



# Flexible Student and School Support Program

## Introduction

In the 2021 legislative session, Governor Reynolds signed [House File \(HF\) 847](#) into law. The new law required the Iowa State Board of Education to Create and the Iowa Department of Education (Department) to administer the Flexible Student and School Support (FS3) program, which replaces the Innovative Waiver formerly available in Iowa Code section 256.11 and rule 281-12.9.<sup>1</sup> The FS3 program provides an approved school district or accredited nonpublic school with additional flexibility to “implement evidence-based practices in innovative ways to enhance student learning, well-being, and postsecondary success” (281-IAC 12.9(1)).

## Purpose

The purpose of this guidance is to:

- Provide information on the new program and its requirements, including the application process;
- Outline the exemptions available to approved districts and accredited nonpublic schools; and
- Answer Questions from the field

## Use of Funds and Exemptions

HF 847 also provides the Department’s director with the authority to allow a school districts or accredited nonpublic school to participate in the FS3 program. Approval to participate in the program provides the district authority to use its flexibility account funds under [Iowa Code section 298A.2, subsection 2](#) to implement the FS3 program. Approval to participate also exempts the district or accredited nonpublic school from certain general accreditation requirements if the director deems the exemption request to be:

- An essential part of an educational program to support student learning, well-being, and postsecondary success;
- Necessary for the success of the district or accredited nonpublic school program; and
- Broadly consistent with the intent of the requirement(s) for which the district or accredited nonpublic school seeks exemption (281-IAC 12.9(2)).

## Exemptions Available

The district or accredited nonpublic school may request exemption from one or more of the following requirements so it may implement evidence-based practices (see #5) in innovative ways to enhance student learning, wellbeing, and postsecondary success:

- Education program requirements for grades one through six in [subrule 281-12.5\(3\)](#).
- Education program requirements for grades seven and eight in [subrule 281-12.5\(4\)](#).
- Education program requirement grades none through 12 (also referred to as “Offer-and-teach”) in [subrule 281-12.5\(5\)](#).
- Physical activity requirement for students in kindergarten through fifth grade (30 minutes per week) in [subrule 281-12.5\(19\)](#)

<sup>1</sup>The State Board adopted the updated rule 281-12.9 on March 24, 2022, which becomes effective May 25, 2022.

- Physical activity requirements for students in grades six through 12 (180 minutes per week) in [subrule 281-12.5\(19\)](#)
- Education requirement for one-eighth unit of physical education each semester for all students in grades nine through 12 in [subrule 281-12.5\(5\)\(f\)](#).
- Completion of the cardiopulmonary resuscitation (CPR) course requirement in [subrule 291-12.5\(20\)](#).
- Provisions for gifted and talented students in subrule 281-12.5(13) (required only for school districts).
- Provisions for at-risk students in [subrule 281-12.1\(7\)](#).
- Minimum school calendar requirements in [subrule 291-12.1\(7\)](#).

The exemptions are also provided in Appendix A: Exemptions Available next to their requirements.

## Requirements

On behalf of the district's school board or the nonpublic school's authorities in charge, the school district's superintendent or accredited nonpublic school's head administrator must:

- Apply to participate in the program by completing the initial application by May 30 of the year before it wishes to begin the FS3 program (281-IAC 12.9(4));
- Submit an annual report to the Department on the status of the program by May 30 of each year following program implementation (281-IAC 12.9(6)); and
- Complete the renewal application (if applicable) by May 30 of the year prior to the expiration of the initial application (281-IAC 12.9(7)).

The following sections provide additional detail on these requirements.

### Completing the Initial Application

By May 30 of the year before it wishes to begin the FS3 program, the district's superintendent or accredited nonpublic school's head administrator must complete the Flexible Student and School Support Program Application in the Consolidated Accountability and Support Application (CASA) on behalf of the district's school board or the nonpublic school's authorities in charge. The application is located in the Applications and Waivers folder in CASA.

