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Legislative Guides, prepared in an objective and nonpartisan manner, provide a general survey of a particular area of the law and are intended for use primarily by members of the Iowa General Assembly and their staffs. Legislative Guides are updated periodically to reflect changes in the law. The reader is cautioned against using information contained in a Legislative Guide to draw conclusions as to the legality of a particular behavior or set of circumstances.

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Iowa Legislative Services Agency  
State Capitol  
Des Moines, IA 50319

October 2022

## PUBLIC EDUCATION IN IOWA

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## I. Introduction

The purpose of this Legislative Guide is to familiarize the reader with public education in Iowa. The Guide does not evaluate the efficacy of public education in Iowa, recommend changes to the public education provided in Iowa, discuss the education provided by nonpublic schools, or compare Iowa's public education system to the public education provided in other states. Unless otherwise noted, references in the Guide to the Iowa Code are to the 2023 Iowa Code.

## II. A History of Iowa's Public Education System

Public education in Iowa predates not only the State of Iowa but the Constitution of the United States. Under the Articles of Confederation, the United States Congress enacted the Northwest Ordinances, which consisted of three separate ordinances that were designed to establish procedures for the incorporation and settlement of the Northwest Territory.<sup>1</sup>

One of those ordinances—the Land Ordinance of 1785—described how western lands were to be divided and sold. This was an important part of raising money for the federal government to pay debts associated with the Revolutionary War.<sup>2</sup> In general, the Land Ordinance of 1785 required that the land making up the Northwest Territory was to be surveyed and divided into townships that consisted of 36 one-square mile lots.<sup>3</sup> The Land Ordinance of 1785 reserved for the United States four lots in each township as well as a one-third interest in all gold, silver, and copper mines in the township. In addition, the Land Ordinance of 1785 made provisions for public schools by reserving “the lot N 16, of every township, for the maintenance of public schools, within the said township.”<sup>4</sup>

Iowa became a state in 1846. Iowa's 1846 Constitution directed the General Assembly to “provide for the election, by the people, of a Superintendent of Public Instruction” to carry out duties prescribed by the General Assembly.<sup>5</sup> The 1857 Constitution modified this approach to instead provide that the public schools would be managed by a board of education.<sup>6</sup> The board of education, pursuant to the 1857 Constitution, was required to “provide for the education of all the youths of the state, through a system of common schools . . . .”<sup>7</sup> Importantly, the 1857 Constitution also provided that, at any time after 1863, the General Assembly had the power to “abolish or reorganize said [b]oard of [e]ducation, and provide for the educational interest of the State in any other manner that to them shall seem the best and proper.”<sup>8</sup>

<sup>1</sup> Northwest Ordinances, Britannica (Apr. 16, 2022), [www.britannica.com/event/Northwest-Ordinances](http://www.britannica.com/event/Northwest-Ordinances).

<sup>2</sup> Continental Congress: Land Ordinance of 1785, encyclopedia.com, [www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/continental-congress-land-ordinance-1785](http://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/continental-congress-land-ordinance-1785) (last visited June 7, 2022).

<sup>3</sup> Harry Searles, Land Ordinance of 1785, American History Central (Apr. 19, 2022), [www.americanhistorycentral.com/entries/land-ordinance-of-1785](http://www.americanhistorycentral.com/entries/land-ordinance-of-1785).

<sup>4</sup> An Ordinance for Ascertaining the Mode of Disposing of Lands in the Western Territory, United States Continental Congress (May 18, 1785), available at [www.loc.gov/resource/bdsdcc.13201/?sp=1&st=image](http://www.loc.gov/resource/bdsdcc.13201/?sp=1&st=image).

<sup>5</sup> Iowa Const. of 1846, art. X, §1; Todd E. Pettys, *The Iowa State Constitution 275* (G. Alan Tarr ed., 2d ed. 2018).

<sup>6</sup> Iowa Const. of 1857, art. IX, §1; Todd E. Pettys, *The Iowa State Constitution 275* (G. Alan Tarr ed., 2d ed. 2018).

<sup>7</sup> Iowa Const. of 1857, art. IX, §12; see *Clark v. Bd. of Dirs.*, 24 Iowa 266 (1868) (analyzing constitutional and statutory provisions to determine whether a public school could deny a pupil admission on the basis of the pupil's race and holding that the public school could not deny admission on such a basis).

<sup>8</sup> Iowa Const. of 1857, art. IX, §15; Todd E. Pettys, *The Iowa State Constitution 275-276* (G. Alan Tarr ed., 2d ed. 2018).



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In 1858, the General Assembly adopted what is commonly known as the Free School Act.<sup>9</sup> The Free School Act established school districts and gave the school districts broad powers to build facilities and hire staff, required the education of individuals between 5 and 21 years of age, and authorized school districts to levy taxes to support their operations.<sup>10</sup>

In 1864, the General Assembly abolished the board of education and replaced it with a system headed by a Superintendent of Public Instruction. The first superintendent was elected by the General Assembly, and beginning with the 1865 general election, the superintendent was elected in the same manner as other state officers except during a brief period during the early 1900s when the Governor appointed the superintendent.<sup>11</sup> The superintendent was tasked with supervising all of the common schools in the state.<sup>12</sup>

Beginning in the late 1800s, the system of public education in Iowa began to gradually shift toward the current system. Some of the more important changes that took place during this time were the consolidation of school districts<sup>13</sup> and, in 1986, the replacement of the Superintendent of Public Instruction with the Department of Education and State Board of Education.<sup>14</sup>

### III. General

#### A. Powers and Jurisdiction

School districts are given exclusive jurisdiction over all school matters within their territory. School districts may sue and be sued and are authorized to hold property and exercise other powers granted to them by the General Assembly.<sup>15</sup> The board of directors of a school district is the body responsible for conducting the affairs of the school district.<sup>16</sup> The board of directors operates, controls, and supervises all public schools located within the school district's territory.<sup>17</sup>

#### B. School Year and School Calendar

The board of directors of a school district is responsible for determining the start date for the school calendar and for setting the required attendance for the school year in accordance with Iowa's compulsory education statutes. The school year for each school district begins on July 1. The school year is required to include at least 180 days of instruction or at least 1,080 hours of instruction. There is no specific start date for the school calendar set by statute. Instead, Iowa law requires that the school calendar begin no sooner than August 23 and no later than the first Monday in December. The board of directors is required to hold a public hearing on a proposed school calendar before adopting the calendar.

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<sup>9</sup> Iowa PBS, [www.iowapbs.org/iowapathways/mypath/2512/development-high-schools](http://www.iowapbs.org/iowapathways/mypath/2512/development-high-schools) (last visited July 8, 2022).

<sup>10</sup> 1858 Iowa Acts, ch. 52.

<sup>11</sup> 1864 Iowa Acts, ch. 52; 1913 Iowa Acts, ch. 103 (providing that the Superintendent of Public Instruction was to be appointed by the Governor and confirmed by the Senate); 1917 Iowa Acts, ch. 318 (providing that the Superintendent of Public Instruction is an elective office).

<sup>12</sup> 1864 Iowa Acts, ch. 52.

<sup>13</sup> Robert Ervie McConnell, A History of the Development of the Department of Public Instruction in Iowa 76-81 (Charles L. Robbins ed. 1930), available at [publications.iowa.gov/25523/1/History%20of%20the%20Development%20of%20the%20Dept%20of%20Public%20I.pdf](http://publications.iowa.gov/25523/1/History%20of%20the%20Development%20of%20the%20Dept%20of%20Public%20I.pdf).

<sup>14</sup> 1986 Iowa Acts, ch. 1245.

<sup>15</sup> Iowa Code §274.1; see *Indep. Sch. Dist. of Danbury v. Christiansen*, 49 N.W.2d 263, 270 (Iowa 1951) (explaining that school districts are creations of the General Assembly, the General Assembly has plenary power over school districts, and school districts have no rights, functions, or capacity except as conferred upon them by the General Assembly).

<sup>16</sup> Iowa Code §274.7.

<sup>17</sup> Iowa Code §274.1.



A school district may implement a year-round school calendar if the board of directors of the school district holds a public hearing on a proposal for a year-round school calendar and then applies to the Department of Education for authorization.<sup>18</sup>

## C. Compulsory Education

During the school year, the parent, legal guardian, or actual custodian of a child who is of compulsory attendance age is required to either send the child to school or place the child under competent private instruction or independent private instruction, unless certain limited exceptions apply.<sup>19</sup> The Iowa Code provides that the following children are of compulsory attendance age:

- “[A] child who has reached the age of [6] and is under [16] years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district . . . reaches the age of [16] on or after September 15, the child remains of compulsory age until the end of the regular school calendar.”<sup>20</sup>
- “A child who has reached the age of five by September 15 and who is enrolled in a school district shall be considered to be of compulsory attendance age unless the parent or guardian of the child notifies the school district in writing of the parent’s or guardian’s intent to remove the child from enrollment in the school district.”<sup>21</sup>
- “A child who has reached the age of four by September 15 and who is enrolled in the statewide preschool program under [Iowa Code] chapter 256C shall be considered to be of compulsory attendance age unless the parent or guardian of the child submits written notice to the school district implementing the program of the parent’s or guardian’s intent to remove the child from enrollment in the preschool program.”<sup>22</sup>

A child of compulsory attendance age who, without a reasonable excuse for the absence, fails to attend school, competent private instruction, or independent private instruction is deemed to be a truant.<sup>23</sup> The board of directors of a school district is authorized to adopt policies relating to when absences are excused.<sup>24</sup> If a child is truant, the Iowa Code sets out a process that is designed to assure the child attends school. The process requires that if school officers are unable to assure that the child’s attendance is successful, the matter is referred to the county attorney for mediation or prosecution.<sup>25</sup> The board of directors is required to prescribe its own rules for the punishment of truants.<sup>26</sup> In addition, if a child of compulsory attendance age fails to attend school, is not receiving competent private instruction or independent private instruction, and does not attend an alternative school or adult education classes, the child is ineligible to receive an intermediate or full driver’s license until the child reaches 18 years of age.<sup>27</sup>

<sup>18</sup> Iowa Code §279.10.

<sup>19</sup> Iowa Code §§299.1(1), 299.2.

<sup>20</sup> Iowa Code §299.1A(1).

<sup>21</sup> Iowa Code §299.1A(2).

<sup>22</sup> Iowa Code §299.1A(3).

<sup>23</sup> Iowa Code §299.8.

<sup>24</sup> Iowa Code §299.1(2); Hills & Dales Child Dev. Ctr. v. Iowa Dep’t of Educ., 968 N.W.2d 238, 248 (Iowa 2021) (“The statute thus gives school districts the authority to decide when to excuse a student from school for [applied behavioral analysis therapy].”).

<sup>25</sup> Iowa Code §299.5A.

<sup>26</sup> Iowa Code §299.9.

<sup>27</sup> Iowa Code §299.1B.



