

Iowa State Board of Education

Executive Summary

August 5, 2021



Agenda Item: Rules: Chapter 60, “Programs for Students of Limited English Proficiency” (Notice of Intended Action)

State Board Priority: Ensuring Equity in Education

State Board Role/Authority: Iowa Code section 256.7(5) provides the State Board’s authority to adopt rules.

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 its intent to amend Chapter 60.

Background: This rule making implements House File 605, which creates two levels of weighting for students who are English learners (intensive and intermediate).

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(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 605.

Purpose and Summary

This rule making implements House File 605, which creates two levels of weighting for students who are English learners.

Fiscal Impact

This rule making has a fiscal impact to the state of Iowa, according to the analysis completed by the Legislative Services Agency. The estimated fiscal impact is between \$84,000 and \$97,000.

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.

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 State Board no later than 4:30 p.m. on September 14, 2021. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1) “b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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 rule **281—60.2(280)**, definition of “fully English proficient,” and “Limited English Proficient,” as follows:

“Fully English proficient” refers to a student ~~who is able to read, understand, write, and speak the English language and to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom~~ has attained a level of English-language skill in reading, writing, listening, and speaking to be proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency as required by section 1111 of the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95.

“Limited English proficient” refers to a student who has a language background other than English, and the student’s proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background. Each limited-English-proficient student shall be identified as either an intensive student or an intermediate student.

ITEM 2. Adopt the following **new** definitions of “intensive student” and “intermediate student” in rule **281—60.2(280)**:

“Intensive student” means a limited-English-proficient student who, even with support, is not proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

“Intermediate student” means a limited-English-proficient student who, either with or without support, approaches being proficient under the state’s English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

ITEM 3. Amend paragraph **281—60.6(1)“a”** as follows:

a. A student may be included for weighting if the student meets the definition of a limited English proficient student as either an intensive student or an intermediate 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.