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GRIMES STATE OFFICE BUILDING • DES MOINES IOWA 50319-0146

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DECLARATORY RULING #39
(Cite as 2 D.o.E. Dec. Rul. 1.)
August 18, 1986

Dr. Patrick T. Kelly, Administrator
GREEN VALLEY AEA XIV
Creston, Iowa 50801

Mr. James A. Paulsen, Superintendent
MURRAY COMMUNITY SCHOOL DISTRICT
Murray, Iowa 50174

Dear Dr. Kelly and Mr. Paulsen:

On July 31, 1986, we received your Petitions for Declaratory Ruling, filed on behalf of the board of directors of Green Valley AEA XIV and Murray Community School District. The three questions posed for our consideration in the two petitions relate to supplemental weighting for students who receive academic credit for courses obtained through satellite technology and to an instructor's certification needs under Iowa law and departmental rules. Because both Petitions raise a common question and deal with the same facts, we will address them in one Ruling.

As described, and as the literature accompanying your Petitions explains further, students in the Murray, Prescott, and Dumont community school districts are to receive instruction via satellite, their boards having contracted with Texas Interactive-Instructional Network (TI-IN) for the school year 1986-87. The instruction emanates from Region 20 Education Service Center in San Antonio, Texas, and is taught by an instructor employed in Texas. You allege that the "additional curriculum offerings made possible by the use of this technology would not otherwise have been available."

1. Your question is, "Does a student attending a class in which satellite television technology is utilized for delivery of instruction [meet] the requirement that the student is attending a class ' . . . taught by a teacher who is employed by another school district . . . ' in order to qualify for additional weighting?"

The relevant Iowa statute reads, in pertinent part, as follows:

442.39 Supplementary weighting plan.

In order to provide additional funds for school districts which send their resident pupils to another school district or to an area school for classes, which

jointly employ and share the services of teachers under section 280.15, or which use the services of a teacher employed by another school district, a supplementary weighting plan for determining enrollment is adopted as follows:

1. Pupils in regular curriculum attending all their classes in the district in which they reside and taught by teachers employed by that district, are assigned a weighting of one.
2. Pupils attending classes in another school district or an area school, attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus five tenths times the percent of the pupil's school day during which the pupil attends classes in another district or area school, attends classes taught by a teacher who is employed by another school district if the school budget review committee certifies to the state comptroller that the shared classes or teachers would otherwise not be implemented without the assignment of additional weighting.

. . .

Iowa Code § 442.39 (Interim Supp. 1985).

The crux of the issue is whether or not the teacher, employed in this case by an Area Service Agency in Texas, is a teacher "employed by another school district" for the purposes of supplemental weighting. I think the answer to this question is no.

Initially, note that an Iowa area education agency (AEA) is not deemed to be a "school district" and its board does not have the same powers and duties as a school district's board of directors. Compare Iowa Code § 274.1 (1985) and Iowa Code § 283.3 (1985). As an Iowa AEA is not an Iowa "school district," neither is a Texas area service agency an Iowa school district. Further, it is axiomatic that the education laws of Iowa are written for Iowa schools. One would be hard-pressed to read into the current law a provision for an Iowa school district to share a teacher with a Texas school district, let alone the Texas equivalent of an AEA.

2. Dr. Kelly's second and third questions pertain to current certification requirements as applied to the satellite televised instruction:

Must a teacher who is certified in a state from which satellite television instruction emanates be certified in Iowa, the state in which the student receiving instruction resides? If the teacher must be certified in Iowa, can the certification be granted on a reciprocal basis?

The applicable statutes and rules in this area read as follows:

Certificates required.

The board of educational examiners shall issue certificates pursuant to § 257.10, subsection 11. A person employed as an administrator, supervisor, school service person, or teacher in the public schools shall hold a certificate valid for the type of position in which the person is employed.

Iowa Code § 260.6 (1985).

Certificates to applicants from other states or countries.

The board of educational examiners may, at its discretion, issue any teacher's certificate provided for in this Act to an applicant from another state or country who files with the board evidence of the possession of the required qualifications or the equivalent thereof. The board of educational examiners is hereby authorized to enter into reciprocity agreement with any other state or country for the certification of teachers on an equitable basis of mutual exchange, when such action is in conformity with law.

Courses, classes, or programs offered in this state by out-of-state institutions must be approved by the board of educational examiners in order to fulfill requirements for certification or renewal of certification of an applicant.

Iowa Code § 260.10 (1985).

Applicants desiring Iowa certification.

Certificates are issued only upon application filed on a form furnished by the department of public instruction. This form is available upon request from the teacher education and certification division, or also from Iowa college and university education departments, local superintendents, and area agency administrators.

Any applicant for certification who is a graduate of a baccalaureate or postbaccalaureate teacher preparatory program from a recognized Iowa (see 13.10) or recognized nonIowa institution (see 13.11) shall have the recommendation of the properly designated official of the recognized teacher education institution where

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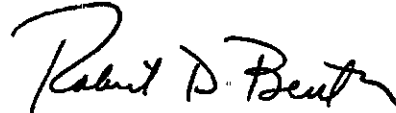
the preparation was completed. Such applicant shall be deemed to have met requirements for initial, regular certification in Iowa, provided the level of preparation required in Iowa has been attained.

670 Iowa Admin. Code 13.1.

The answers to these questions, based on current Iowa law and departmental rules, are yes, the Texas teacher must have Iowa certification if he or she is providing the instruction to the Iowa students, and no, the Texas teacher cannot be granted certification on a reciprocity basis because this department has no reciprocity agreement with any other state for purposes of certification. All applicants must meet Iowa certification requirements. Consequently, if this Texas teacher applied for a Iowa teacher's certificate and met the requirements, he or she would be issued a certificate entitling him or her to teach Iowa students.

Although we can appreciate the potential benefits of the technology described in your Petitions, there simply is no authority under existing law for giving supplemental weighting for this type of "sharing," nor do we permit non-Iowa certified teachers to teach Iowa students in an approved school setting.

Sincerely yours,



Robert D. Benton, Ed.D.
Director, Department of Education

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