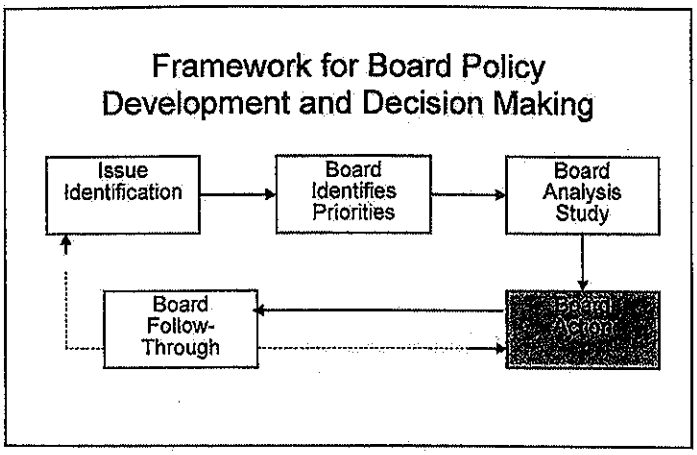
Iowa State Board of Education

Executive Summary

July 30, 2009



Agenda Item: Rules: Chapters 22 (Senior Year Plus) and 97 (Supplementary Weighting) (Adopt)

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

Equity Impact Statement: All school districts and accredited nonpublic schools are governed by these rules, which implement the provisions of the Senior Year Plus legislation of 2008.

Presenters: Carol Greta, Attorney
Office of the Director

Kevin Fangman, Administrator
Division of PK-12 Education

Attachments: 2

Recommendation: It is recommended that the State Board adopt and file the following amendments to these chapters.

Background: No changes have been made to Chapter 97 since publication of the rules on Notice. Several changes have been made to Chapter 22 rules as published on Notice. These are detailed in the Preamble to Chapter 22.

EDUCATION DEPARTMENT [281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby rescinds Chapter 22, "Postsecondary Enrollment Options," and adopts new Chapter 22, "Senior Year Plus Program," Iowa Administrative Code.

2008 Iowa Acts, chapter 1181, division II, created a new chapter in the Iowa Code, chapter 261E, "Senior Year Plus Program." The senior year plus program established in legislation provides Iowa high school students increased access to advanced placement coursework and postsecondary credit. The variety of means for the latter includes postsecondary enrollment options, concurrent enrollment in community college courses for both secondary and postsecondary credit, career academies, and courses delivered via the Iowa Communications Network (ICN) or Internet.

Notice of Intended Action was published in the March 11, 2009, Iowa Administrative Bulletin as ARC #7612B. A public hearing was held March 31, 2009 at 15 sites via the ICN, and public comments were allowed until close of business on March 31, 2009. Approximately 30 persons, all of them representing community colleges, attended the public hearing, and six of them provided comment. Five additional written comments were received.

The majority of those comments centered around conditions that are statutory; e.g., complaints about funding, the new proficiency requirements, the prohibition against any student being enrolled fulltime at any one postsecondary institution, and the background check required for instructors. Many asked questions about implementation. Two asked why the statutory language regarding transportation requirement for concurrent enrollment courses is not duplicated in the rules. [The department's guidance to school districts has long

been that districts receiving supplementary weighting for concurrent enrollment courses have an obligation to use some of those funds to provide transportation to students who take advantage of concurrent enrollment courses, and the department is seeking clarification from the Legislature regarding this issue. Until then, the rule (281—22.12) is silent on the issue; Iowa Code subsection 261E.8(5) presently states that such transportation is the obligation of the student and the student's parent or guardian.]

As a result of public comment, the following changes were made to the rules as published on Notice:

- An explanation of "supplement, not supplant" has been added to paragraph 22.4(2)"a." A parallel change was made to rule 281—22.18(261E) to explain "comparable" course. These are the same concepts.
- A definition for "Dually enrolled" has been added to rule 281—22.6(261E).
- The requirement that community colleges collect and report the course title and whether the course supplements, rather than supplants, a school district course has been stricken from subrule 22.11(7) (and the remaining paragraphs relettered accordingly) because this is a requirement already imposed on school districts in paragraph 22.4(2)"a."
- A minor change has been made to subrule 22.16(2) (from "under the same terms and conditions" to "on the same basis") to be consistent with the terminology used in 281—chapter 31, Competent Private Instruction.

As a result of staff review, rules 22.2 and 22.16 were amended to clarify that the statutory requirement that students show proficiency as a condition of participation in senior year plus programs does apply to Division V (postsecondary enrollment options) and to advanced placement coursework and career academy courses if those courses are

taken for postsecondary credit and secondary credit. Also, as a result of staff review, nonsubstantive changes were made to subrule 22.21(2).

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

This amendment is intended to implement Iowa Code chapter 261E.

The following amendment is adopted.

Rescind 281—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22

SENIOR YEAR PLUS PROGRAM

DIVISION I

GENERAL PROVISIONS

281—22.1(261E) Scope. The senior year plus program provides Iowa high school students access to advanced placement courses and a variety of means by which to concurrently access secondary and postsecondary credit.

