**UEN CALL TO ACTION**

**Accreditation Overhaul in HF 868**

**Updated May 14, 2021**

**On May 6, the House adopted an amendment to** [HF 868](https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=hf868) **that overhauls accreditation law for public and nonpublic schools in Iowa. It is contained as Division III of the bill, beginning on page 28 line 20. Call your Senator and ask for them to remove Division III that deals with accreditation, penalties, fees, public hearings and first amendment training. Contact your Representatives, too, and let them know it is a departure from current practice in many ways. See talking points and details below.**

The amendment by Rep. Brink, Chair of the House Oversight Committee, added 10 pages of policy to the Education Appropriations bill, rewriting the accreditation process, plus other accountability actions. The bill was never vetted with the education community or reviewed in a committee or subcommittee. In short, here are the provisions of Division III (see a complete description of the changes in the May 13 UEN Weekly Report found here: [www.uen-ia.org/capitol-update-may-13-2021](http://www.uen-ia.org/capitol-update-may-13-2021))

* **Complaint Website:** Requires DE to have a place on their website for parents and community members to make complaints
* **New Accreditation Process:** Changes accreditation effective July 1, 2021. Phase I annual accreditation review process includes a desk audit but with this amendment could include more than one desk audit or other processes and the scope is expanded beyond education standards approved by the state board of education to be a compliance and enforcement process with laws, rules and regulations regarding finances, compliance with federal law (ESEA, IDEA, Civil Rights) and state law. It may include a scaled-back or full site visit and that could be virtual or in person. Although the triggers for Phase II do not change, the scope of noncompliance is broader.
* **Enforcement:** Includes a range of enforcement mechanisms. If, after having an opportunity to correct, if permitted, a school district is found to be in noncompliance with federal education laws new requirements from House File 744 (First Amendment Protections), and House File 802 (Diversity Training) neither of which is yet signed by the Governor, or other state law, the Director **shall within 30 days,** recommend that the state board **shall** either impose funding conditions on the district, designating it as a high-risk grantee under federal law or withhold payment of state or federal funds to a school district, in whole or in part, until noncompliance is corrected. Withholding of federal funds is subject to the governing federal statute or regulation.
* The amendment eliminates a conditional accreditation, so the DE and the State Board are limited to recommending accreditation or deaccreditation.
* **Fees for ethics violation:** Requires an administrator to refund fees for administrative costs of processing complaints and conducting hearings if the administrator is the respondent in a complaint for violation of the code of professional conduct and ethics, for which final BOEE action results in a sanction against the administrator.
* **Public Hearing:** Upon petition signed by eligible electors of a school district equal in number to at least 5% of the persons who voted in the last preceding election of school officials under section 277.1, the board of directors of the school district shall hold a public hearing on the proposal specified in the petition. If the proposal relates to curriculum, the school district may halt the use of

the curriculum until the school board holds the public hearing and makes a decision regarding the proposal. The public hearing is required within 30 days.

* **First Amendment training:** Requires school districts to provide training on free speech under the first amendment to the Constitution of the United States to any equity coordinator employed by the school district.

The amendment and the bill were approved on party lines, sending the bill to the Senate.

**Advocacy Actions:**
**Call your Senator.** Ask for them to remove the Division III from HF 868 Education Appropriations that deals with accreditation, penalties, fees, public hearings and first amendment training. Talking points:

* Such policies which are unfunded mandates on the state and public and nonpublic schools should have a thorough discussion in the Legislature before being enacted. A 10-page overhaul of the accreditation process shouldn’t be done in secret, without the input of education stakeholders, parents and the public.
* The penalty requirements leave little discretion to the DE director for a school’s missed deadline. Delays could happen due to a Derecho or Pandemic or significant leadership staff turnover. The Director is mandated to withhold funding for two months. Failure to make payroll would be disruptive to the staff’s ability to meet the needs of students and potentially destroy the very culture and climate the DE is promoting to improve social-emotional learning.
* Schools have a transparent process for including the public in curriculum adoption and budget.
* The ability of a small group to subvert the will of the majority is not how our democracy works. There is no minimum petition number to force a public hearing. In some smaller districts, 5% of those voting in the last school board election could be 10 or fewer people.
* There is no provision in the bill to prohibit forcing repeat public hearings on the same topic.
* Certain content areas are mandated by the state to be taught. This policy puts the school board in the position of following the law or responding to petitioners.

UEN is now registered as opposed to Division III in HF 868 (although there are other provisions we normally support such as funding for mental health, therapeutic classrooms, the Iowa Reading Research Center and others.)

**Contact Information:**

The following links will help you find contact information such as email address and often home or cell phone numbers, so you can easily connect with your legislators.

Find your Senator’s contact information here: <https://www.legis.iowa.gov/legislators/senate>

Find your Representative’s contact information here: <https://www.legis.iowa.gov/legislators/house>

If you don’t know who your Legislators are, find out by selecting your school district, through the interactive map, or by entering an address here: <https://www.legis.iowa.gov/legislators/find>

To call and leave a message at the Statehouse, the Senate switchboard operator number is 515.281.3371 and the House switchboard operator number is 515.281-3221. You can ask if they are available, leave a message for them to call you back, or just leave a short message such as “remove Division III from HF 868 Education Appropriations dealing with accreditation, penalties, fees, public hearings and first amendment training.” (Legislators are typically back home over the weekend).