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## D. Open Enrollment

A parent or guardian residing in a school district in Iowa may enroll the parent's or guardian's child in another school district.<sup>28</sup> The parent or guardian is required to send a request to both the school district of residence and the receiving school district indicating that the parent or guardian intends to enroll the child in the receiving school district.<sup>29</sup> The board of directors of the receiving school district is required to enroll the pupil in the receiving school district unless there is insufficient classroom space, as determined by the receiving school district.<sup>30</sup> The Iowa Code addresses how payments are to be made from the school district of residence to the receiving school district to cover the costs associated with educating a pupil who open enrolls.<sup>31</sup>

If a parent's or guardian's request to open enroll is for a pupil requiring special education, the request may only be granted if certain conditions related to the receiving school district's ability to meet the pupil's educational needs are met.<sup>32</sup> In addition, if a pupil participates in open enrollment for purposes of attending a grade in grades 9 through 12, the pupil is ineligible to compete in varsity interscholastic athletics during the pupil's first 90 days of enrollment in the receiving school district, unless certain exceptions apply.<sup>33</sup>

## E. Finances

### 1. School Funding<sup>34</sup>

Public education in Iowa is financed through a combination of federal<sup>35</sup>, state<sup>36</sup>, and local<sup>37</sup> revenue sources. Federal funds supplement state and local funding through specific grant programs. One of those grant programs is under the Elementary and Secondary Education Act, which provides moneys to school districts serving large numbers of low-income students. Another of those grant programs is under the Individuals with Disabilities Education Act, which provides moneys to school districts based on a formula that takes into account a state's total population of individuals with disabilities within a certain age range and the percentage of those individuals living in poverty.<sup>38</sup>

Local revenue sources are generated by school districts in the form of property taxes that are commonly referred to as the "uniform levy."<sup>39</sup> In addition to the amount generated by the uniform levy, the state contributes foundation aid up to a foundation

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<sup>28</sup> Iowa Code §282.18(1)(b).

<sup>29</sup> Iowa Code §282.18(2)(a). Legislation enacted during the 2022 Legislative Session removed a deadline associated with sending the request to open enroll along with procedures governing a good cause exemption from failure to meet that deadline. 2022 Iowa Acts, ch. 1153.

<sup>30</sup> Iowa Code §282.18(2)(b) – (c).

<sup>31</sup> Iowa Code §282.18(7).

<sup>32</sup> Iowa Code §282.18(6)(a).

<sup>33</sup> Iowa Code §282.18(9).

<sup>34</sup> An in-depth discussion of public education finance is outside the scope of this Legislative Guide. For a detailed examination of the components of Iowa school finance, see Michael Duster, Legal Services Division, Iowa Legislative Services Agency, Basic Iowa Education Finance (November 2019), [www.legis.iowa.gov/docs/publications/LG/1070050.pdf](http://www.legis.iowa.gov/docs/publications/LG/1070050.pdf).

<sup>35</sup> How is K-12 Education Funded?, Peter G. Peterson Foundation (Aug. 16, 2022), [www.pgpf.org/budget-basics/how-is-k-12-education-funded](http://www.pgpf.org/budget-basics/how-is-k-12-education-funded).

<sup>36</sup> Iowa Code §257.1.

<sup>37</sup> Iowa Code §§257.3, 257.4

<sup>38</sup> How is K-12 Education Funded?, Peter G. Peterson Foundation (Aug. 16, 2022), [www.pgpf.org/budget-basics/how-is-k-12-education-funded](http://www.pgpf.org/budget-basics/how-is-k-12-education-funded).

<sup>39</sup> Iowa Code §257.3.



base per pupil percentage.<sup>40</sup> Funding beyond the amount generated by the uniform levy and state foundation aid is generated by the school district in the form of an additional levy of property tax.<sup>41</sup>

School district funding is also determined through categorical funding supplements that are funded on a per-pupil basis.<sup>42</sup> In general, a school district's spending authorization is limited to the amount of moneys generated by the uniform levy, state foundation aid, and the additional levy of property taxes.<sup>43</sup>

## 2. Fund Structure

All moneys received by a school district are required to be accounted for in the school district's general fund, unless the moneys are required to be accounted for in another fund.<sup>44</sup> A school district is required to establish a district management levy fund, physical plant and equipment levy fund, public education and recreation levy fund, or library levy fund, if the school district levies the applicable property tax.<sup>45</sup> A school district is also required to establish certain funds if the school district issues bonds or other authorized indebtedness, including bonds or other authorized indebtedness for capital projects.<sup>46</sup>

Receiving moneys from certain programs may also require a school district to establish additional funds. For example, a school district that receives moneys from the school meal program is required to establish a school nutrition fund,<sup>47</sup> and a school district that receives moneys from its child care program is required to establish a child care fund.<sup>48</sup>

A school district may also establish funds to account for moneys generated by certain student activities. A school district that receives moneys from admissions, activity fees, student dues, student fundraising events, or other student-related activities is required to establish a student activity fund.<sup>49</sup> Also, a school district may establish an entrepreneurial education fund to account for "moneys earned through entrepreneurial activities or returns on investments made for entrepreneurial purposes by [a] student organization or club . . . ."<sup>50</sup> School districts are allowed to establish other funds so long as those funds are established in accordance with generally accepted accounting principles.<sup>51</sup>

## IV. Power of Electors

Iowa law authorizes voters to make the following changes to the operation of the voter's local school district:

- "Direct a change of textbooks regularly adopted."<sup>52</sup>

<sup>40</sup> Iowa Code §257.1.

<sup>41</sup> Iowa Code §257.4.

<sup>42</sup> Iowa Code §257.8(2).

<sup>43</sup> Iowa Code §257.7.

<sup>44</sup> Iowa Code §298A.2(1).

<sup>45</sup> Iowa Code §§298A.3, 298A.4, 298A.6, 298A.7.

<sup>46</sup> Iowa Code §§298A.9, 298A.10.

<sup>47</sup> Iowa Code §298A.11.

<sup>48</sup> Iowa Code §298A.12.

<sup>49</sup> Iowa Code §298A.8.

<sup>50</sup> Iowa Code §298A.15(1).

<sup>51</sup> Iowa Code §298A.14.

<sup>52</sup> Iowa Code §278.1(1)(a).



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- “Except when restricted by [Iowa Code] section 297.25, direct the sale, lease, or other disposition of any schoolhouse or school site or other property belonging to the [school district], and the application to be made of the proceeds thereof.”<sup>53</sup>
- “Determine upon additional branches that shall be taught.”<sup>54</sup>
- “Instruct the board that school buildings may or may not be used for meetings of public interest.”<sup>55</sup>
- “Direct the transfer of any surplus in the debt service fund, physical plant and equipment levy fund or other capital project funds, or public education and recreation levy fund to the general fund.”<sup>56</sup>
- “Authorize the board to obtain, at the expense of the [school district], roads for proper access to its schoolhouses.”<sup>57</sup>
- “Authorize a change to either five or seven directors . . . .”<sup>58</sup>
- “Authorize a change in the method of conducting elections or in the number of directors as provided in [Iowa Code] sections 275.35 and 275.36 . . . .”<sup>59</sup>
- “Change the name of the school district, without affecting its corporate existence, rights, or obligations, and subject to the requirements of [Iowa Code] section 274.6.”<sup>60</sup>

Iowa law also authorizes the board of directors of a school district to make extended time contracts not to exceed 20 years for the rental of buildings to supplement existing school facilities if at least 60 percent of the voters voting in an election in the school district approve.<sup>61</sup>

The board of directors of a school district is authorized to direct the county commissioner of elections to provide in the notice of the regular election for the submission of any of the propositions described above. Further, upon the written request of a sufficient number of eligible electors—the greater of 100 eligible electors or a number of electors that equals at least 30 percent of the number of electors who voted in the previous school board election—the board of directors is required to direct the county commissioner of elections to provide in the notice of the regular election for the submission of any of the above propositions.<sup>62</sup>

## V. Board of Directors of School Districts

### A. Elections and Vacancies

The provisions of Iowa’s election laws, found in Iowa Code chapters 39 through 53, apply to the conduct of school elections. The county commissioner of elections conducts

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<sup>53</sup> Iowa Code §278.1(1)(b); see *Young v. Iowa City Cmty. Sch. Dist.*, 934 N.W.2d 595, 604-607 (Iowa 2019) (finding that the term “disposition” within Iowa Code section 278.1(1)(b) does not include the “demolition of a building without the transfer of property to a third party”).

<sup>54</sup> Iowa Code §278.1(1)(c).

<sup>55</sup> Iowa Code §278.1(1)(d).

<sup>56</sup> Iowa Code §278.1(1)(e).

<sup>57</sup> Iowa Code §278.1(1)(f).

<sup>58</sup> Iowa Code §278.1(1)(g).

<sup>59</sup> Iowa Code §278.1(1)(h).

<sup>60</sup> Iowa Code §278.1(1)(i).

<sup>61</sup> Iowa Code §278.1(2)(a).

<sup>62</sup> Iowa Code §278.2(1).





school elections.<sup>63</sup> A candidate for school board election is nominated by petition, and the type of seat for which the candidate is running determines how many voters must sign the candidate's petition.<sup>64</sup> A member of the board of directors of a school district is required, at the time of election or appointment, to be an eligible elector of the school district.<sup>65</sup>

There are two methods to fill a vacancy occurring among the members of the board of directors of a school district: appointment and special election. The board of directors may fill a vacancy occurring among the members of the board by appointment. To do so, the board of directors is required to publish notice indicating the board intends to fill the vacancy by appointment but that the electors may file a petition requiring the vacancy to be filled by special election.<sup>66</sup> If the electors do file such a petition, or if the board of directors has not filled the vacancy through appointment within a certain amount of time, Iowa law requires a special election to take place to fill the vacancy.<sup>67</sup>

## **B. Exercise of Power**

The Iowa Code grants to the board of directors of a school district the authority to exercise broad and implied powers to control and supervise the public schools located within the school district's territory so long as such power is not inconsistent with any provision of the Iowa Code or any administrative rule. However, Iowa law does prohibit the board of directors from levying a tax that is not authorized by the General Assembly, charging students or the students' families a mandatory fee that is not authorized by the General Assembly, or adopting or enforcing a policy that would unreasonably interfere with the actions of a law enforcement agency.<sup>68</sup>

## **C. Meetings**

Meetings of the board of directors of a school district are either regular meetings or special meetings. Special meetings of the board of directors may be called by the president of the board or, upon the written request of a majority of the members of the board, by the secretary of the board.<sup>69</sup> To transact business during meetings of the board of directors, a majority of the members of the board constitutes a quorum.<sup>70</sup>

Iowa law provides a mechanism for eligible electors to place proposals on the agenda for meetings of the board of directors of a school district if the board of directors receives a petition that is signed by the lesser of at least 10 percent of the persons who voted in the preceding election of school officials or 500 eligible electors.<sup>71</sup>

## **D. Publication of Proceedings**

The proceedings of meetings of the board of directors of a school district are required to be published after the adjournment of the meeting. In addition, Iowa law requires the board of directors to publish information related to claims and bills, including salaries paid to employees. Within two weeks after the adjournment of the meeting, the secretary of

<sup>63</sup> Iowa Code §277.3.  
<sup>64</sup> Iowa Code §277.4(1) – (2).  
<sup>65</sup> Iowa Code §277.27.  
<sup>66</sup> Iowa Code §279.6.  
<sup>67</sup> Iowa Code §279.7(1).  
<sup>68</sup> Iowa Code §274.3.  
<sup>69</sup> Iowa Code §279.2.  
<sup>70</sup> Iowa Code §279.4.  
<sup>71</sup> Iowa Code §279.8B.



