



IOWA DEPARTMENT OF EDUCATION

2017 Legislative Session – Summary of Statute Changes Affecting Schools

May 26, 2017

Overview

Dear Colleagues,

The General Assembly passed, and Governor Branstad signed, several important pieces of legislation from the 2017 session that will impact Iowa's schools. The Iowa Department of Education is pleased to provide this summary of legislative changes to help you plan for the year ahead.

As I enter my third year of service as director of the Iowa Department of Education, I look forward to working with you to implement these new changes, as well as the bold statewide initiatives that are under way. Together, we will build on our successes and address our challenges to ensure all of Iowa's students have a bright future ahead of them.

Sincerely,

A handwritten signature in cursive script that reads "Ryan M. Wise".

Ryan Wise, Ed.L.D.
Director
Iowa Department of Education

Table of Contents

2017 Policy Changes	3
HF 642 Education Appropriations	3
General Administration: Division I, Section 5 (1)	3
Student Achievement and Teacher Quality Program: Division I, Section 5 (12)	3
Attendance Center Performance Rankings Report: Division I, Section 5 (14)	3
Online State Job Posting System: Division I, Section 5 (15)	3
Successful Progression of Early Readers: Division I, Section 5 (16)	3
Early Warning Assessment System: Division I, Section 5 (17).....	3
Iowa Reading Research Center: Division 1, Section 5 (18).....	3
Summer Reading Programs and Third-Grade Retention: Division 1, Sections 28, 29, and 30	4
Teacher Mentoring and Induction Programs: Division 1, Sections 31, 32, 33, 34(2)(3), 35(8), 37- 42	4
Administrator Coaching and Support	4
English Language Learners Grant Programs	4
Area Education Agency Distribution System, Support for the Iowa Core	4
Area Education Agency Support for Teacher Leadership and Compensation	4
Competency-Based Education.....	4
SF 516 Standing Appropriations	5
Nonpublic School Transportation: Division 1, Section 3 (1).....	5
Sac and Fox Indian Settlement Education: Division 1, Section 3 (2).....	5
Area Education Agencies: Division 1, Section 11a	5
Additional Education Legislation	6
SF 240 State Assessment Request for Proposal.....	6
SF 274 Computer Science	6
HF 473 High School Equivalency Diplomas	6
HF 564 School District Funding Flexibility	7
HF 565 School District Funding Flexibility Account	7
HF 573 Limited Home Rule.....	8

2017 Policy Changes

HF 642 Education Appropriations

Each year, the Department of Education (Department) and other state-funded educational agencies and programs are funded in budget bills. Many of these programs were funded at the same level as last year and do not include programmatic changes. This legislation also includes several policy and programmatic changes and modifications. The guidance below is intended to highlight the changes in policy and funding as well as the appropriations and policies that remain unchanged.

General Administration: Division I, Section 5 (1)

Appropriates \$5,964,047 to the Department for salaries, support, maintenance and miscellaneous purposes. This appropriation is \$90,000 less than fiscal year 2017. The Department will manage the reduction to minimize impact on Iowa students, to protect programs with federal matching or maintenance of effort requirements, and to maintain funding for Department employees as much as possible.

Student Achievement and Teacher Quality Program: Division I, Section 5 (12)

Eliminates the appropriation for mentoring and induction (see page four for a summary of the policy changes to mentoring induction requirements) and no longer includes grant-based school district funding for the Teacher Leadership and Compensation system because it is now fully phased in and is part of each school district's funding formula. The other programs funded as part of this appropriation (National Board Certification, Iowa's Teacher of the Year Program, Career Development/Evaluator Training, Teacher Development Academies, Teacher Leadership Technical Assistance, and the Fine Arts Mentoring Program) were funded at or near fiscal year 2017 levels.

Attendance Center Performance Rankings Report: Division I, Section 5 (14)

Appropriates \$250,000 for the continued development and implementation of the Attendance Center Performance Rankings system, which is also referred to as the Iowa School Report Card.

Online State Job Posting System: Division I, Section 5 (15)

Appropriates \$230,000, a decrease of \$20,000, to the Department for the administration of the TeachIowa.gov online job posting system. The Department, as well as public school districts, charter schools, and area education agencies, are required to post all job openings on the system. Accredited nonpublic schools may participate at no charge.

