

EDUCATION DEPARTMENT [281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 22, “Senior Year Plus Program,” Iowa Administrative Code.

The proposed amendments conform to 2011 Iowa Acts, House File 645, sections 14 and 15. Item 1 reflects section 14 of 2011 Iowa Acts, House File 645, which expands the criteria by which a student under competent private instruction may be deemed “proficient” under Iowa Code section 261E.3, subsection 1, paragraph “e”. Items 2 and 3 amend the definition of and details regarding regional academies pursuant to section 15 of 2011 Iowa Acts, House File 645.

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

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

Notice of Intended Action was published in the October 5, 2011, Iowa Administrative Bulletin as ARC # 9791B. Public comments were allowed until 4:30 p.m. on October 25, 2011. A public hearing was held on that date at which no person appeared. No written or oral comments were received.

These amendments are identical to those published under Notice.

These amendments shall become effective January 18, 2012.

These amendments are intended to implement Iowa Code section 261E.3(1)“e” as amended by 2011 Iowa Acts, House File 645, section 14 and Iowa Code section 261E.9 as amended by 2011 Iowa Acts, House File 645, section 15.

The following amendments are adopted.

Item 1. Amend subparagraph **22.2(2)“b”(3)** as follows:

(3) A student under competent private instruction shall meet the same proficiency standard as students in the school district in which the student is dually enrolled and shall have the approval of the school board in that school district to register for the postsecondary course. In lieu of ITBS or ITED scores as the state assessment, a school district shall ~~accept either the annual assessment instrument used by a student under competent private instruction pursuant to Iowa Code section 299A.4 or the written recommendation of the licensed practitioner providing supervision to the student under competent private instruction pursuant to Iowa Code section 299A.2.~~ allow a student under competent private instruction to demonstrate proficiency in reading, mathematics, and science by any one of the following means:

1. By meeting the same alternative but equivalent qualifying performance measures established by the local school board for all students in the school district in which the student is dually enrolled;
2. By submitting the written recommendation of the licensed practitioner providing supervision to the student in accordance with Iowa Code section 299A.2;
3. As evidenced by achievement scores on the annual achievement evaluation required under Iowa Code section 299A.4;
4. As evidenced by a composite score of at least 21 on the college readiness assessment administered by ACT, Inc.;
5. As evidenced by a sum of at least 141 in critical reading, mathematics, and writing skills on the preliminary scholastic aptitude test (PSAT) administered by the College Board; or
6. As evidenced by a sum of at least 990 in critical reading and mathematics on the college readiness assessment (SAT) administered by the College Board.

Item 2. Rescind rule **281—22.26(261E)** and adopt the following **new** rule in lieu thereof:
281—22.26(261E) Regional academies. A regional academy is a program established by a school district to which multiple school districts send students in grades 7 through 12. In addition to partnering with other school districts, the school district establishing a regional academy may enter into a contract or a chapter 28E agreement with one or more accredited nonpublic schools, area education agencies, community colleges, accredited public or nonpublic postsecondary institutions, businesses, and private agencies located within or outside of Iowa.

22.26(1) Purpose. A regional academy shall be established to build a culture of innovation for students and community; to diversify educational and economic opportunities by engaging in learning experiences that involve students in complex, real-world projects; and to develop regional or global innovation networks.

22.26(2) Curriculum. A regional academy shall include in its curriculum advanced level courses. A regional academy may include in its curriculum career and technical courses and core curriculum coursework. The coursework may be delivered virtually, or via the ICN, asynchronous learning networks, or Internet-based delivery systems.

22.26(3) Supplementary weighting. School districts participating in regional academies are eligible for supplementary weighting as provided in Iowa Code section 257.11(2). The school districts participating in the regional academy shall enter into an agreement on how the funding generated by the supplementary weighting received shall be used and shall submit the agreement, as well as a copy of the minutes of meetings of the local school district boards of directors in which the boards approved the agreement, to the department for approval by October 1 of the year in which the districts intend to request supplementary weighting for the regional academy.

22.26(4) Student plan. Information regarding regional academies shall be provided to a student and the student's parent or guardian prior to the development of the student's core curriculum plan under Iowa Code section 279.61.

Item 3. Adopt the following new rule **281—22.27(261E)**:

281—22.27(261E) Waivers for certain regional academies. A school district that establishes a regional academy may, but is not required to, submit to the department a request for waiver from any statutory or regulatory provision identified by the school district as a barrier to the school district's goal of increasing student achievement or increasing competency-based learning opportunities for students. The school district shall submit a plan to the department demonstrating how the regional academy will increase student achievement or increase competency-based learning opportunities for students, how the regional academy will assess either the increase in student achievement or the increase in competency-based learning opportunities for students, and why the requested waiver or waivers are necessary. The waiver request and plan shall be submitted to the department for approval by January 1 of the school year immediately preceding the school year for which waiver is sought. The department may not waive or modify any statutory or regulatory provision relating to requirements applicable to school districts that pertain to audit requirements, investment of public funds, collective bargaining, open meetings, public records, civil rights, human rights, special education, contracts with and discharge of teachers and administrators, powers and duties of school boards, teacher quality, and school transportation.