

Red Tape Review Rule Report (Due: September 1, 2023)

Department Name:	Education	Date:	May 30, 2023	Total Rule Count:	15
IAC #:	281	Chapter/ SubChapter/ Rule(s):	16	Iowa Code Section Authorizing Rule:	256C.2
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This rule chapter is intended to provide support to the 323 districts offering Statewide Voluntary Preschool programming and the children and families they serve.

Is the benefit being achieved? Please provide evidence.

Yes. 26,021 children are served through this program.

What are the costs incurred by the public to comply with the rule?

No costs to members of the public. There are costs to school districts to comply with the rules; however, the cost that has generated the most historical question to the Department (requirement for a licensed teacher) is required by the underlying statute.

What are the costs to the agency or any other agency to implement/enforce the rule?

There is no enforcement cost to the rules, other than what would be required by statute..

Do the costs justify the benefits achieved? Please explain.

Unclear, because of the small number of waiver requests the Department receives.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

This rule is required by statute. The Department has sought to simplify the rules text, as noted below.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Several of the rules recite statutory text, are obsolete, or are aspirational in nature.

RULES PROPOSED FOR REPEAL (list rule number[s]):

Current rule 16.1 is aspirational in nature. Current rule 16.9 is obsolete. Current rules 16.7, 16.12, 16.14, and 16.15 are more appropriately included as subrules in other rules.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

The chapter contains nine proposed rules (see attached).

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	6 (net)
Proposed word count reduction after repeal and/or re-promulgation	1507
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	71

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None noted.

CHAPTER 16
STATEWIDE VOLUNTARY PRESCHOOL PROGRAM

281—16.1(256C) Definitions.

“*Applicant*” means a school district applying to become an approved local program. Only public school districts in Iowa may apply for state funds under this chapter.

“*Approved local program*” means the same as defined in Iowa Code section 256C.1.

“*Assessment*” means a systematic ongoing procedure for obtaining information from observations, interviews, portfolios, and tests that can be used to make judgments about the strengths and needs of individual children and plan appropriate instruction.

“*Comprehensive services*” means the provision of quality, developmentally appropriate early learning experiences consistent with age-relevant abilities or milestones; extended day child care services; developmental screenings, including health, hearing, and vision screenings; transportation; and family education and support services.

“*Curriculum*” means a research-based or evidence-based written framework that is comprehensive, addresses the needs of the whole child, and provides a guide for decision making about content, instructional methods, and assessment.

“*Department*” means the same as defined in Iowa Code section 256C.1.

“*Developmentally appropriate*” means practices that are based upon knowledge of how children develop and learn and that are responsive to the individual child’s learning strengths, interests, and needs.

“*Director*” means the same as defined in Iowa Code section 256C.1.

“*Eligible child*” means the same as defined in Iowa Code section 256C.3(1).

“*Family education and support*” means any developmentally appropriate activity or information, provided either formally or informally to parents, that supports the success of children and their families to reach desired results.

“*Para-educator*” means a certified educational assistant as defined in Iowa Code section 272.1(6) and licensed under 282—Chapter 22.

“*Prekindergarten program*” means an education program offered by a school district or by an accredited nonpublic school as defined in 281—Chapter 12.

“*Preschool budget enrollment*” is defined in Iowa Code section 256C.5.

“*Preschool foundation aid*” is defined in Iowa Code section 256C.5.

“*Preschool program*” means the statewide voluntary preschool program for four-year-old children created in Iowa Code chapter 256C.

“*Program standards*” means the expectations for the characteristics or quality of early childhood settings, centers, and schools approved by the department. Approved program standards include National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria, Head Start Program Performance Standards, the Iowa Quality Preschool Program Standards (QPPS) and Criteria, or other approved program standards as determined by the department.

“*School district*” means the same as defined in Iowa Code section 257.2.

“*Staff member*” means an individual who implements preschool activities under the direct supervision of a teacher. Staff members include para-educators, teacher aides and teacher associates. All staff members are to meet the program standards defined herein.

“*Teacher*” means an individual who holds a valid practitioner’s license issued by the board of educational examiners under Iowa Code chapter 272 and holds an endorsement from the board of educational examiners that includes prekindergarten or kindergarten. There is no requirement that the teacher be an employee of the applicant district; the teacher may be employed by a private provider or other public agency with which the district has entered into an agreement or contract under Iowa Code chapter 28E.

281—16.2(256C) Preschool program standards. Approved program standards include Head Start Program Performance Standards, Iowa Quality Preschool Program Standards and Criteria, or the National Association for the Education of Young Children Program Standards and Accreditation Criteria. All approved local preschool programs shall adopt preschool program standards and, in addition, meet the following requirements:

16.2(1) Personnel. A minimum of one teacher is present with eligible children during the voluntary preschool program instructional time.