Successful Progression of Early Readers: Division I, Section 5 (16)

Continues the appropriation to the Department for distribution to school districts to provide intensive instructional services for the successful progression of early readers. There was a decrease of \$175,218 in fiscal year 2017 from \$8 million to \$7,824,782 in fiscal year 2018.

Early Warning Assessment System: Division I, Section 5 (17)

Appropriates \$1,915,000, which is a decrease of \$85,000, for the Department to administer and distribute to school districts and accredited nonpublic schools an early warning assessment system that allows teachers to screen and monitor student literacy skills from prekindergarten through sixth grade. The Department is also allowed to charge school districts and accredited nonpublic schools a fee for the system, which is determined by dividing the remaining costs to purchase the statewide license for the school year by the number of students assessed under the system in the current fiscal year.

The Department will provide additional guidance.

Iowa Reading Research Center: Division 1, Section 5 (18)

Appropriates \$957,500, which is a reduction of \$42,500 from last year's \$1 million appropriation.

Summer Reading Programs and Third-Grade Retention: Division 1, Sections 28, 29, and 30

Rescinds statutory requirements that school districts offer intensive summer reading programs to students who are not proficient readers at the end of third grade.

HF 642 also rescinds statutory requirements¹ regarding retention decisions for third grade students who are not proficient readers and who do not successfully complete the Intensive Summer Reading Program or qualify for a good cause exemption.

Teacher Mentoring and Induction Programs: Division 1, Sections 31, 32, 33, 34(2)(3), 35(8), 37- 42

Eliminated the appropriation for mentoring and induction and provides additional options for beginning teachers to complete the requirements for teacher licensure beyond an initial license. Those requirements are: the successful completion of a beginning teacher mentoring and induction program approved by the State Board of Education, or two years of successful teaching experience in a school district with an approved Teacher Leadership and Compensation Program, or three years of teaching in another program specified in Iowa Code such as an accredited nonpublic school or a qualifying preschool program.

Additional guidance will be provided by the Department on how school districts should amend their TLC plans to ensure new teachers receive appropriate support and professional development.

Administrator Coaching and Support

Eliminated the appropriation funding the Teacher Leadership and Compensation Administrator Support Program. The Department is collaborating with School Administrators of Iowa and the Area Education Agency system to explore possibilities for supporting principals with the ongoing implementation of TLC.

English Language Learners Grant Programs

Concluded the three-year grant award period. The reporting requirement for the 25 Iowa school districts with the largest number of students identified as limited English proficient and that provide educational programming will end after the 2016-2017 school year.

Area Education Agency Distribution System, Support for the Iowa Core

Eliminated the appropriation for AEA support for Iowa Core implementation statewide.

Area Education Agency Support for Teacher Leadership and Compensation

Eliminated the appropriation for AEA support for Teacher Leadership and Compensation implementation.

Competency-Based Education

Eliminated the appropriation, which supported the implementation of the recommendations of the Competency-Based Education Task Force.

¹Rescinded the following sections in Iowa Code 279.68, subsection 1, paragraph c, subsection 2, paragraph e, and subsections 3 and 5.

SF 516 Standing Appropriations

Each year, the Department and other state-funded educational agencies and programs have ongoing obligations of expenditures, some of which do not require a vote or any statutory provisions and automatically enact without an active vote. In addition to those ongoing expenditures, this legislation also includes policy and programmatic changes and additions.

The Department and other state-funded education agencies have certain programs that receive, by law, ongoing funding. In other words, funding for those programs continues from fiscal year to fiscal year unless the General Assembly enacts funding changes. The standing appropriations bill, which is considered annually by the General Assembly, is where changes to those standing appropriations are made.

In addition to changes to standing appropriations, it is not uncommon for the General Assembly to make non-appropriation changes to statutory policies, programs, and even corrections to previously enacted legislation.

Nonpublic School Transportation: Division 1, Section 3 (1)

The Nonpublic School Transportation appropriation for fiscal year 2018 to the Department is \$8,197,091, which is \$363,840 less than the fiscal year 2017 appropriation. Public school districts are required to provide transportation to children attending an approved nonpublic school, through either the district's buses, contracted bus services, or parental reimbursement. Districts are reimbursed for costs of this service to the extent funds are appropriated. If parents provide the transportation, claims are submitted to the Department by the public school district to reimburse the parents. The amount of the claims is determined by a code-specified formula. If the appropriation is insufficient to pay all claims of parents and districts, the payments are proportionally reduced.

