

## CHAPTER 1119

### REGULATION OF PRIMARY AND SECONDARY EDUCATION — MISCELLANEOUS CHANGES

S.F. 475

**AN ACT** relating to educational programs developed or administered by the department or state board of education, school districts, or accredited nonpublic schools, and to school-age children's health screenings, providing for or relating to fees, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I ONLINE EDUCATION

Section 1. [Section 256.7, subsection 32](#), paragraph a, Code 2018, is amended to read as follows:

a. Adopt rules for online learning in accordance with sections [256.41](#), [256.42](#), and [256.43](#), and criteria for waivers granted pursuant to [section 256.42](#).

Sec. 2. [Section 256.7, subsection 32](#), paragraph b, Code 2018, is amended by striking the paragraph.

Sec. 3. [Section 256.7, subsection 32](#), paragraph c, Code 2018, is amended to read as follows:

~~c. Adopt rules that limit the statewide enrollment of pupils in educational instruction and course content that are delivered primarily over the internet to not more than eighteen one-hundredths of one percent of the statewide enrollment of all pupils, and that limit the number of pupils participating in open enrollment for purposes of receiving educational instruction and course content that are delivered primarily over the internet to no more than one percent of a sending district's enrollment. Such limitations shall not apply if the limitations would prevent siblings from enrolling in the same school district or if a sending district determines that the educational needs of a physically or emotionally fragile student would be best served by educational instruction and course content that are delivered primarily over the internet. Students who meet the requirements of [section 282.18](#) may participate in open enrollment under this paragraph "c" for purposes of enrolling only in the CAM community school district or the Clayton Ridge community school district.~~

~~(1) The department, in collaboration with the international association for K-12 online learning, shall annually collect data on student performance in educational instruction and course content that are delivered primarily over the internet pursuant to this paragraph "c". The department shall include such data in its annual report to the general assembly pursuant to subparagraph (4) and shall post the data on the department's internet site.~~

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

- ~~(a) Student achievement and demographic characteristics.~~
- ~~(b) Retention rates.~~
- ~~(c) The percentage of enrolled students' active participation in extracurricular activities.~~
- ~~(d) Academic proficiency levels, consistent with requirements applicable to all school districts and accredited nonpublic schools in this state.~~
- ~~(e) Academic growth measures, which shall include either of the following:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. [Section 256.9, subsection 56](#), Code 2018, is amended to read as follows:

56. Develop and establish an online learning program model in accordance with rules adopted pursuant to [section 256.7, subsection 32, paragraph “a”](#), and in accordance with [section 256.43](#). The director shall maintain a list of approved online providers that meet the standards of [section 256.42, subsection 6](#), and provide course content through an online learning platform taught by an Iowa licensed teacher that has specialized training or experience in online learning. Providers shall apply for approval annually or as determined by the department.<sup>1</sup>

Sec. 5. [Section 256.41](#), Code 2018, is amended to read as follows:

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

1. The general assembly finds and declares the following:

α. That prior legislative enactments on the use of telecommunications in elementary and secondary school classes and courses did not contemplate and were not intended to authorize participation in open enrollment under [section 282.18](#) for purposes of attending online schools, contracts to provide exclusively or predominantly online coursework to

<sup>1</sup> See chapter 1163, §9 herein

students, or online coursework that does not use teachers licensed under [chapter 272](#) for instruction and supervision.

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

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

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

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

c. Conduct parent-teacher conferences.