281—22.2(261E) Student eligibility. A student shall meet all of the following criteria as a condition of participation in the programs described in Divisions IV and V of this chapter. To the extent that postsecondary credit is available to a student under the programs described in Divisions III and VI, the student shall meet all of the following criteria. A student desiring to participate in the postsecondary enrollment options program under Division V of these rules also shall meet the eligibility requirements set forth in rule 281—22.16(261E).

22.2(1) *Requirements established by postsecondary institution.*

a. The student shall meet the enrollment requirements established by the eligible postsecondary institution providing the course credit.

b. The student shall meet or exceed the minimum performance measures on any

academic assessments that may be required by the eligible postsecondary institution.

c. The student shall have taken the appropriate course prerequisites, if any, prior to enrollment in the eligible postsecondary course, as determined by the eligible postsecondary institution delivering the course.

22.2(2) *Requirements established by school district.*

a. The student shall have attained the approval of the school board or its designee and the eligible postsecondary institution to register for the postsecondary course.

b. The student shall have demonstrated proficiency in all of the content areas of reading, mathematics, and science as evidenced by achievement scores on the most recent administration of the Iowa tests of basic skills (ITBS) or the Iowa tests of educational development (ITED) for which scores are available for the student. If the student was absent for the most recent administration of either the ITBS or ITED, and such absence was not excused by the student's school of enrollment, the student is deemed to not be proficient in any of the content areas. The school district may determine whether such student is eligible for qualification under an equivalent qualifying performance measure.

(1) If a student is not proficient in one or more of the content areas of reading, mathematics, and science, the school board may establish alternative but equivalent qualifying performance measures. The school board is not required to establish equivalent performance measures, but if it does so, such measures may include but are not limited to additional administrations of the state assessment, portfolios of student work, student performance rubric, or end-of-course assessments. A school board that establishes equivalent performance measures shall also establish criteria by which its district personnel shall determine comparable student proficiency.

(2) A student who attends an accredited nonpublic school and desires to access advanced placement coursework or postsecondary enrollment options shall meet the

same eligibility criteria as students in the school district in which the accredited nonpublic school is located.

(3) A student under competent private instruction shall meet the same eligibility criteria 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.

281—22.3(261E) Teacher eligibility, responsibilities. A teacher employed to provide instruction under this chapter shall meet the following criteria:

22.3(1) *Eligibility.* The teacher shall meet the standards and requirements set forth which other full-time instructors teaching within the academic department are required to meet and which are approved by the appropriate postsecondary administration. An individual under suspension or revocation of an educational license or statement of professional recognition issued by the board of educational examiners shall not be allowed to provide instruction for any program authorized by this chapter. If the instruction for any program authorized by this chapter is provided at a school district facility or a neutral site, the teacher or instructor shall have successfully passed a background investigation conducted in accordance with Iowa Code section 272.2(17) prior to providing such instruction. The background investigation also applies to a teacher or instructor who is employed by an eligible postsecondary institution if the teacher or instructor provides instruction under this chapter at a school district facility or a neutral site. For purposes of this rule, "neutral site" means a facility that is not owned or operated by an institution.

22.3(2) *Responsibilities.* A teacher employed to provide instruction under this chapter shall do all of the following:

a. Collaborate, as appropriate, with other secondary or postsecondary faculty of the institution that employs the teacher regarding the subject area;

b. As assisted by the school district, provide ongoing communication about course expectations, teaching strategies, performance measures, resource materials used in the course, and academic progress to the student and, in the case of students of minor age, to the parent or guardian of the student;

c. Provide curriculum and instruction that is accepted as college-level work as determined by the institution;

d. Use valid and reliable student assessment measures, to the extent available.

281—22.4(261E) Institutional eligibility, responsibilities.

22.4(1) *Requirements of both school district and eligible postsecondary institution.*

a. The institutions shall ensure that students, or in the case of minor students, parents or guardians, receive appropriate course orientation and information, including but not limited to a summary of applicable policies and procedures, the establishment of a permanent transcript, policies on dropping courses, a student handbook, information describing student responsibilities, and institutional procedures for academic credit transfer.

b. The institutions shall ensure that students have access to student support services, including but not limited to tutoring, counseling, advising, library, writing and math labs, and computer labs, and student activities, excluding postsecondary intercollegiate athletics. If a fee is charged to other students of the eligible postsecondary institution for any of the above services, that fee may also be charged to participating secondary students on the same basis as it is charged to postsecondary students.

c. The institutions shall ensure that students are properly enrolled in courses that will carry college credit.

d. The institutions shall ensure that teachers and students receive appropriate orientation and information about the institution's expectations.

e. The institutions shall ensure that the courses provided achieve the same learning outcomes as similar courses offered in the subject area and are accepted as college-level work.

f. The institutions shall review the course on a regular basis for continuous improvement, shall follow up with students in order to use information gained from the students to improve course delivery and content, and shall share data on course progress and outcomes with the collaborative partners involved with the delivery of the programming and with the department, as needed.

g. The institutions shall not require a minimum or a maximum number of postsecondary credits to be earned by a high school student under this chapter. However, no student shall be enrolled as a full-time student in any one postsecondary institution.

h. The institutions shall not place restrictions on participation in senior year plus programming beyond that which is specified in statute or administrative rule.

i. The institutions shall provide the teacher or instructor appropriate orientation and training in secondary and postsecondary professional development related to curriculum, pedagogy, assessment, policy implementation, technology, and discipline issues.

j. The institutions shall provide the teacher or instructor adequate notification of an assignment to teach a course under this chapter, as well as adequate preparation time to ensure that the course is taught at the college level. The specifics of this paragraph shall be locally determined.

