



[SF 496](#) – Education, Parental Rights and School Transparency (LSB1274SV)
Staff Contact: Simon Sheaff (515.281.4611) simon.sheaff@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 496](#) makes a number of changes to required school library operations, school curriculum, school transparency, and special education services.

The Bill requires the Department of Education (DE) to adopt administrative rules that require school districts, charter schools, and innovation zone schools to periodically review materials currently in their libraries and any material being added to the library for obscene or sexually explicit material. The Bill requires the board of directors of a school district to notify the DE of any book that is removed from a school library because the book is deemed to contain obscene or sexually explicit material. The DE is required to maintain a list of such books, and school districts are prohibited from allowing a student to access a book on the list unless the school district has received prior written consent from the student’s parent or guardian.

The Bill also provides for a number of curriculum changes, mostly to human growth and development curriculum. Specifically, the Bill prohibits any instruction by a school district, charter school, or innovation zone school regarding gender identity or human sexuality before grade five, or grade six if grade six is taught in elementary school. The Bill also removes language relating to certain sexually transmitted infections (STIs). In addition, the Bill requires students to pass the United States Citizenship and Immigration Services civics test as part of required United States government classes.

The Bill requires school districts, charter schools, and innovation zone schools to obtain prior written consent of a student’s parent or guardian before requiring a student to participate in any survey or formal assessment that is designed to assess a student’s mental, emotional, or physical health, or that would reveal information about the student or student’s parents, including information about political affiliations, mental or psychological problems, sexual behavior, illegal or antisocial behavior, religion, income, and more. The Bill makes an exception for surveys required by State or federal law, but requires schools to provide seven days’ written notice to the student’s parent or guardian before administering such surveys. School districts are also prohibited from releasing information about students without receiving parental consent.

The Bill requires school districts to publish the following information online:

- A list of all materials that will be used to teach students in each class in the school district, sortable by subject area, grade level, and teacher.
- A list of all books available to students in the classrooms and libraries operated by the school district.
- A detailed explanation of the procedures or policies in effect for the parent or guardian of a student enrolled in the school district to request the removal of any educational material from a classroom or school library.

- A list of every person in direct contact with students in the school district who contracts with or otherwise receives moneys from the board of directors of the school district.

The Bill asserts that a parent or guardian bears ultimate responsibility and has the constitutionally protected right to make decisions affecting their minor child, including decisions related to medical care, moral upbringing, religious upbringing, residence, education, and extracurricular activities. The Bill also enumerates some of these rights specifically, including:

- Requiring a school district to notify a student’s parent or guardian if any employee reasonably believes that the student has expressed a gender identity that is different than the biological sex listed on the student’s birth certificate. If the school district is aware of specific threats to student safety that may occur as a result of such a disclosure, the school is not permitted to notify the parents, but is instead required to contact the Department of Health and Human Services.
- Permitting the parent or guardian of a student to access and review any school record concerning the parent’s or guardian’s child unless the record is specifically prohibited from being disclosed.
- Prohibiting school employees from referring to a student by a name or pronouns that do not correspond to the biological sex listed on the child’s birth certificate without explicit written consent from the student’s parent or guardian.
- Prohibiting school districts from requiring a student to engage in any activity or instruction provided by a guest lecturer or any activity or instruction that involves obscene or sexually explicit material without the explicit written consent of the student’s parent or guardian. Schools are required to provide notice of any such activity or instruction to parents or guardians at least seven days prior to the activity or instruction.
- Violations of these requirements carry penalties of a written warning for the first violation and a formal review by the Board of Educational Examiners for any subsequent violation.

The Bill also makes changes to the administration of special education. These changes include:

- Removing the requirement that students identified as requiring special education who wish to receive private competent instruction receive the permission of the local Area Education Agency (AEAs).
- Allowing the parent, guardian, or legal custodian of a student identified as requiring special education to request dual enrollment.

Background

Some school district transparency provisions in the Bill may require software upgrades for school districts. In order to administer the transparency provisions, school districts would require a publicly accessible Learning Content Management System and a publicly accessible Integrated Library System. The Iowa Association of School Boards (IASB) conducted a survey in 2022 showing the current capabilities of school districts and the average cost of each system, as shown in **Table 1**:

Table 1			
Current School Software Capabilities			
	<u>Yes</u>	<u>No</u>	<u>Average Cost</u>
Online Learning Content Management System	93.4%	6.6%	\$37,000
Publicly accessible online Integrated Library System	54.5%	45.5%	\$16,000

Source: Iowa Association of School Boards 2022 Survey

9.6% of the school districts that reported having an online Learning Content Management System said that the system was only in use at the high school level.

Assumptions

- According to DE statistics, for the 2022-2023 school year, there were 37,775 full-time teachers.
- Each teacher will require time to organize and prepare materials for posting. The time a teacher will need is based on a number of factors, such that a reliable average cannot be estimated.
- The cost of hiring additional contract hours for teachers is variable across the State. Many school districts pay a per diem, which is prorated to the teacher’s salary.
- According to DE statistics, the average salary of a teacher in Iowa is \$61,132.
- The cost of a substitute teacher to release one teacher for one day is estimated to be \$160, based on publicly available information.
- Dual enrollment and online classwork are not included in the requirements.
- It is unclear whether the requirements to posting of materials would apply to online classes, concurrent enrollment classes, or other coursework provided through a higher education institution.
- Additional permissions and costs may be required for the posting of materials that are from course providers outside of the school district.

Fiscal Impact

The changes to school curriculum, school survey requirements, parents’ rights in education, and special education will have no fiscal impact to the State or to school districts. The changes to school library operation, specifically to the requirements to review materials, may involve some staff time which would be a cost to school districts, but such costs cannot be estimated.

The educational materials transparency measures will have no fiscal impact to the State, but will have a fiscal impact to school districts. The requirement of the Bill to make information sortable requires an interactive database, which may be beyond the current capabilities of school district software and systems. Additional administrative costs may be required to support the software and systems and support internal and external users. These costs cannot be estimated and would vary by school district.

School districts may need to provide classroom coverage for the time teachers would need to prepare materials for posting or add additional contract days for completion of the work.

Table 2 summarizes the costs depending on which option school districts choose and the average number of days required to complete the task.

Table 2				
Fiscal Impact of Transparency Measures to School Districts				
Average Days		Cost if Hiring Additional Contract Hours		Cost if Hiring Substitute Teachers
1	\$	12,465,750	\$	6,044,000
2		24,931,500		12,088,000
3		37,397,250		18,132,000
4		49,863,000		24,176,000
5		62,328,750		30,220,000

Sources

Iowa Association of School Boards
Iowa Department of Education
Iowa State Education Association
Legislative Services Agency

/s/ Jennifer Acton

March 20, 2023

Doc ID 1370427

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

www.legis.iowa.gov