

Senate File 475 - Introduced

SENATE FILE 475
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1137)

A BILL FOR

1 An Act relating to educational programs developed or
2 administered by the department or state board of education,
3 school districts, or accredited nonpublic schools, and to
4 school-age children's health screenings, providing for or
5 relating to fees, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ONLINE EDUCATION

1
2
3 Section 1. Section 256.7, subsection 32, paragraph a, Code
4 2017, is amended to read as follows:

5 ~~a.~~ Adopt rules for online learning in accordance with
6 sections ~~256.41~~, 256.42, and 256.43, and criteria for waivers
7 granted pursuant to section 256.42.

8 Sec. 2. Section 256.7, subsection 32, paragraph b, Code
9 2017, is amended by striking the paragraph.

10 Sec. 3. Section 256.7, subsection 32, paragraph c, Code
11 2017, is amended to read as follows:

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

30 (1) ~~The department, in collaboration with the international~~
31 ~~association for K-12 online learning, shall annually collect~~
32 ~~data on student performance in educational instruction and~~
33 ~~course content that are delivered primarily over the internet~~
34 ~~pursuant to this paragraph "c". The department shall include~~
35 ~~such data in its annual report to the general assembly pursuant~~

1 ~~to subparagraph (4) and shall post the data on the department's~~
2 ~~internet site.~~

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

14 (a) Student achievement and demographic characteristics.

15 (b) Retention rates.

16 (c) The percentage of enrolled students' active
17 participation in extracurricular activities.

18 (d) Academic proficiency levels, consistent with
19 requirements applicable to all school districts and accredited
20 nonpublic schools in this state.

21 (e) Academic growth measures, which shall include either of
22 the following:

23 (i) Entry and exit assessments in, at a minimum, math
24 and English for elementary and middle school students, and
25 additional subjects, including science, for high school
26 students.

27 (ii) State-required assessments that track year-over-year
28 improvements in academic proficiency.

29 (f) Academic mobility. To facilitate the tracking
30 of academic mobility, school districts shall request the
31 following information from the parent or guardian of a student
32 enrolled in educational instruction and course content that
33 are delivered primarily over the internet ~~pursuant to this~~
34 ~~paragraph "e"~~:

35 (i) For a student newly enrolling, the reasons for choosing

1 such enrollment.

2 (ii) For a student terminating enrollment, the reasons for
3 terminating such enrollment.

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

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

20 ~~(4) (2) The department shall compile and review the data
21 collected pursuant to this paragraph "c" and shall submit its
22 findings and recommendations for the continued delivery of
23 instruction and course content by school districts pursuant to
24 this paragraph "e" over the internet, in a report to the general
25 assembly by January 15 annually.~~

26 ~~(5) School districts providing educational instruction and
27 course content that are delivered primarily over the internet
28 pursuant to this paragraph "e" shall comply with the following
29 requirements relating to such instruction and content:~~

30 ~~(a) Monitoring and verifying full-time student enrollment,
31 timely completion of graduation requirements, course credit
32 accrual, and course completion.~~

33 ~~(b) Monitoring and verifying student progress and
34 performance in each course through a school-based assessment
35 plan that includes submission of coursework and security and~~

1 ~~validity of testing.~~

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

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

5 Sec. 4. Section 256.9, subsection 56, Code 2017, is amended
6 to read as follows:

7 56. Develop and establish an online learning program model
8 in accordance with rules adopted pursuant to section 256.7,
9 subsection 32, paragraph "a", and in accordance with section
10 256.43.

11 Sec. 5. Section 256.41, Code 2017, is amended to read as
12 follows:

13 **256.41 Online learning requirements — legislative findings**
14 **and declarations.**

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

16 ~~a. That prior legislative enactments on the use of~~
17 ~~telecommunications in elementary and secondary school classes~~
18 ~~and courses did not contemplate and were not intended to~~
19 ~~authorize participation in open enrollment under section 282.18~~
20 ~~for purposes of attending online schools, contracts to provide~~
21 ~~exclusively or predominantly online coursework to students, or~~
22 ~~online coursework that does not use teachers licensed under~~
23 ~~chapter 272 for instruction and supervision.~~

24 ~~b. That online learning technology has moved ahead of Iowa's~~
25 ~~statutory framework and the current administrative rules of the~~
26 ~~state board, promulgated over twenty years ago, are inadequate~~
27 ~~to regulate today's virtual opportunities.~~

28 A school district providing educational instruction and
29 course content delivered primarily over the internet shall
30 do all of the following with regard to such instruction and
31 content:

32 a. Monitor and verify full-time student enrollment, timely
33 completion of graduation requirements, course credit accrual,
34 and course completion.

