

Senate Study Bill 1137 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON SINCLAIR)

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 providing educational instruction and
4 course content that are delivered primarily over the internet
5 ~~pursuant to this paragraph "c"~~ shall annually submit to the
6 department, in the manner prescribed by the department, data
7 that includes but is not limited to the following:

8 (a) Student achievement and demographic characteristics.

9 (b) Retention rates.

10 (c) The percentage of enrolled students' active
11 participation in extracurricular activities.

12 (d) Academic proficiency levels, consistent with
13 requirements applicable to all school districts and accredited
14 nonpublic schools in this state.

15 (e) Academic growth measures, which shall include either of
16 the following:

17 (i) Entry and exit assessments in, at a minimum, math
18 and English for elementary and middle school students, and
19 additional subjects, including science, for high school
20 students.

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

23 (f) Academic mobility. To facilitate the tracking
24 of academic mobility, school districts shall request the
25 following information from the parent or guardian of a student
26 enrolled in educational instruction and course content that
27 are delivered primarily over the internet ~~pursuant to this~~
28 ~~paragraph "c"~~:

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

31 (ii) For a student terminating enrollment, the reasons for
32 terminating such enrollment.

33 (g) Student progress toward graduation. Measurement of
34 such progress shall account for specific characteristics of
35 each enrolled student, including but not limited to age and

1 course credit accrued prior to enrollment in educational
2 instruction and course content that are delivered primarily
3 over the internet pursuant to this paragraph "c", and shall be
4 consistent with evidence-based best practices.

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

14 ~~(4) (2)~~ The department shall compile and review the data
15 collected pursuant to this paragraph "c" and shall submit its
16 findings and recommendations for the continued delivery of
17 instruction and course content by school districts pursuant to
18 this paragraph "c" over the internet, in a report to the general
19 assembly by January 15 annually.

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

24 ~~(a) Monitoring and verifying full-time student enrollment,~~
25 ~~timely completion of graduation requirements, course credit~~
26 ~~accrual, and course completion.~~

27 ~~(b) Monitoring and verifying student progress and~~
28 ~~performance in each course through a school-based assessment~~
29 ~~plan that includes submission of coursework and security and~~
30 ~~validity of testing.~~

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

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

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

1 56. Develop and establish an online learning program model
2 in accordance with rules adopted pursuant to section 256.7,
3 subsection 32, ~~paragraph "a"~~, and in accordance with section
4 256.43.

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

7 **256.41 Online learning requirements — ~~legislative findings~~**
8 **~~and declarations.~~**

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

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

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

22 A school district providing educational instruction and
23 course content delivered primarily over the internet shall
24 do all of the following with regard to such instruction and
25 content:

26 a. Monitor and verify full-time student enrollment, timely
27 completion of graduation requirements, course credit accrual,
28 and course completion.

29 b. Monitor and verify student progress and performance
30 in each course through a school-based assessment plan that
31 includes submission of coursework and security and validity of
32 testing.

33 c. Conduct parent-teacher conferences.

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

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

3 Sec. 6. Section 256.42, subsections 3 and 9, Code 2017, are
4 amended by striking the subsections.

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

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

21 Sec. 8. Section 256.42, subsection 8, Code 2017, is amended
22 to read as follows:

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

1 expenditure for the purpose of expanding coursework offered
2 under the initiative in subsequent fiscal years.

3 Sec. 9. Section 256.43, subsection 1, paragraph i, Code
4 2017, is amended to read as follows:

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

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

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

22 DIVISION II

23 CONCURRENT ENROLLMENT — CAREER AND TECHNICAL EXCEPTION TO
24 LIMITATION

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

27 (1) Supplementing, not supplanting, high school courses
28 required to be offered pursuant to section 256.11, subsection
29 5, except that up to two courses required under section
30 256.11, subsection 5, paragraph "h", may supplant rather than
31 supplement courses required to be offered pursuant to section
32 256.11, subsection 5.

33 Sec. 12. Section 261E.3, subsection 3, paragraph g, Code
34 2017, is amended to read as follows:

35 *g.* The school district shall certify annually to the

1 department that the course provided to a high school student
2 for postsecondary credit in accordance with this chapter either
3 does not supplant a course provided by the school district
4 in which the student is enrolled or does supplant a course
5 but meets the requirements of section 257.11, subsection 3,
6 paragraph "b", subparagraph (1).

