

Senate File 2128 - Introduced

SENATE FILE 2128
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3047)

A BILL FOR

1 An Act relating to education, including the education of
2 students who are not fully English proficient and the
3 standards applicable to the hiring, developing, and
4 evaluation of community college faculty.

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

1 Section 1. Section 256.7, subsection 31, paragraph c, Code
2 2022, is amended to read as follows:

3 c. Adopt rules to establish standards for the
4 identification, selection, and use of research-based
5 educational and instructional models for students identified
6 as ~~limited English proficient~~ English learners, and standards
7 for the professional development of the instructional staff
8 responsible for implementation of those models.

9 Sec. 2. Section 256.16, subsection 1, paragraph b, Code
10 2022, is amended to read as follows:

11 b. Include preparation in reading theory, knowledge,
12 strategies, and approaches; and for integrating literacy
13 instruction into content areas. Such preparation shall address
14 all students, including but not limited to students with
15 disabilities; students who are at risk of academic failure;
16 students who have been identified as gifted and talented or
17 ~~limited English proficient~~ English learners; and students with
18 dyslexia, whether or not such students have been identified as
19 children requiring special education under [chapter 256B](#).

20 Sec. 3. Section 256E.4, subsection 4, paragraph 1, Code
21 2022, is amended to read as follows:

22 1. Plans for identifying and serving students with
23 disabilities, students who are ~~limited English proficient~~
24 English learners, students who are academically failing or
25 below grade level, and gifted students, including but not
26 limited to compliance with applicable laws and regulations.

27 Sec. 4. Section 256E.5, subsection 4, paragraph 1, Code
28 2022, is amended to read as follows:

29 1. Plans for identifying and serving students with
30 disabilities, students who are ~~limited English proficient~~
31 English learners, students who are academically failing or
32 below grade level, and gifted students, including but not
33 limited to compliance with applicable laws and regulations.

34 Sec. 5. Section 256E.9, subsection 1, paragraph c, Code
35 2022, is amended to read as follows:

1 c. Achievement gaps in both proficiency and growth between
2 specified populations or groups of students, including groups
3 based on gender, race, poverty, special education status,
4 ~~limited English proficiency~~ English learner status, and gifted
5 status.

6 Sec. 6. Section 256F.3, subsection 7, Code 2022, is amended
7 to read as follows:

8 7. An application submitted to the state board pursuant to
9 subsection 2, paragraph "b", or [subsection 6](#) shall set forth
10 the manner in which the charter school or innovation zone
11 school will provide special instruction, in accordance with
12 section 280.4, to students who are ~~limited English proficient~~
13 English learners. The application shall set forth the manner
14 in which the charter school or innovation zone school will
15 comply with federal and state laws and regulations relating to
16 the federal National School Lunch Act and the federal Child
17 Nutrition Act of 1966, 42 U.S.C. §1751-1785, and [chapter 283A](#).
18 The state board shall approve only those applications that
19 meet the requirements specified in section 256F.1, subsection
20 3, and [sections 256F.4](#) and [256F.5](#). The state board may deny
21 an application if the state board deems that approval of
22 the application is not in the best interest of the affected
23 students.

24 Sec. 7. Section 260C.36, subsection 1, paragraph h, Code
25 2022, is amended to read as follows:

26 h. Compliance with the faculty accreditation standards of
27 ~~the higher learning commission~~ similar accredited institutions
28 of higher education that are consistent with the standards
29 established pursuant to section 260C.48, and compliance with
30 faculty standards required under specific programs offered by
31 the community college that are accredited by other accrediting
32 agencies. For purposes of this paragraph, "accredited" means
33 that an institution of higher education meets the standards
34 established by an accrediting agency recognized under 34
35 C.F.R. pt. 602 and by Tit. IV of the federal Higher Education

1 Opportunity Act, Pub. L. No. 110-315.

2 Sec. 8. Section 260C.48, subsection 1, paragraph b,
3 subparagraph (1), Code 2022, is amended to read as follows:

4 (1) Possess a master's degree from ~~a regionally~~ an
5 accredited graduate school, and has successfully completed a
6 minimum of twelve credit hours of graduate level courses in
7 each field of instruction in which the instructor is teaching
8 classes. For purposes of this subparagraph, "accredited" means
9 that a graduate school meets the standards established by an
10 accrediting agency recognized under 34 C.F.R. pt. 602 and by
11 Tit. IV of the federal Higher Education Opportunity Act, Pub.
12 L. No. 110-315.