35 b. Monitor and verify student progress and performance

1 in each course through a school-based assessment plan that
2 includes submission of coursework and security and validity of
3 testing.

4 c. Conduct parent-teacher conferences.

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

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

9 Sec. 6. Section 256.42, subsection 7, unnumbered paragraph
10 1, Code 2017, is amended to read as follows:

11 The department may waive ~~for one year~~ at its discretion
12 the provisions of [section 256.11, subsection 5](#), which require
13 that specified subjects be offered and taught by professional
14 staff of a school district or school, if the school district or
15 school makes every reasonable and good-faith effort to employ
16 a teacher licensed under [chapter 272](#) for such a subject, and
17 the school district or school proves to the satisfaction of
18 the department that the school district or school is unable to
19 employ such a teacher or if fewer than ten students typically
20 register for instruction in a specified subject at the school
21 district or school. The specified subject shall be provided by
22 the initiative. ~~The~~ However, the specified subject may instead
23 be provided by the school district or school if all of the
24 following conditions are met:

25 Sec. 7. Section 256.42, subsection 8, Code 2017, is amended
26 to read as follows:

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

1 shall be considered a cost of administering [this section](#).
2 Notwithstanding [section 8.33](#), fees collected by the department
3 that remain unencumbered or unobligated at the close of the
4 fiscal year shall not revert but shall remain available for
5 expenditure for the purpose of expanding coursework offered
6 under the initiative in subsequent fiscal years.

7 Sec. 8. Section 256.42, subsection 9, Code 2017, is amended
8 by striking the subsection.

9 Sec. 9. Section 256.43, subsection 1, paragraph i, Code
10 2017, is amended to read as follows:

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

15 Sec. 10. Section 256.43, subsection 2, Code 2017, is amended
16 to read as follows:

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

28 DIVISION II

29 CONCURRENT ENROLLMENT — CAREER AND TECHNICAL EXCEPTION TO
30 LIMITATION

31 Sec. 11. Section 257.11, subsection 3, paragraph b,
32 subparagraph (1), Code 2017, is amended to read as follows:

33 (1) Supplementing, not supplanting, high school courses
34 required to be offered pursuant to section 256.11, subsection
35 5, except that up to two courses required under section

1 256.11, subsection 5, paragraph "h", may supplant rather than
2 supplement courses required to be offered pursuant to section
3 256.11, subsection 5.

4 Sec. 12. Section 261E.3, subsection 3, paragraph g, Code
5 2017, is amended to read as follows:

6 g. The school district shall certify annually to the
7 department that the course provided to a high school student
8 for postsecondary credit in accordance with this chapter either
9 does not supplant a course provided by the school district
10 in which the student is enrolled or does supplant a course
11 but meets the requirements of section 257.11, subsection 3,
12 paragraph "b", subparagraph (1).

13 DIVISION III

14 DENTAL AND VISION AUTHORIZATIONS AND REQUIREMENTS — REPEALS

15 Sec. 13. Section 280.7A, subsections 1 and 2, Code 2017, are
16 amended to read as follows:

17 1. A parent or guardian who registers a child for
18 kindergarten or a preschool program ~~shall~~ may be given a
19 student vision card provided by the Iowa optometric association
20 and as approved by the department of education with a goal
21 of every child receiving an eye examination by age seven, as
22 needed.

23 2. School districts may encourage a student to receive an
24 eye examination by a licensed ophthalmologist or optometrist
25 prior to the student receiving special education services
26 pursuant to chapter 256B. The eye examination is not a
27 requirement for a student to receive special education
28 services. ~~A parent or guardian shall be responsible for~~
29 ~~ensuring that a student receives an eye examination pursuant to~~
30 this section.

31 Sec. 14. REPEAL. Sections 135.17 and 135.39D, Code 2017,
32 are repealed.

33 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
34 Act, being deemed of immediate importance, takes effect upon
35 enactment.

