

Iowa State Board of Education

Executive Summary

January 28, 2021



Agenda Item: Rules: 281 IAC Chapter 60 – Programs for Students with Limited English Proficiency (Notice)

State Board Priority: Eliminating Achievement and Opportunity Gaps

State Board Role/Authority: Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under Chapter 17A.

Presenter(s): Thomas A. Mayes, General Counsel
Tom Cooley, Chief
Bureau of School Business Operations

Attachment(s): One

Recommendation: It is recommended that the State Board give notice of intended action to amend Chapter 60.

Background: This rulemaking implements, in whole or in part, 2013 Iowa Acts, Senate File 452, and 2014 Iowa Acts, Senate File 2347. The above-referenced Senate Files made changes in supplementary weighting for students who are English learners. This rulemaking conforms to those Senate Files.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 60, “Programs for Students of Limited English Proficiency”, Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(9).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2013 Iowa Acts, Senate File 452, and 2014 Iowa Acts, Senate File 2347.

Purpose and Summary

The above-referenced Senate Files made changes in supplementary weighting for students who are English learners. This rulemaking conforms to those Senate Files.

Fiscal Impact

This rule making has no present fiscal impact to the state of Iowa, the legislation having already taken effect.

Jobs Impact

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

Waivers

The proposed rule amendment, being required by statute, is not subject to waiver.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department of Education no later than 4:30 p.m. on March 16, 2021. Comments should be directed to: Thomas

A. Mayes, General Counsel and Administrative Rules Coordinator, Grimes State Office Building, Second Floor; 400 E. 14th Street; Des Moines, IA 50319-0416. Phone: 515-281-8661. Fax: 515-242-5988

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 16, 2021

8:00 to 8:30 a.m.

Grimes State Office Building, Room B100

400 E. 14th Street

Des Moines, IA 50319-0146

Also via video conference at the following link:

<https://idoe.zoom.us/j/98069592361?pwd=VHRHQXIUOXF6ZnV4YjJ4Q2dwSzBVZz09>

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Education and advise of specific needs by calling 515-281-5294.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special

meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action proposed:

ITEM 1. Amend Iowa Administrative Code rule 281—60.6(280), subsections 1 and 2, as follows.

60.6(1) *Weighting.* A weighting is included in the weighted enrollment of the school district of residence for a period not exceeding ~~four~~ five years to provide funds for the excess costs of instruction of limited English proficient students above the costs of instruction of pupils in a regular curriculum.

a. A student may be included for weighting if the student meets the definition of a limited English proficient student and the student is being provided instruction related to limited English proficiency above the level of instruction provided to pupils in the regular curriculum.

b. A student may be included for weighting up to ~~four consecutive~~ five years, which need not be consecutive.

c. A student's eligibility for additional weighting is transferable to another district of residence. ~~If a student was present on the date specified in Iowa Code section 257.6 for counting students in one year, moved out of the district or dropped out of school, but returned to the same district by the date specified for counting students in the subsequent year, the student is considered to be served in consecutive years without regard to the break in instruction from the district.~~

~~———— *d.* ——— If a student was present on the date specified in Iowa Code section 257.6 for counting students in one year, moved out of the district or dropped out of school, and did not return to the same district by the date specified for counting students in the subsequent year, but did return to the same district in a later year, the student is considered to be a new student eligible to begin in year one if the student meets the requirements in paragraph “a.”~~

60.6(2) Supplemental aid or modified ~~allowable growth~~ supplemental amount. In addition to weighting, the school budget review committee (SBRC) may grant supplemental aid or a modified ~~allowable growth~~ supplemental amount for costs in excess of the weighting to provide instruction to limited English proficient students above the costs of regular instruction or for an unusual need to continue funding beyond the ~~four~~ five years of weighting ~~or for~~.

a. A school district of residence may apply for supplemental aid or a modified ~~allowable growth~~ supplemental amount for unusual need for funding beyond the amount generated from weighting for students identified as limited English proficient who are provided instruction beyond the regular instruction to the SBRC by the date specified in rule 289—6.3. The eligible supplemental aid or modified ~~allowable growth~~ supplemental amount will be calculated as the total actual limited English proficient program (more commonly referred to as “English Language Learner program”) ~~budgeted~~ expenditures for the ~~current~~ previous year, reduced by the limited English proficient funding generated in the ~~current~~ previous budget year based on the limited English proficient count on the certified enrollment in the previous year, and reduced by any other grants, carryover, or other resources provided to the district for this program.

b. ~~In order to~~ A district of residence may apply for supplemental aid or a modified ~~allowable growth~~ supplemental amount for an unusual need to continue funding beyond the ~~four~~ five years of weighting to the SBRC ~~under this subrule, the district must complete and submit the application form~~ no later than ~~January 15~~ December 1 following the date specified in Iowa Code section 257.6(1) for the certified enrollment. The supplemental aid or modified supplemental amount will be calculated by multiplying the number of resident students identified as limited English proficient who are provided instruction beyond the regular instruction, and who are being

served beyond the five years of weighting on the certified enrollment, by the weighting provided under subrule 60.6(1), multiplied by the district cost per pupil in the current year.

c. The SBRC will act on the requests described in paragraphs “a” and “b” no later than its March regular meeting. If the SBRC grants the district’s request for supplemental aid or a modified allowable growth supplemental amount, the department of management will increase the district’s budget authority by that amount. The SBRC may require the district to appear at a hearing to discuss its request for supplemental aid or a modified allowable growth supplemental amount.