



July 2, 2021

## School Improvement and Accreditation Legislative Changes 2021

### Purpose

This guidance summarizes new accreditation and school improvement requirements or changes to existing requirements made in Iowa Code during the 2021 session of the 89th General Assembly for Iowa districts and accredited nonpublic schools. The guidance includes information from two bills: [House File \(HF\) 868](#), Division III: Accountability and Administrative Measures and [HF 847](#), Division I: Education Program Standards and Funding.

### HF 868, Division III: Accountability and Administrative Measures – Effective July 1, 2021

[Division III of HF 868](#) (effective July 1, 2021 for the 2021-2022 school year) is summarized in Table 1 and includes:

- The Iowa Code citation;
  - Requirements that do not apply to accredited nonpublic schools are indicated with two asterisks (\*\*).
- The code requirement;
- Whether the item is new or changed, including any interpretation necessary; and
- Any action required of districts and nonpublic schools.

Independently and specially accredited schools and exempt schools are not subject to the requirements in this table.

Table 1. HF 868 Division III Requirements for Accountability and Administrative Measures

Iowa Code Citation	Code Requirement	New, Changed, or Other Requirement Interpretation	Action Required of Districts & Accredited Nonpublic Schools
256.9(63)	63. The director of the department must develop and make available on the Department's website general guidance for parents, guardians, and community members who have concerns about school districts or their governing boards.	New requirement.	None.  Guidance is posted at the Department's <a href="#">Parent, Guardian, and Community Concerns</a> webpage.

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256.9(64)**	<p>64. The director of the department must develop and distribute to school districts:</p> <ul style="list-style-type: none"> <li>● Standards of practice for equity coordinators employed by school districts.</li> <li>● A training program on free speech under the first amendment which shall be used by school districts to provide training pursuant to section 279.75.</li> </ul>	New requirement.	Annually, beginning with the 2021-2022 school year, districts must use the training program developed by the Department to train all equity coordinators.
256.11(10)	<p>10. The state board shall establish, and the department shall use, for the school year commencing July 1, 2021, and each succeeding school year, an accreditation, monitoring, and enforcement process for school districts and nonpublic schools seeking accreditation.</p>	Date and language change only.	<p>None at this time.</p> <p>The State Board will notice rules to amend Iowa Administrative Code to conform to all changes, at which time districts and nonpublic schools may provide public comment.</p>
256.11(10)"a" (1)	<p><i>a. Phase I monitoring.</i></p> <p>(1) Phase I monitoring must consist of annual monitoring by the department of all accredited schools and school districts for compliance with state and federal school laws, regulations, and rules adopted by the state board including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) Accreditation standards adopted by the state board</li> <li>(b) Fiscal compliance</li> <li>(c) Federal education laws (e.g., Elementary and Secondary Education Act (ESEA), Individuals with Disabilities Education Act (IDEA))</li> <li>(d) The federal Civil Rights Act of 1964 and chapter 216.</li> </ul>	<p>Language change, scope of review not altered.</p> <p>Phase I monitoring conducted by the Department prior to July 1, 2021, covered all applicable laws and standards, so this change in language does not alter the scope of review for the desk audit process.</p>	None.

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	(e) All other requirements of this title applicable to accredited schools and school districts.		
256.11(10)"a" (2)	<p>(2) Phase I monitoring may include but shall not be limited to:</p> <p>(a) One or more desk audits requiring submission of information to the department in a manner and on forms prescribed by the department.</p> <p>(b) One or more remote or on-site visits to schools or school districts to address accreditation issues identified in a desk audit. Such a visit may be conducted by an individual departmental consultant or may be a comprehensive site visit by a team of departmental consultants and other subject-matter professionals.</p> <p>(c) A review of district finances by department staff or a neutral third party.</p> <p>(d) A review of local school board policies and procedures by department staff or a neutral third party.</p>	New requirement for Phase I monitoring to include a financial review.	Complete annual desk audits as usual in fall 2021 and thereafter.
256.11(10)"a" (3)	(3) The department shall provide a public report annually of findings of noncompliance and required corrective actions for each accredited school and school district. The purpose of the phase I process is to bring schools and school districts into minimum compliance with federal and state laws, regulations, and rules and no citation or corrective action may be designed to require more than minimum compliance.	<p>New requirement for the Department to provide a public report of findings of noncompliance and corrective actions.</p> <p>The Department will propose publishing this information annually at the end of the school year in the rulemaking for this law. This will be open for public comment.</p>	<p>None at this time.</p> <p>The Department will propose publishing this information annually at the end of the school year in the rulemaking for this law. This will be open for public comment, at which time districts and nonpublic schools may provide public comment.</p>