DIVISION IV

TASK FORCES ON AEA ESSENTIAL SERVICES

1
2 Sec. 16. TASK FORCE ON THE ESSENTIAL SERVICES OF THE AREA
3 EDUCATION AGENCIES.
4

5 1. The department of education shall convene a task force
6 to identify and review the essential functions and services
7 area education agencies are mandated or authorized to provide
8 to school districts, accredited nonpublic schools, and other
9 persons. The task force shall compile a comprehensive list of
10 functions and services, in order of priority ranking, offered
11 by the area education agencies. The list shall include a
12 brief description of the rationale for the ranking assigned
13 each function and service offered. The task force may offer
14 recommendations for continuing, modifying, or eliminating
15 functions or service areas currently offered.

16 2. The task force members shall be appointed as follows:

17 a. Four individuals representing the department of
18 education, including the director of the department of
19 education or the director's designee and three individuals who
20 shall be appointed by the director.

21 b. Three individuals representing school administrators who
22 shall be appointed by the school administrators of Iowa.

23 c. Three individuals representing the area education
24 agencies who shall be appointed jointly by the area education
25 agencies.

26 d. Three individuals representing educators who shall be
27 appointed by the professional educators of Iowa.

28 e. Three individuals representing teachers who shall be
29 appointed by the Iowa state education association.

30 f. Three individuals representing school board members who
31 shall be appointed by the Iowa association of school boards.

32 g. Three individuals who shall be appointed by the Iowa
33 advocates for choice in education.

34 3. To the extent practicable, the appointing authorities
35 specified in subsection 2, paragraphs "b" through "e", shall

1 appoint individuals representing large, medium, and small
2 school districts and ensure representation for rural and urban
3 areas.

4 4. The director of the department of education shall convene
5 the initial meeting. The task force shall elect one of its
6 members as chairperson. After the initial meeting, the task
7 force shall meet at the time and place specified by call of
8 the chairperson. The department of education shall provide
9 staffing services for the task force.

10 5. The task force shall submit its findings and
11 recommendations, including the comprehensive list of functions
12 and services offered and the rationale for each ranking
13 assigned to a function or service, in a report to the state
14 board of education, the governor, and the general assembly by
15 November 17, 2017.

16 DIVISION V

17 OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY FEE

18 Sec. 17. Section 282.18, subsection 7, Code 2017, 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 "e"](#),
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 one or more cocurricular
7 or extracurricular activities in accordance with subsection
8 11A, the district of residence may deduct an activity fee from
9 the amount calculated in subparagraph (1). In determining the
10 amount of the activity fee, the school district shall prorate
11 the costs for the pupil's participation in any cocurricular
12 or extracurricular activity based on the total number of
13 pupils participating in the activity. The total amount of the
14 activity fee as determined for the pupil's participation in one
15 or more activities shall not exceed the lesser of the actual
16 costs of providing each activity to the pupil, as prorated, or
17 fifteen percent of the state cost per pupil for the previous
18 school year.

19 Sec. 18. Section 282.18, Code 2017, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 11A. A pupil participating in open
22 enrollment for purposes of receiving educational instruction
23 and course content primarily over the internet in accordance
24 with section 256.7, subsection 32, may participate in any
25 cocurricular or extracurricular activities offered to children
26 in the pupil's grade or group and sponsored by the district
27 of residence under the same conditions and requirements
28 as the pupils enrolled in the district of residence. The
29 student shall comply with the eligibility, conduct, and other
30 requirements relating to the activity that are established
31 by the district of residence for any student who applies to
32 participate or who is participating in the activity.

33 DIVISION VI

34 INDEPENDENTLY ACCREDITED NONPUBLIC SCHOOLS — EXEMPTION

35 Sec. 19. Section 256.11, subsection 16, paragraph b, Code

DIVISION VIII

LIMITATION ON DEPARTMENT OF EDUCATION GUIDANCE

3 Sec. 22. NEW SECTION. 256.9A Limitation on guidance and
4 interpretations.

5 1. For the purposes of this section, "guidance" means a
6 document or statement issued by the department, the state
7 board, or the director that purports to interpret a law, a
8 rule, or other legal authority and is designed to provide
9 advice or direction to a person regarding the implementation
10 of or compliance with the law, the rule, or the other legal
11 authority being interpreted.