16.2(2) Ratio of staff to children. There must be at least one teacher present in a classroom during the instructional time described in subrule 16.2(4). A minimum of one staff member and one teacher are present when 11 to 20 children are present. Staff members and teachers have reasonable line-of-sight supervision of all children.

16.2(3) Maximum class size. There are no more than 20 children per classroom.

16.2(4) Instructional time. Eligible children receive instructional time established by Iowa Code section 256C.3(3)“f”, to meet the needs of the child and directly related to the program’s curriculum, such time to be exclusive of recess.

16.2(5) *Child learning standards.* The preschool program demonstrates how the curriculum, assessment, staff development, and instructional strategies are aligned to the Iowa Early Learning Standards. The teacher provides instruction on the skills and knowledge included in the Iowa Early Learning Standards.

16.2(6) *Curriculum.* The preschool program adopts a research-based or evidence-based curriculum.

16.2(7) *Assessment.* The preschool program adopts a research-based or evidence-based assessment to provide information on children's learning and development.

16.2(8) *Staff development.* The school district complies with Iowa Code section 256C.3(4)(d). The district makes available to any teacher of a statewide voluntary preschool program who is not employed by the district staff development that the district offers to the district's personnel to maintain the skills appropriate to the teacher's role. The school district ensures that staff members for the program are provided appropriate staff development in early childhood education.

16.2(9) *Space.* The preschool program provides adequate and appropriate space and facilities in accordance with program standards.

16.2(10) *Materials.* The preschool program provides instructional materials and supplies consistent with the program standards and Iowa Early Learning Standards.

16.2(11) *Meals.* The preschool program provides adequate and appropriate meals or snacks in accordance with program standards.

16.2(12) *Parent involvement.* The preschool program involves families through at least one home visit by the licensed teacher of the child, one family night, and at least two family-teacher conferences per year. Family involvement may include volunteering in the classroom, orientation to the preschool program, parent education, general communications, or other activities.

16.2(13) *Integration of other preschool programs.* The preschool program complies with Iowa Code section 256C.3(3)(d).

16.2(14) *Comprehensive services.* The preschool program may collaborate with other agencies for the provision of the following:

- a. Quality, developmentally appropriate early learning experiences;
- b. Extended day child care;
- c. Transportation;
- d. Developmental screening, including health, hearing, and vision screening;
- e. Referral to other agencies providing health insurance, health care, immunizations, nutrition services, and mental health and oral health services; and
- f. Family education and support.

281—16.3(256C) Collaboration.

16.3(1) *Teachers.* The teacher complies with Iowa Code section 256C.3(2)(b).

16.3(2) *Programs.* The program complies with Iowa Code section 256C.3(3)(e). In doing so, the program makes available resources, including those described in subrule 16.2(14), required to meet the needs of the child. Preschool programs collaborate to ensure that children receiving care from other approved child care arrangements can participate in the voluntary preschool program with minimal disruptions to the child.

16.3(3) *Districts.* The school district complies with Iowa Code section 256C.3(4)(a) and (b).

281—16.4(256C) Applications for funding. All applications shall be submitted in a manner required by the department; address the requirements found in rules 281—16.2(256C), 281—16.3(256C), and 281—16.10(256C); and contain a plan describing how they will fully meet the program standards within one year of the funding award. Points are awarded based on the applicant's provision of the following information:

1. Preschool program summary;
2. Research documentation;
3. Identification and documentation of local population;
4. Needs assessment of local programs providing services;
5. Evidence of collaboration with local agencies to provide comprehensive services; and
6. Letters of community support.

281—16.5(256C) Application process.

16.5(1) *Request for applications.*

a. The department announces the commencement of the application period through public notice on the department's Web site and the department's relevant regular electronic publications.

b. Applications for preschool program funding are available on the department's Web site and otherwise distributed by the department upon request.

c. All applications are to be submitted to the department in accordance with instructions accompanying the applications.

16.5(2) Application process.

a. Applications that do not contain the specified information or that are not received by the specified date will not be considered.

b. The department has the final discretion to award funds.

16.5(3) Notification of applicants. The department notifies all applicants within 45 days following the due date for receipt of applications whether their requests are funded. The department is to provide to each successful applicant a contract to be signed by an official with authority to bind the applicant and to be returned to the department prior to the distribution of any funds under this program.

281—16.6(256C) Removal of approval.

16.6(1) Removal by agreement. The contract may be terminated in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the future expenditure of funds. The parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The applicant shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible.

