



DATE: December 22, 2011

TO: LEA Superintendents  
Community College Presidents

FROM: Jason E. Glass, Director

RE: Senior Year Plus Clarifications

In 2008, the Iowa Legislature enacted Iowa Code chapter 261E, the Senior Year Plus Act. This law has given eligible high school students expanded opportunities to access “college credit or advanced placement coursework.”<sup>1</sup> The purpose of this memorandum is to expand on a couple of issues within the Act that have been the subject of different interpretations in the field.

As a general reminder to all, bear in mind that the Iowa Legislature sets policy; the Department implements that policy. In doing so, the Department does not develop procedures in a vacuum. Our touchstone is always the body of statutes enacted by the Legislature. When the Department interprets statute, the Department’s interpretation is given deference by the courts, and becomes the guidance that educators must follow.<sup>2</sup>

The issues at hand are as follows:

**Proficiency Requirement of Students**

Because community colleges and other postsecondary institutions had voiced concerns that high school graduates needed remediation courses from colleges, the Legislature included proficiency requirements in the Senior Year Plus Act to address this concern.<sup>3</sup> Simply put, students taking college level coursework should be proficient, which will

<sup>1</sup> Iowa Code section 261E.1(1).

<sup>2</sup> See, e.g., *Iowa Association of School Boards v. Iowa Department of Education*, 739 N.W.2d 303 (Iowa 2007).

<sup>3</sup> Iowa Code section 261E.3(1)(e) (The student shall have demonstrated proficiency in reading, mathematics, and science as evidenced by achievement scores on the latest administration of the state assessment for which scores are available and as defined by the department. If a student is not proficient in one or more of the content areas listed in this paragraph, the school board may establish alternative but equivalent qualifying performance measures including but not limited to additional administrations of the state assessment, portfolios of student work, student performance rubric, or end-of-course assessments.)

mean less remediation is needed. LEAs have the statutory authority to have their boards adopt means other than ITEDs to give students a way to show proficiency. Page 11 of the SYP Handbook (on the Department's Website at [bit.ly/sgDqiT](http://bit.ly/sgDqiT)) presents a full page of suggested criteria from performance level descriptors with evidence of proficiency for any board to use.

### **Students who drop from college credit**

The Department learned a few months ago that some LEAs are permitting students enrolled in a concurrent enrollment course at a community college to withdraw from the post-secondary credit for the course, but remain in the concurrent enrollment course for secondary credit only. The heart of this issue is the intent of the Legislature. The Department believes that chapter 261E provides clear legislative intent that no student may be enrolled in a concurrent enrollment course merely for the secondary credit.<sup>4</sup> It is up to the Legislature to change its intent.

To summarize, the Department believes that the SYP Act is non-ambiguous on its face. Accordingly, (1) a student must be proficient to be enrolled in any concurrent enrollment course or any Postsecondary Enrollment Options (PSEO) course, and (2) no student may be enrolled in a concurrent enrollment course or a PSEO course for secondary credit only.

### **Going Forward...**

The Department cannot affirmatively direct districts to allow students who are not proficient and/or who are enrolled in concurrent courses just for secondary credit to continue such enrollment. Attempts to help educators find a solution should not be confused with granting a "waiver." The Department cannot waive statutory law.

If an LEA discovers that a student in an SYP course did not test at or above the 41<sup>st</sup> percentile on the student's most recent ITEDs, the LEA may use any of the alternative criteria in the SYP handbook to determine whether the student is indeed proficient. Short of taking that step, the LEA risks losing supplementary weighted funds for the entire SYP course in which a non-proficient student is enrolled.

Likewise, if an LEA discovers that a proficient student is enrolled in a concurrent enrollment course solely for secondary credit, there is nothing in the law that prohibits the LEA from making sure that the community college also awards postsecondary credit

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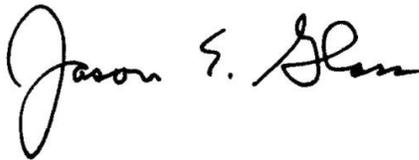
<sup>4</sup> Section 261E.1 establishes the SYP program to "provide Iowa high school students increased access to college credit or advanced placement coursework." Section 261E.1(b) specifically states that SYP shall consist of "[c]ommunity college credit courses offered through written agreements between school districts and community colleges." Section 261E.8(4) states, "A school district shall grant high school credit to a student enrolled in a course under this chapter if the student successfully completes the course as determined by the community college and the course was previously approved by the school board pursuant to subsection 3. The board of directors of the school district shall determine the number of high school credits that shall be granted to a student who successfully completes a course."

to that student. Allowing a student to remain in a concurrent enrollment course solely for secondary credit, puts the LEA at risk of losing supplementary weighted funds for the entire SYP course in which a non-proficient student is enrolled.

As a reminder, supplementary weighting is not determined per student, but per course. In the annual audit process, an auditor may disallow the entire course from supplementary weighting. The Department cannot order auditors to overlook the law.

Thank you for your attention to these issues and for the opportunity to further detail the position of the Department of Education. On behalf of the Iowa Department of Education, we hope that this guidance has provided clarity and are glad to have the opportunity to be of service.

Sincerely,

A handwritten signature in black ink that reads "Jason E. Glass". The signature is written in a cursive style with a large, looping initial "J".

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