



SAI Annual Conference 2019

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Education Appropriations – HF 758

- **New appropriation of \$2.1 million to AEAs for the Children’s Mental Health System. Broken down as follows:**
- **\$1.2 million for mental health needs of students;**
- **\$750,000 for identifying approaches to meet mental health needs; and,**
- **\$150,000 to create a clearinghouse of mental health resources for use by schools and community providers.**

Children's Mental Health System – HF 690

- **This bill creates a Children's Mental Health System, a system advisory board, and behavioral health services for children with certain conditions.**
- **Members of the Children's Health State Board will serve four-year, staggered terms and provide guidance on implementation and management of the health system. ONE state board member will be an AEA administrator, and ONE will be an educator, counselor, or administrator from a school district.**
- **Each mental health and disability region must submit plans to DHS on the implementation of the children's behavioral health services *no later than April 1, 2020.***

Children's Mental Health System – HF 690 **(cont.)**

- **In order to receive services from the program, children must meet the following criteria:**
 - **1) Under 18 years old;**
 - **2) Residents of Iowa;**
 - **3) Diagnosed with a serious emotional disturbance;**
 - **4) Family has a household income equal to or less than 500% of the federal poverty level;**

- **Services DO NOT APPLY to intellectual disability services OR brain injury services for children.**

Children's Mental Health System – HF **690(cont.)**

- **FYI - Families with incomes between 150% to 500% of the federal poverty level will be subject to a copayment, a single statewide sliding fee scale, or additional cost-sharing requirements.**
- **DHS will add school attendance to data it collects for its mental health and disability services information management system.**

Financial Literacy Requirement – SF 139

- **Delays the requirement for all high school students take a one-half unit course in personal finance literacy to the 2020-2021 graduating class.**

Online Learning Requirements – SF 394

- Public and accredited nonpublic schools are permitted to offer an online learning course to meet the state’s “offer and teach” requirement, or any elective course, if it comes from one of the following sources:
 - 1) the DE’s Iowa Learning Online (ILO);
 - 2) a course created and offered by the school district or a private provider, AND approved by the DE;
 - 3) courses developed by a “partnership or consortium” of 2 or more public or accredited nonpublic schools.
- [ILO is no longer required to be THE sole provider of offer and teach online courses.]

Concurrent Enrollment – SF 603

- **Increases weighting for liberal arts & science courses from .46 to .50**

- **Allows a school district to meet the offer and teach requirements for ONE unit EACH of MATH or SCIENCE and receive supplementary weighting under the following conditions:**
 - **1) the district is in a sharing agreement with a community college;**
 - **2) the number of students enrolled in the class is at least 5;**
 - **3) the district's enrollment does not exceed 600 students;**

Concurrent Enrollment – SF 603

- **4) the district has made a “good faith effort” to employ a teacher;**
- **The definition for “good faith effort” is the same as in Iowa Code §279.19A. It “includes advertising for the position in an appropriate publication, interviewing applicants, and giving serious consideration to those licensed or authorized, and otherwise qualified, applicants who apply.”**
- **5) the unit is held during the regular school day;**
- **6) the unit is made available to all eligible students; and**

Concurrent Enrollment – SF 603 (cont.)

- **Districts with enrollment above 600 students MAY meet a MATH, SCIENCE, OR career and technical education (CTE) requirement under offer and teach, but WILL NOT RECEIVE SUPPLEMENTARY WEIGHTING.**
- **The bill also adds definitions for “full-time” and “part-time” students. Full-time students are those enrolled in 24 or more postsecondary credit hours per school year.**
- **Cost of coursework for “full-time” students, whether through concurrent enrollment or other Senior Year Plus programs will be the responsibility of the student or guardian.**

Concurrent Enrollment – SF 603 (cont.)