22.4(2) *Requirements of school district only.*

a. The school district shall certify annually to the department, as an assurance in the district's basic education data survey, that the course provided to a high school student for postsecondary credit in accordance with this chapter supplements, does not supplant, a course provided by the school district in which the student is enrolled. For purposes of these rules, to comply with the "supplement, not supplant" requirement, the content of a

course provided to a high school student for postsecondary credit shall not consist of substantially the same concepts and skills as the content of a course provided by the school district.

b. The school district shall ensure that the background investigation requirement of subrule 22.3(1) is satisfied. The school district shall pay for the background investigation but may charge the teacher or instructor a fee not to exceed the actual cost charged the school district for the background investigation conducted. If the teacher or instructor is employed by an eligible postsecondary institution, the school district shall pay for the background investigation but may request reimbursement of the actual cost to the eligible postsecondary institution.

22.4(3) *Requirements of eligible postsecondary institution only.*

a. All eligible postsecondary institutions providing programming under this chapter shall include the unique student identifier assigned to students while in the kindergarten through grade 12 system as a part of the institution's student data management system.

(1) Eligible postsecondary institutions providing programming under this chapter shall cooperate with the department on data requests related to the programming.

(2) All eligible postsecondary institutions providing programming under this chapter shall collect data and report to the department on the proportion of females and minorities enrolled in science-, technology-, engineering-, and mathematics-oriented educational opportunities provided in accordance with this chapter.

b. The eligible postsecondary institution shall provide the teacher or instructor with ongoing communication and access to instructional resources and support, and shall encourage the teacher or instructor to participate in the postsecondary institution's academic departmental activities.

281—22.5(261E) Reserved.

DIVISION II

DEFINITIONS

281—22.6(261E) Definitions. For the purposes of this chapter, the indicated terms are defined as follows:

"Concurrent enrollment" means any course offered to students in grades 9 through 12 during the regular school year approved by the board of directors of a school district through a contractual agreement between a community college and the school district that meets the provisions of Iowa Code section 257.11(3).

"Department" means the department of education.

"Director" means the director of the department of education.

"Dually enrolled" means the status of a student who receives competent private instruction under Iowa Code chapter 299A whose parent, guardian, or legal custodian has registered the student pursuant to Iowa Code section 299A.8 in a school district for any of the purposes listed therein, including, for purposes of these rules, participation in any part of the senior year plus program on the same basis as public school students.

"Eligible postsecondary institution" means an institution of higher learning under the control of the state board of regents, a community college established under Iowa Code chapter 260C, or an accredited private institution as defined in Iowa Code section 261.9.

"Full time" means enrollment in 12 or more postsecondary credit hours in one semester or the equivalent of one semester or as otherwise determined by the eligible postsecondary institution.

"ICN" means Iowa communications network, the statewide system of educational telecommunications including narrowcast and broadcast systems under the public broadcasting division of the department of education and live interactive systems which allow, at a minimum, one-way video and two-way audio communication.

"Institution" means a school district or eligible postsecondary institution delivering the instruction in a given program as authorized by this chapter.

"School board" means the board of directors of a school district or a collaboration of boards of directors of school districts.

"State board" means the state board of education.

"Student" means any individual in grades 9 through 12 enrolled or dually enrolled in a school district who meets the criteria in rule 281—22.2(261E). For purposes of Division III (Advanced Placement Program) and Division V (Postsecondary Enrollment Options Program) only, "student" also includes a student enrolled in an accredited nonpublic school or the Iowa School for the Deaf or the Iowa Braille and Sight Saving School.

DIVISION III

ADVANCED PLACEMENT PROGRAM

281—22.7(261E) School district obligations. All school districts shall comply with the following obligations but may do so through direct instruction, collaboration with another school district, or use of the Iowa online advanced placement academy. An international baccalaureate program is not an advanced placement program.

22.7(1) A school district shall provide descriptions of the advanced placement courses available to students using a course registration handbook.

22.7(2) A school district shall ensure that advanced placement course teachers are appropriately licensed by the board of educational examiners in accordance with Iowa Code chapter 272 and meet the minimum certification requirements of the national organization that administers the advanced placement program.

22.7(3) A school district shall establish prerequisite coursework for each advanced placement course offered and shall describe the prerequisites in the course registration handbook, which shall be provided to every junior high school or middle school student

prior to the development of a core curriculum plan pursuant to Iowa Code section 279.61.