13 Sec. 9. Section 260C.48, subsection 4, Code 2022, is amended
14 to read as follows:

15 4. Standards relating to quality assurance of faculty
16 and ongoing quality professional development shall be the
17 accreditation standards of ~~the higher learning commission~~
18 similar accredited institutions of higher education that
19 are consistent with the standards established pursuant
20 to this section and the faculty standards required under
21 specific programs offered by the community college that are
22 accredited by other accrediting agencies. For purposes of this
23 subsection, "accredited" means that an institution of higher
24 education meets the standards established by an accrediting
25 agency recognized under 34 C.F.R. pt. 602 and by Tit. IV of the
26 federal Higher Education Opportunity Act, Pub. L. No. 110-315.

27 Sec. 10. Section 280.4, Code 2022, is amended to read as
28 follows:

29 **280.4 ~~Limited English proficiency~~ English learners —**
30 **weighting.**

31 1. a. The medium of instruction in all secular subjects
32 taught in both public and nonpublic schools shall be the
33 English language, except when the use of a world language is
34 deemed appropriate in the teaching of any subject or when the
35 student is ~~limited English proficient~~ an English learner.

1 When the student is ~~limited-English-proficient~~ an English
2 learner, both public and nonpublic schools shall provide
3 special instruction, which shall include but need not be
4 limited to either instruction in English as a second language
5 or transitional bilingual instruction until the student is
6 fully English proficient or demonstrates a functional ability
7 to speak, read, write, and understand the English language.

8 b. As used in this section:

9 (1) "English learner" means a student whose language
10 background is in a language other than English, and the
11 student's proficiency in English is such that the probability
12 of the student's academic success in an English-only classroom
13 is below that of an academically successful peer with an
14 English language background. Each English learner shall be
15 identified as either an intensive student or an intermediate
16 student.

17 ~~(1)~~ (2) "Fully English proficient" means a student who
18 has attained a level of English-language skill in reading,
19 writing, listening, and speaking to be proficient under the
20 state's English language proficiency standards, as measured by
21 the state-adopted assessment of English language proficiency
22 as required by section 1111 of the federal Elementary and
23 Secondary Education Act of 1965, as amended by the federal
24 Every Student Succeeds Act, Pub. L. No. 114-95.

25 ~~(2)~~ (3) "Intensive student" means a
26 ~~limited-English-proficient student~~ an English learner who,
27 even with support, is not proficient under the state's
28 English language proficiency standards, as measured by the
29 state-adopted assessment of English language proficiency.

30 ~~(3)~~ (4) "Intermediate student" means a
31 ~~limited-English-proficient student~~ an English learner who,
32 either with or without support, approaches being proficient
33 under the state's English language proficiency standards, as
34 measured by the state-adopted assessment of English language
35 proficiency.

1 ~~(4) "Limited English proficient" means a student's language~~
2 ~~background is in a language other than English, and the~~
3 ~~student's proficiency in English is such that the probability~~
4 ~~of the student's academic success in an English-only classroom~~
5 ~~is below that of an academically successful peer with an~~
6 ~~English language background. Each limited-English-proficient~~
7 ~~student shall be identified as either an intensive student or~~
8 ~~an intermediate student.~~

9 2. The department of education shall adopt rules relating
10 to the identification of ~~limited-English-proficient students~~
11 English learners who require special instruction under this
12 section and to application procedures for funds available under
13 this section.