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256.11(10)"a" (4)	(4) The department shall provide a written report annually to the state board of any monitoring review resulting in multiple or substantial findings of noncompliance or noncompliance findings that remain uncorrected for more than thirty [30] days past the deadline set by the department for correction.	New requirement for the Department to provide a report to the State Board annually.  The Department will begin providing such reports to the State Board at the September 2021 meeting. Any district or nonpublic school that is the subject of such a report will be notified in advance and provided the opportunity to comment at the state board meeting.	Any district asked may appear before the State Board. All state board meetings are open to the public.
256.11(10)"a" (5)	(5) The department shall eliminate duplicative reporting on the part of schools and school districts for phase I monitoring, and is prohibited from collecting information not specifically permitted by federal or state law, regulation, or rule.	New requirement for the department to eliminate duplicative reporting and collect only required items.  The Department will continue to review all desk audit items to ensure there is no duplication. All desk audit items are required by state or federal law.	None.
256.11(10)"a" (6)	(6) Enforcement actions under phase I monitoring are limited to actions permitted pursuant to paragraph "c," subparagraphs (2) and (3). Violations of federal legal requirements shall follow the procedures and limitations of the governing statute.	New language stating the enforcement action available for noncompliance discovered during Phase I monitoring.	None.
256.11(10)"b" (1)	<i>b. Phase II monitoring.</i> (1) Phase II monitoring shall take place when any of the following conditions are present:	No changes to this section.  All of these options for a Phase II visit already existed in 256.11.	None.

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	<p>(a) When either the annual monitoring or the biennial on-site visit of phase I indicates that an accredited school or school district is deficient and fails to be in compliance with accreditation standards.</p> <p>(b) In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by eligible electors residing in the school district equal in number to at least twenty [20%] percent of the registered voters of the school district.</p> <p>(c) In response to a petition filed with the director requesting such an accreditation committee visitation that is signed by twenty [20] percent or more of the parents or guardians who have children enrolled in the school or school district.</p> <p>(d) At the direction of the state board.</p> <p>(e) The school budget review committee submits to the department a recommendation for a fiscal review pursuant to section 257.31, subsection 18.</p>		
256.11(10)"b" (2)	(2) Phase II monitoring shall consist of a full desk audit of all monitoring requirements and an on-site visit to the school or school district for the purpose of determining the extent of noncompliance, the reason for lack of correction, if applicable, and a recommendation for corrective action to the director and the state board.	No changes to this section.	None.
256.11(10)"b" (3)	(3) Phase II monitoring requires the use of an accreditation committee appointed by the director. The accreditation committee shall be	Language changed to permit third party specialists to participate in accreditation reviews but does not	None.

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	made up primarily of department staff but may request the assistance of third-party specialists at the discretion of the director. An accreditation committee visit to a nonpublic school requires membership on the committee from nonpublic school instructional or administrative staff or board members. A member of a committee shall not have a direct interest in the school district or nonpublic school being visited.	specify anything further about their employment or qualifications.	
256.11(10)"b" (4)	(4) After visiting the school district or nonpublic school, the accreditation committee shall, within thirty [30] days, determine whether the accreditation standards have been met and shall make a report to the director, together with a recommendation on what enforcement actions, if any, should be recommended to the state board.	No changes to this section.	None.
256.11(10)"c" (1)	<i>c. Enforcement.</i> (1) The department shall enforce the laws, regulations, and rules applicable to school districts and nonpublic schools consistent with the process outlined in this subsection [256.11(10)]. The department shall coordinate its enforcement of chapter 216 with the Iowa state civil rights commission to reduce duplication of efforts.	New language on enforcement actions available to the Department.  The Department will coordinate enforcement of Civil Rights laws with the Iowa Civil Rights Commission.	None.
256.11(10)"c" (2)**	(2) If, after having an opportunity to correct, if permitted, a school district is found to be in noncompliance with federal education laws including but not limited to the federal Elementary and Secondary Education Act of	New language on enforcement actions required of the director and available to the State Board in certain circumstances.	None.

