

EDUCATION DEPARTMENT [281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 12, “General Accreditation Standards,” Iowa Administrative Code.

This year, the law concerning accreditation was changed to include a new manner in which an Iowa nonpublic school may choose to be accredited. Independent accreditation is a manner in which schools would be accredited under Chapter 12 by an approved independent accrediting agency, not the Department and State Board of Education who hold traditional authority in this policy area. These rules provide direction to both participants in this program and the independent agencies wishing to regulate such Iowa schools. Due to a legislative sunset, these rules will expire on July 1, 2020.

An agency-wide waiver provision is provided in 281—chapter 4.

Notice of Intended Action was published in the August 21, 2013, Iowa Administrative Bulletin as ARC #0964C. Public comments were allowed until 4:30 p.m. on September 10, 2013. A public hearing was held on that date in which seven persons appeared. One written comment was received with four oral comments received at the meeting. The participants believed the new law provided flexibility to the five existing agencies, which should be given more discretion than the proposed rule provides. They cited the quality they perceived from the current accrediting agencies and that current hiring practices should continue when schools transfer to independent accreditation. All comments were in favor of more flexibility for local schools in this process.

This proposed rule is identical to that published under Notice except that in 12.10 (3) an additional sentence was added for clarity. Each accrediting agency that qualifies for automatic entry upon enactment of the rule is listed by name, which was not previously the case in the rule.

After analysis and review of this rule making, no impact on jobs has been found.

This proposed rule shall become effective on November 20, 2013.

This proposed rule is intended to implement 2013 Iowa Acts, House File 215, section 89.

The following amendments are proposed.

ITEM 1. Adopt the following **new** Division X heading in **281—Chapter 12**:

DIVISION X
INDEPENDENT ACCREDITING AGENCIES

ITEM 2. Adopt the following **new** rule 281—12.10(256):

281—12.10(256) Independent Accrediting Agencies. Notwithstanding subsections 1 through 12 of Iowa Code section 256.11 (2013) and this chapter, a nonpublic school may be accredited by an independent accrediting agency that appears on a list maintained by the state board of education instead of being accredited by the state board.

12.10(1) Compliance required by a nonpublic school. A nonpublic school that participates in the accreditation process offered by an independent accrediting agency on the approved list published pursuant to this rule shall be deemed to meet the education standards of Iowa Code section 256.11 as amended by 2013 Iowa Acts, House File 215, section 89, and this chapter. However, such a school shall comply with statutory health and safety requirements for school facilities. A nonpublic school accredited under this chapter shall abide by all state and federal laws and regulations. Notwithstanding Iowa Code section 256.11 as amended by 2013 Iowa Acts, House File 215, section 89, the department is not precluded from enforcing compliance with all state and federal laws and regulations.

12.10(2) *Compliance required by accrediting agency.* Agencies approved under subrule 12.10(3) shall abide by all state and federal laws and regulations and shall enforce those laws and regulations on the schools they accredit. Notwithstanding Iowa Code section 256.11 as amended by 2013 Iowa Acts, House File 215, section 89, the department is not precluded from enforcing compliance with all state and federal laws and regulations.

12.10(3) *List maintained by state board.* The state board shall maintain a list of approved independent accrediting agencies comprised of at least six regional or national nonprofit, nongovernmental agencies recognized as reliable authorities concerning the quality of education offered by a school and shall publish the list of independent accrediting agencies on the department's Internet site. The list shall include accrediting agencies that, as of January 1, 2013, accredited a nonpublic school in this state that was concurrently accredited under this rule and shall include any agency that has a formalized partnership agreement with another agency on the list and has member schools in this state as of January 1, 2013. Agencies that met this standard at the enactment of these rules are the Independent Schools Association of the Central States (ISACS), Christian Schools International (CSI), AdvancEd, The National Lutheran Schools Association (NLSA), and The Association of Christian Schools International (ASCI).

12.10(4) *Criteria for recognizing an agency as a "reliable authority concerning the quality of education offered by a school."* In any decision to add an agency to the list maintained pursuant to subrule 12.10(1) or to remove an agency from the list pursuant to subrule 12.10(3), the following criteria may be applied:

a. Whether the agency's accreditation standards require a school to set high academic and nonacademic standards for all students, including preparation of students for postsecondary success.

b. Whether the agency's accreditation standards require a school to monitor and assess all students' progress toward high academic and nonacademic standards.

c. Whether the agency's accreditation standards require a school to recruit and retain properly licensed quality professional staff, and provide those staff members with ongoing professional development.

d. Whether the agency's accreditation standards set requirements for fiscal, data, and contract management.

e. Whether the agency monitors compliance with its standards and takes appropriate corrective action when standards are not met.

f. Whether the agency itself has appropriate fiscal, data, and contract management policies and procedures.

g. Any uncorrected citation of noncompliance by any governmental or nongovernmental agency or organization with jurisdiction or oversight of an accrediting agency listed pursuant to subrule 12.10(1).

h. Any uncorrected negative audit finding of an accrediting agency listed pursuant to subrule 12.10(1).

i. Any judgments, orders, decrees, consent decrees, settlement agreements, or verdicts concerning the agency listed pursuant to subrule 12.10(1) entered by any state or federal court of competent jurisdiction.

j. Whether the agency listed pursuant to subrule 12.10(1) continues to retain its nonprofit status.

k. Whether the agency listed pursuant to subrule 12.10(1) has received any form of recognition for innovation or excellence concerning its work.

l. Any other criterion used by the agency to determine accreditation.

m. Any other reports or findings sent to the nonpublic school regarding accreditation, including findings related to Iowa Code section 256.11 as amended by 2013 Iowa Acts, House File 215, section 89.

12.10(5) *Removal of agency from approved independent accrediting agencies.* If the state board takes preliminary action to remove an agency from the approved list published on the department's Internet site pursuant to subrule 12.10(1), the department shall, at least one year prior to removing the agency from the approved list, notify the nonpublic schools participating in the accreditation process offered by the agency of the state board's intent to remove the accrediting agency from its approved list of independent accrediting agencies. The department shall give notice to the independent accrediting agency, along with an opportunity to respond. The notice shall also be posted on the department's Internet site and shall contain the proposed date of removal. If a nonpublic school receives notice pursuant to this subrule and it chooses to remain accredited, the nonpublic school shall attain accreditation under this rule or otherwise attain accreditation in a manner provided by this chapter or Iowa Code section 256.11 as amended by 2013 Iowa Acts, House File 215, section 89, not later than one year following the date on which the state board removes the agency from its list of independent accrediting agencies.

12.10(6) *Rule of construction: "at least six."* The obligation to maintain a list of at least six agencies in subrule 12.10(1) shall not be construed to require the list to contain an agency that is not a regional or national nonprofit, nongovernmental agency recognized as a reliable authority concerning the quality of education offered by a school.

12.10(7) *Adoption by the department of standard procedures.* The department shall adopt standard procedures, schedules, and forms for the implementation of this rule, including procedures for adding independent accrediting agencies from the list maintained by the state board pursuant to subrule 12.10(1) and removing agencies from that list pursuant to subrule 12.10(3).

12.10(8) *Automatic repeal.* Pursuant to the repeal clause in 2013 Iowa Acts, House File 215, section 89, this rule is rescinded July 1, 2020.