Sac and Fox Indian Settlement Education: Division 1, Section 3 (2)

The Sac and Fox Indian Settlement Education appropriation for fiscal year 2018 to the Department is \$95,750, which is \$4,250 less than the fiscal year 2017 appropriation.

Area Education Agencies: Division 1, Section 11a

Beginning in fiscal year 2003, the state aid for Area Education Agencies has been reduced annually by \$7.5 million (see Iowa Code section [257.35\(2\)](#)). Senate File 516 reduces the state aid for the Area Education Agencies by an additional \$15 million. The total reduction in state aid for Area Education Agencies for fiscal year 2018 is, therefore, \$22.5 million. The reduction for each Area Education Agency will be prorated by the Department of Management.

Additional Education Legislation

The sections below cover additional legislation impacting PK-12 education.

SF 240 State Assessment Request for Proposal

Authorizes the Department to select a new statewide assessment for use during the 2018-2019 school year through a request for proposal (RFP) process². The Department will issue the RFP by July 1, 2017, and evaluate the responding vendors' proposals utilizing criteria outlined in the legislation. The assessment must align to the Iowa Core academic standards in English language arts, mathematics, and science. The assessment must be available in both paper-and-pencil and computer-based formats.

In evaluating the vendor proposals, the Department will consider the feasibility of implementation by school districts, costs to both school districts and the state, technical support needed to administer the statewide assessment, infrastructure costs to school districts for implementation, the ability to measure both student growth and proficiency, and the ability to meet the requirements of the federal Every Student Succeeds Act (ESSA).

The Department will pursue a transparent, open process that adheres to the requirements and criteria in the legislation. It will allow for an open competition and the vendor with the best proposal will be awarded the assessment contract. The review process will include both Department staff and external stakeholders with a background in student assessment.

SF 274 Computer Science

Promotes instruction in high-quality computer science for elementary, middle school, and high school students and establishes a foundation for personal and professional success in the high-technology, knowledge-based Iowa economy. The Department will convene a Computer Science Education Work Group to make recommendations by November 1, 2017.

The charge of this work group will be to develop recommendations that address critical issues in scaling high-quality computer science instruction in Iowa, including: 1) how computer science courses could satisfy graduation requirements for math or science; 2) how these courses could be integrated into a career and technical education pathway; 3) the settings in which courses could be delivered (including in traditional high school settings, concurrent enrollment classes, and online); 4) guidelines for an appropriate scope and sequence of computer science instruction at each grade level; and 5) how the computer science professional development fund established in the legislation could be used to meet the goals.

A group will then form to study, review, and recommend voluntary standards for computer science at the elementary, middle, and high school levels. It is the goal that by July 1, 2019, each accredited high school offer at least one high-quality computer science course, each accredited middle school offer instruction in exploratory computer science, and each accredited elementary school offer instruction in the basics of computer science.

The Board of Educational Examiners (BoEE) will develop endorsements and authorizations for computer science instruction.

HF 473 High School Equivalency Diplomas

Modifies Iowa Code chapter 259A, permitting additional routes for adults (age 18 and older) to earn high school equivalency diplomas by demonstrating competency in all of the following subject areas: reading, language, literacy,

²The Iowa Assessments will continue to be used for the 2017 - 2018 school year.

mathematics, science, and social studies. Previously, the sole path for Iowans to demonstrate competency to obtain a high school equivalency diploma was by passing the state-approved assessment, which is currently the HiSET exam.

The bill expands the ways in which competency can be demonstrated and requires the State Board of Education to adopt rules establishing standards for content and measuring competency. While the different pathways have yet to be decided, it will include the existing HiSET assessment, as well as models like the Adult Diploma offered by some of Iowa's community colleges. Under this option, community college counselors review high school transcripts for existing passing credits and award transfer credit in those areas where core competencies are met. This allows equivalency students to focus on only the core competencies they are deficient in through additional postsecondary classwork.