7 DIVISION III

8 DENTAL AND VISION AUTHORIZATIONS AND REQUIREMENTS — REPEALS

9 Sec. 13. REPEAL. Sections 135.17, 135.39D, 280.7, and
10 280.7A, Code 2017, are repealed.

11 DIVISION IV

12 TASK FORCES ON AEA ESSENTIAL SERVICES

13 Sec. 14. TASK FORCE ON THE ESSENTIAL SERVICES OF THE AREA
14 EDUCATION AGENCIES.

15 1. The department of education shall convene a task force
16 to identify and review the essential functions and services
17 area education agencies are mandated or authorized to provide
18 to school districts, accredited nonpublic schools, and other
19 persons. The task force shall compile a comprehensive list of
20 functions and services, in order of priority ranking, offered
21 by the area education agencies. The list shall include a
22 brief description of the rationale for the ranking assigned
23 each function and service offered. The task force may offer
24 recommendations for continuing, modifying, or eliminating
25 functions or service areas currently offered.

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

27 a. Four individuals representing the department of
28 education, including the director of the department of
29 education or the director's designee and three individuals who
30 shall be appointed by the director.

31 b. Three individuals representing school administrators who
32 shall be appointed by the school administrators of Iowa.

33 c. Three individuals representing the area education
34 agencies who shall be appointed jointly by the area education
35 agencies.

1 d. Three individuals representing educators who shall be
2 appointed by the professional educators of Iowa.

3 e. Three individuals representing school board members who
4 shall be appointed by the Iowa association of school boards.

5 3. To the extent practicable, the appointing authorities
6 specified in subsection 2, paragraphs "b" through "e", shall
7 appoint individuals representing large, medium, and small
8 school districts and ensure representation for rural and urban
9 areas.

10 4. The director of the department of education shall convene
11 the initial meeting. The task force shall elect one of its
12 members as chairperson. After the initial meeting, the task
13 force shall meet at the time and place specified by call of
14 the chairperson. The department of education shall provide
15 staffing services for the task force.

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

22 DIVISION V

23 OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY FEE

24 Sec. 15. Section 282.18, subsection 7, Code 2017, is amended
25 to read as follows:

26 7. a. A pupil participating in open enrollment shall be
27 counted, for state school foundation aid purposes, in the
28 pupil's district of residence. A pupil's residence, for
29 purposes of [this section](#), means a residence under section
30 282.1.

31 b. (1) The board of directors of the district of residence
32 shall pay to the receiving district the sum of the state cost
33 per pupil for the previous school year plus either the teacher
34 leadership supplement state cost per pupil for the previous
35 fiscal year as provided in [section 257.9](#) or the teacher

1 leadership supplement foundation aid for the previous fiscal
2 year as provided in [section 284.13, subsection 1](#), paragraph "e",
3 if both the district of residence and the receiving district
4 are receiving such supplements, plus any moneys received for
5 the pupil as a result of the non-English speaking weighting
6 under [section 280.4, subsection 3](#), for the previous school
7 year multiplied by the state cost per pupil for the previous
8 year. If the pupil participating in open enrollment is also
9 an eligible pupil under [section 261E.6](#), the receiving district
10 shall pay the tuition reimbursement amount to an eligible
11 postsecondary institution as provided in [section 261E.7](#).

12 (2) If a pupil participates in an extracurricular activity
13 in accordance with subsection 11A, the district of residence
14 may deduct an activity fee from the amount calculated in
15 subparagraph (1). The amount of an activity fee shall not
16 exceed the lesser of the actual cost of providing the activity
17 to the pupil or fifteen percent of the state cost per pupil for
18 the previous school year.

19 Sec. 16. 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 extracurricular activities offered to children in the pupil's
26 grade or group and sponsored by the district of residence under
27 the same conditions and requirements as the pupils enrolled in
28 the district of residence.

29 DIVISION VI

30 INDEPENDENTLY ACCREDITED NONPUBLIC SCHOOLS — EXEMPTION

31 Sec. 17. Section 256.11, subsection 16, paragraph b, Code
32 2017, is amended to read as follows:

33 *b.* A nonpublic school that participates in the accreditation
34 process offered by an independent accrediting agency on
35 the approved list published pursuant to paragraph "a" shall

1 be deemed to meet the education standards of [this section](#).
2 However, such a school shall comply with statutory health
3 and safety requirements for school facilities. A nonpublic
4 school that is accredited in accordance with this subsection is
5 otherwise exempt from any rules adopted by the state board that
6 are not specifically required by this subsection.

7 DIVISION VII

8 YEAR-ROUND SCHOOLS — SECONDARY LEVEL

9 Sec. 18. Section 279.10, subsection 2, unnumbered paragraph
10 1, Code 2017, is amended to read as follows:

11 The board of directors of a school district and the
12 authorities in charge of an accredited nonpublic school may
13 apply to the department of education for authorization to
14 maintain a year-round school calendar at an attendance center
15 or school ~~for students in prekindergarten through grade eight~~.
16 However, a board shall hold a public hearing on any proposal
17 relating to authorization for a year-round school calendar
18 prior to submitting an application under [this subsection](#) to the
19 department of education for approval.