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the board of directors is required to provide a copy of the proceedings to be published.<sup>72</sup> The publication requirements are satisfied by publication in a newspaper published in the school district or, if no such newspaper exists, in a newspaper having general circulation in the school district.<sup>73</sup>

### **E. Financial Report**

The board of directors of a school district is required to develop and distribute an annual financial report that is designed to facilitate public access to information related to funding, enrollment, employment, and additional information.<sup>74</sup> The financial report is required to contain the following information:

- “All property tax levies, income surtaxes, and local option sales taxes in place in the school district, listed by type of levy, rate, amount, duration, and notification of the maximum rate and amount limitations permitted by statute.”<sup>75</sup>
- “The amount of funding received on a per pupil basis through the operation of the school finance formula, and from any other state appropriation or state funding source.”<sup>76</sup>
- “Federal funding received per student or teacher population targeted to receive the funds, and any other federal grants or funding received by the district.”<sup>77</sup>
- “Teacher and administrator minimum, maximum, and average salary paid by the district, and the percentage and dollar increase under teacher and administrator salary and benefits settlement agreements.”<sup>78</sup>
- “Teacher and administrator health insurance and other alternative health benefit information, including the monthly premium, the percentage of the premium paid by the district, and the percentage of the premium paid by a teacher or administrator for single and family insurance.”<sup>79</sup>
- “Teacher and administrator employment statistics, including the annual number of licensed full-time and part-time teachers and administrators employed by the school district during the preceding five years, and including the number of teachers and administrators no longer employed by the district, and new hires.”<sup>80</sup>
- “Student enrollment levels during the preceding five years, including regular enrollment, special education enrollment, and enrollment adjustments made pursuant to supplementary weighting.”<sup>81</sup>

### **F. Express Powers**

As discussed above, the Iowa Code grants the boards of directors of school districts broad powers to control and supervise the public schools located within the school district's territory and conduct the affairs of the school district. In addition to these broad powers,

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<sup>72</sup> Iowa Code §279.35.

<sup>73</sup> Iowa Code §279.36.

<sup>74</sup> Iowa Code §279.63(1).

<sup>75</sup> Iowa Code §279.63(2)(a).

<sup>76</sup> Iowa Code §279.63(2)(b).

<sup>77</sup> Iowa Code §279.63(2)(c).

<sup>78</sup> Iowa Code §279.63(2)(d).

<sup>79</sup> Iowa Code §279.63(2)(e).

<sup>80</sup> Iowa Code §279.63(2)(f).

<sup>81</sup> Iowa Code §279.63(2)(g).



the boards of directors also have express statutory authority to take certain actions. This section describes several of those actions.

## 1. Retirement Incentives

The board of directors of a school district is authorized to adopt a program that encourages employees to retire before their normal retirement date. Such a program can provide for the payment of a monetary bonus, the continuation of medical insurance, and other incentives. The board of directors is permitted to set the age limit at which employees are eligible for retirement incentives and may include in the district management levy an amount to pay the costs of the retirement incentives for employees who are 55 years of age or older.<sup>82</sup> However, retirement incentives are only available to employees who notify the board of directors before April 1 of the fiscal year that the employee intends to retire, and who retire not later than the start of the next school calendar.<sup>83</sup>

## 2. Equipment Purchase

The board of directors of a school district is authorized to purchase equipment, enter into loan agreements, and issue notes to pay for equipment subject to the following terms:

- “The note must mature within five years, or the useful life of the equipment, whichever is less.”<sup>84</sup>
- “The note may bear interest at a rate to be determined by the board of directors in the manner provided in [Iowa Code] section 74A.3[(1)(a)] . . . .”<sup>85</sup>
- “The board of directors shall provide for the form of the agreement and note.”<sup>86</sup>
- “Principal and interest on the note must be payable from budgeted receipts in the debt service fund for each year of a period of up to five years.”<sup>87</sup>

With respect to loan agreements entered into by the board of directors of a school district, the total annual payments of principal or interest due from budgeted receipts cannot exceed 10 percent of the last authorized budget of the school district.<sup>88</sup>

## 3. Child Care Programs

The board of directors of a school district is authorized to operate, or contract for the operation of, a program to provide child care both before and after school to children not enrolled in the school district and students enrolled in kindergarten through grade six. Employees involved in such a child care program are required to undergo a background investigation at least once every five years. Further, fees established for child care programs must take into account staffing costs and a family’s ability to pay.

<sup>82</sup> Iowa Code §279.46; *Weddum v. Davenport Cmty. Sch. Dist.*, 750 N.W.2d 114, 118-120 (Iowa 2008) (holding that a school district’s rejection of a teacher’s application for early retirement incentives did not violate the Iowa Civil Rights Act’s (ICRA) prohibition on age discrimination because the ICRA contains a specific exception for retirement plans and Iowa Code section 279.46 gives school boards express authority to offer early retirement incentives).

<sup>83</sup> Iowa Code §279.46.

<sup>84</sup> Iowa Code §279.48(1)(a).

<sup>85</sup> Iowa Code §279.48(1)(b).

<sup>86</sup> Iowa Code §279.48(1)(c).

<sup>87</sup> Iowa Code §279.48(1)(d).

<sup>88</sup> Iowa Code §279.48(2).



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Unless an exemption applies, such a program is required to be licensed by the Department of Human Services pursuant to Iowa Code chapter 237A, and the facilities used to house the program must comply with standards adopted by the State Fire Marshal.

A child care program operated by the board of directors of a school district is required to include parental involvement in the program's design; activities designed to facilitate children's mental, physical, and emotional development; and a parental education component.<sup>89</sup>

### **4. Dress Code**

The board of directors of a school district is authorized to adopt a dress code policy prohibiting students from wearing "gang-related or other specific apparel . . . ." The board of directors may adopt such a policy if the board determines the policy "is necessary for the health, safety, or positive educational environment of students and staff . . . or for the appropriate discipline and operation of the school."<sup>90</sup>

### **G. Interest in Public Contracts**

The Iowa Code prohibits a member of the board of directors of a school district from having any interest in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school district.<sup>91</sup> However, there are several exceptions to this prohibition. First, the prohibition does not apply to contracts for the purchase of goods or services which benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed \$20,000 in a fiscal year. Second, the prohibition does not apply to contracts made by the board of directors of a school district using competitive bidding procedures.<sup>92</sup> Third, the prohibition does not apply to a contract that is an obligation of a school district if the contract is acquired in a transaction with a third party. Fourth, the prohibition does not apply to a contract in which a director has an interest solely by reason of employment if the contract is made using competitive bidding procedures, or if the director's remuneration of employment will not be directly affected as a result of the contract and the director's duties of employment do not directly involve the procurement or preparation of any part of the contract.<sup>93</sup>

### **H. Annual Settlements**

On or after August 31 of each year but before the organizational meeting held after a school board election, the board of directors of a school district is required to meet, examine the books of, and settle with the secretary and treasurer for the year ending on the preceding June 30. At the time of settlement, the treasurer is required to furnish the board of directors with a statement from each depository showing the school district's balance then on deposit in the depository.<sup>94</sup>

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<sup>89</sup> Iowa Code §279.49.

<sup>90</sup> Iowa Code §279.58(2).

<sup>91</sup> Iowa Code §279.7A(1).

<sup>92</sup> Iowa Code §279.7A(2).

<sup>93</sup> Iowa Code §279.7A(3).

<sup>94</sup> Iowa Code §279.33.



**I. Compensation**

The Iowa Code prohibits the members of the board of directors of a school district from receiving compensation for official services.<sup>95</sup> However, actual and necessary expenses, including travel, may be paid or reimbursed if they are incurred by a director during the performance of official duties.<sup>96</sup>

**J. Intellectual Freedom**

The board of directors of a school district is required to establish and publicize policies that protect students and faculty from discrimination based on speech.<sup>97</sup> If either the board of directors or a court finds that a school district employee who holds a license, certificate, statement of recognition, or authorization issued by the Board of Educational Examiners (BOEE) discriminated against a student or employee in violation of such a policy, the employee shall be subject to a hearing before the BOEE that may result in disciplinary action, including termination of employment.<sup>98</sup>

**VI. Officers**

**A. Secretary and Treasurer**

The Iowa Code requires the board of directors of a school district to appoint both a secretary and a treasurer.<sup>99</sup> The board of directors is prohibited from appointing a member of the board of directors as secretary or treasurer.<sup>100</sup> In addition, the secretary cannot be a teacher employed by the board of directors. However, the board of directors may appoint one individual to serve as both secretary and treasurer.<sup>101</sup> In the absence of the secretary or treasurer, the board of directors is to appoint a temporary secretary or treasurer.<sup>102</sup>

**B. Compensation**

The board of directors of a school district is required to fix the secretary's compensation. Further, the board of directors of a school district is authorized to pay reasonable compensation to the treasurer.<sup>103</sup>

**VII. School District Employees**

**A. Superintendents and Principals**

The board of directors of a school district is authorized to employ a superintendent to serve as the executive officer of the board and to exercise the powers and duties prescribed by the board and by law.<sup>104</sup> The board of directors may delegate to the superintendent the authority to hire support personnel if the board adopts a policy that grants such authority to the superintendent and specifies the positions the superintendent is authorized to fill.<sup>105</sup>

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<sup>95</sup> Iowa Code §279.32(1).  
<sup>96</sup> Iowa Code §279.32(2).  
<sup>97</sup> Iowa Code §279.73(1).  
<sup>98</sup> Iowa Code §279.73(2).  
<sup>99</sup> Iowa Code §279.3(1).  
<sup>100</sup> Iowa Code §279.3(2).  
<sup>101</sup> Iowa Code §279.3(1).  
<sup>102</sup> Iowa Code §279.5.  
<sup>103</sup> Iowa Code §279.32(1).  
<sup>104</sup> Iowa Code §279.20(1).  
<sup>105</sup> Iowa Code §279.20(2).