HF 564 School District Funding Flexibility

Adds allowable uses of the professional development supplement and at-risk and dropout prevention funds, and significantly broadens flexibility for the use of funds provided through preschool foundation aid. These changes impact budget years beginning on or after July 1, 2017. Additionally, for school budget years beginning on or after July 1, 2016, (retroactive to the current budget year), the board of directors of a school district may, by board resolution, transfer from the general fund to the student activity fund an amount necessary to purchase protective and safety equipment required for any extracurricular interscholastic athletic contest or competition that is sponsored or administered by an organization as defined in Iowa Code section 280.13 (Iowa High School Athletic Association or Iowa Girls High School Athletic Union, for example).

Additional detail regarding specific changes to allowable uses is provided below.

Professional Development: Expands allowable uses to include textbooks and curriculum materials used for classroom purposes and administering assessments if such materials and assessments include professional development.

At-Risk and Dropout Prevention: The legislation removes statutory language that limited to 5 percent the amount that a school district receives as supplementary weighting for at-risk/dropout prevention that may be used in the budget year for purposes of providing district-wide, building-wide, or grade-specific at-risk, and dropout prevention programming targeted to pupils who are not deemed at risk. It also clarifies that salaries, benefits, and professional development for guidance counselors who are working with students who are participating in at-risk or dropout prevention programs, alternative programs, and alternative schools, in a traditional or alternative setting, is an allowable use of these funds, if time is dedicated to working with such students in order to provide services beyond those which are provided by the school district to students who are not participating in such programs or alternative schools. Costs incurred for programs intended to address high rates of absenteeism, truancy, or frequent tardiness were also added as a specified allowable use.

Statewide Voluntary Preschool Program: Changes include allowing districts to use funding from available preschool foundation aid carryover funds to pay the cost of attendance for children younger or older than four years old. Additionally, uses are expanded to include "any purpose determined by the board of directors of the school district to meet standards for high-quality preschool instruction and for purposes that directly or indirectly benefit students enrolled in the approved local program." Identified allowable uses are expanded to include instructional supplies, translation services, playground equipment and repair costs, food and beverages used by children in the approved local program, safety equipment, facility rental fees, and for other direct costs that enhance the approved local program, including by contracting with community partners for any such services.

The Department will provide additional guidance.

HF 565 School District Funding Flexibility Account

Provides a means through which districts can move unexpended, unobligated funding from certain sources to a new flexibility fund account within the general fund, with the budget year beginning July 1, 2017. These sources include

preschool program foundation aid, the professional development supplement, home school assistance program funds, and any other school district fund or school district general fund account if the program, purpose, or requirements for the expenditure of such funding have been repealed or are no longer in effect. Districts, through a board resolution that includes specific stipulations, can then use these funds for their statewide voluntary preschool program (including startup costs), professional development, home school assistance program, gifted and talented program, or any other general fund purpose.

The Department will provide additional guidance.

HF 573 Limited Home Rule

Provides more flexibility for school districts in their exercise of powers where the law or administrative code does not already prescribe or prohibit action. However, a school district's home rule power may not be inconsistent with the state or federal law.

School districts should consider the following when analyzing potential opportunities for increased local flexibility:

- If there is a state statute or state administrative rule, then that authority is controlling and a district's actions must be consistent with that authority.
- If there is an Iowa Supreme Court or Iowa Court of Appeals case, that case is controlling.
- If there is a declaratory order or contested case interpreting a state statute or rule, the order or case is controlling on the question to the extent that order or contested case is an authorized interpretation of the statute or rule under the Administrative Procedure Act or the Director's power to interpret the school laws and school rules of the state of Iowa.
- If there is a federal statute, regulation, or case on point, then that authority is controlling.
- If there is an area of ambiguity in the law, the Department will liberally construe the statute or rule in favor of the district's broad exercise of power.
- If there is no statute, case law, declaratory order, contested case, rule or guidance that covers the issue, then the district may exercise any broad and implied power, not inconsistent with law or rule related to the operation, control, and supervision of the school unless one of the exceptions in Iowa Code 274.3 applies.

Under those exceptions the district shall not have the power to do any of the following:

- Levy any tax unless expressly authorized by the General Assembly.
- Charge elementary and secondary school students or the students' families a mandatory fee except as expressly authorized by the General Assembly.
- Adopt or enforce a policy that would unreasonably interfere with the duties and responsibilities of a local, state, or federal law enforcement agency.