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

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

Sec. 6. [Section 256.42, subsection 7](#), Code 2018, is amended by striking the subsection and inserting in lieu thereof the following:

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

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

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

b. The department may waive for one school year the applicability of [section 256.11, subsection 5](#), at its discretion, to additional specified subjects for a school district or accredited nonpublic school that proves to the satisfaction of the department that the school district or school has made every reasonable effort, but is unable to meet the requirements of [section 256.11, subsection 5](#). A school district or accredited nonpublic school may apply for an annual waiver each year.

c. Any specified subject course to which [section 256.11, subsection 5](#), does not apply under paragraph "a" or "b" shall be provided by the initiative if the initiative offers the course unless the course offered by the initiative lacks the capacity to accommodate additional students. In that case, the specified subject course may instead be provided by the school district or accredited nonpublic school through an online learning platform, provided the online learning platform is taught by an Iowa licensed teacher with online learning experience and the course content is aligned with the Iowa content standards and satisfies the requirements of [subsection 6](#).<sup>2</sup>

d. For purposes of [this subsection](#), "good faith effort" means the same as defined in [section 279.19A, subsection 9](#).

Sec. 7. [Section 256.42, subsection 8](#), Code 2018, is amended to read as follows:

8. The department shall establish fees payable by school districts and accredited nonpublic schools participating in the initiative. Fees collected pursuant to [this subsection](#) are appropriated to the department to be used only for the purpose of administering [this section](#) and shall be established so as not to exceed the budgeted cost of administering [this section](#) to the extent not covered by the moneys appropriated in ~~[subsection 9](#)~~. Providing professional development necessary to prepare teachers to participate in the initiative shall be considered a cost of administering [this section](#). Notwithstanding [section 8.33](#), fees collected by the department that remain unencumbered or unobligated at the close of the

<sup>2</sup> See chapter 1163, §11 herein

fiscal year shall not revert but shall remain available for expenditure for the purpose of expanding coursework offered under the initiative in subsequent fiscal years.

Sec. 8. [Section 256.42, subsection 9](#), Code 2018, is amended by striking the subsection.

Sec. 9. [Section 256.43, subsection 1](#), paragraph i, Code 2018, is amended to read as follows:

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

Sec. 10. [Section 256.43, subsection 2](#), Code 2018, is amended to read as follows:

2. *Private providers*. At the discretion of the school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by the school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under [chapter 272](#). A school district may provide courses developed by private providers and delivered primarily over the internet to pupils who are participating in open enrollment under [section 282.18](#). However, if a student’s participation in open enrollment to receive educational instruction and course content delivered primarily over the internet results in the termination of enrollment in the receiving district, the receiving district shall, within thirty days of the termination, notify the district of residence of the termination and the date of the termination.<sup>3</sup>

Sec. 11. [Section 256.43](#), Code 2018, is amended by adding the following new subsection: NEW SUBSECTION. 5. *Prohibited activities*. A rebate for tuition or fees paid or any other dividend or bonus moneys for enrollment of a child shall not be offered or provided directly or indirectly by a school district, school, or private provider to the parent or guardian of a pupil who enrolls in a school district or school to receive educational instruction and course content delivered primarily over the internet.

DIVISION II  
CONCURRENT ENROLLMENT — CAREER AND TECHNICAL EXCEPTION TO  
LIMITATION

Sec. 12. [Section 257.11, subsection 3](#), Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Notwithstanding paragraph “b”, subparagraph (1), a school district that otherwise meets the requirements of [this subsection](#) may enter into a sharing agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, one or more classes in only one of the six career and technical education service areas specified in [section 256.11, subsection 5](#), paragraph “h”, and the pupils enrolled in such a class shall be assigned additional weighting in accordance with [this subsection](#) if the number of pupils enrolled in such a class exceeds five and the school district’s total enrollment does not exceed six hundred pupils.

Sec. 13. [Section 261E.3, subsection 3](#), paragraph g, Code 2018, is amended to read as follows:

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

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<sup>3</sup> See chapter 1163, §12 herein

DIVISION III  
STUDENT HEALTH WORKING GROUP

Sec. 14. STUDENT HEALTH WORKING GROUP.

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

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

- a. The department of education.
- b. The department of public health.
- c. The area education agencies.
- d. The Iowa academy of family physicians.

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

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

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

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

DIVISION IV  
OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY FEE

Sec. 15. Section 282.18, subsection 7, Code 2018, is amended to read as follows:

7. *a.* A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1.