1. Once on the main dashboard, select the upcoming school year from the dropdown.
2. From the dashboard, navigate to the Application and Waivers folder and click "show."
3. On the Applications for Waivers, Exemptions, and Prior Approval for Flexible Student and School Support Program Application 2023-24, click on the "More" button.

## APPLICATION REQUIREMENTS

Iowa Administrative Code requires the Department to develop an application that includes all of the following:

- A description of the proposed educational program, including evidence used to design the program and evidence of involvement of board members, parents, students, community members, and staff in the development of the program;
- Program goals and measures of program effectiveness and success, including student success and performance;
- A plan for program administration, including the use of personnel, facilities, and funding;
- A plan for evaluation of the proposed program on the least an annual basis, including a plan for program revisions (if necessary); and
- The estimated financial impact of the program on the school district or nonpublic school (281-IAC 12.9(4)).

## APPLICATION CONTENT

The Department will collect the following information as part of the initial application:

1. Select the requirement(s) from which the district or accredited nonpublic school requests exemption (check all that apply)
  - Education program requirement for grades 1-6
  - Education program requirements for grades 7-8
  - Education program requirements for grades 9-12 (also referred to as “Offer-and-teach”)
  - Physical activity requirement for students in kindergarten through fifth grade (30 minutes per week)
  - Physical activity requirement for students in grades six through 12 (180 minutes per week)
  - Education requirement for one-eighth unit of physical education each semester for all students in grades nine-12
  - Completion of the cardiopulmonary resuscitation (CPR) course requirement
  - Provisions for gifted and talented students
  - Provisions for at-risk students
  - Minimum school calendar requirements
  
2. Indicate the duration of time for which you are requesting the exemption.
  - 1 year
  - 2 years
  - 3 years
3. Describe the proposed educational program (limited to 2,000 characters). The description must include all of the following
  - a. A brief summary of the evidence used to design the proposed educational program, including how each evidence-based practice will be:
    - i. Implemented in innovative ways to enhance student learning, well-being and postsecondary success; and
    - ii. Adapted to ensure that it is appropriate for the district or school’s circumstances and populations.
  - b. An explanation of how board members, parents, students, community members, and staff were involved in the development of the proposed educational program.

This response may include uploading supporting data charts and/or graphs, research documents, and other information.

4. Identify the proposed educational program’s goals and measures of program effectiveness and success, including student success and performance. For this question, a district or accredited nonpublic school must make a copy of the [action plan template](#), complete it, and upload the finished action plan to the question.
5. Describe what the district or accredited nonpublic school strives to accomplish as a result of receiving the requested exemption(s) (limited to 2,000 characters). This response must address all of the following:
  - (i) How each exemption is an essential part of the proposed educational program to support student learning, well-being, and postsecondary success;
  - (ii) Why each exemption is necessary for the success of the program; and
  - (iii) How the educational program is broadly consistent with the intend of the requirement(s) for which exemption is requested.
6. Describe the district’s or school’s plan to administer the proposed educational program, including how it will use personnel, facilities, and funding (limited to 1,000 characters).
7. Provide a plan for evaluation of the proposed program on at least an annual basis, including a plan for program revisions (if necessary; limited to 1,000 characters)
8. Indicate what the estimated cost difference would be if granted the requested exemption(s) (limited to 500 characters). This response may include an upload of anticipated itemized program costs.

## Submit Annual Report by May 30

By May 30 each year following program implementation, the district's superintendent or accredited nonpublic school's head administrator must complete and submit an annual report on behalf of the district's school board or the nonpublic school's authorities in charge. The Department will use this report to evaluate the program each year. The intended outcome(s) of the district's or accredited nonpublic school program will drive the evaluation. The Department will look for a demonstration that the program works under the conditions encountered in the field and evidence that the innovations are making a difference (at least showing promising progress) in student outcomes. The Department will reach out to the district or accredited nonpublic school with follow-up questions as needed.