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	<p>1965, the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., as amended, the federal Civil Rights Act of 1964, chapter 216, section 279.73 if enacted by House File 744, or section 279.74 if enacted by House File 802, the director shall recommend, and the state board may do, one of the following within thirty [30] days of the finding of noncompliance:</p> <p>(a) Impose conditions on funding provided to a school district, including directing the use of school district funds and designating the school district a high-risk grantee under 2 C.F.R. §200.207.</p> <p>(b) Withhold payment of state or federal funds to a school district, in whole or in part, until noncompliance is corrected. Initial withholding of state funds is at the discretion of the director for a period of sixty [60] calendar days, after which it is subject to approval of the state board every sixty [60] calendar days. Withholding of federal funds is subject to the governing federal statute or regulation.</p>	<p>In particular, the director of the Department must recommend either withholding funds or imposing conditions on funding to the State Board for a district that has had an opportunity to correct noncompliance and remains out of compliance after 30 days.</p>	
256.11(10)"c" (3)	<p>(3) The director may use any of the following permitted enforcement mechanisms and shall exercise discretion to ensure that enforcement actions are proportionate to school district or nonpublic school noncompliance:</p> <p>(a) Advise the school district or nonpublic school on the availability of appropriate technical assistance.</p>	<p>New language on enforcement actions available to the Department.</p> <p>All of these enforcement actions were available to the Department in some form prior to the passage of HF 868 through state or federal law.</p>	None.

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	<p>(b) Require the school district or nonpublic school to complete a corrective action plan or plan for improvement by a reasonable deadline.</p> <p>(c) Recommend a phase II visit to the school district or nonpublic school to the state board.</p> <p>(d) Refer conduct of school district or nonpublic school staff or school board members, or school authorities, to the office of the attorney general for investigation.</p> <p>(e) Refer financial concerns to the auditor of state for investigation.</p> <p>(f) Recommend removal of accreditation of the school district or school to the state board.</p> <p>(g) Take any other enforcement mechanism available to the director.</p>		
256.11(10)"c" (4)	<p>(4) The department shall focus enforcement activities on all of the following:</p> <p>(a) Improving educational results for children, families, and students.</p> <p>(b) Ensuring that public agencies and their governing boards meet requirements of state and federal laws.</p>	<p>New language stating the focus of enforcement activities of the Department.</p> <p>By implication, the Department should not focus enforcement efforts on activities that do not improve educational results and/or ensure that public agencies are meeting requirements of state and federal laws.</p>	None.
256.11(11)	<p>11. a. If the recommendation pursuant to subsection 10 is that a school district or nonpublic school not remain accredited, the accreditation committee shall provide the school district or nonpublic school with a</p>	<p>Slight language changes without alteration to the scope of review in this section.</p>	None.



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	<p>report that includes a list of all of the deficiencies, a plan prescribing the actions that must be taken to correct the deficiencies, and a deadline date for completion of the prescribed actions. The accreditation committee shall advise the school district or nonpublic school of available resources and technical assistance to improve areas of weakness. The school district or nonpublic school shall be provided with the opportunity to respond to the accreditation committee's report. The director shall review the accreditation committee's report and the response of the school district or nonpublic school and shall provide a report to the state board along with copies of the accreditation committee's report, the response to the accreditation committee's report, and other pertinent information. At the request of the school district or nonpublic school, the school district or nonpublic school may appear before the state board and address the state board directly regarding any part of the plan specified in the report. The state board may modify the plan. During the period of time specified in the plan for its implementation by a school district or nonpublic school, the school district or school shall remain accredited.</p> <p>b. The accreditation committee shall revisit the school district or nonpublic school and shall determine whether the deficiencies in the standards have been corrected.</p> <p>c. The accreditation team shall make a report and recommendation to the director</p>		