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The board of directors of a school district is also authorized to employ principals, including associate principals and assistant principals.<sup>106</sup> A principal is required to hold a valid principal's certificate.<sup>107</sup> A principal is responsible for administering and operating the school to which the principal is assigned pursuant to the rules and policies of the board of directors and under the supervision of the superintendent.<sup>108</sup> More specifically, a principal is responsible for both the "planning, management, operation, and evaluation of the educational program offered at the [school] to which the principal is assigned" and for submitting "recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the [school]."<sup>109</sup> In addition, a principal is required to perform other duties assigned by the superintendent.<sup>110</sup>

Employment contracts between school districts and superintendents or principals are required to be in writing<sup>111</sup> and contain the following provisions:

- "The term of employment . . . ."<sup>112</sup>
- "The length of time during the school year services are to be performed."<sup>113</sup>
- "The rate of compensation."<sup>114</sup>
- "A statement that the contract is invalid if the [superintendent or principal] is under contract with another board of directors in this state covering the same period of time, until such contract shall have been released or terminated by its provisions."<sup>115</sup>
- "Such other matters as may be agreed upon."<sup>116</sup>

The president of the board of directors of a school district is responsible for signing an employment contract between the school district and a superintendent or principal. The contract is required to be filed with the secretary before the superintendent or principal may begin working. Iowa law prohibits the board of directors from tendering an employment contract to a superintendent or principal prior to March 15. An employment contract between a school district and a superintendent or principal is not required to be signed and returned to the board of directors in less than 21 days after being tendered.<sup>117</sup> An employment contract between a school district and a superintendent or principal remains in force for the term stated in the contract and is automatically continued for additional one-year periods unless it is modified or terminated by mutual agreement or the board of directors terminates the contract.<sup>118</sup>

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<sup>106</sup> Iowa Code §279.21(1), (2)(c).

<sup>107</sup> Iowa Code §279.21(1).

<sup>108</sup> Iowa Code §279.21(2)(a).

<sup>109</sup> Iowa Code §279.21(2)(b).

<sup>110</sup> Iowa Code §279.21(2)(b); *Gere v. Council Bluffs Cmty. Sch. Dist.*, 334 N.W.2d 307, 310-312 (Iowa 1983) (holding that, although the power to assign "other duties" is not unlimited, a school district did not exceed its discretion by assigning attendance officer duties to a principal).

<sup>111</sup> Iowa Code §279.23(1); *Bradley v. W. Sioux Cmty. Sch. Bd. of Educ.*, 510 N.W.2d 881, 883-884 (Iowa 1994) (refusing to enforce a purported oral agreement to extend the employment contract between a board of directors and a superintendent because Iowa Code section 279.23(1) requires a written contract).

<sup>112</sup> Iowa Code §279.23(1)(a).

<sup>113</sup> Iowa Code §279.23(1)(b).

<sup>114</sup> Iowa Code §279.23(1)(c).

<sup>115</sup> Iowa Code §279.23(1)(d).

<sup>116</sup> Iowa Code §279.23(1)(e).

<sup>117</sup> Iowa Code §279.23(2).

<sup>118</sup> Iowa Code §279.24(1).



The board of directors of a school district may terminate an employment contract with a superintendent or principal and discharge the superintendent or principal at any time for just cause.<sup>119</sup> The procedure that applies to such termination depends on the amount of time the school district has employed the superintendent or principal. If the school district has employed the superintendent or principal for less than three consecutive years, then the board of directors is required to notify the superintendent or principal in writing not later than May 15 that the employment contract will not be renewed beyond the current year. Within 10 days after receiving the notice, the superintendent or principal may request a private conference with the board of directors to discuss the reasons for termination. The board of directors' decision to terminate the employment contract of a superintendent or principal employed by the school district for less than three consecutive years shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the superintendent or principal.<sup>120</sup> If, however, the school district has employed the superintendent or principal for more than three consecutive years, then the following termination of employment procedure applies:

- On or before May 15, the superintendent or principal is to be notified in writing that the board of directors has voted to consider termination of the superintendent's or principal's employment contract.<sup>121</sup>
- The written notice is required to include the specific reasons<sup>122</sup> the board of directors is considering terminating the superintendent's or principal's employment contract, which for all administrators except superintendents shall be for just cause.<sup>123</sup>
- Within five days after the superintendent or principal receives the written notice that the board of directors has voted to consider termination of the superintendent's or principal's employment contract, the superintendent or principal may request a private hearing before an administrative law judge. If the superintendent or principal does not request a private hearing, the board of directors may determine the continuance or discontinuance of the superintendent's or principal's employment contract.<sup>124</sup>
- If the superintendent or principal requests a private hearing before an administrative law judge, the administrative law judge is required to notify the parties of the date, time, and location of the private hearing and, within 10 days following the private hearing, make a proposed decision, including findings of fact, and provide the proposed decision to the parties. The proposed decision

<sup>119</sup> Iowa Code §279.25; *Wedergren v. Bd. of Dirs.*, 307 N.W.2d 12, 16-17 (Iowa 1981) (defining "just cause" to include professional incompetence and other faults attributable to the employer as well as conduct that significantly and adversely affects high quality education for the school district's students (quoting *Briggs v. Bd. of Dirs.*, 282 N.W.2d 740, 743 (Iowa 1979))).

<sup>120</sup> Iowa Code §279.24(4).

<sup>121</sup> Iowa Code §279.24(5)(a).

<sup>122</sup> *Wedergren v. Bd. of Dirs.*, 307 N.W.2d 12, 16-17 (Iowa 1981) (holding that a superintendent was not denied due process because the written notice provided to him included a list of 10 reasons for termination and specific examples of the superintendent's shortcomings but omitted names of accusers and details of each accusation).

<sup>123</sup> Iowa Code §279.24(5)(b); *Martinek v. Belmont-Klemme Cmty. Sch. Dist.*, 772 N.W.2d 758, 761 (Iowa 2009) (finding that declining enrollment, budgetary problems, and reduction of staff are "clearly related to the District's personnel and budget needs"); *Briggs v. Bd. of Dirs.*, 282 N.W.2d 740, 742 (Iowa 1979) (finding that "just cause" includes "legitimate reasons relating to the district's personnel and budgetary requirements" and indicating that when analyzing whether "just cause" exists, the focus is on the ability of the employee to discharge the duties of their position and the "legislative purpose to protect the public against incompetent teachers and administrators, to assure proper educational qualifications, and to maintain high standards of performance").

<sup>124</sup> Iowa Code §279.24(5)(c).



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becomes the final decision of the school board unless the superintendent or principal files a written notice of appeal with the board of directors, or unless the board of directors decides to review the proposed decision.<sup>125</sup>

- If the superintendent or principal files a written notice of appeal, or if the board of directors decides to review the proposed decision, a private hearing is required to be held before the board of directors. The private hearing is not subject to Iowa's open meetings law. During the private hearing, each party is allowed to file exceptions, present briefs, and present oral arguments. The board of directors is required to meet within five days after the private hearing to determine the continuance or discontinuance of the superintendent's or principal's employment contract.<sup>126</sup> The board of directors must issue its decision in writing.<sup>127</sup>
- When the board of directors reaches a decision, it is required to convene in open meeting and by roll call vote to determine the continuance or discontinuance of the superintendent's or principal's employment contract.<sup>128</sup> The superintendent or principal may appeal the board of directors' decision to the district court.<sup>129</sup>

### B. Teachers

The employment contract between a teacher and a school district is required to be in writing and to state the number of contract days the teacher will work, the compensation the school district is to pay to the teacher, and any other matters mutually agreed upon.<sup>130</sup> The employment contract is automatically renewed for equivalent terms unless modified or terminated by mutual agreement. Unless the terms of a collective bargaining agreement provide otherwise, the board of directors of a school district is prohibited from offering an employment contract to a teacher under its jurisdiction prior to March 15 of any year.<sup>131</sup> A teacher cannot enter into an employment contract with a school district if the teacher has already entered into an employment contract with another school district that covers the same period of time, unless the teacher obtains a release of the prior employment contract.<sup>132</sup>

The board of directors of a school district has the authority to terminate employment contracts with teachers in certain circumstances. For example, generally the first three years of a teacher's employment in the same school district are a probationary period.<sup>133</sup> The board of directors may terminate a probationary teacher's employment contract effective at the end of a school year without cause. In this case, the superintendent is required to notify the teacher in writing not later than April 30 that the board of directors has voted to terminate the teacher's employment contract effective at the end of the school year. Within 10 days after receiving the written notice, the teacher may request a private conference with the board of directors to discuss the reasons for termination.<sup>134</sup>

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<sup>125</sup> Iowa Code §§279.24(5)(d)-(e).

<sup>126</sup> Iowa Code §279.24(5)(f).

<sup>127</sup> Iowa Code §279.24(5)(g).

<sup>128</sup> Iowa Code §279.24(5)(h).

<sup>129</sup> Iowa Code §279.24(5)(i).

<sup>130</sup> Iowa Code §279.13(1)(a).

<sup>131</sup> Iowa Code §279.13(2).

<sup>132</sup> Iowa Code §279.13(1)(c).

<sup>133</sup> Iowa Code §279.19(1); *Stafford v. Valley Cmty. Sch. Dist.*, 328 N.W.2d 323, 326-327 (Iowa 1982) (analyzing whether an individual's work qualified as employment as a teacher for purposes of determining whether the individual should be considered a probationary or nonprobationary teacher).

<sup>134</sup> Iowa Code §279.19(2).





In addition, the board of directors of a school district may terminate an employment contract with and discharge a teacher at any time, including a termination effective at the end of the current school year, for just cause.<sup>135</sup> For purposes of this provision, “just cause” includes:

[A] violation of the code of professional conduct and ethics of the [BOEE] if the [BOEE] has taken disciplinary action against a teacher, during the six months following issuance by the [BOEE] of a final written decision and finding of fact after a disciplinary proceeding.<sup>136</sup>

If the board of directors of a school district determines that it should terminate an employment contract with and discharge a teacher for just cause, the superintendent is required to immediately notify the teacher in writing that the superintendent will recommend to the board of directors at a meeting of the board that the teacher’s employment contract be terminated.<sup>137</sup> The notice is required to contain a short and plain statement of the reasons for the recommendation of termination.<sup>138</sup> The superintendent is authorized to suspend a teacher pending the board of directors’ hearing and determination.<sup>139</sup> Within five days after receipt of the notice, the teacher may request a private hearing with the board of directors by sending a written notice to the secretary of the board. The secretary of the board of directors is required to provide the teacher with any documentation that may be presented to the board at the private meeting and a list of individuals who may address the board in support of the recommendation of termination. Similarly, the teacher is required to provide the board of directors with any documentation the teacher plans to present at the private hearing and a list of individuals who may address the board on behalf of the teacher.<sup>140</sup>

Evidence presented at the private hearing is limited to the specific reasons stated in the superintendent’s written notice of recommendation of termination.<sup>141</sup> Further, the board of directors is not bound by any common law or statutory rules of evidence or procedure during the private hearing; however, the Iowa Code requires that the board “hold the hearing in such manner as is best suited to ascertain and conserve the substantial rights of the parties.”<sup>142</sup> Within five days after the private hearing, the board of directors is required to meet to make a final decision regarding the recommendation of termination.<sup>143</sup> Iowa law requires the board of directors to convene an open meeting and by roll call vote “determine the continuance or discontinuance of the teacher’s contract . . . .” If the board of directors votes to continue the teacher’s contract, the board must also decide “whether to suspend the teacher with or without pay for a period specified by the board or issue the

<sup>135</sup> Iowa Code §§279.15(1), 279.27(1).

<sup>136</sup> Iowa Code §279.27(2).

