

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 22, “Senior Year Plus Program,” Iowa Administrative Code.

2012 Iowa Acts, Senate File 2284, section 38, exempts a high school student enrolled in a concurrent enrollment career and technical course pursuant to Iowa Code section 261E.8 from the proficiency requirements of section 261E.1(1)“e.” The proposed amendment in Item 1 conforms to that legislative change. Item 2 implements 2012 Iowa Acts, Senate File 2284, section 4, and clarifies that access to Advanced Placement courses is not dependent on a student meeting proficiency requirements.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before September 11, 2012, at 4:30 p.m. Comments on the proposed amendment should be directed to Mike Cormack, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 281-3399; E-mail mike.cormack@iowa.gov; or fax (515)242-5988.

A public hearing will be held on September 11, 2012, from 11 to 12 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281–5295.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2012 Iowa Acts, Senate File 2284, sections 4 and 38.

The following amendments are proposed.

ITEM 1. Amend rule **281—22.2(261E)**, introductory paragraph, as follows:

281—22.2(261E) Student eligibility. A student shall meet all of the following criteria as a condition of participation in the programs described in Divisions IV and V of this chapter, except that a student enrolled in a career and technical course under Division IV does not have to meet the proficiency requirements set forth in paragraph 22.2(1)“b.” To the extent that postsecondary credit is available to a student under the programs described in Divisions III and VI, the student shall meet all of the following criteria. A student who desires to participate in the postsecondary enrollment options program under Division V of these rules also shall meet the eligibility requirements set forth in rule 281—22.16(261E).

ITEM 2. Amend paragraph **22.2(2)“b”** as follows:

b. Unless exempt per 281—IAC 22.11(1)(c), the student shall have demonstrated proficiency in all of the content areas of reading, mathematics, and science as evidenced by achievement scores on the most recent administration of the ~~Iowa tests of basic skills (ITBS) or the Iowa tests of educational development (ITED)~~ Iowa Assessments for which scores are available for the student. If the student was absent for the most recent administration of ~~either the ITBS or ITED~~ the Iowa Assessments, and such absence was not excused by the student’s school of enrollment, the student is deemed not to be

proficient in any of the content areas. The school district may determine whether such student is eligible for qualification under an equivalent qualifying performance measure.

(1) If a student is not proficient in one or more of the content areas of reading, mathematics, and science, the school board may establish alternative but equivalent qualifying performance measures. The school board is not required to establish equivalent performance measures, but if it does so, such measures may include but are not limited to additional administrations of the state assessment, portfolios of student work, student performance rubric, or end-of-course assessments. A school board that establishes equivalent performance measures shall also establish criteria by which its district personnel shall determine comparable student proficiency.

(2) A student who attends an accredited nonpublic school and desires to access ~~advanced placement coursework or~~ postsecondary enrollment options shall meet the same eligibility criteria as students in the school district in which the accredited nonpublic school is located.

(3) A student under competent private instruction shall meet the same proficiency standard as students in the school district in which the student is dually enrolled and shall have the approval of the school board in that school district to register for the postsecondary course. In lieu of ~~ITBS or ITED~~ Iowa Assessments scores as the state assessment, a school district shall allow a student under competent private instruction to demonstrate proficiency in reading, mathematics, and science by any one of the following means: [No change to remainder of paragraph.]