



**DRAFT Minutes**  
**State Board of Education**  
**January 12, 2023**

Brooke Axiotis  
Des Moines

Rodney Bradley  
Denison

Cindy Dietz  
Cedar Rapids

Cassandra Halls  
Carlisle

Brian J. Kane  
Dubuque

Mike May  
Spirit Lake

Nathan Peterson  
Iowa City

John Robbins  
Iowa Falls

Alaina Whittington  
Student Member  
Diagonal

Ann Lebo  
Director and  
Executive Officer

The State Board of Education (State Board) meeting was held on January 12, 2023, in person at the Iowa Department of Education, Grimes State Office Building, 400 E. 14<sup>th</sup> Street, Des Moines, Iowa.

State Board members present were Brooke Axiotis, Rob Bradley, Cassandra Halls, Brian Kane, Mike May, John Robbins, and Alaina Whittington.

Iowa Department of Education (Department) staff members present were Ann Lebo, Shan Seivert, Jeremy Varner, Earl Whipple, Thomas Mayes, Rachel Bosovich, Heather Doe, Eric St Clair, Cassandra Cline, Jillian Dotson, Eric Heitz, Kimberly Villotti, Amy Stegeman, Melissa Walker, Barbara Anderson, Holly Barnes, Janet Boyd, Bill Roederer, Jay Pennington, Alison Jepsen, Vlad Bassis, Barbara Ohlund, Patricia Townsend, Maryam Rod Szabo, Kelly Faga, Marietta Rives, Kathy Bowers, Amy Gieseke, Jina Brincks, Scott Dryer, Isbelia Arzola, Dennis Harden, Lisa Albers, Naiki Adams, Holli Marolf, Pam Spangler, Hollie Welch, Veronica Anderson, Song Luong, Mary Breyfogle, Jen Rathje, Shaela Meister, Tom Deeter, Jeanette Thomas, Bryan Bauer, Steve Ervin and Carol McMains.

Also in attendance were: Jordan Esbrook, Office of the Attorney General, Rebecca Bates, American Institutes for Research; Andrea McIlwee; Sara Parris; Kaycee Schippers; Grant Gerlock, Iowa Public Radio; Laura Kacer, Nicole Roorda and Joy Wiebers, Johnston Community School District; Katie Fiala, Johnston Community School District Board; Chris Murphy, Sunnie Richer, Roger Brooks, Christine Hensley, Kittie Weston-Knauer and Serdar Kartal, Concept Schools/Horizon Science Academy Des Moines; Carrie Weber and Danielle Haindfield, Ahlers & Cooney P.C.; Krystal Colbert, Iowa Teacher of the Year; Paul Bobeck, West Des Moines Community School District; Tom Keating, Dave Wiebers, Brian Humke, Chris Cuellar and Todd Tharp, Iowa High School Athletic Association; Mary Beth Fust, Kurt Subra, Heartland Area Education Agency; Tom Cooley, Carla Schimelfenig and Marcia Krieger, Iowa School Business Management Academy; Larry Bice, Iowa State University; Carrie Guerin and Linda Ankeny, Prairie Lakes Area Education Agency; Brian Gubbels, Nancy Blow, Sara Meinders, Kris Smith and Mary Beth Fast, Iowa Association of School Business Officials; Jane Dufoe, Office of Governor Reynolds; Dar Danielson, Radio Iowa;

Tim Dugger, Postville Community School District; Linh Ta, Axios; Zach Clark, Central Decatur Community School District; Samantha Hernandez and Carrie Bening, The Des Moines Register; Steve Dunbar and Mark McDermott, University of Iowa; Sara Schiller, Keystone Area Education Agency; Erin Kokemiller; Kim Walsh; Zach Sommers, WOI-DT; Mark Jacobs, Reaching Higher Iowa; Trevor Miller, Exira-Elk Horn-Kimballton and IKM-Manning Community School Districts; Brent Cook, Dubuque Community School District; Theron Schutte, Marshalltown Community School District; Ed Chabal, Mount Pleasant Community School District; Susan Gentz; Andy Swedenhjelm, Newton Community School District; Brett Zeller; Mike Still, Wayne Community School District; Max Dripler; Denise Perez; Lisa Stange; Cynthia Knight and Lori Knight, Choice Charter School; Matt Brown; Gregory Norfleet, West Branch Times; San Wong, Iowa Department of Human Rights; Jim Scharff; Jeff Novotny, Council Bluffs Community School District; Deron Durlinger, Van Meter Community School District; Lee Crawford, Sigourney Community School District; Colleen Heinz, Iowa State Education Association; Joel Pedersen, Cardinal Community School District; Kim Walsh; Kelly Maricle, WHO-TV; Amy Krause, Ogden Community School District; Lisa Bartusek and Siobhan Schneider, Iowa Association of School Boards; Carl Rankin, Bedford Community School District; John Ehn, Oelwein Community School District; Vanessa Miller, The Gazette; Ryan Parker, Oskaloosa Community School District; Daniel Ver Steeg; Nathan Carlson, Mid-Prairie Community School District; Barry Andersen; and Jeremy Bryan.