12 2. The department, the state board, or the director shall
13 not issue guidance inconsistent with any statute, rule, or
14 other legal authority and shall not issue guidance that imposes
15 any legally binding obligations or duties upon any person
16 unless such legally binding obligations or duties are required
17 or reasonably implied by any statute, rule, or other legal
18 authority.

19 3. This section shall not apply to a rule adopted pursuant
20 to chapter 17A, a declaratory order issued pursuant to section
21 17A.9, a document or statement required by federal law or a
22 court, or a document or statement issued in the course of a
23 contested case proceeding, an administrative proceeding, or a
24 judicial proceeding to which the department, the state board,
25 or the director is a party.

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

29 Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this
30 Act, being deemed of immediate importance, takes effect upon
31 enactment.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill modifies Code provisions relating to the delivery

1 of educational instruction and course content primarily over
 2 the internet, modifies concurrent enrollment limitations,
 3 directs the department to convene a task force on the
 4 essential services of the area education agencies, allows a
 5 pupil who is participating in open enrollment for purposes
 6 of online instruction to fully participate in cocurricular
 7 extracurricular activities in the district of residence,
 8 exempts independently accredited nonpublic schools from any
 9 rules adopted by the state board of education that are not
 10 specifically required by statute, directs the director of the
 11 department to develop and administer a seal of biliteracy
 12 program, and limits the authority of the director to interpret
 13 education laws and rules.

14 DIVISION I — ONLINE EDUCATION. The bill eliminates
 15 provisions requiring that the state board adopt rules
 16 prohibiting or limiting the open enrollment of students whose
 17 educational instruction and course content are delivered
 18 primarily over the internet. The bill requires the state board
 19 to adopt rules requiring that instruction delivered primarily
 20 over the internet be aligned with the Iowa core standards as
 21 applicable. Under such rules, a school district may develop
 22 and offer to students enrolled in the district instruction
 23 delivered primarily over the internet. The bill retains
 24 but relocates language requiring school districts providing
 25 online instruction to monitor enrollment, timely completion
 26 of graduation requirements, course credit accrual, and course
 27 completion; monitor and verify student progress; conduct
 28 parent-teacher conferences; and administer assessments required
 29 by the state. The bill authorizes school districts to provide
 30 courses developed by private providers and delivered primarily
 31 over the internet to pupils who are participating in open
 32 enrollment.

33 Current law limits to one year the waiver that the department
 34 may issue to school districts and accredited nonpublic schools
 35 relating to the educational program that online schools must

1 offer and teach. The bill authorizes issuance of a waiver if
2 a school district or school typically registers fewer than 10
3 students in a specified subject. The bill also strikes the
4 one-year limitation on the waiver and provides for departmental
5 discretion in issuing such a waiver.

6 DIVISION II — CONCURRENT ENROLLMENT — CAREER AND TECHNICAL
7 EXCEPTION TO LIMITATION. The bill allows a student attending a
8 community college-offered course or attending a course taught
9 by a community college-employed instructor under concurrent
10 enrollment to be assigned additional weighting for not more
11 than two career and technical courses, even if those courses
12 supplant courses the school district is required to offer
13 and teach under the career and technical educational program
14 specified in Code section 256.11(5)(h).

15 DIVISION III — DENTAL AND VISION AUTHORIZATIONS AND
16 REQUIREMENTS — REPEALS. The bill repeals provisions
17 administered by the department of public health that require
18 dental and vision screening of children prior to and following
19 enrollment in school districts and accredited nonpublic
20 schools. Currently, a school district is required to give
21 a parent or guardian a student vision card when enrolling a
22 child in kindergarten or preschool and the parent or guardian
23 is responsible for ensuring that the student receives an eye
24 examination. The bill authorizes school districts to give
25 the card to a parent or guardian and to encourage students to
26 receive an eye examination prior to receiving special education
27 services. The bill eliminates a provision making the parent
28 or guardian responsible for ensuring the student receives an
29 eye examination.

30 Division III takes effect upon enactment.

31 DIVISION IV — TASK FORCE ON AEA SERVICES. A 22-member
32 task force on the essential services of the area education
33 agencies (AEAs) is charged with identifying and reviewing
34 the essential functions and services AEAs are mandated or
35 authorized to provide to school districts, accredited nonpublic

1 schools, and other persons. The task force shall compile a
2 comprehensive list of functions and services, in order of
3 priority ranking, offered by the AEAs. The list shall include
4 a brief description of the rationale for each ranking. The
5 task force may offer recommendations for continuing, modifying,
6 or eliminating functions or service areas currently offered.