14 3. *a.* In order to provide funds for the excess costs
15 of instruction of ~~limited-English-proficient students~~
16 English learners specified in paragraph "b" above the
17 costs of instruction of pupils in a regular curriculum,
18 each ~~limited-English-proficient student~~ English learner
19 identified as an intensive student shall be assigned
20 an additional weighting of twenty-six hundredths, each
21 ~~limited-English-proficient student~~ English learner identified
22 as an intermediate student shall be assigned an additional
23 weighting of twenty-one hundredths, and the applicable
24 weighting shall be included in the weighted enrollment of the
25 school district of residence for a period not exceeding five
26 years as provided in paragraph "b". However, the school budget
27 review committee may grant supplemental aid or a modified
28 supplemental amount to a school district to continue funding
29 a program for students after the expiration of the five-year
30 period.

31 *b.* For students first determined to be ~~limited-English~~
32 ~~proficient~~ English learners for a budget year beginning on or
33 after July 1, 2010, the additional weighting provided under
34 paragraph "a" shall be included in the weighted enrollment
35 of the school district of residence for a cumulative period

1 of time not exceeding five years beginning with the budget
2 year for which the student was first determined to be ~~limited~~
3 ~~English proficient~~ an English learner. The five years
4 of eligibility for the additional weighting need not be
5 consecutive and a student's eligibility for the additional
6 weighting is transferable to another district of residence.

7 Sec. 11. Section 284.11, subsection 2, paragraph a, Code
8 2022, is amended to read as follows:

9 a. Collect relevant data and establish a list of high-need
10 schools eligible for state supplemental assistance. The
11 department shall establish a process and criteria to determine
12 which schools are placed on the list and the department shall
13 revise the list annually. Criteria for the determination of
14 which high-need schools shall be placed on the list shall be
15 based upon factors that include but are not limited to the
16 socioeconomic status of the students enrolled in the school,
17 the percentage of the school's student body who are ~~limited~~
18 ~~English proficient students~~ English learners, student academic
19 growth, certified instructional staff attrition, and geographic
20 balance. The department may approve or disapprove requests for
21 revision of the list, which a school district submits pursuant
22 to [subsection 3](#).

23

EXPLANATION

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

26 This bill relates to education, including the education
27 of students who are not fully English proficient and the
28 standards applicable to the hiring, developing, and evaluation
29 of community college faculty.

30 The bill modifies the Code to replace references to a student
31 who is "limited English proficient" with "English learner".

32 Current law requires a community-college administration
33 to establish a committee consisting of instructors and
34 administrators to develop a plan for hiring and developing
35 quality faculty that includes several provisions. Current law

1 also requires that one of those provisions include compliance
2 with the faculty accreditation standards of the higher
3 learning commission. The bill modifies this provision to
4 require compliance with the faculty accreditation standards
5 of specified accredited institutions of higher education that
6 are consistent with the standards established pursuant to Code
7 section 260C.48 (standards for accrediting community college
8 programs).

9 Current law requires that community-college-employed
10 instructors in the subject area of arts and sciences shall
11 either possess a master's degree from a regionally accredited
12 graduate school or have two or more years of successful
13 experience in a professional field in which the instructor is
14 teaching classes and in which postbaccalaureate recognition or
15 professional licensure is necessary. The bill modifies the
16 provision related to an instructor's possession of a master's
17 degree to require that the instructor possess a master's degree
18 from a graduate school that meets the standards established by
19 an accrediting agency recognized under 34 C.F.R. pt. 602 and by
20 the federal Higher Education Opportunity Act.

21 Current law provides that the standards relating to quality
22 assurance of community college faculty and ongoing quality
23 professional development shall include the accreditation
24 standards of the higher learning commission. The bill modifies
25 this provision to require that the standards shall be the
26 accreditation standards of similar accredited institutions
27 of higher education that are consistent with the standards
28 established pursuant to Code section 260C.48. For purposes of
29 this provision, the bill defines "accredited" as an institution
30 of higher education that meets the standards established by an
31 accrediting agency recognized under 34 C.F.R. pt. 602 and by
32 the federal Higher Education Opportunity Act.