<sup>137</sup> Iowa Code §279.27(1); see *Hlubek v. Pelecky*, 701 N.W.2d 93, 98 (Iowa 2005) (holding that an employee’s voluntary resignation acts as a waiver of the employee’s rights under Iowa Code chapter 279).

<sup>138</sup> Iowa Code §279.15(2)(a); see *Kruse v. Bd. of Dirs. of Lamoni Cmty. Sch. Dist.*, 231 N.W.2d 626, 632 (Iowa 1975) (finding that strict compliance with notification statutes in this context is generally required).

<sup>139</sup> Iowa Code §279.27(1).

<sup>140</sup> Iowa Code §279.15(2)(c).

<sup>141</sup> Iowa Code §279.16(1).

<sup>142</sup> Iowa Code §279.16(3); *Bd. of Dirs. of Ames Cmty. Sch. Dist. v. Cullinan*, 745 N.W.2d 487, 494 (Iowa 2008) (stating that hearsay is admissible in teacher termination questions and analyzing how much weight should be afforded to such evidence).

<sup>143</sup> Iowa Code §279.16(5).



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teacher a one-year, nonrenewable contract.”<sup>144</sup> A teacher may appeal the decision of the board to the district court.<sup>145</sup>

### C. Coaches

School districts that employ individuals to coach interscholastic sports are required to issue a separate extracurricular contract for each sport. These contracts are required to be in writing, state the number of contract days for the applicable sport, state the compensation to be paid, include any other matters mutually agreed upon, and may only cover a single school year.<sup>146</sup> Unless the terms of a collective bargaining agreement provide otherwise, a school district may require a teacher, including a teacher who has resigned from an extracurricular contract, to accept an extracurricular contract as a condition of employment as a teacher.<sup>147</sup>

The board of directors of a school district may employ an individual who possesses a coaching authorization, or a teaching license with a coaching endorsement, as a head coach or an assistant coach for any interscholastic athletic activity.<sup>148</sup> The board of directors is required to consider applicants for these positions in the following order of priority:

- “A qualified individual who possesses a valid teaching license with a proper coaching endorsement.”<sup>149</sup>
- “A qualified individual who meets the requirements of [Iowa Code] section [272.31(1)(a)], and possesses a coaching authorization issued by the [BOEE].”<sup>150</sup>
- “A qualified individual who meets the requirements of [Iowa Code] section [272.31(1)(b)], and possesses a transitional coaching authorization issued by the [BOEE].”<sup>151</sup>

If the board of directors of a school district elects to employ a qualified individual who possesses a transitional coaching authorization, specific provisions apply to the start of the qualified individual’s career at the school:

For the first two weeks in which a qualified individual who possesses a transitional coaching authorization is employed as a transitional coach and for the first extracurricular interscholastic athletic contest or competition sponsored by an organization as defined in [Iowa Code] section 280.13, the individual shall be supervised by a certified athletic director, administrator, or other practitioner in a supervisory role. If the individual performs to the supervising practitioner’s satisfaction, the supervising practitioner shall sign and date an evaluation form provided by the organization to certify that the individual meets expectations to work with student athletes as a transitional coach.<sup>152</sup>

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<sup>144</sup> Iowa Code §279.16(8).

<sup>145</sup> Iowa Code §279.18.

<sup>146</sup> Iowa Code §279.19A(1).

<sup>147</sup> Iowa Code §279.19A(2)-(4).

<sup>148</sup> Iowa Code §279.19B(1)(a).

<sup>149</sup> Iowa Code §279.19B(1)(a)(1).

<sup>150</sup> Iowa Code §279.19B(1)(a)(2).

<sup>151</sup> Iowa Code §279.19B(1)(a)(3).

<sup>152</sup> Iowa Code §279.19B(2).



**D. Background Investigations**

There are several layers of background investigations that apply to school district employees. Initial applicants for licensure from the BOEE are required to undergo background investigations.<sup>153</sup> Further, prior to hiring any other applicant for a school employee position, a school district is required to conduct a background investigation of that applicant. Additionally, a school district is required to conduct background investigations on all school employees at least once every five years from the date the employee was hired.<sup>154</sup>

**VIII. Staff Training**

**A. Suicide Prevention**

All school personnel who hold a license, certificate, authorization, or statement of recognition issued by the BOEE, and who have regular contact with students, are required to undergo an annual suicide prevention and postvention training session that is at least one hour in length as well as an annual training session related to the identification of adverse childhood experiences and strategies to mitigate toxic stress. The content of these training sessions is to be based on nationally recognized best practices.<sup>155</sup>

**B. Dyslexia**

Iowa law requires that, by July 1, 2024, all school district employees who hold a teaching license with an endorsement for prekindergarten, prekindergarten or elementary special education, or prekindergarten through grade three levels, all practitioners and paraprofessionals assigned as Title I teachers and Title I paraprofessionals under the federal Every Student Succeeds Act, and all practitioners endorsed to teach English as a second language are required to complete the Iowa Reading Research Center<sup>156</sup> dyslexia overview module. Individuals employed by the school district after July 1, 2024, are required to complete this module within one year of the individual's initial date of hire.<sup>157</sup>

**C. Prohibited Training and Curriculum**

Superintendents are required to ensure that any curriculum or mandatory staff or student training provided by a school district employee or contractor does not teach, advocate, encourage, promote, or act upon specific stereotyping and scapegoating toward others on the basis of demographic group membership or identity. However, this requirement is not to be construed to prevent an employee or contractor from responding to questions regarding specific defined concepts raised by participants in the training.<sup>158</sup> Specific defined concepts include all of the following:

- “That one race or sex is inherently superior to another race or sex.”<sup>159</sup>
- “That the United States of America and the state of Iowa are fundamentally or systemically racist or sexist.”<sup>160</sup>

<sup>153</sup> Iowa Code §§272.2(17), 279.13(1)(b)(1).

<sup>154</sup> Iowa Code §279.69(1).

<sup>155</sup> Iowa Code §279.70(2), (3).

<sup>156</sup> For more information, visit [lowareadingresearch.org](http://lowareadingresearch.org) (last visited June 27, 2022).

<sup>157</sup> Iowa Code §279.72.

<sup>158</sup> Iowa Code §279.74(2).

<sup>159</sup> Iowa Code §261H.8(1)(c)(1).

<sup>160</sup> Iowa Code §261H.8(1)(c)(2).



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- “That an individual, solely because of the individual’s race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.”<sup>161</sup>
- “That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual’s race or sex.”<sup>162</sup>
- “That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.”<sup>163</sup>
- “That an individual’s moral character is necessarily determined by the individual’s race or sex.”<sup>164</sup>
- “That an individual, by virtue of the individual’s race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.”<sup>165</sup>
- “That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual’s race or sex.”<sup>166</sup>
- “That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.”<sup>167</sup>
- “Any other form of race or sex scapegoating or any other form of race or sex stereotyping.”<sup>168</sup>

### IX. Academics

#### A. Required Curriculum

The educational program in Iowa is implemented by the State Board of Education and is divided between different grade levels. The prekindergarten program is designed to “help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them.” Further, the prekindergarten program is required to “relate the role of the family to the child’s developing sense of self and perception of others.”<sup>169</sup>

The kindergarten program is required to include “experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills . . . .” The program is required to include experiences that are designed to develop “a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and human growth and development.”<sup>170</sup>

In grades one through six, the educational program includes “English-language arts, social studies, mathematics, science, health, age-appropriate and research-based human growth and development, physical education, traffic safety, music, and visual art.” The health curriculum is required to include “the characteristics of communicable diseases including acquired immune deficiency syndrome.” In addition, commencing with the school

<sup>161</sup> Iowa Code §261H.8(1)(c)(3).

<sup>162</sup> Iowa Code §261H.8(1)(c)(4).

<sup>163</sup> Iowa Code §261H.8(1)(c)(5).

<sup>164</sup> Iowa Code §261H.8(1)(c)(6).

<sup>165</sup> Iowa Code §261H.8(1)(c)(7).

<sup>166</sup> Iowa Code §261H.8(1)(c)(8).

<sup>167</sup> Iowa Code §261H.8(1)(c)(9).

<sup>168</sup> Iowa Code §261H.8(1)(c)(10).

<sup>169</sup> Iowa Code §256.11(1)(a).

<sup>170</sup> Iowa Code §256.11(2).



year beginning July 1, 2023, computer science instruction is required to be offered in at least one grade level in grades one through six.<sup>171</sup>

Grades seven and eight make up their own division of the educational program and are required to include “English-language arts; social studies; mathematics; science; health; age-appropriate and research-based human growth and development; career exploration and development; physical education; music; and visual art.” The health curriculum is required to include “age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome.” In addition, the career exploration and development curriculum is required to be designed in such a way that “students are appropriately prepared to create an individual career and academic plan . . . , incorporate foundational career and technical education concepts . . . , and incorporate relevant twenty-first century skills.” Further, commencing with the school year beginning July 1, 2023, computer science instruction is required to be offered in at least one grade level in grades seven and eight.<sup>172</sup>

In grades 9 through 12, the educational program is further defined by units of credit, which consist of “a course or equivalent related components or partial units taught throughout the academic year.”<sup>173</sup> The minimum education program for students in grades 9 through 12 includes all of the following:

- “Five units of science including physics and chemistry . . . .”<sup>174</sup>
- “Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting systems in the election process, and the method of acquiring and casting an absentee ballot. All students shall complete a minimum of one-half unit of United States government and one unit of United States history . . . .”<sup>175</sup>
- “Six units of English-language arts.”<sup>176</sup>
- “Four units of a sequential program in mathematics.”<sup>177</sup>
- “Two additional units of mathematics.”<sup>178</sup>
- “Four sequential units of one world language which may include American sign language . . . .”<sup>179</sup>
- Physical education, with exceptions for certain students.<sup>180</sup>
- “A minimum of three sequential units in at least four of the following six career and technical education service areas: [a]griculture, food, and natural resources[;] [a]rts, communications, and information systems; [a]ppplied sciences, technology,

<sup>171</sup>Iowa Code §256.11(3).

<sup>172</sup>Iowa Code §256.11(4).

<sup>173</sup>Iowa Code §256.11(5).

<sup>174</sup>Iowa Code §256.11(5)(a).

<sup>175</sup>Iowa Code §256.11(5)(b).

<sup>176</sup>Iowa Code §256.11(5)(c).

<sup>177</sup>Iowa Code §256.11(5)(d).

<sup>178</sup>Iowa Code §256.11(5)(e).

<sup>179</sup>Iowa Code §256.11(5)(f).

<sup>180</sup>Iowa Code §256.11(5)(g).



