



## STATE OF IOWA • DEPARTMENT OF PUBLIC INSTRUCTION

GRIMES STATE OFFICE BUILDING • DES MOINES, IOWA 50319

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## DECLARATORY RULING #26

April 19, 1979

Superintendent Arnold L. Bradley  
 Eagle Grove Community School District  
 Eagle Grove, Iowa 50533

Dear Superintendent Bradley:

Your "Petition for Declaratory Ruling" was filed in my office on March 26, 1979. In it you raise four questions. My response to all four is in the affirmative. My reasoning for each response is set out below.

## I.

1. Does the local Board of Education have the authority to establish and approve alternate school activities or experiences for school credit with the amount of credit allowed to be established by the Board?

Section 280.14, The Code 1979, clearly mandates the establishment of "graduation requirements" by the board of directors of each school or school district. Local school authorities, therefore, have considerable discretion in establishing and approving alternate school activities or experiences for the granting of credit toward graduation. This view is further strengthened by Departmental Rule 670--3.5(10) which defines "Unit of credit," and authorizes two alternatives to traditional classroom instruction. The relevant portion of that rule reads as follows:

In order for a course to yield one unit of credit, it must either be pursued for thirty-six weeks for at least two hundred minutes per week or for the equivalent of one hundred twenty hours of instruction. The Board may award on a performance basis through the administration of an examination, provided that said examination covers the content ordinarily included in a regular course in the subject involved. [emphasis added]

In addition, Chapters 288 and 289, The Code 1979, provide authority for evening and part-time programs for students meeting specified criteria.

## II.

2. May the local Board of Education grant academic credit for credit earned in a community college class if that class is taught by a certified instructor? In other words, the credit earned would be granted by the high school with the same credit used later for college transfer or as credit applied toward the A.A. degree.

In addition to my discussion in Part I. above, there are several sections of the Code which refer to the provision of area school courses to secondary school students. Section 280A.25, subsection 9, expressly authorizes such activities. Here follows the terms of that subsection:

(9) Make arrangements with boards of merged areas and local school districts to permit students attending high school to participate in vocational-technical programs and obtain credit for such participation for application toward the completion of a high school diploma. The granting of such credit shall be subject to the approval of the state board. [emphasis added]

A second, Section 442.4, subsection 1, first unnumbered paragraph, provides authority for local school districts to count students attending an area school in its student enrollment count for state aid purposes. Here follows the terms of that paragraph:

Resident pupils of high school age for which the district pays tuition to attend an Iowa area school are included in basic enrollment on a full-time equivalent basis as of the second Friday of September in the base year for the budget year beginning July 1, 1979 and each subsequent budget year.

Another, Section 282.26, provides, in part, as follows:

The state board of regents and the department of public instruction may by rule permit such students to attend any institution of higher learning under their jurisdiction. Credit earned in any such course at a junior college, college or university may be applied toward credit for high school graduation.

Additionally, Departmental Rule 670--4.9 provides the authority for area schools to accept high school students in appropriate circumstances.

## III.

3. If the Board accepts the college course as part of the high school curriculum, does this credit then become the basis for athletic eligibility in the local high school?

While the answer to your third question is generally yes, there may be some exceptions. Rules of the Department which deal with this issue are found at 670--9.14(1) and (3). The relevant terms of those provisions read as follows:

9.14(1) All contestants must be enrolled and in good standing in a school that is a member in good standing of the organization sponsoring the event.

9.14(3) All contestants shall be regular students of the school in good standing; they shall have earned fifteen semester hours of credit toward graduation in the preceding semester of school, and shall be making passing grades in subjects for which fifteen semester hours credit is given for the current semester as determined by the local school administrator. [emphasis added]

As long as a student is enrolled in a secondary school for the appropriate number of course credits and maintains appropriate grades, he or she would likely be eligible even when some of the course credits are earned at a merged area school. However, it must not be forgotten that other eligibility requirements remain applicable. For instance, a student cannot compete on a high school team and also compete or train with a college squad. See Rule 670--15(8).

#### IV.

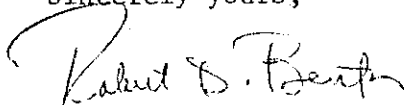
4. In the event local high school classes have room for students without overloading the class, may local school patrons who have already graduated from high school attend such classes if payment is made for materials and texts? The question is whether tuition is necessary for this type special enrollment if the class is already scheduled and space in the class is available.

Section 282.6 provides that district residents may attend classes as long as those who have already graduated pay a sufficient fee to cover the cost of instruction. The relevant portion of that section reads as follows:

Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by such person.

I do not think the word "tuition," as used in this section, has any particular relationship to "tuition" charged a nonresident student under the provisions of Section 282.1. This section merely requires that schools charge a sufficient fee to cover the cost of the instruction. Because there are a number of different ways to determine an appropriate fee, a board of directors would be well advised to study the issue and develop a uniform policy to provide guidance for making such determinations.

Sincerely yours,



Robert D. Benton, Ed.D.

State Superintendent of Public Instruction