20 DIVISION VIII

21 DEPARTMENT OF EDUCATION — BILITERACY SEAL

22 Sec. 19. Section 256.9, Code 2017, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 61. Develop and administer a seal of
25 biliteracy program to recognize students graduating from
26 high school who have demonstrated proficiency in a foreign
27 language. Participation in the program by a school district,
28 attendance center, or accredited nonpublic school shall
29 be voluntary. The department shall work with stakeholders
30 to identify standardized tests that may be utilized to
31 demonstrate proficiency. The department shall produce a seal
32 of biliteracy, which may be a sticker that may be affixed to
33 a student's high school transcript or a certificate that may
34 be awarded to the student. A participating school district or
35 school shall notify the department of the names of the students

1 who have qualified for the seal and the department shall
2 provide the school district or school with the appropriate
3 number of seals. The department may charge a nominal fee to
4 cover printing and postage charges related to issuance of the
5 biliteracy seal under this subsection.

6 DIVISION IX

7 LIMITATION ON DEPARTMENT OF EDUCATION GUIDANCE

8 Sec. 20. Section 256.9, subsection 16, Code 2017, is amended
9 by striking the subsection.

10 Sec. 21. NEW SECTION. **256.9A** Limitation on guidance or
11 interpretations.

12 1. *a.* Unless the department, the state board, or the
13 director is specifically authorized by state statute to issue a
14 document or statement that interprets a law or rule or offers
15 guidance regarding the implementation of a law or rule which
16 interpretation or guidance is legally binding on a person or
17 imposes a legal obligation or duty on a person, any document
18 or statement issued by the department, the state board, or
19 the director that interprets a law or rule or offers guidance
20 regarding the implementation of a law or rule shall be solely
21 advisory in nature and shall not be legally binding on any
22 person or impose a legal obligation or duty on any person.

23 *b.* This subsection does not apply to a rule adopted pursuant
24 to chapter 17A, a declaratory order issued pursuant to section
25 17A.9, a document or statement specifically required by federal
26 law or a court, or a document or statement issued in the course
27 of an administrative or judicial proceeding to which the
28 department, the state board, or the director is a party.

29 2. *a.* A document or statement issued by the department, the
30 state board, or the director that interprets a law or rule or
31 offers guidance regarding the implementation of a law or rule
32 that contradicts or purports to supersede any law or rule is
33 void.

34 *b.* This subsection does not apply to a document or statement
35 specifically required by federal law or a court.

1

EXPLANATION

2

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

3

4 This bill modifies Code provisions relating to the delivery
5 of educational instruction and course content primarily over
6 the internet, modifies concurrent enrollment limitations,
7 eliminates certain statewide assessment requirements and
8 directs the department of education to issue a request for
9 proposals for a statewide assessment, directs the department to
10 convene a task force on paperwork reduction and a task force on
11 the essential services of the area education agencies, allows
12 a pupil who is participating in open enrollment for purposes
13 of online instruction to fully participate in extracurricular
14 activities in the district of residence, exempts independently
15 accredited nonpublic schools from any rules adopted by the
16 state board of education that are not specifically required by
17 statute, strikes language that limits the year-round school
18 calendar to only Pk-8 grade levels, directs the director of
19 the department to develop and administer a seal of biliteracy
20 program, and limits the authority of the director to interpret
21 education laws and rules.

22 DIVISION I — ONLINE EDUCATION. The bill eliminates
23 provisions requiring that the state board adopt rules
24 prohibiting or limiting the open enrollment of students whose
25 educational instruction and course content are delivered
26 primarily over the internet. The bill requires school
27 districts providing online instruction to monitor enrollment,
28 timely completion of graduation requirements, course credit
29 accrual, and course completion; monitor and verify student
30 progress; conduct parent-teacher conferences; and administer
31 assessments required by the state. Current provisions that
32 require school districts to submit information regarding
33 student achievement and growth measures to the department,
34 and require the department to compile and submit such data,
35 with its findings and recommendations, annually to the general

1 assembly, are retained. The bill authorizes school districts
2 to provide courses developed by private providers and delivered
3 primarily over the internet to pupils who are participating in
4 open enrollment.

5 Current law limits to one year the waiver that the department
6 may issue to school districts and accredited nonpublic schools
7 relating to the educational program that online schools must
8 offer and teach and authorizes issuance of a waiver if a
9 school district or school typically registers fewer than
10 10 students in a specified subject. The bill strikes the
11 one-year limitation on the waiver and provides for departmental
12 discretion in issuing such a waiver.