### **State Board Business Meeting**

John Robbins called the meeting to order at 9:17 a.m.

The meeting was conducted in person, with remote access information provided in the notice of meeting.

**Motion:** Brian Kane made a motion and Rod Bradley seconded to approve the meeting agenda.

**Vote:** The ayes were unanimous. The motion carried.

### **Communication**

John Robbins made a statement regarding limiting the time of public comment based on the number of speakers.

#### *Public Comment*

Mark Jacobs, Reaching Higher Iowa, provided comment in support of the Horizon Science Academy Des Moines charter school application.

Sunnie Richer, Horizon Science Academy Des Moines, shared background information regarding the founding members of the Horizon Science Academy Des Moines and requested support for the charter school application

Josh Ehn, Oelwein Community School District, provided comment in support of proposed changes to the Iowa High School Athletic Association (IHSAA) Articles of Incorporation.

## *Legislative Update*

Eric St Clair, Legislative Liaison, shared information regarding the first week of the Legislative Session. Governor Reynolds introduced bills related to educational savings accounts in both the House and Senate which are expected to move quickly. As of the first week of session, there have been approximately 30 bills introduced impacting education. The Department will track all education-related bills and will keep the State Board updated.

## *Director's Report*

Director Lebo shared information regarding the Governor's executive branch realignment initiative, updates to Iowa Administrative Code and rulemakings and upcoming webinars by the Office of the Chief Information Officer regarding cybersecurity that will be available to school districts. Lebo also noted that the Department continues to support schools regarding work-based learning and has offered additional resources and webinars to districts as they look to build school and community partnerships.

There was discussion regarding State Board authorities, advisory boards of incoming agencies and refining administrative rules.

## **Consent Agenda**

**Motion:** Brian Kane made a motion and Cassandra Halls seconded to approve the consent agenda.

**Vote:** The ayes were unanimous. The motion carried.

## **Appeal 5160: In Re Challenged Student Club at Johnston High School (Appeal of Proposed Decision)**

Thomas Mayes, General Counsel, shared information regarding Appeal 5160: In Re Challenged Student Club at Johnston High School. Appellants challenged the decision of the Johnston Community School District (Johnston CSD) to recognize a local chapter of Turning Point USA as a student group. The proposed decision affirmed the Johnston CSD decision. The appellants exercised their right to appeal the proposed decision under Iowa Administrative Code chapter 281-6. The parties have briefed the issues. The parties are present for oral argument.

Mayes introduced Jordan Esbrook, Assistant Attorney General, to answer questions regarding the proposed decision on the behalf of the Department. Mayes stepped out of the room during oral arguments and deliberation.

Andrea McIlwee, on behalf of the appellants, shared the basis of the appeal based on three arguments: 1) the Johnston CSD board violated its policy when it voted to approve the request for Turning Point USA to become a sanctioned student club; 2) the Equal Access Act does not protect the club because it was not student initiated and because the national organization has an unreasonable amount of control over it; and 3) three of the seven school board members should have recused themselves from voting on the club application due to a conflict of interest.

Carrie Weber, attorney for Johnston CSD, responded to the arguments by the appellants and urged the State Board to affirm and adopt in full the proposed order.

**Motion:** Brian Kane made a motion and Brooke Axiotis seconded that the State Board move to closed session.

**Vote:** The ayes were unanimous. The motion carried.

The State Board moved to closed session at 10:15 a.m.

**Motion:** Rod Bradley made a motion and Cassandra Halls seconded that the State Board return to open session.

**Vote:** The ayes were unanimous. The motion carried.

The State Board returned to open session at 10:50 a.m.