22.7(4) A school district shall make advanced placement coursework available to a dually enrolled student under competent private instruction if the student meets the same criteria as a regularly enrolled student of the district.

22.7(5) A school district shall make advanced placement coursework available to a student enrolled in an accredited nonpublic school located in the district if the student meets the same criteria as a regularly enrolled student of the district.

281—22.8(261E) Obligations regarding registration for advanced placement examinations. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall ensure that any student enrolled who is interested in taking an advanced placement examination is properly registered for the examination. An accredited nonpublic school shall provide a list of students registered for advanced placement examinations to the school district in which the accredited nonpublic school is located. The school district and the accredited nonpublic school shall ensure that any student enrolled in the school district or school, as applicable, who is interested in taking an advanced placement examination and qualifies for a reduced fee for the examination is properly registered for the fee reduction.

281—22.9(261E) Reserved.

281—22.10(261E) Reserved.

DIVISION IV

CONCURRENT ENROLLMENT PROGRAM

281—22.11(261E) Applicability. The concurrent enrollment program, also known as district- to-community college sharing, promotes rigorous academic or career and

technical pursuits by providing opportunities to high school students to enroll part-time in eligible nonsectarian courses at or through community colleges established under Iowa Code chapter 260C.

22.11(1) The program shall be made available to all eligible resident students in grades 9 through 12.

a. Notice of the availability of the program shall be included in a school district's student registration handbook, and the handbook shall identify which courses, if successfully completed, generate college credit under the program.

b. A student and the student's parent or guardian shall also be made aware of this program as a part of the development of the student's core curriculum plan in accordance with Iowa Code section 279.61.

22.11(2) A student enrolled in an accredited nonpublic school may access the program through the school district in which the accredited nonpublic school is located. A student receiving competent private instruction may access the program through the school district in which the student is dually enrolled and may enroll in the same number of concurrent enrollment courses as a regularly enrolled student of the district.

22.11(3) A student may make application to a community college and the school district to allow the student to enroll for college credit in a nonsectarian course offered by the community college. A comparable course, as defined in rules adopted by the board of directors of the school district, must not be offered by the school district or accredited nonpublic school which the student attends. The school board shall annually approve courses to be made available for high school credit using locally developed criteria that establish which courses will provide the student with academic rigor and will prepare the student adequately for transition to a postsecondary institution. A school district may not use concurrent enrollment courses to meet the accreditation requirements in Division V of 281—Chapter 12 other than for career-technical courses.

22.11(4) If an eligible postsecondary institution accepts a student for enrollment under this division, the school district, in collaboration with the community college, shall send written notice to the student, the student's parent or guardian in the case of a minor child, and the student's school district. The notice shall list the course, the clock hours the student will be attending the course, and the number of hours of college credit that the student will receive from the community college upon successful completion of the course.

22.11(5) A school district shall grant high school credit to a student enrolled in a course under this division if the student successfully completes the course as determined by the community college and the course was previously approved by the school board pursuant to 22.11(3). The board of directors of the school district shall determine the number of high school credits that shall be granted to a student who successfully completes a course. Students shall not "audit" a concurrent enrollment course; the student must take the course for credit.

22.11(6) School districts that participate in district-to-community college sharing agreements or concurrent enrollment programs that meet the requirements of Iowa Code section 257.11(3) are eligible to receive supplementary weighted funding under that provision. Regardless of whether a district receives supplementary weighted funding, the district shall not charge tuition of any of its students who participate in a concurrent enrollment course.

22.11(7) Community colleges shall comply with the data collection requirements of Iowa Code section 260C.14(22). The data elements shall include but not be limited to the following:

a. An unduplicated enrollment count of eligible students participating in the program.

b. The actual costs and revenues generated for concurrent enrollment. An aligned unique student identifier system shall be established by the department for students in kindergarten through grade 12 and community college.

c. Degree, certifications, and other qualifications to meet the minimum hiring standards.

d. Salary information including regular contracted salary and total salary.

e. Credit hours and laboratory contact hours and other data on instructional time.

f. Other information comparable to the data regarding teachers collected in the basic education data survey.

281—22.12(261E) Transportation. Reserved.

281—22.13(261E) Reserved.

DIVISION V

POSTSECONDARY ENROLLMENT OPTIONS PROGRAM

281—22.14(261E) Availability. The senior year plus programming provided by a school district pursuant to this division may be but is not required to be available to students on a year-round basis.

281—22.15(261E) Notification. The availability and requirements of this program shall be included in each school district's student registration handbook. Information about the program shall be provided to the 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. The school district shall establish a process by which students may indicate interest in and apply for enrollment in the program.

