particular range  
19 of ages or grade levels or on any other basis that would be  
20 legal if initiated by a school district.

21     7. *Reports.*

22     *a.* The deregulated school shall make an annual progress  
23 report to the school district or the authorities in charge of  
24 the school, as appropriate, and to the department by a date  
25 specified by the department. The report shall contain at least  
26 the following information:

27         (1) The school's progress toward achieving the goals  
28 outlined in its pilot project proposal.

29         (2) The information school districts and accredited  
30 nonpublic schools are required to submit pursuant to section  
31 256.7, subsection 21, paragraph "c".

32         (3) Financial records of the school, including revenues and  
33 expenditures.

34         (4) Salary and benefit levels of school employees.

35     *b.* Upon receipt of the annual progress reports submitted

1 pursuant to paragraph "a", the department shall provide the  
2 general assembly with a copy of each report and an analysis and  
3 comparison of the overall performance of students, including a  
4 comparison of the Iowa test of basic skills and Iowa tests of  
5 educational development results for all students in deregulated  
6 schools with the results for all public school students  
7 enrolled in the same grade levels in the school district in  
8 which the deregulated school is located.

9 8. *Applicability of statutes.*

10 a. A deregulated school shall operate in accordance with its  
11 pilot project proposal and shall be exempt from statutes and  
12 administrative rules otherwise applicable to school districts  
13 and accredited nonpublic schools, except those statutes and  
14 rules relating to student health, safety, and welfare, or as  
15 otherwise required by this section.

16 b. A deregulated public school shall be subject to the  
17 following:

18 (1) The open meetings and open records requirements of  
19 chapters 21 and 22.

20 (2) The same financial audits, audit procedures, and  
21 audit requirements as a school district consistent with the  
22 requirements of sections 11.6, 11.14, 11.19, 256.9, subsection  
23 19, and section 279.29.

24 (3) The initial background investigation requirements set  
25 forth in section 279.13, subsection 1, paragraph "b".

26 9. *Funding.* The cost of educating students enrolled in  
27 a deregulated public school shall be paid in the same manner  
28 as for students enrolled in school districts as provided in  
29 section 273.9, and chapters 256B and 257.

30 10. *Length of school year.* A deregulated school shall  
31 provide instruction for at least the number of days required  
32 by section 279.10, or the equivalent number of hours, and may  
33 provide instruction for a number of days in addition to that  
34 required in section 279.10.

35 11. *Facilities.* A deregulated school shall utilize

1 facilities that comply with the state building code adopted  
2 pursuant to section 103A.7 and with the rules adopted for  
3 schools by the fire marshal pursuant to section 100.35.

4 12. *Repeal.* This section is repealed January 1, 2018.

5

EXPLANATION

6 This bill establishes a deregulated schools pilot program  
7 to provide selected public and nonpublic schools with greater  
8 flexibility. The bill directs the department of education  
9 to select from the applications submitted six public and six  
10 nonpublic deregulated school pilot projects. The bill exempts  
11 the deregulated schools from statutes and administrative  
12 rules otherwise applicable to school districts and accredited  
13 nonpublic schools, except those relating to student health,  
14 safety, and welfare, and, for deregulated public schools, open  
15 meetings and records, financial audits, and initial background  
16 investigations of new teachers. The pilot projects may  
17 continue through the 2016-2017 school year.

18 The bill sets forth the program purposes and the pilot  
19 project proposal requirements. The terms and conditions for  
20 the operation of a deregulated school must be set forth in the  
21 proposal. The bill lists the issues proposals must address and  
22 the criteria for approval of the proposals.

23 A deregulated school must be open to all students residing  
24 within the school district or nonpublic school attendance  
25 boundaries. It must not discriminate, and in the case of  
26 deregulated public schools, shall be free of tuition and fees,  
27 except those fees a school district is authorized to charge.  
28 A deregulated school may limit admission to students who are  
29 within a particular range of ages or grade levels or on any  
30 other basis that would be legal if initiated by a school  
31 district.

32 Deregulated schools shall, at a minimum, administer the Iowa  
33 test of basic skills (ITBS) and the Iowa tests of educational  
34 development (ITED) in the manner and frequency used by the  
35 majority of school districts in this state.

1 The school must make an annual progress report to the  
2 school district or the authorities in charge of the school,  
3 as appropriate, and to the department of education. Upon  
4 receipt of the reports, the department must provide the  
5 general assembly with a copy of each report and an analysis and  
6 comparison of the overall performance of students, including a  
7 comparison of the results of the annual ITBS and ITED results  
8 for all students in deregulated schools with the results for  
9 all public school students in the same grade in the school  
10 district in which the deregulated school is located.

11 The cost of educating students enrolled in a deregulated  
12 public school shall be paid in the same manner as for students  
13 enrolled in school districts.

14 A deregulated school must provide instruction for at least  
15 the statutorily required 180 days, or the equivalent number of  
16 hours, and may provide instruction for additional days.

17 A deregulated school must utilize facilities that comply  
18 with the state building code and must comply with the rules  
19 adopted for schools by the fire marshal.

20 The deregulated schools pilot program is repealed January  
21 1, 2018.