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

22 DIVISION III — DENTAL AND VISION AUTHORIZATIONS AND
23 REQUIREMENTS — REPEALS. The bill repeals provisions
24 administered by the department of public health that require
25 dental and vision screening of children prior to and following
26 enrollment in school districts and accredited nonpublic
27 schools, and repeals provisions that authorize school districts
28 to establish and maintain dental clinics, require that a parent
29 or guardian be given a student vision card when enrolling a
30 child in kindergarten or preschool, authorize school districts
31 to encourage students to receive an eye examination prior to
32 receiving special education services, and direct area education
33 agencies to make every effort to provide, in collaboration with
34 local community organizations, vision screening services to
35 children ages two through four.

1 DIVISION IV — TASK FORCE ON AEA SERVICES. A 16-member
2 task force on the essential services of the area education
3 agencies (AEAs) is charged with identifying and reviewing
4 the essential functions and services AEAs are mandated or
5 authorized to provide to school districts, accredited nonpublic
6 schools, and other persons. The task force shall compile a
7 comprehensive list of functions and services, in order of
8 priority ranking, offered by the AEAs. The list shall include
9 a brief description of the rationale for each ranking. The
10 task force may offer recommendations for continuing, modifying,
11 or eliminating functions or service areas currently offered.

12 The task force is comprised of four individuals representing
13 the department of education, three individuals representing
14 school administrators, three individuals representing the AEAs,
15 three individuals representing educators, and three individuals
16 representing school board members. To the extent practicable,
17 the appointing authorities, the school administrators of
18 Iowa, AEAs, the professional educators of Iowa, and the
19 Iowa association of school boards must appoint individuals
20 representing large, medium, and small school districts and
21 ensure representation for rural and urban areas.

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

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

34 The bill permits the school district of residence to deduct
35 an activity fee in an amount not to exceed the actual cost

1 of providing the activity or 15 percent of the state cost
2 per pupil for the previous year from the total amount the
3 school district is required to pay to the receiving school
4 district when such a pupil participates in any extracurricular
5 activities in the pupil's grade or group that is sponsored by
6 the district of residence.

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

20 DIVISION VII — YEAR-ROUND SCHOOLS — SECONDARY LEVEL.
21 Currently, school districts and accredited nonpublic schools
22 may apply to the department of education for authorization to
23 maintain a year-round school calendar at an attendance center
24 or school for students in prekindergarten through grade eight.
25 The bill strikes the language that limits the year-round school
26 calendar to only prekindergarten through grade eight levels.

27 DIVISION VIII — DEPARTMENT OF EDUCATION — BILITERACY SEAL.
28 The bill directs the director of the department of education
29 to develop and administer a seal of biliteracy program to
30 recognize students graduating from high school who have
31 demonstrated proficiency in a foreign language. Participation
32 in the program by a school district, attendance center, or
33 accredited nonpublic school shall be voluntary. The department
34 must work with stakeholders to identify standardized tests
35 that may be utilized to demonstrate proficiency. The seal

1 of biliteracy may be a sticker to be affixed to a student's
2 high school transcript or a certificate that may be awarded
3 to the student. The department is required to provide seals
4 to a participating school district or school and may charge a
5 nominal fee to cover related printing and postage charges.

6 DIVISION IX — LIMITATION ON DEPARTMENT OF EDUCATION
7 GUIDANCE. The division provides that any document or statement
8 issued by the department of education, the state board of
9 education, and the director of the department of education
10 that interprets a law or rule or offers guidance regarding
11 the implementation of a law or rule shall be solely advisory
12 in nature and shall not be legally binding on any person or
13 impose a legal obligation or duty on any person unless the
14 department, the state board, or the director is specifically
15 authorized by state statute to issue a document or statement
16 that interprets a law or rule or offers guidance regarding
17 the implementation of a law or rule which interpretation or
18 guidance is legally binding on a person or imposes a legal
19 obligation or duty on a person. This provision does not apply
20 to administrative rules, declaratory orders, a document or
21 statement specifically required by federal law or a court, or a
22 document or statement issued in the course of an administrative
23 or judicial proceeding to which the department, the state
24 board, or the director is a party.

25 The division provides that a document or statement issued
26 by the department, the state board, or the director that
27 interprets a law or rule or offers guidance regarding the
28 implementation of a law or rule that contradicts or purports
29 to supersede any law or rule is void. This provision does
30 not apply to a document or statement specifically required by
31 federal law or a court.

32 The division strikes language providing for the duty of the
33 director to interpret the school laws and rules relating to the
34 school laws.