281—22.16(261E) Student eligibility. Persons who have graduated from high school are not eligible for this program. Eligible students shall be residents of Iowa. "Eligible student" includes a student classified by the board of directors of a school district, by the state board of regents for students of the Iowa School for the Deaf and the Iowa Braille and

Sight Saving School, or by the authorities in charge of an accredited nonpublic school as a ninth or tenth grade student who is identified according to the school district's gifted and talented criteria and procedures, pursuant to Iowa Code section 257.43, as a gifted and talented child, or an eleventh or twelfth grade student, during the period the student is participating in the postsecondary enrollment options program. To be eligible to participate in a program under this division, a student must meet all criteria in rule 22.2.

22.16(1) A student enrolled in an accredited nonpublic school who meets all eligibility requirements may apply to take courses under this division in the school district where the accredited nonpublic school is located, provided that neither the accredited nonpublic school nor the school district offers a comparable course.

22.16(2) A student under competent private instruction who meets all eligibility requirements may apply to take courses under this division through the public school district in which the student is dually enrolled, provided that the resident school district does not offer a comparable course, and shall be allowed to take such courses on the same basis as a regularly enrolled student of the district.

22.16(3) Postsecondary institutions may require students to meet appropriate standards or requirements for entrance into a course. Such requirements may include prerequisite courses, scores on national academic aptitude and achievement tests, or other evaluation procedures to determine competency. Acceptance of a student into a course by a postsecondary institution is not a guarantee that a student will be enrolled in all requested courses. Priority may be given to postsecondary students before eligible secondary students are enrolled in courses. However, once an eligible secondary student has enrolled in a postsecondary course, the student cannot be displaced by another student for the duration of the course. Students shall not "audit" postsecondary courses. The student must take the course for credit and must meet all of the requirements of the course which are required of postsecondary students.

281—22.17(261E) Eligible postsecondary courses. These rules are intended to implement the policy of the state to promote rigorous academic pursuits. Therefore, postsecondary courses eligible for students to enroll in under this division shall be limited to: nonsectarian courses; courses that are not comparable to courses offered by the school district where the student attends which are defined in rules adopted by the board of directors of the public school district; credit-bearing courses that lead to an educational degree; courses in the discipline areas of mathematics, science, social sciences, humanities, and vocational-technical education; and also the courses in career option programs offered by area schools established under the authorization provided in Iowa Code chapter 260C. A school district or accredited nonpublic school district shall grant academic or vocational-technical credit to an eligible student enrolled in an eligible postsecondary course.

281—22.18(261E) Application process. To participate in this program, an eligible student shall make application to an eligible postsecondary institution to allow the eligible student to enroll for college credit in a nonsectarian course offered at the institution. A comparable course must not be offered by the school district or accredited nonpublic school the student attends. For purposes of these rules, comparable is not synonymous with identical, but means that the content of a course provided to a high school student for postsecondary credit shall not consist of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school. If the postsecondary institution accepts an eligible student for enrollment under this division, the institution shall send written notice to the student, the student's parent or guardian in the case of a minor child, and the student's school district or accredited nonpublic school and the school district in the case of a nonpublic school student or student under competent private instruction, or the Iowa School for the Deaf or the Iowa Braille and Sight Saving School. The notice shall list the course, the clock hours the student will be attending the

course, and the number of hours of college credit that the eligible student will receive from the eligible postsecondary institution upon successful completion of the course.

281—22.19(261E) Credits. A school district, the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, or accredited nonpublic school shall grant high school credit to an eligible student enrolled in a course under this division if the eligible student successfully completes the course as determined by the eligible postsecondary institution.

22.19(1) The board of directors of the school district, the board of regents for the Iowa School for the Deaf and the Iowa Braille and Sight Saving School, or authorities in charge of an accredited nonpublic school shall determine the number of high school credits that shall be granted to an eligible student who successfully completes a course.

22.19(2) Eligible students may take up to seven semester hours of credit during the summer months when school is not in session and receive credit for that attendance, if the student pays the cost of attendance for those summer credit hours.

22.19(3) The high school credits granted to an eligible student under this division shall count toward the graduation requirements and subject area requirements of the school district of residence, the Iowa school for the deaf, the Iowa braille and sight saving school, or accredited nonpublic school of the eligible student. Evidence of successful completion of each course and high school credits and college credits received shall be included in the student's high school transcript.

281—22.20(261E) Transportation. The parent or guardian of an eligible student who has enrolled in and is attending an eligible postsecondary institution under this division shall furnish transportation to and from the postsecondary institution for the student.

281—22.21(261E) Tuition payments.

22.21(1) Not later than June 30 of each year, a school district shall pay a tuition reimbursement amount to a postsecondary institution that has enrolled its resident eligible

students under this division, unless the eligible student is participating in open enrollment under Iowa Code section 282.18, in which case, the tuition reimbursement amount shall be paid by the receiving district. However, if a child's residency changes during a school year, the tuition shall be paid by the district in which the child was enrolled as of the date specified in Iowa Code section 257.6(1) or the district in which the child was counted under Iowa Code section 257.6(1)*"a"*(6). For students enrolled at the Iowa School for the Deaf and the Iowa Braille and Sight Saving School, the state board of regents shall pay a tuition reimbursement amount by June 30 of each year. The amount of tuition reimbursement for each separate course shall equal the lesser of:

a. The actual and customary costs of tuition, textbooks, materials, and fees directly related to the course taken by the eligible student.

b. Two hundred fifty dollars.

