

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

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| Department Name: | Education | Date: | May 30, 2023 | Total Rule Count: | 29 |
| IAC #: | 281 | Chapter/ SubChapter/ Rule(s): | 19 and 68 | Iowa Code Section Authorizing Rule: | 256E; 256F |
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

These rule chapters are intended to provide support for charter school founding and operation. Current chapter 19 is applicable to charter schools opened on or after July 1, 2021. Current chapter 68 applies to existing charter schools opened on 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. Two new charter schools opened in August 2022, and one will open in August 2023.

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

No costs to members of the public. There are costs to founding groups and the Department to comply with the rules; however, those costs are required by 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.

Many of the costs associated with this program are implementation costs associated with a new

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.

While these rules are required by statute, the Department proposes a streamlined procedure for a charter school contract to be amended without going through the procedures associated with an initial charter school application.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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 in both chapters recite statutory text, are obsolete, or are aspirational in nature. Because chapter 68 will apply to two legacy charter schools and none in the future, the Department proposes consolidating these two chapters into one for monitoring purposes.

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

Current rule 19.5 is repealed and consolidated with proposed rule 19.1.
The following rules are obsolete: 68.1, 68.3, 68.4, 68.11, 68.12, 68.13, 68.14, and 68.15.

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

The chapter contains twenty-one proposed rules (see attached).

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

METRICS

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| Total number of rules repealed: | 8 (net) |
| Proposed word count reduction after repeal and/or re-promulgation | 8652 |
| Proposed number of restrictive terms eliminated after repeal and/or re-promulgation | 140 |

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

None noted.

CHAPTER 19
CHARTER SCHOOLS

281—19.1(256E) General. All charter schools in Iowa are a part of the state’s program of public education. Charter schools established on or after July 1, 2021, are subject to Iowa Code chapter 256E and division I of this chapter. Charter schools established prior to July 1, 2021, continue to operate under and are subject to the requirements of Iowa Code chapter 256F and division II of this chapter. The department shall monitor the effectiveness of charter schools and implement the applicable provisions of this chapter.

DIVISION I – CHARTER SCHOOLS ESTABLISHED ON OR AFTER JULY 1, 2021

281—19.2(256E) Establishment of charter schools. A charter school may be established by either of the following methods: a “school board-state board model, pursuant to Iowa Code section 256E.4, or a “founding group-state board model,” pursuant to section 256E.5. The state board of education is the only authorizer of charter schools under this division.

281—19.3(256E) Purpose of a charter school. A charter school established under this division must intend to accomplish one or more of the purposes set forth in Iowa Code section 256E.1, subsection 3.

281—19.4(256E) Definitions. The definitions set forth in Iowa Code section 256E.2 apply to this division. In addition, “parent” includes a child’s biological or adoptive parent, as well as anyone authorized by state or federal law or court order, judgment, or decree to make educational decisions for the child.

281—19.5(256E) General application provisions. The following general application provisions apply to both the school board-state board and founding group-state board charter establishment models.

19.5(1) Instructions. The instructions for completing an application includes or otherwise informs applicants of the content required by Iowa Code section 256E.4, subsection 3, and section 256E.5, subsection 3.

19.5(2) Review. In reviewing and evaluating charter school applications, the state board employs procedures, practices, and criteria consistent with nationally recognized principles and standards for reviewing charter school applications. Each application review includes:

- a. A thorough evaluation of the written application.
- b. An in-person interview with the founding group.
- c. An opportunity in a public forum for local residents to learn about and provide input on each application.

19.5(3) State board actions following review. Following review of a charter school application and completion of the process required under subrule 19.6(2), the state board shall do all of the following:

- a. Approve a charter school application only if the founding group has demonstrated competence in each element of the approval criteria and if the founding group is likely to open and operate a successful charter school.
- b. Make application decisions on documented evidence collected through the application review process.
- c. Adhere to the policies and criteria that are transparent, are based on merit, and avoid conflicts of interest or any appearance thereof.

19.5(4) Application approval. The state board shall approve a charter school application if the application satisfies the requirements of this division.

- a. The state board shall approve or deny a charter school application no later than 75 calendar days after the application is received.
- b. If the state board denies an application, the state board shall provide notice of denial to the founding group in writing within 30 days after the state board’s action, specifying the exact reasons for denial and provide documentation supporting those reasons.
- c. An approval decision may include, if appropriate, reasonable conditions that the founding group must meet before a charter school contract may be executed pursuant to Iowa Code section 256E.6.
- d. An approved charter application does not serve as a charter school contract.
- e. A decision of the state board relating to an application under this rule is not appealable.
- f. An unsuccessful applicant under this rule may subsequently reapply to the state board.