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	<p>and the state board. The committee recommendation shall specify whether the school district or nonpublic school shall remain accredited. For a school district, the committee report and recommendation shall also specify under what conditions the district may remain accredited. The conditions may include but are not limited to providing temporary oversight authority, operational authority, or both oversight and operational authority to the director and the state board for some or all aspects of the school district in order to bring the school district into compliance with minimum standards.</p> <p>d. The state board shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.</p> <p>e. If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the state board and the local board, the state board shall deaccredit the school district and merge the territory of the school district with one or more contiguous school districts at the end of the school year. The state board may place a district under receivership for the remainder of the school year. The receivership shall be under the direct supervision and authority of the area education agency in which the district is located. The decision of whether to deaccredit the school district or to place the district under receivership shall be based upon a determination by the state board of the</p>		

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	<p>best interests of the students, parents, residents of the community, teachers, administrators, and school district board members and upon the recommendations of the accreditation committee and the director.</p> <p><i>f.</i> In the case of a nonpublic school, if the deficiencies have not been corrected, the state board may deaccredit the nonpublic school. The deaccreditation shall take effect on the date established by the resolution of the state board, which shall be no later than the end of the school year in which the nonpublic school is deaccredited.</p>		
272.2(24)	<p>24. Establish, collect, and refund fees from an administrator for the administrative costs of processing complaints and conducting hearings if the administrator is the respondent in a complaint for violation of the code of professional conduct and ethics, developed pursuant to subsection 1, for which final board action results in a sanction against the administrator.</p>	<p>New requirement for the Board of Educational Examiners (BOEE) to collect fees.</p> <p>The Department defers to the BOEE on interpretation and guidance.</p>	BOEE

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272.10(5)	<p>5. The fees established by the board for the administrative costs of processing complaints and conducting hearings pursuant to section 272.2, subsection 24, may include a fee for personal service by a sheriff, a fee for legal notice when placed in a newspaper, transcription service or court reporter fee, and other fees assessed as costs by the board. The fees collected annually in accordance with this subsection shall be retained by and are appropriated to the board for the purposes related to the board's duties. Notwithstanding section 8.33, fees retained by and appropriated to the board pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the activities of the board as provided in this chapter until the close of the succeeding fiscal year.</p>	<p>New language regarding BOEE fees.</p> <p>The Department defers to the BOEE on interpretation and guidance.</p>	BOEE
279.8B**	<p>1. Upon petition signed by eligible electors of a school district equal in number to at least ten [10] percent of the persons who voted in the last preceding election of school officials under section 277.1, or five hundred [500] eligible electors, whichever is less, the board of directors of the school district shall place the proposal specified in the petition on the agenda of the next regular meeting of the school board or on the agenda of a school board meeting held within thirty [30] days of receipt of the petition filed in accordance with this subsection. If the proposal relates to curriculum, the school district may halt use of</p>	<p>New requirement for district boards to place items on the local board agenda if presented with a sufficient petition and to allow sufficient time for public comment.</p>	<p>Districts must educate their local boards about these new requirements as soon as possible, but no later than the next official board meeting.</p>

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	<p>the subject instructional materials until the school board holds the board meeting at which the proposal is presented and discussed. The meeting notice shall include a brief description of the proposal.</p> <p>2. The board of directors of the school district shall provide sufficient time to receive public comment on the proposal. The board shall allow each interested member of the public to speak at the meeting regarding the proposal, but may impose a time limit on the amount of time a member of the public is allowed to speak if the time limit is the same for each speaker and necessary due to the amount of people wishing to speak.</p>		
279.66**	<p>1. The board of directors of a school district shall review and modify existing policies related to student discipline and student conduct that are designed to promote responsible behavior on school property and at school functions in order that the policy shall govern the conduct of students, teachers and other school personnel, and visitors; provide opportunities for students to exercise self-discipline and practice cooperative classroom behavior; and encourage students and practitioners to model fairness, equity, and respect. The policy shall specify the responsibilities of students, parents and guardians, and practitioners in creating an atmosphere where all individuals feel a sense of respect, safety, and belonging, and shall set forth the consequences for unacceptable</p>	<p>Addition of an item requiring local district boards to refer parents, guardians, and community members to the Department's website for resources.</p>	<p>Districts must update their handbooks with a reference to the Department's webpage for <a href="#">Parent, Guardian, and Community Concerns</a> for the beginning of the 2021-2022 school year.</p>

