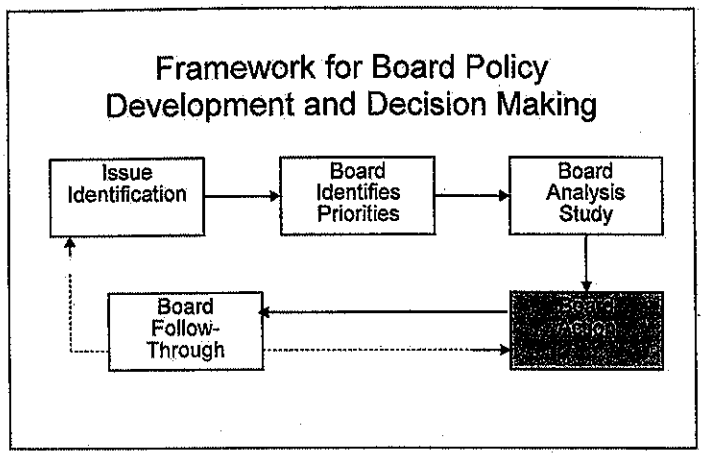
# Iowa State Board of Education

## Executive Summary

**July 30, 2009**




**Agenda Item:** Rules: Chapter 60 - Programs for Students of Limited English Proficiency (Notice)

**Iowa Goal:** All K-12 students will achieve at a high level.

**Equity Impact Statement:** This chapter applies equally to all Iowa school districts.

**Presenter:** None (Consent agenda)

**Attachments:** 1

**Recommendation:** It is recommended that the State Board give public notice of its intent to amend this chapter.

**Background:** This chapter is being revised to conform to changes made in the funding scheme (as reflected in Item 4). Many changes in Item 4 clarify financial management of these funds consistent with 281—chapter 98. The changes in Items 1, 2, 3, and 5 are nonsubstantive cosmetic improvements that add clarification to the chapter.

## EDUCATION DEPARTMENT [281]

### Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to adopt new Chapter 60, "Programs for Students of Limited English Proficiency," Iowa Administrative Code.

This chapter is being revised to conform to changes made in the funding scheme (as reflected in Item 4). Many changes in Item 4 clarify financial management of these funds consistent with 281—chapter 98. The changes in Items 1, 2, 3, and 5 are nonsubstantive cosmetic improvements that add clarification to the chapter.

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

Interested individuals may make written comments on the proposed amendments on or before September 15, 2009, at 4:30 p.m. Comments on the proposed amendments should be directed to Su McCurdy, Iowa Department of Education, second floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4738; e-mail su.mccurdy@iowa.gov; or fax (515) 281-8777.

A public hearing will be held on September 15, 2009, from 2 to 3 p.m., at 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 contact and advise the Department of Education of their specific needs by calling (515)281-5296.

The proposed amendments are intended to implement Iowa Code sections 257.31(5)"j" and 280.4.

The following amendments are proposed.

**Item 1**. Amend rule **281—60.2(280)**, introductory paragraph and definition of *"fully English proficient,"* as follows:

**281—60.2(280) Definitions.** As used in these rules, the following definitions ~~will~~ apply:

*"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. ~~The four language skills contributing to proficiency include reading, listening, writing, and speaking.~~

**Item 2.** Amend rule **281—60.3(280)** as follows:

**281—60.3(280) School district responsibilities.**

**60.3(1)** *Student identification and assessment.* A school district shall use the following criteria in determining a student's eligibility:

*a.* In order to determine the necessity of conducting an English language assessment of any student, the district shall, at the time of registration, ascertain the place of birth of each student and whether there is a prominent use of any language(s) other than English in the home. I~~n addition, for those students whose registration forms indicate~~ If the student's registration form indicates the prominent use of another language in ~~their lives~~ the student's home, the district shall ~~conduct a Home Language Survey on forms developed by the department of education to~~ determine the first language acquired by the student~~,~~ and the languages spoken by the student and by others in the student's home. School district personnel shall be prepared to conduct oral or native language interviews with those adults in the student's home who may not have sufficient ~~English or literacy~~ skills ~~to complete a survey written~~ in English.

*b.* No change.

**60.3(2)** *Staffing.* Teachers in an English as a second language (ESL) program must possess a valid Iowa teaching license. ~~All teachers licensed after October 1, 1988, shall have endorsement 104(K-12 ESL) if they are teaching ESL. All teachers licensed before October 1, 1988, have the authority to teach ESL at the level of their teaching endorsements. Teachers in a transitional bilingual program shall possess a valid Iowa teaching license with endorsements for the area and level of their teaching assignments.~~ Individuals who were licensed in Iowa prior to October 1, 1988, and were allowed to teach English as a second language without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach English as a second language. A waiver provision is available through the board of educational examiners for individuals who have been successfully teaching English as a second language.

**60.3(2)** *Medium of instruction.* Instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a foreign language is deemed appropriate because the student is limited English proficient. When the student is limited English proficient, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language.

**Item 3.** Amend rule **281—60.5(280)** as follows:

**281—60.5(280) Nonpublic school participation.** English as a second language and transitional bilingual programs offered by a public school district shall be made available to ~~nonpublic school~~ students ~~residing in~~ attending an accredited nonpublic school located within the district. The district obtains funding for such students in accordance with Iowa Code sections 257.31(5)"j" and 280.4.

**Item 4.** Amend rule **281—60.6(280)** as follows:

**281—60.6(280) Funding.** Additional weighting for students in programs provided under this chapter is available in accordance with Iowa Code ~~section~~ sections 257.31(5)"j" and 280.4.

**60.6(1)** *Weighting.* A weighting is included in the weighted enrollment of the school district of residence for a period not exceeding four 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 weighted up to four consecutive years.

*c.* If a student was present on the date specified in Iowa Code 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 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)** *Modified allowable growth.* In addition to weighting, the school budget review committee (SBRC) may grant modified allowable growth for an unusual need to

continue funding beyond the four years of weighting or for costs in excess of the weighting to provide instruction to limited English proficient students above the costs of regular instruction.

*a.* A school district of residence may apply for modified allowable growth to the SBRC. The modified allowable growth will be calculated as the total actual budgeted expenditures for the current year, reduced by the limited English proficient funding generated in the current 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 apply for modified allowable growth under this rule, the district must complete and submit the application form no later than January 15 following the date specified in section 257.6, subsection 1, for the certified enrollment. The SBRC will act on these requests during its March regular meeting. If the SBRC grants the district's request for modified allowable growth, the department of management will increase the district's budget authority by that amount.

*c.* The SBRC may require the district to appear at a hearing to discuss its request for modified allowable growth.

**60.6(3)** *Appropriate expenditures.* Appropriate expenditures for the limited English proficiency program are those that are direct costs of providing instruction which supplement, but do not supplant, the costs of the regular curriculum. These expenditures are delineated in chapter 281—98.

**60.6(4)** *Inappropriate expenditures.* Inappropriate expenditures are delineated in chapter 281—98.

**60.6(5)** *Financial management.* Limited English proficient funding is categorical funding and follows the general provisions in chapter 281—98.

**60.6(6)** *Annual reporting.* Districts shall include and identify the detail of financial transactions related to limited English proficient resources, expenditures, and carryfoward balances on their certified annual report. School districts shall use the account coding appropriate to the limited English proficient program as defined by *Uniform Financing Accounting for Iowa School Districts and AEAs.* Each district shall certify its certified annual report following the close of the fiscal year but no later than September 15.

**Item 5.** Amend implementation sentence as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 257.31(5)"j" and 280.4.