**Motion:** Brian Kane made a motion and Rod Bradley seconded that the State Board affirm the proposed decision.

**Vote:** The ayes were unanimous. The motion carried.

### **Prairie Lakes Area Education Agency Paraeducator Preparation Program Approval**

Kelly Faga, Consultant, Bureau of Community Colleges, presented the Prairie Lakes Area Education Agency (PLAEA) Paraeducator Preparation Program report. PLAEA has submitted a request for approval of the paraeducator generalist certificate, early childhood prekindergarten through grade 3 concentration and special needs kindergarten through grade 12 concentration.

Upon review of the evidence, it is determined that PLAEA has met each of the program standard requirements in IAC 281-80 and has submitted the appropriate curriculum exhibits to meet the Board of Educational Examiners (BoEE) requirements in IAC 282-24.

**Motion:** Brian Kane made a motion and Cassandra Halls seconded that the State Board grant approval of the Prairie Lakes Area Education Agency Paraeducator Program through the next review scheduled for the 2028-2029 academic year.

**Vote:** The ayes were unanimous. The motion carried.

### **Keystone Area Education Agency Paraeducator Preparation Program Approval**

Kelly Faga presented the Keystone Area Education Agency (Keystone AEA) Paraeducator Preparation Program report. Keystone AEA has submitted a request for approval of the paraeducator generalist certificate, early childhood prekindergarten through grade 3 concentration.

Upon review of the evidence, it is determined that Keystone AEA has met each of the program standard requirements in IAC 281-80 and has submitted the appropriate curriculum exhibits to meet the BoEE requirements in IAC 282-24.

**Motion:** Brian Kane made a motion and Rod Bradley seconded that the State Board grant approval of the Keystone Area Education Agency Paraeducator Program through the next review scheduled for the 2028-2029 academic year.

**Vote:** The ayes were unanimous. The motion carried.

### **University of Iowa Paraeducator Preparation Program Approval**

Kelly Faga presented the University of Iowa (UI) Paraeducator Preparation Program report. UI has submitted a request for approval of the paraeducator generalist certificate.

Upon review of the evidence, it is determined that UI has met each of the program standard requirements in IAC 281-80 and has submitted the appropriate curriculum exhibits to meet the BoEE requirements in IAC 282-24.

**Motion:** Rod Bradley made a motion and Brooke Axiotis seconded that the State Board grant approval of the University of Iowa Paraeducator Programs through the next review scheduled for the 2024-2025 academic year.

**Vote:** The ayes were unanimous. The motion carried.

### **Horizon Science Academy Des Moines Charter School Application**

Eric Heitz, Administrative Consultant, and Janet Boyd, Consultant, Bureau of School Improvement, presented the Horizon Science Academy Des Moines (Horizon) Charter School application.

Iowa Code 256E established a charter school law, where both local school boards and founding groups may apply to the State Board for approval to establish and operate a charter school. Charter schools, under this law, are a part of the state's program of public education. Horizon follows the founding group-state board model.

Iowa Administrative Rule Chapter 19 states that in order to operate a charter school for the 2023-2024 school year, applications are due no later than November 1, 2022, and the Horizon application was received prior to the deadline.

Department staff have scored the charter school application and attended a public forum with residents, of all which are required components of the application.

Horizon received a sum score across readers of greater than zero on each of the required components in Iowa Code 256E. The applicant responded affirmatively to all of the assurances and conditions in the charter school application. The applicant did not request any waivers. The submitted calendar indicates a start date prior to the required August 23 date, and legal counsel advises the applicant is exempt from Iowa Code 279.10(1).

It is recommended the State Board approve the Horizon charter school, with or without conditions. The recommendation for approval with or without conditions is based on consultant scores/recommendations and the completion of the required elements in Iowa Code 256E.

Boyd shared the following potential conditions for consideration:

- Provide documentation to the Department how and when requested.
- Meet with the Department how and when requested.
- Required meetings with Student Reporting and School Business consultants.
- Any other items needed or requested by the State Board.

There was discussion regarding conditions placed on past charter school approvals.

Chris Murphy, Sunnie Richer, Roger Brooks and Christine Hensley, Concept Schools, shared information regarding potential properties for Horizon, teacher recruitment including recruiting diverse teachers, percentage of diverse staff in other Concept Schools, residency of school staff, teacher licensure, serving underserved populations, serving children with disabilities, security, enrollment expectations, school start date and school calendar.

**Motion:** Brooke Axiotis made a motion and Brian Kane seconded that the State Board approve the Horizon Science Academy Des Moines Charter School without conditions.