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engineering, and manufacturing . . . [;] [h]health sciences[;] [h]human services . . . [; or b]usiness, finance, marketing, and management.”<sup>181</sup>

- “Three units in the fine arts which shall include at least two of the following: dance, music, theater, and visual art.”<sup>182</sup>
- “One unit of health education which shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; age-appropriate and research-based human growth and development; substance abuse and nonuse; emotional and social health; health resources; and prevention and control of disease, including age-appropriate and research-based information regarding sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome.”<sup>183</sup>
- “One-half unit of personal finance literacy . . . . The curriculum shall, at a minimum, address the following:”
  - “Savings, including emergency fund, purchases, and wealth building.”<sup>184</sup>
  - “Understanding investments, including compound and simple interest, liquidity, diversification, risk return ratio, certificates of deposit, money market accounts, single stocks, bonds, mutual funds, rental real estate, annuities, commodities, and futures.”<sup>185</sup>
  - “Wealth building and college planning, including long-term and short-term investing using tax-favored plans, individual retirement accounts and payments from such accounts, employer-sponsored retirement plans and investments, public and private educational savings accounts, and uniform gifts and transfers to minors.”<sup>186</sup>
  - “Credit and debt, including credit cards, payday lending, rent-to-own transactions, debt consolidation, automobile leasing, cosigning a loan, debt avoidance, and the marketing of debt, especially to young people.”<sup>187</sup>
  - “Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act . . . .”<sup>188</sup>
  - “Financial responsibility and money management, including creating and living on a written budget and balancing a checkbook; basic rules of

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<sup>181</sup> Iowa Code §§256.11(5)(h)(1)(a)-(f).

<sup>182</sup> Iowa Code §256.11(5)(i).

<sup>183</sup> Iowa Code §256.11(5)(j)(1).

<sup>184</sup> Iowa Code §256.11(5)(k)(1)(a).

<sup>185</sup> Iowa Code §256.11(5)(k)(1)(b).

<sup>186</sup> Iowa Code §256.11(5)(k)(1)(c).

<sup>187</sup> Iowa Code §256.11(5)(k)(1)(d).

<sup>188</sup> Iowa Code §256.11(5)(k)(1)(e).



successful negotiating and techniques; and personality or other traits regarding money.”<sup>189</sup>

- “Insurance, risk management, income, and career decisions, including career choices that fit personality styles and occupational goals, job search strategies, cover letters, resumes, interview techniques, payroll taxes and other income withholdings, and revenue sources for federal, state, and local governments.”<sup>190</sup>
- “Different types of insurance coverage including renters, homeowners, automobile, health, disability, long-term care, identity theft, and life insurance; term life, cash value and whole life insurance; and insurance terms such as deductible, stop loss, elimination period, replacement coverage, liability, and out-of-pocket.”<sup>191</sup>
- “Buying, selling, and renting advantages and disadvantages relating to real estate, including adjustable rate, balloon, conventional, government-backed, reverse, and seller-financed mortgages.”<sup>192</sup>

- “One-half unit of computer science . . . .”<sup>193</sup>

**B. Assessments**

The State Board of Education requires that all students enrolled in school districts in grades 3 through 11 be administered an assessment in mathematics and English language arts during the last quarter of the school year. The State Board also requires that all students enrolled in school districts in grades 5, 8, and 10 be administered an assessment in science during the last quarter of the school year.<sup>194</sup> The assessments themselves are developed by the Iowa Testing Program within the University of Iowa College of Education and are peer-reviewed and adjusted as necessary.<sup>195</sup> These assessments are required to assess certain core academic indicators and “be aligned with the Iowa common core standards in both content and rigor; accurately describe student achievement and growth for purposes of the school, the school district, and state accountability systems; provide valid, reliable, and fair measures of student progress toward college or career readiness; and meet the summative assessment requirements of the federal Every Student Succeeds Act, Pub. L. No. 114-95.”<sup>196</sup>

Certain assessments are also required to be administered to students prior to grade 3. Each school district is required to administer to every resident prekindergarten student or four-year-old child enrolled in the district the Teaching Strategies Gold Early Childhood Assessment. Each school district is also required to administer to every kindergarten student enrolled in the district a valid and reliable screening instrument that is aligned with state early learning standards.<sup>197</sup>

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<sup>189</sup> Iowa Code §256.11(5)(k)(1)(f).  
<sup>190</sup> Iowa Code §256.11(5)(k)(1)(g).  
<sup>191</sup> Iowa Code §256.11(5)(k)(1)(h).  
<sup>192</sup> Iowa Code §256.11(5)(k)(1)(i).  
<sup>193</sup> Iowa Code §256.11(5)(l).  
<sup>194</sup> Iowa Code §256.7(21)(b)(2)(a).  
<sup>195</sup> Iowa Code §256.7(21)(b)(2)(d).  
<sup>196</sup> Iowa Code §256.7(21)(b)(2)(b).  
<sup>197</sup> Iowa Code §279.60(1).



## C. Reading Readiness

Iowa law requires school districts to assess all students enrolled in kindergarten through grade three for their level of reading or reading readiness using either locally determined or statewide assessments. If a school district determines, based on the results of an assessment, that a student is not reading proficiently, the school district is required to provide the student with intensive reading instruction until the student is reading at grade level.<sup>198</sup>

If a student is persistently at risk in reading—meaning the student has failed to meet the grade-level benchmark on two consecutive reading screening assessments—school districts are required to provide the student with certain intensive instructional services and supports to remediate the areas in which the student is not proficient in reading. However, this requirement is expressly conditioned on the General Assembly appropriating funds for this purpose.<sup>199</sup>

## D. Individual Career and Academic Plan

School districts are required to assist students enrolled in grade eight with developing an individualized career and academic plan.<sup>200</sup> The plan is to, at a minimum:

- “Prepare the student for successful completion of the core curriculum developed by the [S]tate [B]oard of [E]ducation . . . by the time the student graduates from high school.”<sup>201</sup>
- “Identify the coursework needed in grades [9] through [12] to support the student’s postsecondary education and career options.”<sup>202</sup>
- “Prepare the student to successfully complete, prior to graduation and following a timeline included in the plan, the essential components of a career information and decision-making system that meets standards adopted by the [S]tate [B]oard of [E]ducation . . . .”<sup>203</sup>
- “Prior to graduation, advise the student how to successfully complete the free application for federal student aid.”<sup>204</sup>

The superintendent of a school district is required to designate a team of educational practitioners, which may include school counselors, teachers, and individuals responsible for coordinating work-based learning activities, to assist in the development of the individualized career and academic plan.<sup>205</sup> School districts are required to report annually to the student and, if the student is under the age of 18, to the student’s parent or guardian, the student’s progress toward completing the core curriculum and toward achieving the goals of the student’s individualized career and academic plan.<sup>206</sup>

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<sup>198</sup> Iowa Code §279.68(1)(a).

<sup>199</sup> Iowa Code §279.68(2).

<sup>200</sup> Iowa Code §279.61(1).

<sup>201</sup> Iowa Code §279.61(1)(a)(1).

<sup>202</sup> Iowa Code §279.61(1)(a)(2).

<sup>203</sup> Iowa Code §279.61(1)(a)(3).

<sup>204</sup> Iowa Code §279.61(1)(a)(4).

<sup>205</sup> Iowa Code §279.61(3).

<sup>206</sup> Iowa Code §279.61(2).





**E. Human Growth and Development Instruction**

School districts are required to provide age-appropriate and research-based human growth and development instruction. For students enrolled in grades 1 through 12, this means instruction “regarding human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse, HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome . . . .”<sup>207</sup> School districts are also required to provide information regarding the school district’s human growth and development curriculum, including the procedure for inspecting and updating the instructional materials, to parents and guardians of students enrolled in the school district as well as any agency or organization requesting such information.<sup>208</sup> A student is not required to participate in the human growth and development instruction if the student’s parent or guardian files a request with the principal.<sup>209</sup> Additionally, school districts may implement an abstinence-based or abstinence-only curriculum in place of the human growth and development curriculum.<sup>210</sup>

**F. Special Education and Area Education Agencies**

It is the express policy of this state that school districts “provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education.”<sup>211</sup> The board of directors of each school district is required to make “adequate educational provisions” for each student who requires special education that are appropriate to the “nature and severity of the child’s disability . . . .”<sup>212</sup> If possible, children receiving special education are to receive a level of education commensurate with the level of education provided to children who do not receive special education.<sup>213</sup>

The Division of Special Education within the Department of Education is tasked with the “promotion, direction, and supervision of education for children requiring special education” in school districts.<sup>214</sup> The division has the following powers and duties:

- “To aid in the organization of special schools, classes and instructional facilities for children requiring special education, and to supervise the system of special education for children requiring special education.”<sup>215</sup>
- “To administer rules adopted by the [S]tate [B]oard that are consistent with this chapter for the approval of plans for special education programs and services submitted by the director of special education of the area education agency.”<sup>216</sup>

<sup>207</sup> Iowa Code §279.50(2).

<sup>208</sup> Iowa Code §279.50(3) – (4).

<sup>209</sup> Iowa Code §279.50(5).

<sup>210</sup> Iowa Code §279.50(11).

<sup>211</sup> Iowa Code §256B.2(2)(a); *Buchholtz v. Iowa Dept. of Pub. Instruction*, 315 N.W.2d 789, 793 (Iowa 1982) (holding that, for purposes of Iowa Code section 256B.2(2)(a), an “appropriate public education” does not mean the “best” or “maximum” public education program attainable).

<sup>212</sup> Iowa Code §280.8.

<sup>213</sup> Iowa Code §256B.2(4).

<sup>214</sup> Iowa Code §256B.1.

<sup>215</sup> Iowa Code §256B.3(1).

<sup>216</sup> Iowa Code §256B.3(2).



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- “To adopt plans for the establishment and maintenance of day classes, schools, home instruction, and other methods of special education for children requiring special education.”<sup>217</sup>
- “To purchase and otherwise acquire special equipment, appliances and other aids for use in special education, and to loan or lease same under such rules and regulations as the department may prescribe.”<sup>218</sup>
- “To prescribe courses of study, and curricula for special schools, special classes and special instruction of children requiring special education, including physical and psychological examinations, and to prescribe minimum requirements for children requiring special education to be admitted to any such special schools, classes or instruction.”<sup>219</sup>
- “To provide for certification by the [D]irector of [S]pecial [E]ducation of the eligibility of children requiring special education for admission to, or discharge from, special schools, classes or instruction.”<sup>220</sup>
- “To initiate the establishment of classes for children requiring special education or home study services in hospitals, nursing, convalescent, juvenile and private homes, in cooperation with the management thereof and local school districts or area education agency boards.”<sup>221</sup>
- “To cooperate with school districts or area education agency boards in arranging for any child requiring special education to attend school in a district other than the one in which the child resides when there is no available special school, class, or instruction in the districts in which the child resides.”<sup>222</sup>
- “To cooperate with existing agencies such as the [D]epartment of [H]uman [S]ervices, the Iowa [D]epartment of [P]ublic [H]ealth, the Iowa [S]chool for the [D]eaf, the Iowa [B]raille and [S]ight [S]aving [S]chool, the children’s hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.”<sup>223</sup>
- “To investigate and study the needs, methods and costs of special education for children requiring special education.”<sup>224</sup>
- “To provide for the employment and establish standards for the performance of special education support personnel required to assist in the identification of and educational programs for children requiring special education.”<sup>225</sup>
- “To provide for the establishment of special education research and demonstration projects and models for special education program development.”<sup>226</sup>

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<sup>217</sup> Iowa Code §256B.3(3).