22.21(2) A secondary student is not eligible to enroll on a full-time basis in an eligible postsecondary institution under this program.

22.21(3) An eligible postsecondary institution that enrolls an eligible student under this division shall not charge the student for tuition, textbooks, materials, or fees directly related to the course in which the student is enrolled except that the student may be required to purchase equipment that becomes the property of the student. For the purposes of this subrule, equipment shall not include textbooks.

281—22.22(261E) Tuition reimbursements and adjustments. The failure of a student to complete or otherwise to receive credit for an enrolled course requires the student, if 18 years of age or older, to reimburse the school district for the cost of the enrolled course. If the student is under 18 years of age, the student's parent or guardian shall sign the student registration form indicating that the parent or guardian assumes all responsibility for the costs directly related to the incomplete or failed coursework. If documentation is

submitted to the school district that verifies the student was unable to complete the course for reasons including but not limited to the student's physical incapacity, a death in the student's immediate family, or the student's move to another school district, that verification shall constitute a waiver to the requirement that the student or parent or guardian pay the costs of the course to the school district. An eligible postsecondary institution shall make pro rata adjustments to tuition reimbursement amounts based upon federal guidelines established pursuant to 20 U.S.C. §1091b.

281—22.23(261E) Reserved.

DIVISION VI

CAREER ACADEMIES

281—22.24(261E) Career academies. A career academy is a program of study as defined in 281—Chapter 47. A course offered by a career academy shall not qualify as a regional academy course.

22.24(1) A career academy course may qualify as a concurrent enrollment course if it meets the requirements of Iowa Code section 261E.8.

22.24(2) The school district providing secondary education under this division shall be eligible for supplementary weighting under Iowa Code section 257.11(2), and the community college shall be eligible for funds allocated pursuant to Iowa Code section 260C.18A.

22.24(3) Information regarding career academies shall be provided by the school district 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.

281—22.25(261E) Reserved.

DIVISION VII

REGIONAL ACADEMIES

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 9 through 12, and which may include Internet-based coursework and courses delivered via the ICN. A regional academy shall include in its curriculum advanced level courses and may include in its curriculum career and technical courses.

22.26(1) A regional academy course shall not qualify as a concurrent enrollment course and does not generate any postsecondary credit.

22.26(2) School districts participating in regional academies are eligible for supplementary weighting as provided in Iowa Code section 257.11(2).

22.26(3) 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.

281—22.27(261E) Reserved.

DIVISION VIII

INTERNET-BASED AND ICN COURSEWORK

281—22.28(261E) Internet-based coursework. The programming in this chapter may be delivered via Internet-based technologies including but not limited to the Iowa learning online program. An Internet-based course may qualify for additional supplemental weighting if it meets the requirements of Division IV or Division VI of this chapter. To qualify as a senior year plus course, an Internet-based course must comply with the appropriate provisions of this chapter.

281—22.29(261E) ICN-based coursework. The ICN may be used to deliver coursework for the programming provided under this chapter subject to an appropriation by the general assembly for that purpose. A school district that provides courses delivered via the ICN shall receive supplemental funding as provided in Iowa Code section 257.11(7). To qualify as a senior year plus course, a course offered through the ICN must comply with the appropriate provisions of this chapter.

These rules are intended to implement Iowa Code chapter 261E.

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 97, "Supplementary Weighting," Iowa Administrative Code.

2008 Iowa Acts, chapter 1181, division II, created a new chapter in the Iowa Code, chapter 261E, "Senior Year Plus Program." The Senior Year Plus Program established in legislation provides Iowa high school students increased access to advanced placement coursework and postsecondary credit. The first seven items address funding for and various elements of the program.

Items 8 through 10 amend provisions regarding the supplementary weighting plan for operational function sharing. In Item 8, the reference to Iowa Code chapter 28E is stricken because that is not the correct authority for such agreements. In Item 9, the percentages are reworded because the present wording only works when the district does not add more sharing arrangements. Taking 20 percent of each year is the equivalent of the present wording. Additionally, new paragraph 97.7(9)"b" clarifies the order of the adjustments and phaseouts. Item 10 is amended to give more flexibility to districts that cannot show savings because they are cutting costs across all functions, including cutting instructional staff.

Notice of Intended Action was published in the March 11, 2009, Iowa Administrative Bulletin as ARC #7611B. A public hearing was held March 31, 2009, and public comments were allowed until close of business on March 31, 2009. No written or oral comments were received regarding these amendments.

These amendments are identical to those published under Notice.

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

These amendments are intended to implement 2008 Iowa Acts, Chapter 1181, sections 45 through 65, and 2008 Iowa Acts, Chapter 1191, section 157.

The following amendments are adopted.