7 The task force is comprised of four individuals representing
8 the department of education, three individuals representing
9 school administrators, three individuals representing
10 the AEAs, six individuals representing educators, three
11 individuals representing school board members, and three
12 members representing advocates for choice in education. To
13 the extent practicable, the appointing authorities, the school
14 administrators of Iowa, AEAs, the professional educators of
15 Iowa, the Iowa state education association, the Iowa alliance
16 for choice in education, and the Iowa association of school
17 boards must appoint individuals representing large, medium, and
18 small school districts and ensure representation for rural and
19 urban areas.

20 The task force shall submit its findings and
21 recommendations, including the comprehensive list of functions
22 and services offered and the rationale for each ranking
23 assigned to a function or service, in a report to the state
24 board of education, the governor, and the general assembly by
25 November 17, 2017.

26 DIVISION V — OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY
27 FEE. The bill allows a pupil who is participating in open
28 enrollment for purposes of online instruction to participate in
29 cocurricular and extracurricular activities in the district of
30 residence under the same conditions and requirements as pupils
31 enrolled in the district of residence.

32 The bill permits the school district of residence to deduct
33 an activity fee in an amount not to exceed the actual cost
34 of providing the activities or 15 percent of the state cost
35 per pupil for the previous year, whichever is less, from the

1 total amount the school district is required to pay to the
2 receiving school district when such a pupil participates in
3 any cocurricular or extracurricular activities in the pupil's
4 grade or group that is sponsored by the district of residence.
5 The school district must prorate the costs for the pupil's
6 participation in any such activity based on the total number
7 of pupils participating.

8 DIVISION VI — INDEPENDENTLY ACCREDITED NONPUBLIC SCHOOLS —
9 EXEMPTION. Currently, a nonpublic school may be accredited by
10 independent accrediting agencies that are on a list of approved
11 independent accrediting agencies maintained by the state
12 board of education. The state board must approve a list of
13 approved independent accrediting agencies comprised of six or
14 more regional or national nonprofit, nongovernmental agencies
15 recognized as reliable authorities concerning the quality of
16 education offered by a school. Such a school is subject to
17 school facility health and safety requirements. The bill
18 makes independently accredited nonpublic schools exempt from
19 any rules adopted by the state board that are not specifically
20 required by the provision. The division takes effect upon
21 enactment.

22 DIVISION VII — DEPARTMENT OF EDUCATION — BILITERACY SEAL.
23 The bill directs the director of the department of education
24 to develop and administer a seal of biliteracy program to
25 recognize students graduating from high school who have
26 demonstrated proficiency in two or more world languages, one
27 of which must be English. Participation in the program by a
28 school district, attendance center, or accredited nonpublic
29 school shall be voluntary. The department must work with
30 stakeholders to identify standardized tests that may be
31 utilized to demonstrate proficiency. The seal of biliteracy
32 may be a sticker to be affixed to a student's high school
33 transcript, a certificate that may be awarded to the student,
34 or other authorized endorsement. The department is required to
35 provide seals to a participating school district or school and

1 may charge a nominal fee to cover related printing and postage
2 charges.

3 DIVISION VIII— LIMITATION ON DEPARTMENT OF EDUCATION
4 GUIDANCE. The bill defines guidance as any document or
5 statement issued by the department of education, the state
6 board of education, or the director of the department of
7 education that purports to interpret a law, rule, or other
8 legal authority and is designed to provide advice or direction
9 regarding the implementation of or compliance with a law, rule,
10 or other legal authority.

11 The department, the state board, and the director are
12 prohibited from issuing guidance that imposes a legal
13 obligation or duty on a person unless the obligation or duty
14 is required or reasonably implied by law, rule, or other legal
15 authority. Guidance issued in violation of the prohibition
16 is not legally binding. This provision does not apply to
17 administrative rules, declaratory orders, a document or
18 statement required by federal law or a court, or a document or
19 statement issued in the course of an administrative or judicial
20 proceeding to which the department, the state board, or the
21 director is a party.

22 The division takes effect upon enactment.