

## **EDUCATION DEPARTMENT [281]**

### **Notice of Intended Action**

Pursuant to the authority of Iowa Code section 256.7(21), the State Board of Education hereby proposes to amend Chapter 12, “General Accreditation Standards,” Iowa Administrative Code.

Pursuant to ESSA section 8038, codified at 20 U.S.C. § 7926, the State Board of Education proposes to Amend rule 281—12.3(256) by adding the following new subrule 12.3(14) to require schools and school districts to adopt policies prohibiting the aiding and abetting of sexual abuse. In addition, the State Board proposes to Amend rule 281—12.8, subrule 1, paragraph h, by naming the summative assessment developed by the Iowa testing program within the university of Iowa college of education and administered by the Iowa testing program’s designee as the statewide summative assessment of student progress administered by school districts for purposes of the core academic indicators.

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

Interested individuals may make written comments on the proposed amendments on or before June 26, 2018, at 4:30 p.m. Comments on the proposed amendments should be directed to Nicole Proesch, Administrative Rules Coordinator, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 281-8661; e-mail [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) ; or fax (515)242-5988.

A public hearing will be held on June 26, 2018, from 9:00 to 10:00 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 persons who intend to attend the public hearing and have special

requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling (515) 281-5295.

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

This amendment is intended to implement ESSA section 8038, codified at 20 U.S.C. § 7926 and Iowa Code section 256.7, subsection 21, as amended by House File 2235 (2018).

The following amendments are proposed.

ITEM 1. Amend rule 281—12.3(256) by adding the following new subrule 12.3(14).

**12.3(14) *Policy prohibiting aiding and abetting of sexual abuse.***

*a. General.* The Iowa Department of Education and each public school district and area education agency shall adopt policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

*b. Exception.* The requirements of paragraph “a” of this subrule shall not apply if all of the following conditions are met.

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the

regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations.

2. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

ITEM 2. Amend Iowa Administrative Code rule 281—12.8, subrule 1, paragraph h, by striking the paragraph and replacing it with the following paragraph.

*h. Statewide summative assessment.*

(1) For purposes of this chapter, the statewide summative assessment of student progress administered by school districts for purposes of the core academic indicators shall be the summative assessment developed by the Iowa testing program within the university of Iowa college of education and administered by the Iowa testing program's designee. The Iowa department of education may require the Iowa testing program to enter into agreements with such designee to ensure the department is able to comply with Iowa Code chapter 256, this chapter, the requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95, the requirements of the Family Educational Rights

and Privacy Act, 20 U.S.C. § 1232g, and any other applicable state or federal law.

(2) For the school year beginning July 1, 2018, and each succeeding school year, the statewide summative assessment referred in in this paragraph shall meet all of the following requirements:

1. All students enrolled in school districts in grades three through eleven shall be administered an assessment in mathematics and English language arts, including reading and writing, during the last quarter of the school year and all students enrolled in school districts in grades five, eight, and ten be administered an assessment in science during the last quarter of the school year.

2. The assessment, at a minimum, shall assess the core academic indicators identified in Iowa code section 256.7, subsection 21, paragraph b; be aligned with the Iowa common core standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; provide valid, reliable, and fair measures of student progress toward college or career readiness; and meet the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95.

3. The assessment shall be available for administration in both paper-and-pencil and computer-based formats and include assessments in mathematics, science, and English language arts, including reading and writing.

4. The assessment shall be peer-reviewed by an independent, third-party evaluator to determine that the assessment is aligned with the Iowa core academic standards, provides a measurement of student growth and student proficiency, and meets

the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95. The assessment developed by the Iowa testing service within the university of Iowa college of education shall make any necessary adjustments as determined by the peer review to meet the requirements of this paragraph.

5. The costs of complying with the requirement of this paragraph shall be borne by the Iowa testing program within the university of Iowa college of education.