19.5(5) Application deadlines and timelines. For school years on or after the school year beginning on July 1, 2023, applications submitted to the state board on or before November 1 of the preceding school year will be considered for approval for the establishment of the charter school for the next school year.

281—19.6(256E) School board-state board model. Iowa Code section 256E.4 governs charter schools founded under this mode.

19.6(1) School board-state board model application. An application submitted under this rule shall include all of the items related to the proposed charter school that are set forth in Iowa Code section 256E.4, subsection 4.

19.6(2) Conversion of existing attendance center. If the founding group proposes to establish a charter school by converting an existing attendance center of the school district, Iowa Code section 256E.4, subsection 5, governs such proposal.

281—19.7(256E) Founding group-state board model. Iowa Code section 256E.5 governs charter schools founded under this model. An application submitted under this rule shall include all of the items related to the proposed charter school that are set forth in Iowa Code section 256E.5, subsection 4.

281—19.8(256E) Charter school contract. Iowa Code section 256E.6 governs contracts with approved charter schools. A contract may be amended by the founding group and the state board, after the founding group complies with subrule 19.5(2) with reference to the proposed amendment.

281—19.9(256E) Performance framework. The performance provisions within each charter school's is governed by Iowa Code section 256E.9. This framework includes the items in section 256E.9, subsection 1, including student academic growth and proficiency in English language arts on statewide outcome assessments, student academic growth and proficiency in mathematics on statewide outcome assessments, and conditions for learning data (as required by Iowa's state plan under the Every Student Succeeds Act).

281—19.10(256E) General operating powers and duties. In order to fulfill the charter school's public purpose, a charter school established under this division shall be organized as a nonprofit education organization. It has the powers, duties, and exemptions specified in Iowa Code section 256E.7. For purposes of "applicable federal, state, and local health and safety requirements," that term includes mandatory reporting of child abuse under Iowa Code section 232.69, investigation of abuse by school employees under 281—Chapter 102, and seclusion and restraint under 281—Chapter 103

281—19.11(256E) Funding.

19.11(1) General. Charter school funding is governed by Iowa Code section 256E.8.

19.11(2) Enrollment estimates. If necessary, and pursuant to paragraph 19.12(2) "a," funding amounts required under this rule for the first school year of a new charter school are based on enrollment estimates for the charter school included in the charter school contract. The process set out in paragraph 19.11(2) "b" are to be used for determining estimated enrollments for charter school funding purposes in school years after the first year of a charter school. Amounts paid using estimated enrollments shall be reconciled during subsequent payments based on actual enrollment of the charter school during each school year pursuant to paragraph 19.11(2) "c."

a. Enrollment estimates for the first school year are based on the number of enrolled students reported to the department through the student information system by August 5 of the school year.

b. Enrollment estimates for school years following the first school year are based on the number of enrolled students reported to the department through the student information system by August 5 of the school year.

c. Estimated payments will be reconciled, at minimum, based on actual enrollment information reported by the charter school pursuant to Iowa Code sections 256.9(44) and 257.6.

19.11(3) Federal funds. If a charter school is eligible for federal funds, those federal funds will be calculated and distributed based on relevant federal statute and regulation.

19.11(4) Notification to districts of residence. For purposes of this rule, each charter school shall notify the district of residence of each child in a time and manner that allow the district of residence to include the child in the district's certified enrollment and any other relevant enrollment data.

281—19.12(256E) Oversight—corrective action—contract renewal—revocation.

19.12(1) General. The state board's monitoring, oversight, remedial actions, and enforcement actions (up to and including revocation), are governed by Iowa Code section 256E.10.

19.12(2) Renewal guidance. The state board's renewal application guidance will, at a minimum, include the criteria that will be used when assessing charter school contract renewal decisions and provide an opportunity for the charter school to:

a. Present additional evidence beyond the data contained in the performance report.

b. Describe improvements undertaken or planned for the charter school.

c. Describe the charter school's plans, including any proposed modifications, for the next charter school contract term.

19.12(3) Revocation or nonrenewal. A charter school contract may be revoked at any time or not renewed if the state board determines that the charter school did any of the following:

a. Committed a material violation of any of the terms, conditions, standards, or procedures required under the charter school

contract or this division.

- b. Failed to meet or make sufficient progress toward the performance expectations set forth in the charter school contract.
- c. Failed to meet generally accepted standards of fiscal management.
- d. Violated a provision of law from which the charter school was not exempted.

A decision to revoke or to not renew a charter school contract shall be by resolution of the state board and clearly state the reasons for the revocation or nonrenewal.