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	<p>behavior. The policy shall be published in the student handbook.</p> <p>2. The board of directors of a school district shall include or reference in the student handbook guidance published pursuant to section 256.9, subsection 63, by the department of education for parents, guardians, and community members who have concerns about school districts or their governing boards.</p>		
279.75**	<p>The board of directors of a school district shall provide training on free speech under the first amendment to the Constitution of the United States developed and distributed pursuant to section 256.9, subsection 64, annually to any equity coordinator employed by the school district.</p>	<p>New requirement for district boards to provide equity coordinators with training on free speech annually.</p>	<p>Districts must provide such training annually and document that the training was provided.</p>

Source: HF 868 and [Iowa Code Title VII](#).

# HF 847, Division I: Education Program Standards and Funding – Effective July 1, 2021

[Division I of HF 847](#) creates the new Flexible Student and School Support (FS3) program that replaces the Innovative Waiver formerly available in Iowa Code section 256.11. Participation in the FS3 program is optional. The FS3 program is available to all districts and accredited nonpublic schools, including independently accredited nonpublic schools. The program is effective July 1, 2021, and school districts and accredited nonpublics may apply during the 2021-2022 school year to begin the FS3 program in the 2022-2023 school year.

The provisions of the FS3 program are provided in Table 2, along with relevant notes. This program is optional, so no required actions are listed. As with Table 1, requirements that do not apply to accredited nonpublic schools are indicated with two asterisks (\*\*).

Table 2. HF 847 Division I Requirements for the Flexible Student and School Support Program

Iowa Code Citation	Flexibility Provided	Notes for Districts & Nonpublic Schools
256.11(8)"a"	<p>8. a. The state board shall establish a flexible student and school support program to be administered by the director. Under the program, upon request of the board of directors of a public school district or the authorities in charge of an accredited nonpublic school, the director may, for a period not to exceed three [3] years, grant the applicable board of directors or the authority in charge of the nonpublic school the ability to use the flexible student and school support program to implement evidence-based practices in innovative ways to enhance student learning, well-being, and postsecondary success.</p>	<p>Applications to use the FS3 program:</p> <ul style="list-style-type: none"> <li>● May be granted for up to 3 years</li> <li>● Must use evidence-based practices</li> <li>● Must involve student learning, well-being, and/or post-secondary success</li> </ul>
256.11(8)"b"	<p>b. Approval to participate in the flexible student and school support program shall exempt the school district or nonpublic school from one or more of the requirements of the educational program specified in subsection 3, 4, or 5, subsection 6, paragraph "b" or "c", subsection 7, paragraph "b" or "c", or the minimum school calendar requirements in section 279.10, subsection 1. An exemption shall be granted only if the director deems that the request made is an essential part of an educational program to support student learning, well-being, and postsecondary success; is necessary for the success of the program; and is broadly consistent with the intent of the requirements of the educational program specified in subsection 3, 4, or 5, subsection 6, paragraph "b" or "c", subsection 7, paragraph "b" or "c", or the minimum school calendar requirements in section 279.10, subsection 1.</p>	<p>The FS3 program may be used to exempt the district or school from one or more of the following requirements:</p> <ul style="list-style-type: none"> <li>● Program requirements for grades 1-6,</li> <li>● Program requirements for grades 7-8,</li> <li>● Offer and teach for grades 9-12,</li> <li>● Physical education,</li> <li>● Gifted and talented,</li> <li>● At-risk, or</li> <li>● Minimum school calendar requirements.</li> </ul>
256.11(8)"c"***	<p>c. Approval to participate in the flexible student and school support program shall include authority for a school district to use funds from the school</p>	<p>Approval to participate in the FS3 program includes authority for the district to use funds from the flexibility account to</p>