- **The bill expands concurrent enrollment to include academic and CTE courses to students from nonpublic accredited schools that have a contract with a community college.**
- **Non-public students are eligible for weighting IF the number of students enrolled in the class exceeds five and the total enrollment in grades 9-12 does not exceed 200.**

Assistive Animals

- If someone brings an assistive animal to an event, you **MAY ASK** what task the animal performs to accommodate a disability.
- School officials may also ask if the animal has been specially trained or in training to perform that task.
- School officials may not ask what the disability is.
- [Bringing Fluffles the cat to the game as a therapy animal because it makes someone feel better is not an example of performing a task.]

Praxis, Prep, and Licensure – SF 159

- The DE now considers the following factors when setting the minimum passing score on Praxis:
 - 1) scores required for similar tests in states contiguous to Iowa; and,
 - 2) the supply and demand imbalance within content areas or teaching positions currently experienced in Iowa
- Praxis standards are now MORE STATIC since the 25th Percentile is no longer used. The DE has already set the scores.
- [Should bill should help to address the TEACHER SHORTAGE!]

Praxis, Prep, and Licensure – SF 159 (cont.)

- The BoEE is creating a nonrenewable, one-year license for applicants who obtain a waiver and present it within 30 calendar days of issuance;
- Applicants must provide the following documentation to the BoEE in order to receive a one-year waiver:
 - 1) Proof of an offer of employment as a teacher;
 - 2) Proof that the district or nonpublic school made a good faith effort to fill the position with an Iowa-licensed teacher, but failed.
- [BoEE expects this waiver to be in place by August 8 or 9]

Supplemental State Aid – HF 306

- **This bill increased the supplemental state aid and categorical percent of per pupil growth by 2.06%;**

Transportation and Cost Per Pupil Equity – **HF 307**

- **Increased the transportation equity relief fund to \$19 million;**
- **This bill also makes transportation equity an on-going appropriation and ties growth to the Supplemental State Aid rate;**
- **It effectively provides districts an additional \$5 to reduce the per pupil spending gap from \$170/student to \$165/student. It was reduced \$5 last year as well.**

Whole Grade Sharing Incentive Extension – HF 596

- **This bill extends the whole grade sharing and district reorganization incentives through 2024;**

Definition of School Bus – HF 499

- **This bill now allows for schools to use new or used motor vehicles that are designed to carry up to 10 passengers or used passenger vans designed to carry up to 12 passengers to transport students to activity events or to their homes in case of illness or an emergency. The passenger limit includes the driver.**
- **The vehicle or van must have a seat belt or safety harness equivalent to the passenger capacity of the vehicle.**

Siblings in Same Classroom – HF 598

- Parents or guardians may request for siblings in kindergarten through fifth grade to be placed in the same classroom or separate classrooms (if multiple classrooms are available) and the building administration must honor that request unless:
 - 1) it would require adding an additional classroom; or,
 - 2) the administration is able to show that such action would be “disruptive to the class.” (this determination may only be made after the first grading period)
- Parents may appeal administrator’s decision to school board.

Siblings in Same Classroom – HF 598 (cont.)

- **“disruptive to the class” includes classroom placement of the siblings where it is determined that a sibling’s behavior or actions are:**
 - **1) detrimental to other students’ academic achievement; or,**
 - **2) substantially interferes with other students’ abilities to participate in or benefit from the services, activities, or privileges provided by the school.**
- **Timing of Request - Parents must make the placement request during registration or within 14 days of a child’s first day of school if the student registers after the school year commences.**

Reporting of Misconduct of School Employees

– HF 637

- **A school board, AEA board, school superintendent, AEA chief administrator, and those in charge of accredited nonpublic schools must report to the BoEE within 30 calendar days of action taken due to misconduct relating to one of the mandatory reporting categories.**
- **Also, DE employees who are made aware of alleged misconduct by an individual licensed by the BoEE must report the alleged misconduct.**

BoEE Mandatory Reporting

- Mandatory reporting of disciplinary action against licensed, authorized, or certified employees in the following areas:
- (a) soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
- (b) falsifying student grades, test scores, or other official information or material; and
- (c) converting public property to the personal use of the school employee.
- (d) Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal drugs, unauthorized drugs, or alcohol.