### ANNUAL REPORT CONTENT

The Department will collect the following information as part of the annual report:

1. A brief summary of the progress made on accomplishing the program goal(s), which referenced the measures of effectiveness provided in the initial application.
2. Evidence of the district's or accredited nonpublic school's annual evaluation of the education program. Evidence may include meeting minutes that show program progress was reviewed or data with a summary of how the data and program were reviewed.
3. A brief summary of the actual fiscal impact of FS3 participation for the last year and/or an upload of itemized program costs for the current compared to the previous year's costs.
4. A description of any issues the district or accredited nonpublic school may have encountered in implementing the program. If issues were encountered, the description must also address what adjustments or modifications the district or accredited nonpublic school plan to make going forward to address them. If the district or accredited nonpublic school did not encounter implementation issues or does not anticipate making any changes at this time, enter "NA".
5. Indicate whether the district or accredited nonpublic school plans to continue implementing the program in the upcoming school year (Yes or No).

### FAILURE TO SHOW PROGRESS TOWARD PROGRAM GOALS: EXEMPTION REVOCATION

If the annual report or any other information available to the Department indicates that conditions no longer warrant the use of an exemption or funding from the school district's flexibility account, the Department's director may revoke approval of all or part of the district's or accredited nonpublic school's application or approved education program. In such a case, the Department's director must provide the district or accredited nonpublic school notice of revocation prior to the beginning of the school year for which participation is revoked (281-IAC 12.9(7)).

### Submit the Renewal Application (If Applicable)

At the end of the approval exemption period (i.e., the amount of time requested in the initial application), the school district's superintendent or accredited nonpublic school's head administrator may submit a new application to have the same FS3 program renewed for up to three years on behalf of the district's school board or the nonpublic school's authorities in charge (281-IAC 12.9(7)). The renewal application must be submitted no later than May 30 of the year preceding the school year for which the renewed program is requested to begin.

### RENEWAL APPLICATION CONTENT

The renewal application will include the same general questions as the initial application, but with some minor alterations. For example, the description of the renewed educational program must include a rationale to continue based on data from the previous cycle and an upload of the previous year's annual report.

# Frequently Asked Questions

## 1. What is the FS3 Program?

The FS3 program is not a pass to “not” meet the minimum educational program and/or school calendar requirements; instead, it is meant to meet the same objectives but in a different, innovative way that enhances student learning, well-being, and postsecondary success.

## 2. What is the FS3 Program?

The FS3 program benefit(s) differ from school district and accredited nonpublic schools. For an approved accredited nonpublic school, the benefit of participation is exemption from one or more of the general accreditation requirements outlined in #3. For an approved school district, the benefits or participation include: exemption from one or more of the general accreditation requirements outlined in #3 and authority to use funds from the school district’s flexibility account under [Iowa Code section 298A.2 subsection 2](#) to implement all or part of the FS3 program (281-IAC 12.9(3)).

| Benefit  | Approved Accredited Nonpublic School | Approved School District |
|--|--------------------------------------|--------------------------|
| Exemption from one or more of the general accreditation requirements   | Yes                                  | Yes                      |
| Authority to use funds from the school district’s flexibility account under <a href="#">Iowa Code Section 298A.2, subsection 2</a> to implement all or part of the FS3 program | No                                   | Yes                      |

## 3. What is the FS3 Program?

The Department’s director may exempt a district or accredited nonpublic school from one or more of the following requirements to implement evidence-based practices:

- Education program requirements for grades one through six in subrule 281-12.5(3).
- Education program requirements for grades seven and eight in subrule 281-12.5(3).
- Education program requirement grades none through 12 (also referred to as “Offer-and-teach”) in subrule 281-12.5(5).
- Physical activity requirement for students in kindergarten through fifth grade (30 minutes per week) in subrule 281-12.5(19)
- Education requirement for one-eighth unit of physical education each semester for all students in grades nine through 12 in subrule 281-12.5(5)(f).
- Completion of the cardiopulmonary resuscitation (CPR) course requirement in subrule 291-12.5(20).
- Provisions for gifted and talented students in subrule 281-12.5(13) (required only for school districts).
- Provisions for at-risk students in subrule 281-12.1(7).
- Minimum school calendar requirements in subrule 291-12.1(7).