Iowa Code Citation	Flexibility Provided	Notes for Districts & Nonpublic Schools
	district's flexibility account under section 298A.2, subsection 2, to implement all or part of the flexible student and school support program.	implement the program.
256.11(8)"d"	<p><i>d.</i> The application for the flexible student and school support program shall include all of the following and be submitted on forms and in a format prescribed by the department:</p> <p>(1) 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 development of the program.</p> <p>(2) Program goals and measures of program effectiveness and success, including student success and performance.</p> <p>(3) A plan for program administration, including the use of personnel, facilities, and funding.</p> <p>(4) A plan for evaluation of the proposed program on at least an annual basis, including a plan for program revisions, if necessary.</p> <p>(5) The estimated financial impact of the program on the school district or nonpublic school.</p>	<p>The application for a FS3 program must include:</p> <ul style="list-style-type: none"> <li>● A description of the proposed program,</li> <li>● Program goals,</li> <li>● Measures of performance and success,</li> <li>● A plan for administration,</li> <li>● A plan for evaluation, and</li> <li>● The estimated financial impact.</li> </ul> <p>Applications will be submitted, reviewed, and approved/denied in the Consolidated Accountability and Support Application (CASA) system.</p>
256.11(8)"e"	<p><i>e.</i> Approval to participate in the program does not exempt the school district or nonpublic school from federal law or any other requirements of state law that are not specifically exempted by the director.</p>	<p>FS3 participants still need to comply with federal laws and all components of state requirements not exempted.</p> <p>For example, FS3 participants would still do desk audits and federal reporting.</p>
256.11(8)"f"	<p><i>f.</i> Each school district or nonpublic school approved to participate in the flexible student and school support program shall file an annual report with the department on the status of the program on forms and in a format prescribed by the department.</p>	<p>FS3 participants must file an annual report. Reporting will be done in the CASA system.</p>
256.11(8)"g"	<p><i>g.</i> Participation in the flexible student and school support program may be renewed for additional periods of years, each not to exceed three [3] years. The director may revoke approval of all or part of any application or approved education program 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 under section</p>	<p>FS3 applications may be renewed for 3 years at a time.</p> <p>FS3 approval may be revoked prior to the beginning of the year during which it will no longer be approved.</p>



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	298A.2, subsection 2. Notice of revocation must be provided by the director to the school district or nonpublic school prior to the beginning of the school year for which participation is revoked.	
257.10"d***	<p>d. For the budget year beginning July 1, 2014, and succeeding budget years, the use of the funds calculated under this subsection shall comply with the requirements of chapter 284 and shall be distributed to teachers pursuant to section 284.15. The funds shall be used only to increase the payment for a teacher assigned to a leadership role pursuant to a framework or comparable system approved pursuant to section 284.15; to increase the percentages of teachers assigned to leadership roles; to increase the minimum teacher starting salary to thirty-three thousand five hundred dollars; to cover the costs for the time mentor and lead teachers are not providing instruction to students in a classroom; for coverage of a classroom when an initial or career teacher is observing or co-teaching with a teacher assigned to a leadership role; for professional development time to learn best practices associated with the career pathways leadership process; and for other costs associated with a framework or comparable system approved by the department of education under section 284.15 with the goals of improving instruction and elevating the quality of teaching and student learning. If all requirements for the school district for the use of funds calculated under this subsection are met and funds received under this subsection remain unexpended and unobligated at the end of a fiscal year beginning on or after July 1, 2020, the school district may transfer all or a portion of such unexpended and unobligated funds for deposit in the school district's flexibility account established under section 298A.2, subsection 2.</p>	Unexpended teacher leadership and compensation funds may be transferred to the district's flexibility account if all requirements for the district for the use of the funds have been met.
298A.2(2)"a"(4)	(4) Teacher leadership supplement funds received under section 257.10, subsection 12.	Language to support the flexibility fund.
298A.2(2)"c"(8)	(8) An approved flexible student and school support program under section 256.11, subsection 8.	Language to support the flexibility fund.

Source: [HF 847](#)

## Questions and Additional Guidance

If you have questions, please contact your [school improvement consultant](#).