

## **EDUCATION DEPARTMENT [281]**

### **Notice of Intended Action**

Pursuant to the authority provided by changes made in enacted HF 215, sections 79-83, modifying Iowa Code sections 256.7(19), 256F.4(5), 279.10(1), 279.10(2), and 299.1(2), the State Board of Education hereby proposes to amend Chapter 12 General Accreditation Standards — Division I – General Standards, Iowa Administrative Code.

In 2013, the enacted education reform bill included provisions to allow local school districts and accredited nonpublic schools to continue with the traditional 180 day school calendar or change to a schedule based on 1,080 hours. These changes would occur starting in the 2014-15 school year. Certain provisions concerning the traditional school day were struck in that legislation, requiring modifications to the relevant administrative rules. This set of rules reflects the legislative changes made in allowing districts flexibility with their local school day and annual attendance requirements to meet the state standard in this area.

An agency wide waiver provision is provided in 281— Chapter 4. A public hearing will be held. It will be from at 3:00-4:00 p.m. on Tuesday, September 10, 2013 in the State Board Room on the second floor of the Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time interested persons may present their views either orally or in writing. All persons

who wish to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs ahead of the hearing date by calling (515) 281–5295.

Interested persons may make written comments on the proposed rules on or before 4:30 p.m. on September 10, 2013. Comments should be directed to Mike Cormack, Rules Coordinator, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319–0146. Comments may also be sent by fax to (515) 242-5988 or submitted by e–mail to [mike.cormack@iowa.gov](mailto:mike.cormack@iowa.gov).

Analysis and review of the proposed rules confirms that they have no job impact.

The proposed rules shall become effective on November 20, 2013.

These rules are intended to implement enacted House File 215, sections 79-83 which modifies subrules 281.1—12.1(7) through 281.1—12.1(11) and to implement the waiver provision of Iowa Code section 279.10(4).

The following rules are proposed.

**ITEM 1.** Amend rule **281---12.1 (7)** as follows:

**281---12.1(7) Minimum school calendar: set by annual hours or and days of instruction.** The ~~Each~~ board of directors of a school district and the authorities in charge of an accredited nonpublic school shall adopt a school calendar that sets the

number of identifies specific days or hours of required attendance for student instruction, staff development and in-service time, and time for parent-teacher conferences. Prior to adopting the school calendar the board of directors of a school district shall hold a public hearing on any proposed school calendar. The board and authorities in charge of an accredited nonpublic school shall notify the department annually of their decision to have a calendar based on days or based on hours. The length of the school calendar does not dictate the length of contract hours or days of employment for instructional and noninstructional staff. Time recorded under either a days or hours calendar system may include passing time between classes but shall exclude the lunch period. Time spent on parent teacher conferences shall be considered instructional time. The school calendar may be operated any time during the school year of July 1 to June 30 as defined by Iowa Code section 279.10. A minimum of 180 days or 1,080 hours of instruction shall be set in the school calendar, for school districts and accredited nonpublic schools beginning no sooner than a day during the calendar week in which the first day of September falls, shall be used for student instruction. However, if the first day of September falls on a Sunday, school may begin any day during the calendar week preceding September 1. These 180 days shall meet the requirements of “day of school” for those districts or accredited nonpublic schools that are utilizing a schedule based on days, defined in subrule 12.1(8)(a), “minimum school day” in

subrule 12.1(9), and “day or hour of attendance” in subrule 12.1(10). (Exception: A school or school district may, by board policy, excuse graduating seniors up to five days or 30 hours of instruction after school or school district requirements for graduation have been met.) If additional days are added to the regular school calendar because of inclement weather, a graduating senior who has met the school or school district’s requirements for graduation may be excused from attendance during the extended school calendar. ~~A school or school district may begin its school calendar for other educational purposes involving instructional and non-instructional staff employment of instructional and noninstructional staff for in-service training and development purposes, earlier than the first day of school. A school or school district choosing a schedule based on hours shall follow the hour of school definition of 12.1(8)(b).~~

**ITEM 2.** Amend rule ~~281---~~**12.1(8)** as follows:

**~~281---~~12.1(8)(a) Day of school.** A day of school is a day during which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff. School shall be considered in session during parent-teacher conferences as well as during activities such as field trips if students are engaged in programs or activities under the guidance and direction of the instructional professional staff. All grade levels of the school or school district must be operated and be available for attendance by all students. An exception is

if either the elementary or secondary grades are closed and provided that the time missed is made up at some other point during the school calendar so as to meet the minimum of 180 days or 1,080 hours of instruction for all grades 1 through 12. ~~If a classroom or attendance center is closed for emergency health or safety reasons but the remainder of the school or school district is in operation, the day may be counted as a day of school.~~

**281---12.1(8)(b) Hour of school.** For schools or school districts adopting a calendar based on a 1,080 hour minimum schedule, an official hour of school is an hour in which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff. For purposes of this rule, an “hour” is defined as sixty minutes. The calculation of minimum hours shall exclude the lunch period. Passing time between classes may be counted as part of the hour requirement. School shall be considered in session during parent-teacher conferences as well as during activities such as field trips if students are engaged in programs or activities under the guidance and direction of the instructional professional staff. All grade levels of the school or school district must be operated and available for attendance by all students. Schools or school districts have flexibility on how they can reach the threshold of 1,080 hours but must keep annual documentation of how they met that standard. The school calendar may include more than, less than or equal the 180 day schedule. The

hours included in an individual day under an hours format may vary.

**ITEM 3.** Amend rule ~~281---~~**12.1(9-11)** as follows:

**281---** **12.1(9) Minimum school day.** A school day, for those utilizing a school calendar based on days, shall consist of a minimum of ~~5½~~ 6 hours of instructional time for all grades 1 through 12. The minimum hours shall ~~be excluded~~include the lunch period. ~~Passing time between classes as well as time spent on parent teacher conferences may be counted as part of the 5½-~~ 6 hour requirement. School shall be considered in session during parent-teacher conferences as well as during activities such as field trips if students are engaged in programs or activities under the guidance and direction of the instructional professional staff. ~~The school or school district may record a day of school with less than the minimum instructional hours if emergency health or safety factors require the late arrival or early dismissal of students on a specific day; or if the total hours of instructional time for all grades 1 through 12 in any five consecutive school days equal a minimum of 27½ hours, even though any one day of school is less than the minimum instructional hours because staff development is provided for the instructional professional staff or because parent teacher conferences have been scheduled beyond the regular school day.~~

~~Furthermore, if the total hours of instructional time for the first four consecutive days equal at least 27½ hours because parent teacher conferences are held beyond~~

~~the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.~~

**281---12.1(10) Day or hour of attendance.** A day or hour of attendance shall be a day or hour during which students are present and under the guidance and instruction of the instructional professional staff. When staff development designated by the board or by authorities in charge of an accredited nonpublic school occurs outside of the time required for a “minimum school day,” students shall be counted in attendance. (Note exceptions in subrules 12.1(8) and 12.1(9).)

**281---12.1(11) Kindergarten.** The number of instructional days or hours within the school calendar and the length of the school day for kindergarten shall be defined by the board or by authorities in charge of an accredited nonpublic school that operates a kindergarten program. ~~This subrule applies to an accredited nonpublic school only if it offers kindergarten.~~