**Vote:** The ayes were unanimous. The motion carried.

### **Introduction of the 2023 Iowa Teacher of the Year**

Marietta Rives, Consultant, Bureau of School Improvement, provided background regarding the Iowa Teacher of the Year Award which was established in 1958 and is sponsored by the Department through an appropriation from the Iowa Legislature.

The award provides an opportunity to recognize an Iowa teacher who: motivates, challenges, and inspires excellence; is respected by students and peers; is a dedicated professional that helps nurture hidden talents and abilities; is a creative and caring individual; and is an exceptional teacher helping to redefine American education.

Rives introduced Krystal Colbert, 2023 Iowa Teacher of the Year. Colbert shared her journey to becoming a teacher and is excited to begin work as an ambassador for education.

### **Board Reports**

Cassandra Halls provided an update on the work of the Community College Council and shared that Community Colleges for Iowa will be hosting a conference November 28-30.

Rod Bradley met with a local superintendent who shared concerns and thoughts regarding upcoming legislation. His local school board recently reorganized and the district has some expansion projects planned.

Brian Kane was contacted by an athletic director regarding an item on today's meeting agenda.

Alaina Whittington shared that she is working on a project with other student members of the National Association of State Boards of Education and was asked to be a guest speaker on a podcast. Her district superintendent retired so there has been a transition in leadership roles.

Brooke Axiotis expressed appreciation that the Department provided resources to assist the Des Moines Public Schools with recent cybersecurity issues.

John Robbins recently visited with six school administrators to obtain their perspective regarding an item on today's meeting agenda.

### **Iowa Association of School Business Officials Authorization Program Application**

Kassandra Cline, Chief, Bureau of School Business Operations, provided information regarding the Department's review of the Iowa Association of School Business Officials (IASBO) application to request approval from the State Board to offer the school business official

authorization program. A team of Department staff members that reviewed the IASBO application determined that the program meets accreditation standards of Iowa Administrative Code r. 281-81.

Cline introduced IASBO representatives Sara Meinders, Mary Beth Fast, Kris Smith and Brian Gubbels who shared a presentation covering the purpose of the Iowa School Business Institute, governing authority, standards, history of IASBO's partnership with the Iowa School Business Management Academy, credit hours and estimated budget.

There was discussion regarding curriculum, BoEE certification, mentoring, annual conferences and flexible learning opportunities.

**Motion:** Brian Kane made a motion and Brooke Axiotis seconded that the State Board grant approval of the Iowa Association of School Business Officials school business official authorization program beginning July 1, 2023 for a period of seven years.

**Vote:** The ayes were unanimous. The motion carried.

### **Charter School Monitoring Report**

Kassandra Cline and Janet Boyd provided a report regarding two charter schools approved by the State Board to begin in school year 2022-2023 – Choice Charter and Hamburg Charter High School (Hamburg). This report is a follow-up to topics of concern shared with the board during the November 2022 State Board meeting.

Pursuant to Iowa Code 256E.2 and Iowa Administrative Code r. 281-19.13, the State Board is required to monitor performance and compliance of each approved charter school. The report to the State Board is based on incremental reporting provided by each charter school including the following components: student enrollment, programming, student success, staffing, finance and local board meetings.

Cline explained that Hamburg has made progress in many areas including engaging in a 28E agreement to share operational services with the Hamburg Community School District and budget development and projections. Hamburg anticipates having a new board in place next year and recognizes the need for the charter school board to meet distinctly from the school district board. Since Hamburg will not meet offer and teach, Department staff have developed a proposed procedure for amending a charter application and contract moving forward.

Discussion topics regarding Hamburg included requiring corrective action, students receiving required courses and meeting minimum graduation requirements, waiver procedures for public school districts, the process and timeline for amending current charter applications and State Board authority to entertain charter contract amendments.

Cline stated that Choice Charter has made progress in some areas. She also shared concerns regarding the school budget, student enrollment projections, audit firm identified and performance of background checks.

There was discussion regarding financial viability and requesting additional information from Choice Charter including student enrollment projections.

## **School Budget Review Committee Update**

Kassandra Cline presented the summary of action from the School Budget Review Committee (SBRC) hearing held on December 13, 2022.

There was discussion regarding negative projections.