ITEM 1. Amend rule **281—97.1(257)**, definitions of *"Political subdivision," "Regional academy,"* and *"Supplementary weighting plan,"* as follows:

"Political subdivision" shall mean a political subdivision in the state of Iowa and shall include a city, a township, a county, a public school district, a community college, an area education agency, or an institution governed by the state board of regents (~~Malcom~~ Malcolm Price Laboratory School, Iowa Braille and Sight Saving School, Iowa School for the Deaf, Iowa State University, University of Iowa, and University of Northern Iowa).

"Regional academy" shall mean an educational program established by a school district to which multiple school districts send students in grades ~~nine~~ 9 through ~~twelve~~ 12. The curriculum shall include advanced-level courses and, in addition, may include ~~vocational-technical~~ career-technical courses, Internet-based courses, and ~~a virtual academy~~ coursework delivered via the ICN. Regional academy courses shall not qualify as concurrent enrollment courses and do not generate any postsecondary credit. School districts participating in regional academies are eligible for supplementary weighting as provided in Iowa Code section 257.11, subsection 2.

"Supplementary weighting plan" shall mean a plan as defined in this chapter to add a weighting for each resident student eligible who is enrolled in an eligible class taught by a teacher employed by another school district or taught by a teacher employed jointly with another school district or sent to and enrolled in an eligible class in another school district or sent to and enrolled in an eligible community college class. The supplementary weighting for each eligible class shall be calculated by multiplying the fraction of a school year that class represents ~~times~~ by the number of eligible resident students enrolled in that class ~~times~~ and then multiplying that figure by the weighting factor established in Iowa Code chapter 257.

ITEM 2. Adopt the following **new** definitions in rule **281—97.1(257)**:

"Career academy" shall mean a program of study as defined in 281—chapter 47. A course offered by a career academy shall not qualify as a regional academy course. A career academy

course may qualify as a concurrent enrollment course if it meets the requirements of Iowa Code section 261E.8.

"ICN" shall mean the Iowa Communications Network.

ITEM 3. Amend subrule **97.2(5)** as follows:

97.2(5) *Attend class in a community college.* All of the following conditions must be met for any student attending a community college-offered class to be eligible for supplementary weighting under paragraph 97.2(1)*"d."*

a. to *d.* No change.

e. The course must be taught by ~~a teacher for whose services the community college has contracted to specifically teach the class~~ an instructor employed by or contract with the community college who meets the requirements of Iowa Code section 261E.3.

f. No change.

g. The course must ~~be of the same quality as a course offered on a community college campus~~ result in student work and assessment that meets college-level expectations.

h. The course must not have been determined as failing to meet the standards established by the postsecondary course audit committee.

ITEM 4. Amend subrule **97.2(6)** as follows:

97.2(6) *Ineligibility.* The following students are ineligible for supplementary weighting:

a. No change.

~~*b.* Students taking courses taught via any television or electronic medium except the Iowa Communications Network (ICN) video services.~~

~~*c.*~~ *b.* Students eligible for the special education weighting plan provided in Iowa Code section 256B.9.

~~*d.*~~ *c.* Students in whole-grade sharing arrangements except under sharing pursuant to subrule 97.2(5) or subrule 97.2(7).

~~e.~~ *d.* Students open enrolled out except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph "c."

~~f.~~ *e.* Students open enrolled in except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph "c," when the students are under competent private instruction and are dual enrolled in grades 9 through 12.

~~g.~~ *f.* Students participating in shared services rather than shared classes except under sharing pursuant to rule 97.7(257).

~~h.~~ *g.* Students taking postsecondary enrollment options (PSEO) courses ~~authorized under Iowa Code chapter 261C are ineligible for supplementary weighting for the PSEO courses~~.

~~i.~~ *h.* Students enrolled in courses or programs offered by their resident school districts unless those courses meet the conditions for attending classes in a community college under subrule 97.2(5) or if the teacher is employed by another school district pursuant to subrule 97.2(3) or if a teacher is jointly employed with another school district pursuant to subrule 97.2(4) or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ~~Iowa Communications Network (ICN)~~ ICN video services to other districts pursuant to subrule 97.6(1).

~~j.~~ *i.* Students enrolled in courses or programs taught by teachers employed by their resident school districts unless the employment meets the criteria of joint employment with another school district under subrule 97.2(4) or if the criteria in subrule 97.2(5) are met for students attending class in a community college or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ~~Iowa Communications Network (ICN)~~ ICN video services to other districts pursuant to subrule 97.6(1).

~~k.~~ *j.* Students enrolled in an at-risk program or alternative school program.

~~l.~~ *k.* Students enrolled in summer school courses.

ITEM 5. Amend subrule **97.2(7),** introductory paragraph, as follows:

97.2(7) *Whole-grade sharing.* If all or a substantial portion of the students in any grade are shared with another one or more school districts for all or a substantial portion of a school day, then no students in that grade level are eligible for supplementary weighting except as authorized by rule 281—97.5(257). No students in the grade levels who meet the criterion in this subrule are eligible for supplementary weighting even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12. A district that discontinues grades pursuant to Iowa Code section 282.7 is deemed to be whole-grade sharing the resident students in those discontinued grades for purposes of these rules.