<sup>218</sup> Iowa Code §256B.3(4).

<sup>219</sup> Iowa Code §256B.3(5).

<sup>220</sup> Iowa Code §256B.3(6).

<sup>221</sup> Iowa Code §256B.3(7).

<sup>222</sup> Iowa Code §256B.3(8).

<sup>223</sup> Iowa Code §256B.3(9).

<sup>224</sup> Iowa Code §256B.3(10).

<sup>225</sup> Iowa Code §256B.3(11).

<sup>226</sup> Iowa Code §256B.3(12).



- “To establish a special education resource, materials and training system for the purposes of developing specialized instructional materials and provide in-service training to personnel employed to provide educational services to children requiring special education.”<sup>227</sup>
- “To approve the acquisition and use of special facilities designed for the purpose of providing educational services to children requiring special education.”<sup>228</sup>

Area education agencies are an integral part of the provision of special education services in Iowa.<sup>229</sup> Area education agencies, through a Director of Special Education, are responsible for providing special education programs and services to local school districts, identifying children who require special education, ensuring that children who require special education receive appropriate programs and services, and supervising special education support personnel.<sup>230</sup> In addition to special education, area education agencies also provide media services, facilitate interlibrary loans, provide in-service training, and assist in providing statewide infrastructure for educational data, among other activities.<sup>231</sup>

## G. Preschool Program

Iowa has established a statewide preschool program for four-year-old children that is designed to provide an “opportunity for all young children in the state to enter school ready to learn by expanding voluntary access to quality preschool curricula . . . .”<sup>232</sup> Children who are residents of Iowa and are four years old on or before September 15 of a school year are eligible to enroll in the statewide preschool program.<sup>233</sup>

The State Board of Education is tasked with implementing the statewide preschool program and defining by rule numerous preschool program requirements.<sup>234</sup> Those rules require that there be no more than 20 children in one preschool classroom. The rules also require a minimum teacher-to-child ratio of one staff member and one teacher when 11 to 20 children are present. For learning standards, the rules require that teachers in the preschool program “provide instruction on the skills and knowledge included in the Iowa Early Learning Standards.” In addition, the rules require that the preschool program adopt a research-based or evidence-based curriculum.<sup>235</sup>

To serve in the statewide preschool program, teachers must be employed or under contract with the school district that is implementing the program, be appropriately licensed by the BOEE, meet all of the applicable requirements contained in Iowa Code chapter 284 (teacher performance, compensation, and career development), and possess either a “bachelor’s or graduate degree from an accredited college or university with a major in early childhood education or other appropriate major identified in rule by the [D]epartment [of Education].”<sup>236</sup>

<sup>227</sup> Iowa Code §256B.3(13).

<sup>228</sup> Iowa Code §256B.3(14).

<sup>229</sup> Iowa Code §§273.1, 273.5.

<sup>230</sup> Iowa Code §273.5.

<sup>231</sup> Iowa Code §§273.2(4), (5)(a), (8); 273.6; see Kathleen Hanlon, Legal Services Division, Iowa Legislative Services Agency, Area Education Agencies (December 2018), [www.legis.iowa.gov/docs/publications/LG/970645.pdf](http://www.legis.iowa.gov/docs/publications/LG/970645.pdf).

<sup>232</sup> Iowa Code §256C.2(1).

<sup>233</sup> Iowa Code §256C.3(1)(a).

<sup>234</sup> Iowa Code §§256C.2(2), 256C.3(3).

<sup>235</sup> Iowa Admin. Code 281—16.3.

<sup>236</sup> Iowa Code §256C.3(2)(a).



### H. Senior Year Plus Program

The Department of Education administers the Senior Year Plus Program to provide high school students with increased access to college credit. The Senior Year Plus Program consists of advanced placement classes, community college credit courses, college and university credit courses, courses offered through regional and career academies for college credit, and Internet-based courses for college credit.<sup>237</sup>

To ensure that students who wish to participate in the Senior Year Plus Program are ready for postsecondary coursework, the student is required to meet the enrollment requirements established by the postsecondary institution providing credit; meet or exceed the performance measures on any academic assessment required by the postsecondary institution; have taken the appropriate course prerequisites; have attained the approval of the school board and the eligible postsecondary institution to register for the postsecondary course; have demonstrated proficiency in reading, mathematics, and science; and either be a student enrolled in 11th or 12th grade or be a student enrolled in 9th or 10th grade who is identified according to the school district's gifted and talented criteria.<sup>238</sup>

Teachers providing instruction in the Senior Year Plus Program are required to meet the following criteria:

- “The teacher shall be appropriately licensed to teach the subject the institution is employing the teacher to teach and shall meet the standards and requirements set forth which other full-time instructors teaching within the academic department are required to meet and which are approved by the appropriate postsecondary administration.”<sup>239</sup>
- “The teacher shall collaborate, as appropriate, with other secondary and postsecondary faculty in the subject area.”<sup>240</sup>
- “The district, in collaboration with the teacher or instructor, shall provide ongoing communication about course expectations, including a syllabus that describes the content, teaching strategies, performance measures, and resource materials used in the course, and academic progress to the student and in the case of students of minor age, to the parent or legal guardian of the student.”<sup>241</sup>
- “The teacher or instructor shall provide curriculum and instruction that is accepted as college-level work as determined by the institution.”<sup>242</sup>
- “The teacher or instructor shall use valid and reliable student assessment measures, to the extent available.”<sup>243</sup>
- “If the instruction for any program authorized by this chapter is provided at a school district facility or a neutral site, the teacher or instructor shall have successfully passed a background investigation . . . prior to providing such instruction.”<sup>244</sup>

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<sup>237</sup> Iowa Code §261E.1(1).

<sup>238</sup> Iowa Code §§261E.3(1), 261E.6(6).

<sup>239</sup> Iowa Code §261E.3(2)(a)(1).

<sup>240</sup> Iowa Code §261E.3(2)(a)(2).

<sup>241</sup> Iowa Code §261E.3(2)(a)(3).

<sup>242</sup> Iowa Code §261E.3(2)(a)(4).

<sup>243</sup> Iowa Code §261E.3(2)(a)(5).

<sup>244</sup> Iowa Code §261E.3(2)(a)(6).



School districts are required to make advanced placement courses available to students through “direct instruction on-site, collaboration with another school district, or by using the online Iowa advanced placement academy.”<sup>245</sup> Further, the board of directors of a school district is required to ensure that any student enrolled in an advanced placement course who is interested in taking the advanced placement exam associated with that course is properly registered for the exam.<sup>246</sup>

Another component of the Senior Year Plus Program is the Postsecondary Enrollment Options Program, which enables 9th and 10th grade students who have been identified as gifted and talented, and 11th and 12th grade students, to enroll in eligible nonsectarian courses at certain postsecondary institutions of higher learning.<sup>247</sup> A comparable course must not be offered by the school district.<sup>248</sup> The school district determines how many credits the course is worth and grants those credits to the student upon the student’s completion of the course.<sup>249</sup>

The District-to-Community College Sharing or Concurrent Enrollment Program (Concurrent Enrollment Program) is also a component of the Senior Year Plus Program. The Concurrent Enrollment Program allows students in grades 9 through 12 to enroll in eligible nonsectarian community college courses.<sup>250</sup> A comparable course must not be offered by the school district. The board of directors of a school district is required to “annually approve courses to be made available for high school credit using locally developed criteria that establishes which courses will provide the student with academic rigor and will prepare the student adequately for transition to a postsecondary institution.”<sup>251</sup> The school district determines how many credits the course is worth and grants those credits to the student upon the student’s completion of the course.<sup>252</sup>

## I. Career and Technical Education

Career and technical education (CTE) consists of educational programs that offer courses designed to prepare students for employment in current or emerging occupations. These educational programs utilize competency-based applied learning.<sup>253</sup> The boards of directors of school districts are required to offer career and technical instruction in the following services areas: (1) “[a]griculture, food, and natural resources[;]” (2) “[a]rts, communications, and information systems[;]” (3) “[a]ppplied sciences, technology, engineering, and manufacturing, including transportation, distribution, logistics, architecture, and construction[;]” (4) “[h]ealth sciences[;]” (5) “[h]uman services, including law, public safety, corrections, security, government, public administration, and education and training[;]” (6) [b]usiness, finance, marketing, and management.”

The State Board of Education serves as the State Board for Career and Technical Education and is required to adopt rules prescribing standards for CTE teachers,

<sup>245</sup> Iowa Code §261E.4(1).

<sup>246</sup> Iowa Code §261E.5(2).

<sup>247</sup> Iowa Code §261E.6(1).

<sup>248</sup> Iowa Code §261E.6(3).

<sup>249</sup> Iowa Code §261E.6(4)(a).

<sup>250</sup> Iowa Code §261E.8(1).

<sup>251</sup> Iowa Code §261E.8(3).

<sup>252</sup> Iowa Code §261E.8(4).

<sup>253</sup> Career and Technical Education, Iowa Department of Education,

[educateiowa.gov/adult-career-comm-college/career-and-technical-education](https://educateiowa.gov/adult-career-comm-college/career-and-technical-education) (last visited June 30, 2022).



prescribing standards for the approval of school district CTE programs, and prescribing standards for the CTE service areas.<sup>254</sup>

### **X. Student Safety**

#### **A. Student Online Personal Information Protection**

In 2018, the General Assembly enacted provisions<sup>255</sup> designed to govern the practices of operators<sup>256</sup> and protect the covered information<sup>257</sup> of students. An operator is required to do all of the following:

- “Implement and maintain security procedures and practices consistent with current industry standards and all applicable state and federal laws, rules, and regulations appropriate to the nature of the covered information designed to protect that covered information from unauthorized access, destruction, use, modification, or disclosure.”<sup>258</sup>
- “Delete as soon as reasonably practicable, a student’s covered information if the school district or attendance center requests deletion of covered information under the control of the school district or attendance center, unless a student or parent or guardian consents to the maintenance of the covered information.”<sup>259</sup>

In addition, operators are prohibited from knowingly doing any of the following:

- “Engag[ing] in targeted advertising on the operator’s internet site, service, or application, or target advertising on any other internet site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator’s internet site, service, or application for kindergarten through grade [12] school purposes.”<sup>260</sup>
- “Us[ing] information, including persistent unique identifiers, created or gathered by the operator’s internet site, service, or application, to amass a profile about a student except in furtherance of kindergarten through grade [12] school purposes.”<sup>261</sup>
- “Sell[ing] or rent[ing] a student’s information, including covered information.”<sup>262</sup>

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<sup>254</sup> Iowa Code §§258.2, 258.3A(2) – (4); Iowa Admin. Code 281—46.1-46.13.

<sup>255</sup> 2018 Iowa Acts, ch. 1042.

<sup>256</sup> Iowa Code §279.71(1)(e) (“‘Operator’ means, to the extent that it is operating in this capacity, the operator of an internet site, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for kindergarten through grade twelve school purposes and was designed and marketed for such purposes.”).