Board Member Conflicts of Interest – SF 283

- **This bill increases the the threshold of income that board members may receive from school districts from \$2,500 to \$6,000.**
- **[This should help with bus drivers and some other district positions.]**

Whistleblower Protections – SF 502

- The bill allows an aggrieved employee to recover civil damages in an amount of up to three times the employee's annual salary and benefits, as well as attorney fees and costs.
- Employers must inform new employees of the authority of the ombudsman to investigate complaints and provide ALL EMPLOYEES information on how to contact the ombudsman including the phone number.
- Office the Ombudsman – 515-281-3592

Secure an Advanced Vision for Education (SAVE) – HF 546

- **Extended the sunset date to January 1, 2051**
- **Increases the amount of SAVE money going to direct property tax relief. Property Tax Equity Relief (PTER) fund will receive 3.1% each year, and half of the incremental increase in funds transferred for school aid formula property tax relief;**

Secure an Advanced Vision for Education (SAVE) – HF 546 (cont.)

- **Half of the increase above 3.1% goes to the equity transfer amount, which is part of PTER, to districts with the highest adjusted additional tax levy rate. The other half of the increase above 3.1% goes to the foundation base supplement fund, which provides property tax relief to all of the districts in the state. PROPERTY TAX RELIEF WILL LAG BY 2 FISCAL YEARS!**
- **Requires the incremental increase for additional property tax relief through the school aid formula to occur when annual growth in SAVE is 2% or greater. The amount transferred from SAVE to PTER and the foundation base supplemental payment is capped at 30%.**

Secure an Advanced Vision for Education (SAVE) – HF 546 (cont.)

- States that it is the intent of the Legislature that “each school district prioritize the use of revenues . . . for secure entries for the district’s attendance centers before expending such revenues for athletic facility infrastructure projects.”
- “**Athletic facility infrastructure project**” is defined as a “school infrastructure project that includes in whole or in part the construction of an athletic facility.”
- “**Athletic Facility**” is defined as a “**building or structure**, or portion thereof, that is not physically attached to a student attendance center.”

Secure an Advanced Vision for Education (SAVE) – HF 546 (cont.)

- Before expending funds on athletic facility infrastructure projects, districts would be required to:
- 1) adopt a board resolution setting proposal for athletic facility project.
- 2) publish notice of a public hearing in a newspaper of general circulation between 10 and 20 days before the public hearing.
- 3) give the public 15 days after the public hearing to provide the board secretary with a petition signed by the greater of 100 electors in the district or 30% of the voters in the last school board election, if those signing the petition desire for their to be a public vote on the project.
- 4) If it goes to public vote, the project would need to be approved by more than 50% of participants.

Proposed Chapter 103 Rules – Seclusion and Restraint

Were NOT
approved
by State
Board of
Education

- 103.7(1) Restraint or is seclusion is reasonable and necessary only:
- (a) To prevent or terminate an imminent threat of SERIOUS physical injury to the student or others; or,
- (b) To prevent SERIOUS damage to property of significant monetary value or significant nonmonetary value or importance;
- or

Proposed Chapter 103 Rules – Seclusion and Restraint

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- 103.7(1) Restraint or is seclusion is reasonable and necessary only:
- (c) When the student's actions seriously disrupt the learning environment, or when physical restraint or seclusion is necessary to ensure the safety of the student or others; and
- (d) Less restrictive alternatives to seclusion or physical restraint would not be effective, would not be feasible under the circumstances, or have failed in preventing or terminating the imminent threat or behavior;
- . . .

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)



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- 103.7(2)(a) The seclusion or restraint must be imposed by an employee who:
 - (a) Is trained in accordance with rule 281 – 103.8; or,
 - (b) Is otherwise available and a trained employee is NOT immediately available due to the UNFORESEEABLE nature of the occurrence.