*b.* (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9 or the teacher leadership supplement foundation aid for the previous fiscal year as provided in section 284.13, subsection 1, paragraph "d", if both the district of residence and the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

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

Sec. 16. [Section 282.18](#), Code 2018, is amended by adding the following new subsection:  
NEW SUBSECTION. 11A. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with [section 256.7](#), [subsection 32](#), may participate in any cocurricular or extracurricular activities offered to children in the pupil's grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student's participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

DIVISION V  
DEPARTMENT OF EDUCATION — BILITERACY SEAL

Sec. 17. [Section 256.9](#), Code 2018, is amended by adding the following new subsection:  
NEW SUBSECTION. 60. Develop and administer a seal of biliteracy program to recognize students graduating from high school who have demonstrated proficiency in two or more world languages, one of which may be American sign language, though one of which must be English. Participation in the program by a school district, attendance center, or accredited nonpublic school shall be voluntary. The department shall work with stakeholders to identify standardized tests that may be utilized to demonstrate proficiency. The department shall produce a seal of biliteracy, which may include but need not be limited to a sticker that may be affixed to a student's high school transcript or a certificate that may be awarded to the student. A participating school district or school shall notify the department of the names of the students who have qualified for the seal and the department shall provide the school district or school with the appropriate number of seals or other authorized endorsement. The department may charge a nominal fee to cover printing and postage charges related to issuance of the biliteracy seal under [this subsection](#).

DIVISION VI  
LIMITATION ON DEPARTMENT OF EDUCATION GUIDANCE

Sec. 18. NEW SECTION. **256.9A Limitation on guidance and interpretations.**

1. For the purposes of [this section](#), "guidance" means a document or statement issued by the department, the state board, or the director that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted.

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

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

4. Guidance issued by the department, the state board, or the director in violation of [subsection 2](#) shall not be deemed to be legally binding.

Sec. 19. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII  
FINANCIAL LITERACY

Sec. 20. [Section 256.11, subsection 5](#), Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* One-half unit of personal finance literacy. All students shall complete at least one-half unit of personal finance literacy as a condition of graduation. The curriculum shall, at a minimum, address the following:

- (1) Savings, including emergency fund, purchases, and wealth building.
- (2) Understanding investments, including compound and simple interest, liquidity, diversification, risk return ratio, certificates of deposit, money market accounts, single stocks, bonds, mutual funds, rental real estate, annuities, commodities, and futures.
- (3) Wealth building and college planning, including long-term and short-term investing using tax-favored plans, individual retirement accounts and payments from such accounts, employer-sponsored retirement plans and investments, public and private educational savings accounts, and uniform gifts and transfers to minors.
- (4) Credit and debt, including credit cards, payday lending, rent-to-own transactions, debt consolidation, automobile leasing, cosigning a loan, debt avoidance, and the marketing of debt, especially to young people.
- (5) Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act.
- (6) Financial responsibility and money management, including creating and living on a written budget and balancing a checkbook; basic rules of successful negotiating and techniques; and personality or other traits regarding money.
- (7) Insurance, risk management, income, and career decisions, including career choices that fit personality styles and occupational goals, job search strategies, cover letters, resumes, interview techniques, payroll taxes and other income withholdings, and revenue sources for federal, state, and local governments.
- (8) Different types of insurance coverage including renters, homeowners, automobile, health, disability, long-term care, identity theft, and life insurance; term life, cash value and whole life insurance; and insurance terms such as deductible, stop loss, elimination period, replacement coverage, liability, and out-of-pocket.
- (9) Buying, selling, and renting advantages and disadvantages relating to real estate, including adjustable rate, balloon, conventional, government-backed, reverse, and seller-financed mortgages.<sup>4</sup>

Sec. 21. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

Approved April 17, 2018

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<sup>4</sup> See chapter 1163, §10 herein