19.12(4) Contract revocation and nonrenewal standards and procedures. The state board shall develop charter school contract revocation and nonrenewal standards and procedures that do all of the following:

- a. Provide the charter school with a timely notice of the possibility of revocation or nonrenewal and of the reasons therefor.
- b. Allow the charter school a reasonable period of time in which to prepare a response to any notice received.
- c. Provide the charter school an opportunity to submit documents and give testimony challenging the decision to revoke the charter school contract or the decision to not renew the contract.
- d. Allow the charter school the opportunity to hire legal representation and to call witnesses.
- e. Permit the audio or video recording of such proceedings described in paragraphs 19.12(4) “c” and “d.”
- f. Require a final decision to be conveyed in writing to the charter school.

281—19.13(256E) Procedures for charter school closure—student enrollment. Charter school closures are governed by Iowa Code section 256E.11. Prior to any charter school closure decision, the state board shall develop a charter school closure protocol to ensure timely notice to parents and guardians, provide for the orderly transition of students and student records to new schools, and provide proper disposition of school funds, property, and assets in accordance with the requirements of this division. The protocol shall specify required actions and timelines and identify responsible parties for each such action.

281—19.14(256E) Reports.

19.14(1) Annual report. Each charter school shall prepare and file an annual report with the department, on or before October 1 and including data from the prior school year, pursuant to Iowa Code section 256E.12, subsection 1. Required content includes:

- a. The charter school’s mission statement, including a vision statement and goals, as well as data measuring goal attainment.
- b. Student demographics, disaggregated by grade level and protected characteristics.
- c. Attendance statistics and dropout rate (average daily attendance, dropout rate, student mobility).
- d. Graduation data, including four-year and five-year graduation rates, credit accrual, and number of students on track for graduation.
- e. Student achievement, including annual academic growth and proficiency, including Iowa statewide assessment of student progress (ISASP) data, other assessment data, and aggregate assessment test scores.
- f. Financial performance, including projections of financial stability.
- g. The number and qualifications of teachers and administrators.
- h. Sustainability data, including enrollment trends, staff satisfaction, and parent and student satisfaction.

19.14(2) Annual financial report. Each charter school shall submit a Certified Annual Report consistent with the requirements of 281—Chapter 99. The annual financial report is due to the department by September 15.

19.14(3) Report to general assembly. The state board shall prepare and file with the general assembly by December 1 as required by Iowa Code 256E.12, subsection 2.

281—19.15(256E) Operation of existing charter schools. Charter schools established pursuant to Iowa Code chapter 256F continue to operate pursuant to that chapter and are not subject to the requirements of this division and of Iowa Code chapter 256E.

This division is intended to implement Iowa Code chapter 256E.

DIVISION II – CHARTER SCHOOLS ESTABLISHED BEFORE JULY 1, 2021

281—19.16(256F) Definitions. The definitions in Iowa Code section 256F.2 apply to this division. In addition, “*advisory council*” means a council appointed by the school board of a charter school. With respect to a charter school, no more than one member of the council may be a member of the school board; a district’s school improvement advisory committee may also serve as its advisory council. All advisory councils are subject to the provisions of Iowa Code chapters 21 and 22.

“*Family unit*” means a household in which reside one or more students enrolled at the existing public school that is the subject of either a charter school application.

281—19.17(256F) Operating requirements. The charter school is governed by Iowa Code section 256F.4, subsections 2 through 8, inclusive, section 256F.6, and section 256F.7.

281—19.18(256F) Ongoing review by department. The department periodically reviews each charter school to ensure continuing compliance with each charter school’s contract. The department may schedule mandatory meetings with the administrators of all charter schools at the department’s sole discretion. Section 256F.10 governs reports required under this division.

281—19.19(256F) Renewal of charter. After the initial four-year contract for a charter school and at the end of each renewal period thereafter, the school board that established the charter school must, in the absence of revoking the charter pursuant to rule 281—19.20(256F), take affirmative action to renew a charter school contract. The school board shall hold a public hearing on the issue of renewal and submit to the department a copy of the minutes of the public hearing showing that a majority of the school board members voted in favor of renewal of the charter. Any action to renew a charter must specify the number of years, which may not be more than four years, for which the charter was renewed by the school board.

A school board must submit a new application to the department if the board modifies any of the terms of the original charter.

281—19.20(256F) Revocation or nonrenewal of charter. Iowa Code sections 256F.8 and 256F.9 govern revocation or nonrenewal of a charter under this division.

281—19.21(256F) Transition—operation of existing charter schools. Charter schools established pursuant to this division and Iowa Code chapter 256F prior to July 1, 2021, may continue to operate pursuant to those terms and are not be subject to the requirements of Iowa Code chapter 256E or division I of these rules. No new charter or innovation zone may be created under this division.

This division is intended to implement Iowa Code chapter 256F.