

DEPARTMENT OF EDUCATION  
(Cite as 19 D.o.E. App. Dec. 175)

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Petition by School Administrators of Iowa :  
For a Declaratory Ruling on : DECLARATORY RULING #51  
281 IAC 12.6(1) : 12 January 2001

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STATEMENT OF FACTS AND PROCEDURE

On December 20, 2000, School Administrators of Iowa (herein "SAI") filed a petition for declaratory ruling pursuant to chapter 3 of division 281 of the Iowa Administrative Code. The primary question posed by SAI, regarding 281 IAC 12.6(1), is:

Must the sponsor of a non-athletic, extracurricular activity offered by a school or school district\* hold either a teaching license or a coaching authorization?

SAI sent proper notice of its petition to the following interested organizations: Iowa Association of School Boards, Iowa State Education Association, Iowa High School Athletic Association, Iowa Girls High School Athletic Union, Iowa State Dance/Drill Team Association, and Iowa Cheerleading Coaches Association. The Department of Education (herein "the Department") gave courtesy notice to the Board of Educational Examiners (herein "BoEE"). None of these organizations have become intervenors; that is, none have filed a petition for intervention. However, the Department is aware that the position of the BoEE is that the head sponsor of any extracurricular activity must hold a valid Iowa teaching license.

The petition is properly before the Department, as it appears that the question has not been previously determined and is not pending before any entity authorized to issue a declaratory order or ruling on the same. Indeed, because rule 12.6(1) was promulgated by the Department of Education, this Department is the only appropriate agency from whom an interpretation of the same may issue.

CONCLUSIONS OF LAW

The rule to be interpreted, 281 IAC 12.6(1), states in pertinent part:

**"Activity program.** The following standards shall apply to the activity program of accredited schools and school districts.

*"(1) General guidelines.* Each board shall sponsor a pupil activity program sufficiently broad and balanced to offer opportunities for all pupils to participate. The program shall be supervised by qualified professional staff and shall be designed to meet the needs and interests and challenge the abilities of all pupils... ; contribute to the physical, mental, athletic, civic, social, moral, and emotional growth of all pupils; offer opportunities for both individual and group activities; be integrated with the instructional program; and provide balance so a limited number of activities will not be perpetuated at the expense of others." [Emphasis added.]

\*To be consistent with their usage in chapter 12 of 281 IAC, school district means a public school district, while school refers to an accredited, nonpublic school.

The issue before the Department may be best addressed by narrowing its scope. For instance, at the outset the petition clearly and specifically does not involve athletic extracurricular activities. The form letter used by the BoEE (referred to in SAI's petition for declaratory ruling and supplied to the Department by the BoEE) quotes from 281 IAC 12.6(1) that the pupil activity program "shall be supervised by qualified professional staff" [BoEE's emphasis]. Its form letter then states, "Thus, to be 'qualified professional staff,' the head sponsor of any extra-curricular activity must hold a valid Iowa teaching license." This is the sum and substance of BoEE's position. It does not claim that such sponsors provide educational assistance to students, thus putting them under the definition of "practitioner" pursuant to Iowa Code section 272.1(6), which requires licensure. Nor does the BoEE claim that sponsors of non-athletic activities must follow DE and BoEE rules regarding athletic coaches.

However, it is noted that, while preferred, even an athletic coach is not required to hold a valid Iowa teaching license as long as s/he possesses an Iowa coaching authorization pursuant to Iowa Code Section 279.19B (1999). ("The board of directors of a school district may employ for head coach ... or for assistant coach of any interscholastic athletic activity, an individual who possesses a coaching authorization issued by the board of educational examiners or possesses a teaching license with a coaching endorsement issued pursuant to chapter 272. ..." Id.)

Examining the phrase of 281 IAC 12.6(1) which states, "...The program shall be supervised by qualified professional staff... .", the Department believes that the focus should be not on what is meant by "qualified professional staff", but on what is meant by "[t]he program."

The first sentence of rule 12.6(1) directs the governing body of each school and school district to sponsor "a pupil activity program." [Emphasis added.] What this program must do is defined in the next sentence (e.g., contribute to a pupil's growth in the seven listed areas; offer individual and group opportunities; etc.) Most importantly, for purposes of answering SAI's question, the pupil activity program must "provide balance so a limited number of activities will not be perpetuated at the expense of others."

This language fits most comfortably within a meaning that provides that "program" is the whole menu of extracurricular activities. Therefore, the revenue producing athletic activities are not to be perpetuated at the expense of activities such as chess club or drill team. Some activities within the program will emphasize individual skills and others group participation; some activities will focus on physicality and others on mental acuity. No single activity within the program will meet all of the needs of all of the pupils; that is why the pupil activity program must consist of many activities. It is clear to the Department that "program" means all of the extracurricular activities taken as a whole.

Thus, the requirements of the qualifications of the supervisor of the pupil activity program of rule 12.6 concern only those of the supervisor of the entire program (such as an "activities director"), and not the director, sponsor or coach - the label is unimportant - of each individual non-athletic activity offered within the pupil activity program. Indeed, the requirement that the drill team, debate club or cheerleading sponsor be licensed contradicts the athletic coaches rule referred to earlier. To clarify, coaches of most athletic activities do not have to possess a valid Iowa teaching license if they possess the appropriate coaching authorization, which is specifically limited to athletic activities.

#### DECLARATORY RULING

The word "program" in 281 IAC 12.6(1) refers to the entire menu of extracurricular activities offered by a school or school district. While the overall supervisor of the program of pupil activities must

be a “qualified professional”, there is no requirement that the sponsor of each individual non-athletic activity be a holder of a teaching license or any type of coaching authorization.

DATE: \_\_\_\_\_

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Ted Stilwill, Director

