

*AS*

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JUN 05 2013

DEPARTMENT OF  
EDUCATION

BEFORE THE IOWA DEPARTMENT OF EDUCATION

IN RE: Petition by Mr. Gary Slater )  
relating to Iowa Code §279.10, )  
relating to the starting date for )  
elementary and secondary schools )  
 )  
 )  
 )

PETITION FOR RULE MAKING

1. Petitioner is Mr. Gary Slater, whose address is: Iowa State Fair, P.O. Box 57130, Des Moines, Iowa 50317, and telephone number is 515-262-3111. The person to whom communications should be directed is Brian Johnson, Address: 6724 Panorama Drive, Panora Iowa, 50216; ph. no.: 515-975-5280. The Additional petitioners are listed below.

2. Petitioners request that the department adopt rules to establish specific standards for granting a request for an early class starting date pursuant to Iowa Code §279.10. That section provides in pertinent part:

*1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the first Monday in December.*

\* \* \*

*4. The director of the department of education may grant a request made by a board of directors of a school district stating its desire to commence classes for regularly established elementary and secondary schools prior to the earliest starting date specified in subsection 1. A request shall be based upon the determination that a starting date on or after the earliest starting date specified in subsection 1 would have a significant negative educational impact.*

1        *starting date specified in subsection 1 would have a significant negative*  
2        *educational impact.*

3 Rulemaking is essential to define the statutory term “*significant negative*  
4 *educational impact*”. Most schools in Iowa request a waiver from the current  
5 statutory start date. In the decades this statutory provision has been in effect,  
6 almost all the requests for an early commencement date have been granted in  
7 large part because the phrase “*significant negative educational impact*,” the sole  
8 statutory basis for the decision, has never been defined.

9        With the ongoing erosion of the September 1 requirement, the statutory  
10 date has become effectively meaningless. The start date in Code §279.10 has  
11 been effectively repealed by the indiscriminate use of the waiver process. The rule  
12 proposed here provides an objectively measurable definition for the critical  
13 statutory phrase “*significant negative educational impact*.” Rule proposed:

14 Rule 281 I.A.C. 12.1(7) is amended by adding at the end thereof  
15 the following NEW PARAGRAPH:

16  
17        **Significant Negative Educational Impact.** For the purpose of ruling  
18 on a school district request for an earlier class commencement date  
19 pursuant to Iowa Code section 279.10, subsection 4, the phrase  
20 “*significant negative educational impact*” shall mean a negative impact  
21 on education to the district due to a history of inclement weather. A  
22 history of inclement weather exists when the school district has suffered  
23 over the past five years an average annual loss of seven required “days  
24 of school” as defined in section 12.1(8) due to severe weather  
25 conditions. If the early start date request is granted, a school district  
26 may decrease the length of the school year by the average number of



missed school days as long as the calendar provides for an equivalent number of instructional hours as required by law. The denial of a request for an early commencement date shall not prohibit a school district from doing any of the following:

- Offering specialized or remedial educational programs outside the calendar required under this section.
- Holding athletic program contests or practices before the school start date.
- Scheduling in-service days or workdays before the school start date.

3. For the reasons set out in paragraph two, petitioners respectfully request that the department commence rule-making as outlined in that paragraph. The petitioner is available to answer any questions or provide additional information as may be necessary. Pursuant to the provisions of Iowa Code section 17A.7. The department is requested to respond to this petition within 60 days following the filing of this petition.

4. The petitioner requests an informal meeting with the agency to discuss the petition .

Iowa State Fair Authority

By Deepest States Petitioner, Its CEO/Manager

Farmall Land - USA

By Terry W. Meyer Petitioner, Its President

Iowa Lodging Assoc.

By Craig D. Walter Petitioner, Its Ex. V.P.