Yes. One or more exemptions may be requested in a single application.

## 4. What are the determining criteria for approval?

Subrule 281-12.9(2) requires the Department’s director to only grant the school district or accredited nonpublic school an exemption if the director deems that the exemption request is:

- An essential part of an educational program to support student learning, well-being, and postsecondary success;
- Necessary for the success of the program; and
- Broadly consistent with the intent of the requirement(s) for which exemption is being requested.

## 5. What does “evidence-based” mean? Where can I find a list of evidence-based practices?

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), defines “evidence-based” as an activity, strategy, or intervention that-

- (i) Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on-
  - (I) Strong evidence from at least one well designed and well implemented experimental study
  - (II) Moderate evidence from at least one well designed and well implemented quasi-experimental study; or
  - (III) Promising evidence from at least one well designed and well implemented correlational study with statistical controls for selection bias; or
- (ii) (I) Demonstrates a rationale based on high quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention (ESSA) 8101(21)(A)).

Refer to the Department’s August 2021 [Review Evidence-based Practices and critical Learning Concepts](#) for additional information and a list of evidence-based practices.

## 6. What does implementing an evidence-based practice in an “innovative “way mean?

It means to approach something differently with a commitment to excellence and improvement. It involves finding new methods to approach problems or procedures to produce results that change or challenge the status quo. In education, this means looking for ways to think differently to improve student outcomes.

## 7. Who is eligible to participate in the FS3 program? Who requests the exemption?

If approved, a school district and accredited nonpublic school may participate in the FS3 program (281-IAC 12.9(1)).

## 8. What is the deadline to apply?

The school district’s superintendent or accredited nonpublic school’s head administrator must apply on behalf of the district’s school board or the nonpublic school’s authorities in charge by May 30 of the year before it wishes to begin the FS3 program.

## 9. How long may the request be granted?

It depends on what is requested in the initial application. The district or accredited nonpublic school may request to participate in the FS3 program for up to three years (281-IAC 12.9(1)).

## 10. At the end of the approved exemption period, may the district or accredited nonpublic school apply to have the same FS3 program renewed and the exemption(s) extended?

Yes. The district or accredited nonpublic school’s FS3 participation and related exemption(s) may be renewed for additional periods of years, each not to exceed three years (281-IAC 12.9(7)).

## 11. What are the reporting requirements?

The district or accredited nonpublic school must complete an annual report updating the status and include, if necessary, a plan for program revisions. The annual report must be submitted no later than May 30 of each year following program implementation.

## 12. May the FS3 program be revoked?

If the annual report or any other information available to the Department indicates that conditions no longer warrant use of an exemption or funding from the school district's flexibility account, the director may revoke approval of all or part of the district's or accredited nonpublic school's application or approved education program. In such a case, the Department's director must provide the district or accredited nonpublic school notice of revocation prior to the beginning of the school year for which participation is revoked (281-IAC 12.9(7)).

## Questions and Additional Guidance

If you have questions, please contact your [School Improvement Consultant](#). For additional FS3 program guidance and information, please visit the Department's [Applications and Waivers Exemptions webpage](#) and review the following resources;

- [Division I of HF 847](#) – Provides the legislation that authorized the FS3 program.
- [School Improvement and Accreditation Legislative Changes 2021](#) (page 15) – Provides the provisions of the FS3 program (along with relevant notes) in table form.
- [Adopted Revised Rules \(Effective May 25, 2022\)](#) – Links to the revised chapter 12 rules that were adopted at the Iowa State Board of Education's March 2022 meeting.
- [Chapter 12 rules](#) – Links to Iowa's general accreditation standards rules, which will update to include the revised rules (e.g., [rule 281-12.9](#)) once they become effective on May 25, 2022.
- Appendix A: Exemptions Available – Outlines the exemptions available under this program in table form.
- [School District Fund Structure \(Iowa Code 298AA.2\)](#) – Provides the statutory language for district school flexibility accounts.
- [Reviewed Evidence-Based Practices and Learning Concepts](#) – Provides a list of evidence-based practices and additional information.