ITEM 6. Amend rule **281—97.4(257)** as follows:

281—97.4(257) Supplementary weighting plan for a regional academy.

97.4(1) Eligibility. Except if listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if all of the following criteria are met:

a. Two or more Iowa school districts, other than a whole-grade sharing partner district, send students to advanced-level courses that are included in the curriculum of the regional academy, and these students are eligible for supplementary weighting under subrule 97.2(1), paragraph *"a"* or *"c."* In addition, for the host district to qualify for the minimum weighting pursuant to subrule 97.4(4), one or more Iowa school districts, other than a whole-grade sharing partner district, must send students to career-technical classes that are included in the curriculum of the regional academy.

b. and *c.* No change.

d. The curriculum is an organized course of study, adopted by the board, that includes a minimum of two advanced-level courses that are not part of a ~~vocational-technical~~ career-technical program. An advanced-level course is a course that is above the level of the course units required as minimum curriculum in 281—Chapter 12 in the host district.

e. and *f.* No change.

g. Two or more sending districts that are whole-grade sharing partner districts shall be treated as one sending district for purposes of subrule 97.4(1), paragraph "a."

97.4(2) No change.

97.4(3) Maximum weighting. The maximum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to ~~15~~ 30 full-time-equivalent pupils.

97.4(4) Minimum weighting. The minimum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to ~~ten additional~~ 15 full-time-equivalent pupils if the academy provides both advanced-level courses and ~~vocational-technical~~ career-technical courses.

97.4(5) Additional programs. If all of the criteria in subrule 97.4(1) are met, the regional academy may also include in its curriculum ~~vocational-technical~~ career-technical courses ~~or a virtual academy~~, Internet-based courses and ICN courses. ~~If the Internet connection for a qualified virtual academy is provided through the ICN, that Internet connection shall be deemed a regional academy class and not an ICN video class pursuant to Iowa Code section 257.11, subsection 6, for purposes of this subrule.~~

~~**97.4(6)** Maximum funding. If the sum of the funding amount calculated for all districts operating regional academies under this rule exceeds $1 million for the school year beginning July 1, 2004, and each succeeding fiscal year, the director of the department of management shall prorate the amount calculated for each district. The proration shall be based upon the amount calculated for each district when compared to the sum of the amount for all districts.~~

~~**97.4(7)** October 1, 2007, is the final date that any students may be included for supplementary weighting for an in-district regional academy.~~

97.4(6) Career academy. A career academy is not a regional academy for purposes of these rules.

ITEM 7. Amend paragraph **97.5(6)**"a" as follows:

a. The progress report shall include, but not be limited to, the following information:

(1) and (2) No change.

(3) If the district is studying ~~reorganization~~ dissolution, information on whether public hearings have been held, a proposal has been adopted, and an election date has been set.

(4) If the district is studying ~~dissolution~~ reorganization, information on whether public hearings have been held, a plan has been approved by the AEA, and an election date has been set.

(5) and (6) No change.

ITEM 8. Amend paragraph **97.7(1)**"a" as follows:

a. The district shares a discrete operational function with one or more other political subdivisions pursuant to ~~an Iowa Code chapter 28E agreement~~ a written contract.

ITEM 9. Amend subrule **97.7(9)** as follows:

97.7(9) *Weighting.* Resident students eligible for supplementary weighting pursuant to rule 97.7(257) shall be eligible for a weighting of two-hundredths per pupil included in the actual enrollment in the district. The supplementary weighting shall be assigned to each discrete operational function shared. The maximum number of years for which a supplementary weighting shall be assigned for all operational functions shared is five years.

a. The supplementary weighting for operational functions shared is decreased each year based on the following schedule:

(1) The total supplementary weighting calculated for all operational function sharing in the second year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(2) The total supplementary weighting calculated for all operational function sharing in the third year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~40~~ 20 percent of the total supplementary

weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(3) The total supplementary weighting calculated for all operational function sharing in the fourth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~60~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(4) The total supplementary weighting calculated for all operational function sharing in the fifth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~80~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

b. The decrease in the total supplementary weighting as described in paragraph "a" of this subrule shall be applied after any adjustment for minimum or maximum weighting has been applied.

~~*b*~~ *c*. The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement, new arrangement, or continuing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.

ITEM 10. Amend paragraphs **97.7(13)***"c"* and *"d"* as follows:

c. The department of education will adjust the total expenditures to exclude distorting financial transactions ~~such as energy costs, large equipment purchases,~~ or interagency financial transactions. Distorting financial transactions shall be determined by the department of education.

d. If the district cannot demonstrate cost savings directly attributable to the shared operational function ~~and~~ or increased student opportunities, the district will not be eligible for supplementary weighting for operational function sharing for that fiscal year.

ITEM 11. Amend **281—Chapter 97**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 257.6, ~~section~~ 257.11 ~~as amended by 2007 Iowa Acts, Senate File 447 and Senate File 588, section 20~~, and ~~section~~ 257.12, Iowa Code chapter 261E, and 2007 Iowa Acts, Senate File 588, section 20.