<sup>257</sup> Iowa Code §279.71(1)(b) (“‘Covered information’ means personally identifiable information or material, or information that is linked to personally identifiable information or material, in any media or format that is not publicly available and is any of the following: (1) [c]reated by or provided to an operator by a student, or the student’s parent or legal guardian, in the course of the student’s, parent’s, or legal guardian’s use of the operator’s site, service, or application for kindergarten through grade twelve school purposes[;] (2) [c]reated by or provided to an operator by an employee or agent of a school district or attendance center for kindergarten through grade twelve school purposes[;] (3) [g]athered by an operator through the operation of its site, service, or application for kindergarten through grade twelve school purposes and personally identifies a student, including but not limited to information in the student’s educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.”).

<sup>258</sup> Iowa Code §279.71(3)(a).

<sup>259</sup> Iowa Code §279.71(3)(b).

<sup>260</sup> Iowa Code §279.71(2)(a)(1).

<sup>261</sup> Iowa Code §279.71(2)(a)(2).

<sup>262</sup> Iowa Code §279.71(2)(a)(3).



- Disclosing covered information unless such disclosure is otherwise permitted by Iowa Code section 279.71.<sup>263</sup>

**B. Harassment and Bullying Prohibited**

It is the express policy of this state that “employees, volunteers, and students in Iowa schools shall not engage in harassing or bullying behavior.”<sup>264</sup> The board of directors of each school district is required to adopt and make available a policy prohibiting harassment and bullying in schools and at any school function or school-sponsored activity.<sup>265</sup> In addition, the board of directors is required to integrate this policy into the comprehensive school improvement plan and collect data related to harassment and bullying.<sup>266</sup> The policy must include a statement that declares harassment and bullying are against state and school policy; definitions of harassment and bullying that are identical to those set out in Iowa Code section 280.28; a description of the type of behavior that is expected of employees, students, volunteers, and parents or guardians with respect to the prevention, reporting, and investigation of harassment and bullying; the consequences associated with violating the policy; a procedure for reporting harassment and bullying; and a procedure for the prompt investigation of complaints of harassment and bullying.<sup>267</sup>

The boards of directors of school districts are encouraged to establish programs “designed to eliminate harassment and bullying in schools.” If funds are available, school districts are required to provide training to school employees and volunteers related to antibullying and antiharassment policies and to develop a process to provide employees, students, and volunteers with the knowledge to help reduce harassment and bullying.<sup>268</sup>

School employees, students, volunteers, and the parents or guardians of students are immune from civil or criminal liability relating to prompt, reasonable, and good-faith reports of incidents of harassment or bullying made pursuant to the reporting procedures contained in the policy prohibiting harassment and bullying.<sup>269</sup>

**C. Violence—Preparedness, Prevention, and Response**

**1. Emergency Operations Plan**

The board of directors of a school district is required to develop “a high-quality emergency operations plan for the district and individual school buildings in which students are educated” that includes responses to both natural disasters and active shooters. The plan is also required to include “publication of procedures for school personnel, parents, and guardians to report possible threats to the safety of students or school personnel on school grounds or at school activities.”<sup>270</sup> School districts are required to conduct an emergency operations drill that is based on the plan at least once per school year.<sup>271</sup>

<sup>263</sup> Iowa Code §279.71(2)(a)(4).

<sup>264</sup> Iowa Code §280.28(1).

<sup>265</sup> Iowa Code §280.28(3).

<sup>266</sup> Iowa Code §280.28(7).

<sup>267</sup> Iowa Code §280.28(3)(a)-(f).

<sup>268</sup> Iowa Code §280.28(4).

<sup>269</sup> Iowa Code §280.28(5).

<sup>270</sup> Iowa Code §280.30(1).

<sup>271</sup> Iowa Code §280.30(2).



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The board of directors of a school district is to consult with local emergency management coordinators and law enforcement when developing the plan. The board of directors is required to review and update the plan annually. The plan is not a public record and is not subject to disclosure under Iowa's open records law.<sup>272</sup>

### 2. Violence Prevention Curriculum

Iowa law requires the Department of Education to develop a statewide violence prevention program that is based on law-related education. Additionally, the department is required to contract with an outside agency to “develop violence prevention curricula . . . , provide training to [school staff], and develop school-community partnerships for violence prevention.”<sup>273</sup>

### 3. Dangerous Weapons

The board of directors of a school district is required to adopt procedures that require school officials to report any dangerous weapon possessed on school premises in violation of the policy or state law to local law enforcement agencies.<sup>274</sup> If a student brings a firearm, as defined in 18 U.S.C. §921, to school or knowingly possesses a firearm at school, the board of directors is required to expel the student for at least one year. However, the superintendent may modify this expulsion requirement on a case-by-case basis.<sup>275</sup> In addition, the board of directors is required to adopt procedures for “continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon” and the “reintegration of the student into the school following the suspension or expulsion.”<sup>276</sup>

### 4. Intervention in Altercations

Employees of school districts are allowed to intervene in fights occurring between students or between students and nonstudents in the presence of the school employee on school premises or at a school function, regardless of its location. When intervening in the fight, the employee may use a degree and amount of force as is reasonably necessary, “in the opinion of the school employee, to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation.”<sup>277</sup> Additionally, an employee of a school district may request that an individual who is not an employee of the school district intervene in fights between students or between students and nonstudents.<sup>278</sup>

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<sup>272</sup>Iowa Code §280.30(1).

<sup>273</sup>Iowa Code §280.9B.

<sup>274</sup>Iowa Code §280.17A; see Iowa Code §702.7 (“A ‘dangerous weapon’ is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed, except a bow and arrow when possessed and used for hunting or any other lawful purpose. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include but are not limited to any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, knife having a blade exceeding five inches in length, or any portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person.”).

<sup>275</sup>Iowa Code §280.21B; see 18 U.S.C. §921(a)(3) (2018) (“The term ‘firearm’ means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.”).

<sup>276</sup>Iowa Code §280.17B.

<sup>277</sup>Iowa Code §280.26(1).

<sup>278</sup>Iowa Code §280.26(2).





**5. Classroom Environment**

Iowa law allows a teacher to clear students from a classroom if it is “necessary to prevent or terminate an imminent threat of bodily injury to a student or another person in the classroom.”<sup>279</sup> If a teacher does clear students from a classroom, the school principal is required to notify the parents or guardians of all students in the classroom that was cleared within 24 hours. This notification cannot identify the student or students that were involved in the incident that led to the clearing of the classroom.<sup>280</sup> School districts are required to report to the Department of Education the annual cost of “all incidents of violence that result in injury or property damage or assault by a student . . . on school grounds . . . or at a school-sponsored function, and any time a student is referred for the use of or transfer to a therapeutic classroom.”<sup>281</sup>

If a student with an individualized education program or a behavioral intervention plan is the student whose behavior caused the classroom to be cleared, the teacher who cleared the students from the classroom is required to call for and be included in the review and, if necessary, revision of the student’s individualized education program or behavioral intervention plan.<sup>282</sup>

**6. Reporting and Immunity**

An employee of a school district is immunized from civil or criminal liability, and from participating in any administrative or judicial proceeding, if the employee, reasonably and in good faith, makes a report to or participates in an investigation conducted by “an appropriate person . . . regarding violence, threats of violence, [ ] abuse of a student, or other inappropriate activity against a school employee or student . . . on school grounds . . . or at a school-sponsored function . . . .”<sup>283</sup>

**XI. Charter Schools**

A charter school is a publicly funded, tuition-free school that provides a program of elementary or secondary education, or both. Charter schools are exempt from many state laws that govern traditional schools and instead are operated pursuant to the terms of a contract that governs the charter school’s performance.<sup>284</sup> In 2021, the General Assembly enacted provisions that allowed for charter schools to be created in this state.<sup>285</sup> Charter schools are a “part of the state’s program of public education” and are monitored by the Department of Education.<sup>286</sup> A charter school may be established in one of two ways: (1) the board of directors of a school district may create a founding group to apply to the State Board of Education for approval to operate a charter school as part of the school district

<sup>279</sup> Iowa Code §279.51A(1).

<sup>280</sup> Iowa Code §279.51A(2).

<sup>281</sup> Iowa Code §279.51A(5).

<sup>282</sup> Iowa Code §279.51A(3).

<sup>283</sup> Iowa Code §280.27; *Hlubek v. Pelecky*, 701 N.W.2d 93, 98 (Iowa 2005) (holding that, because school administrators’ decision to conduct an investigation of an employee was made in good faith, the administrators were immune from a civil action brought by the employee).

<sup>284</sup> 20 U.S.C. §7221i(2) (2018); What is a Charter School?, National Alliance for Public Charter Schools, [www.publiccharters.org/about-charter-schools/what-charter-school](http://www.publiccharters.org/about-charter-schools/what-charter-school) (last visited Oct. 5, 2022); Arianna Prothero, What are Charter Schools?, *EducationWeek* (Aug. 9, 2018), [www.edweek.org/policy-politics/what-are-charter-schools/2018/08](http://www.edweek.org/policy-politics/what-are-charter-schools/2018/08).

<sup>285</sup> 2021 Iowa Acts, ch. 112; see generally Iowa Code ch. 256F (authorizing the formation of charter schools and innovation zone schools prior to July 1, 2021, but requiring the support of at least 50 percent of the teachers employed at the existing school and at least 50 percent of the parents or guardians whose children were enrolled at the existing school to form the charter school or innovation zone school).

<sup>286</sup> Iowa Code §§256E.1(1), 256E.3, 256E.10.



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or (2) a founding group may apply to the State Board for approval to operate a charter school independently from a school district.<sup>287</sup>

If the State Board of Education approves of the founding group's application, the founding group and the State Board enter into a charter school contract that sets forth "the academic and operational performance expectations and measures by which the charter school will be evaluated . . . and the other rights and duties of the parties."<sup>288</sup> The charter school contract is required to contain a performance framework adopted by the State Board that "sets forth the academic and operational performance indicators, measures, and metrics that will guide the evaluation of the charter school by the [S]tate [B]oard . . . ."<sup>289</sup> The initial term of a charter school contract is five school budget years.<sup>290</sup>

Charter schools are organized as nonprofit education organizations and are granted broad powers to carry out the terms of the charter school contract.<sup>291</sup> Charter schools are, with certain limited exceptions, "exempt from all state statutes and rules and any local rule, regulation, or policy, applicable to a noncharter school . . . ."<sup>292</sup> In terms of funding, students enrolled in charter schools are, for purposes of state school foundation aid, counted in the student's district of residence. The school district of residence is required to pay to the charter school in which a student is enrolled an amount determined by a formula set out in the governing statutes.<sup>293</sup>

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<sup>287</sup> Iowa Code §256E.1(2)(a) – (b).

<sup>288</sup> Iowa Code §256E.6(1).

<sup>289</sup> Iowa Code §256E.9(1).

<sup>290</sup> Iowa Code §256E.6(2).

<sup>291</sup> Iowa Code §256E.7(1)(a) – (i).

<sup>292</sup> Iowa Code §256E.7(2).

<sup>293</sup> Iowa Code §256E.8(1).