16.6(2) Department removal for cause. The department may remove approval in whole or in part at any time before the date of completion whenever it is determined by the department that the applicant has failed to comply substantially with the conditions of the contract. The applicant shall be notified in writing by the department of the reasons for the removal of approval and the effective date. The applicant shall not incur new obligations for the portion for which approval is removed after the effective date of removal and shall cancel as many outstanding obligations as possible.

The department may remove approval in whole or in part by June 30 of the current fiscal year in the event that the applicant has not attained the program standards.

16.6(3) Responsibility of applicant after removal of approval. Within 45 days of the removal of approval, the applicant shall supply the department with a financial statement detailing all costs incurred up to the effective date of the removal. If the applicant expends moneys for other than specified budget items approved by the department, the applicant shall return moneys for unapproved expenditures.

281—16.7(256C) Appeal of application denial, termination, or removal of approval. Any applicant may appeal to the director of the department the denial of a properly submitted preschool program funding application or the unilateral termination or removal of an approval. The jurisdictional criteria and procedures found in 281—Chapter 7 apply to any appeal of denial.

281—16.8(256C) Finance.

16.8(1) General. The department implements Iowa Code sections 256C.4 and 256C.5.

16.8(2) Aid payments. Preschool foundation aid is paid as part of the state aid payments made to school districts in accordance with Iowa Code section 257.16, except that an eligible child is not required to be a resident of the district in which the child is enrolled voluntarily in the approved local program.

16.8(3) Separate accounting required. All state funding received under this program is accounted for by the applicant district separately from other state aid payments.

16.8(4) Restriction on supplanting. State funding received under this program shall be used to supplement, not supplant, other public funding received by the applicant district as the result of the participation of any eligible children in other state or federal funded preschool programs. This restriction is applicable only for costs related to instructional time as described in subrule 16.2(4).

16.8(5) Transportation. Children participating in preschool in an approved local program under Iowa Code chapter 256C may be provided transportation services. However, transportation services provided to such children are not eligible for reimbursement under this chapter.

16.8(6) Open enrollment not applicable. Iowa's open enrollment statute (Iowa Code section 282.18) is not applicable for the parent or guardian of an eligible child who desires to access an approved program in a school district not of the child's residence. Approved programs are open to all eligible Iowa children, regardless of a child's district of residence. Accordingly, it is neither necessary for a parent or guardian to file an open enrollment application, nor will open enrollment applications for approved preschool programs be allowed. Participation in an approved program in a school district not of the child's residence does not create an entitlement to continuous open enrollment under Iowa Code section 282.18.

281—16.9(256C) Accountability. An approved local program shall meet the program requirements in this chapter, which are minimum standards. The department encourages approved local programs to exceed the minimum standards as programs work toward ongoing improvement. To monitor compliance, each approved local program complies with this rule.

16.9(1) Annual reports. Each approved local program provides, on forms provided by the department, an annual report to the department regarding program requirements. Failure to submit an annual report by the date specified therein results in suspension of financial payments to the applicant until such time as the report is received by the department.

16.9(2) Performance measures. The approved local program collect data on all of the following:

- a. The number of eligible children participating in the preschool program.
- b. The number of eligible children participating in a program that meets the requirements of NAEYC, Head Start, or QPPS Standards and Criteria.
- c. The curriculum.
- d. The assessment as defined in rule 281—16.2(256C).
- e. The number of teachers.
- f. The kindergarten literacy assessment as defined in Iowa Code section 279.60.

16.9(3) Noncompliance with program requirements. If the department determines that a participating district does not meet one or more of the accountability requirements provided in rule 281—16.2(256C), the department inform the school district of appropriate actions to be taken by the school district. The school district shall submit an action plan that is approved by the department and contains reasonable timelines for coming into compliance. The department shall facilitate technical assistance when requested. If the department determines that the school district is not taking the necessary actions in a timely manner, the director remove approval and terminate the school district’s contract as provided in subrule 16.6(2). Until such time as the school district’s contract is terminated, the school district may continue to participate in the statewide voluntary preschool program.

16.9(4) Monitoring. The department develops a monitoring system based on the annual reporting requirements and performance measures described in this rule to be implemented no later than one year after funding is first provided under this chapter. The monitoring system ensures that programs meet the provisions herein requiring a properly licensed teacher and adoption of program standards and is designed to follow the academic progress of children who voluntarily participate in the statewide preschool program as the children progress through elementary and secondary grade levels. If feasible, it is the intent of the department to include postsecondary monitoring of such children.

These rules are intended to implement Iowa Code chapter 256C.