



IOWA DEPARTMENT OF EDUCATION GUIDANCE

School Start Date Waivers

January 21, 2015

PURPOSE

Pursuant to Iowa Code §279.10, school districts may request a waiver of the requirement to begin classes no sooner than a day during the calendar week in which the first day of September falls. This request may be granted by the Iowa Department of Education's director or designee in circumstances where the request is based on a determination that a starting date on or after the earliest starting date specified in Iowa Code would have a "significant negative educational impact." The relevant Iowa Code sections are quoted below.

Iowa Code §279.10(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. However, if the first day of September falls on a Sunday, school may begin on a day during the calendar week which immediately precedes the first day of September. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. However, if the board of directors of a district extends the school calendar because inclement weather caused the district to temporarily close school during the regular school calendar, the district may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Iowa Code §279.10(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.

Iowa Code §256.9(16) gives the director the express authority to interpret school laws and rules.

Beginning with waiver requests for the 2015-2016 school year, the Department will follow the process and guidelines outlined in this document to receive and process applications for start date waivers.

TIMELINE

All districts that wish to submit an application for an early start date waiver must use the form provided on the Iowa Grants website at <https://www.iowagrants.gov>. The grant opportunity is titled *Early Start Date Waiver Application*. **Applications for the 2015-2016 year are due no later than March 15, 2015, but will be considered as soon as they are received.** In future years, applications for early start waivers will be due no later than November 1 annually to allow time for processing.

Districts are still required to enter their school start date in the Spring Basic Educational Data Survey (BEDS) collection annually, but this entry does not constitute a request for a waiver.

STANDARD FOR REVIEWING AND GRANTING WAIVERS

School districts bear the burden of proving that a start date on or before the date specified in Iowa Code would have a “significant negative educational impact.” Please keep in mind that the bar set by the general assembly for granting this waiver is high. *Negative educational impact* is defined as an adverse effect on student academic achievement and/or student learning environment. To meet the statutory test, the district must provide objective evidence demonstrating the negative educational impact rises to the level of “significant.” Significant is defined as very important or consequential.

- A. The director will consider the evidence submitted as a whole. In determining whether an applicant district has met the statutory standard, the director may consider:
- (1) Evidence that students affected by the requesting district’s calendar are adversely affected in a negative and significant manner by starting school as required by the Iowa Code, as demonstrated by valid and reliable measures of local academic achievement and/or learning environment;
 - (2) The percentage of the student body negatively affected by starting school as required by Iowa Code;
 - (3) The magnitude of the negative effect, as determined by valid and reliable student educational data or other valid and reliable measures of local academic achievement and/or learning environment;
 - (4) The durability of the harm and the efforts required to remedy the harm;
 - (5) Whether scientifically based research supports the district’s claim;
 - (6) Whether other peer-reviewed research supports the district’s claim;
 - (7) Whether alternatives to seeking a waiver have been considered and determined impossible or impractical;
 - (8) Any other evidence deemed appropriate by the Director.
- B. The following will not constitute a significant negative educational impact:*
- (1) Claimed adverse effect based on personal anecdotes, opinion pieces, or advocacy position papers;
 - (2) Adverse effect that can be resolved or remedied through means otherwise available in the Code, i.e. hours-based calendar;
 - (3) Extracurricular competition or scheduling (This is because the competition schedules will adapt to start dates. See FAQ 7);
 - (4) Post-Secondary Enrollment Option (PSEO) or local community college schedules (A student taking a PSEO course from community college or other institutions of higher education is not prohibited from attending college classes prior to the start of the district’s calendar. See FAQs 4 and 6);
 - (5) Completion of first semester before winter break (An hours-based calendar allows districts flexibility to accomplish this.);
 - (6) Professional development of teachers (The law currently allows schools to offer professional development before the start of the instructional calendar. Iowa Code § 279.10(1). The Code allows professional development prior to the start of instruction.);
 - (7) Snow days (An hours-based calendar offers sufficient flexibility, and no amount of early start will reduce the need to make up missed instruction due to predictably unpredictable Iowa winters.);

- (8) Bus scheduling (Bus schedules and contracts may be revised to account for adjusted start dates.);
- (9) Other rationales not related to academic achievement, instruction and/or learning environment.

*This is not an all-inclusive list, but rather an attempt to provide guidance to school districts.