## **Annual Condition of Iowa's Community Colleges Report, Academic Year 2022**

Jeremy Varner, Administrator, and Alison Jepsen, Executive Officer, Division of Community Colleges and Workforce Preparation, presented the Annual Condition of Iowa's Community College Report for Academic Year 2022, which provides information for all community colleges and the general public.

Iowa's community colleges serve over 260,000 credit and noncredit students. This annual report provides data on programs, enrollment, awards, costs, financial aid, finances, etc. This data was reported by Iowa community colleges through the division's Management Information System or was gathered from other resources identified in the report.

A presentation was provided covering credit and noncredit enrollment, demographics, joint enrollment, online enrollment, credit student awards, credit and noncredit programs, adult education and literacy, skilled worker and job creation funds, Work-Based Learning Intermediary Network, economic development and registered apprenticeships, student success, tuition and fees, financial aid and community impact.

There was discussion regarding national cohorts, tuition rates and state dollars.

On behalf of the State Board and Community College Council, Cassandra Halls acknowledged the work of the Department's community colleges team in compiling this report and, in particular, Alison Jepsen who will be transitioning to a new position with the state.

## **Every Student Succeeds Act and Iowa School Performance Profile**

Jay Pennington, Chief, Bureau of Information and Analysis Services, and Barbara Ohlund, Executive Officer, Division of Learning and Results, shared information regarding Every Student Succeeds Act required school improvement supports available to districts and schools and the 2022 release of the Iowa School Performance Profile.

There was discussion regarding graduation rates and how this information helps schools and districts moving forward.

## **Approval of Bylaws Amendments for Iowa High School Athletic Association**

Dave Wiebers, Chairman of the Board, Brian Humke, Attorney, and Tom Keating, Executive Director, Iowa High School Athletic Association (IHSAA), were introduced. Background information regarding a proposal to change the IHSAA bylaws was shared. Rule 281—36.3(1) requires the State Board to approve any bylaws amendments by the IHSAA.

The IHSAA proposes adding an additional classification criterion for the sport of football, based on a school's free and reduced lunch enrollment. This proposal comes to the State Board after deliberations and study of other states' models. The model proposed here is similar to a model used in Minnesota.

There was discussion regarding schools who provide 100% free school lunches, timeline, the number of years the Minnesota model has been in place, studies regarding metrics, the number of



schools that will increase or decrease in class, scheduling, travel time, open enrollment, two-year cycle, other variables that may impact school success, restrictions, how to determine if this proposal works, other implications, number of variables, implementing this change in other sports and student interest in football versus socio-economic factors.

**Motion:** Brian Kane made a motion and Mike May seconded that the State Board approve the proposed amendments to the Iowa High School Athletic Association Articles of Incorporation.

**Vote:** The ayes were unanimous. The motion carried.

The State Board requested representatives of IHSAA return after the next two-year cycle (2025-2026) to share the results of this change.

### **Rules: Chapter 14 – School Health Services (Notice)**

Thomas Mayes provided background regarding Chapter 14 – School Health Services.

These proposed rules implement three pieces of legislation. House File 771 allows schools to obtain stock supplies of bronchodilator medication and equipment, as well as authorized the self-administration of bronchodilator medication by students. House File 830 makes changes to authorized practice by physician assistants and directed the State Board to amend certain rules in Chapter 14. House File 2573 allows school districts to obtain prescriptions for stock opioid antagonist medication.

**Motion:** Cassandra Halls made a motion and Rod Bradley seconded that the State Board give notice of its intent to amend Chapter 14.

**Vote:** The ayes were unanimous. The motion carried.

### **Rules: Chapters 64 and 67 – Child Development Coordinating Council (Notice)**

Thomas Mayes provided background regarding Chapters 64 and 67– Child Development Coordinating Council (CDCC).

After a review of these two rules' chapters, the Department proposes this rule making which provides greater flexibility for grantee uses of funds, repeals obsolete language, uses preferred "first person" language, and makes changes to align the rules with the underlying Code section (such as the respective authority between the Department and the CDCC).

There was discussion regarding the CDCC's view of these proposed changes and Executive Order 10 which places a moratorium on rule making going forward.

**Motion:** Brooke Axiotis made a motion and Cassandra Halls seconded that the State Board give notice of its intent to amend Chapters 64 and 67.

**Vote:** The ayes were unanimous. The motion carried.

It was moved by Brooke Axiotis and seconded by Rod Bradley to adjourn. The motion carried unanimously.

The meeting adjourned at 4:11 p.m.

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John Robbins  
President

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Chad Aldis  
Director