

Iowa State Board of Education

Executive Summary

August 5, 2021



Agenda Item: Rules: 281 IAC Chapter 15 – Online and Virtual Learning (Adopt)

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
Janell Brandhorst, Chief, Bureau of School Improvement

Attachment(s): One

Recommendation: It is recommended that the State Board amend Chapter 15.

Background: 2020 Iowa Acts, Senate File 546, removed the ability for students receiving independent private instruction to participate in certain forms of online learning. This rule making conforms the Department's rules to that statutory requirement.

The Department received one public comment that was in favor of the proposed rules. The commenter, an attorney who represents a home school advocacy organization, offered additional suggestions of rules to amend. Those proposed additional amendments are entirely consistent with the provisions of Senate File 546 and the notice of intended action, and the Department adopts the suggested changes.

EDUCATION DEPARTMENT[281]

Adopted and Filed

The State Board of Education hereby amends Chapter 15, “Online and Virtual Learning,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate File 546.

Purpose and Summary

2020 Iowa Acts, Senate File 546, removed the ability for students receiving independent private instruction to participate in certain forms of online learning. This rule making conforms the Department’s rules to that statutory requirement.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 30, 2021, as **ARC 5737C**.

A public hearing was held on July 20, 2021, at 9:00 a.m. at the Grimes State Office Building, Room B100, with a video conference option. No one attended the hearing. The Department received one public comment that was in favor of the proposed rules. The commenter, an attorney who represents a home school advocacy organization, offered additional suggestions of rules to amend. Those proposed additional amendments are entirely consistent with the provisions of Senate File 546 and the notice of intended action, and the Department adopts the suggested changes. Those changes are items 2 and 5, and amended catchwords in items 3 and 4.

Adoption of Rule Making

This rule making was adopted by the State Board on August 5, 2021.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

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).

Effective Date

This rule making will become effective on September 29, 2021.

The following rule-making action is adopted:

ITEM 1. Amend subrule 15.6(1) as follows:

15.6(1) *Online learning program delivered by area education agencies.* Subject to an appropriation of funds by the general assembly for this purpose, AEAs may provide an online learning program to deliver distance education to Iowa's secondary students, including students receiving ~~independent private instruction~~, competent private instruction, ~~or private instruction by a nonlicensed person~~ under Iowa Code chapter 299A. An AEA may provide an online learning

program separately, in collaboration with other AEAs, or in partnership with school districts and accredited nonpublic schools.

ITEM 2. Amend subrule 15.6(2) as follows:

15.6(2) *Student participation.* To participate in an online learning program offered by an AEA, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving competent private instruction under Iowa Code chapter 299A.

ITEM 3. Amend subrule 15.6(6) as follows:

15.6(6) *Competent private ~~Private~~ instruction.* This rule applies to students receiving ~~independent private instruction as defined in Iowa Code section 299A.1(2) “b,”~~ competent private instruction under Iowa Code ~~section 299A.2, or private instruction by a nonlicensed person under Iowa Code section 299A.3~~ chapter 299A. To participate in an online learning program offered by an area education agency, a student receiving competent private instruction under Iowa Code chapter 299A shall take whatever steps are necessary to enroll with the student’s district of residence. The coursework offered by AEAs pursuant to this subrule must be taught and supervised by a teacher licensed under Iowa Code chapter 272 who has online learning experience, and the course content must meet the requirements established by rule pursuant to Iowa Code section 256.7(32) “c.”

ITEM 4. Amend subrule 15.8(4) as follows:

15.8(4) *Competent private ~~Private~~ instruction.* The online learning platform described in subparagraph 15.8(3) “b”(3) may deliver distance education to students ~~, including students receiving independent private instruction as defined in Iowa Code section 299A.1(2) “b,”~~ competent private instruction under Iowa Code ~~section 299A.2, or private instruction by a nonlicensed person under Iowa Code section 299A.3~~ chapter 299A, provided such students register

with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under Iowa Code chapter 272 who has online learning experience, and the course content meets the requirements established by rule pursuant to Iowa Code section 256.7(32) “c.”

ITEM 5. Amend rule 281—15.10(256) as follows:

281—15.10(256) Online learning—access by students receiving competent private instruction. Students enrolled in competent private instruction pursuant to Iowa Code chapter 299A may participate in online instruction pursuant to subrules 15.6(6) and 15.8(4). The individual providing instruction to a student under Iowa Code chapter 299A as described in Iowa Code section 299A.1(1) shall receive the student’s score for completed program coursework.