NOTIFICATION OF APPROVAL OR DENIAL

Districts that have applied for a start date waiver for the 2015-2016 school year will be notified of the status of their request no later than April 15, 2015. In subsequent years, notification will take place no later than January 15 of the school year preceding the year for which the waiver was requested.

CLARIFICATION

There are several sections of Iowa Code that address school calendar and may carry waiver provisions for elements of the calendar. To clarify the distinct sections of code and waivers, the Iowa Department of Education is providing the following table:

Iowa Code Section	Calendar Provision	Deciding Actor	Due Date	Waiver or Application Process
279.10(4)	Early start	Iowa Department of Education director or designee	March 15, 2015; November 1 each year thereafter	Apply for waiver through School Improvement Bureau annually
279.10(3)	Innovative calendar	Iowa Department of Education director or designee	November 1 annually	Apply for waiver through School Improvement Bureau annually
256.7(19)	Hours v. days	Local district	Spring BEDS due date	Submit decision in Spring BEDS annually
256.20	Year-round school	State Board of Education	Ongoing	Apply for year-round status through School Improvement Bureau

QUESTIONS

Please direct questions about start date and waivers to Amy J. Williamson, Bureau Chief for School Improvement, at amy.williamson@iowa.gov.

Start Date

Frequently Asked Questions

Question 1: If we operate a year-round school, how does this affect our start date?

Answer 1: Year-round schools are held to the same start date requirements as all other schools, the difference being that they may maintain a year-round calendar. If a district operates a year-round school and the start date is not currently on a day during the calendar week in which the first day of September falls, the calendar must be adjusted or the district must apply for a waiver of this requirement.

Question 2: We have an innovative calendar already approved for the 2015-2016 school year. Do we need to do anything?

Answer 2: The innovative calendar is separate and distinct from start date in Iowa Code. If a district operates on a days-based calendar, the administrator and board may have applied for an innovative calendar waiver to have fewer than 180 days in the school calendar.

If the district already has an innovative calendar waiver and the board-approved calendar for 2015-2016 begins school on a day during the calendar week in which the first day of September falls, the district does not need to file an additional waiver application.

If the district already has an innovative calendar waiver and the board-approved calendar for 2015-2016 begins earlier than a day during the calendar week in which the first day of September falls, the district needs to:

- Either revise the start date OR submit a waiver application for an early start date; **AND**
- If the start date is revised, obtain board approval for a revised calendar; **AND**
- Resubmit an innovative calendar application if the number of days in the school year changes from the original number approved. Revised applications will be accepted through March 15, 2015. The innovative calendar application is available on the Department's website at <https://www.educateiowa.gov/pk-12/accreditation-program-approval/waivers-and-exemptions>.

If a district operates on a days-based calendar and the revisions made to the calendar in order to accommodate a later start date will require submission of a *new* innovative calendar waiver, the Department will also accept new applications through March 15, 2015.

Question 3: How does this affect Iowa Learning Online courses?

Answer 3: Iowa Learning Online courses will be adjusted to accommodate the start dates of the districts served.

Question 4: How will schools deal with Post-Secondary Enrollment Option (PSEO) and concurrent enrollment courses?

Answer 4: Many sections of concurrent enrollment courses are delivered solely at high school locations with sufficient contact time to start later than on-campus sections. It is possible that adjustments can be made to start dates of regional center or concurrent enrollment-only sections as well.

Question 5: Does this apply to nonpublic schools and independently accredited schools?

Answer 5: Yes. The start-date requirement applies to public, nonpublic, and independently accredited schools.

Question 6: May a high school student enrolled in a concurrent enrollment course at a college begin that class before regular classes start at the high school?

Answer 6: Yes, a high school student who is concurrently enrolled may begin to attend the course at the college or university prior to the beginning of the school year for the public, nonpublic, or independently accredited school.

Question 7: Can we play games for athletics before the start of school?

Answer 7: Athletic practices and games are governed by the Iowa High School Athletic Association. Please see Iowa Administrative Code §281—36.14(5).

Question 8: How will the change in start date affect testing windows for universal screening, placement tests for AP courses, and other assessments?

Answer 8: Statewide windows for universal screening will be adjusted to accommodate district start dates. It is recommended that local assessment windows also be adjusted to allow adequate time for instruction to occur if this is a necessary component of the assessment process.