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- **103.7(2)(b) A school must ATTEMPT TO NOTIFY the student's parent using the school's emergency contact system within TEN MINUTES of both the commencement and conclusion of the seclusion or physical restraint, which may be accomplished with one communication if otherwise permissible in these rules.**

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- **103.7(2)(c) . . . Unless otherwise provided for in the student’s written, approved IEP, BIP, IHP, or safety plan, if the seclusion or physical restraint continues for more than 15 minutes:**
- **(1) The student shall be provided with a break to attend to personal and bodily needs, unless doing so would endanger the child or others.**
- **(2) An employee SHALL OBTAIN APPROVAL from an administrator OR administrator’s designee to continue the seclusion or physical restraint beyond fifteen minutes. After the initial approval, an employee must obtain additional approval every 30 minutes thereafter for the continuation of the seclusion or physical restraint. Approval must be documented . . .**

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)



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- . . .
- (4) Schools and employees must document and explain in writing the reasons why it was not possible for them to obtain approval, notify parents, or take action . . . within the prescribed time limits.
- (5) Schools and employees who initiate and then end the use of unapproved restraints must document and explain in writing the reasons why they had no other option but to use this type of behavioral intervention. . . .

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- **103.8(1) TRAINING. An employee must receive training prior to using any form of physical restraint or seclusion. Training shall cover the following topics:**
 - (a) The rules of this chapter;
 - (b) The school's specific policies and procedures regarding the rules of this chapter;
 - (c) Student and staff debriefing requirements;
 - (d) Positive behavior interventions and supports, and evidence-based approaches to student discipline and classroom management;

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- **103.8(1) TRAINING.** An employee must receive training prior to using any form of physical restraint or seclusion. Training shall cover the following topics:
- **(e) Research-based alternatives to physical restraint and seclusion;**
- **(f) Crisis prevention, crisis intervention, and crisis de-escalation techniques;**
- **(g) Duties and responsibilities of school resource officers and other responders, and the techniques, strategies and procedures used by responders; and**
- **(h) Safe and effective use of physical restraint and seclusion.**

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- **103.8(2) . . . Schools must provide the student's parent with a written copy of the report by the end of the third school day following the occurrence.**
- **The parent may elect to receive the report and the letter via electronic mail or facsimile or by obtaining a copy at the school.**

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- **103.8(3) DEBRIEFING.** Schools must hold a debriefing meeting as soon as practicable whenever required by . . . this subrule, but within five school days of the day of the report and letter are mailed or provided to the parent, unless a parent who wants to participate personally or through a representative asks for an extension of time, or the parent and school agree to an alternate date and time.
- . . .
- Schools must complete the debriefing report and provide a copy of the report to the parent of the student within three school days of the debriefing meeting.

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- 103.8(3) Debriefing.
- . . . A debriefing session is required:
- (1) upon the first instance of seclusion or physical restraint during a school year;
- (2) whenever ANY PERSONAL INJURY occurs as part of the use of seclusion or physical restraint;
- (3) whenever a reasonable educator would determine a debriefing session is necessary;

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- 103.8(3) Debriefing.
- . . . A debriefing session is required:
 - (4) whenever suggested by a student’s IEP Team (if any);
 - (5) whenever agreed by the parent and the school officials;
 - (6) however in any case a debriefing session **SHALL OCCUR AFTER SEVEN INSTANCES** of seclusion or physical restraint.

Proposed Chapter 103 Rules – Seclusion and Restraint (cont.)

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- 103.9 Seclusion room requirements.
- 103.9(2) . . . The interior of the room must be no less than 70 square feet, and the distance between opposing walls must be no less than 7 feet across.
- . . .
- 103.9(4) Any wall that is part of the room must be part of the structural integrity of the room (not free-standing cells or portable units attached to the existing wall or floor).
- . . .
- 103.9(12) Doors must open outward. . . .

Vaping

- **Vaping products are regulated as tobacco products by the Food and Drug Administration, even though they may not actually include tobacco.**
- **Vaping is not covered by the Iowa Smokefree Air Act, but schools may prohibit vaping on school property or at school events, even if an individual is of legal age to vape.**
- **Your district or school may want to consider banning USB flash drives if data is stored on the cloud. JUUL devices look like USB drives, and such a ban would prevent the need for “reasonable suspicion” prior to confiscating such devices.**