

**NINETIETH GENERAL ASSEMBLY
2024 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

March 20, 2024

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 131	H-8219	Filed	RECEIVED FROM THE SENATE
HF 131	H-8227	Filed	MOHR of Scott
HF 259	H-8218	Filed	RECEIVED FROM THE SENATE
HF 2150	H-8223	Filed	RECEIVED FROM THE SENATE
HF 2240	H-8224	Filed	RECEIVED FROM THE SENATE
HF 2519	H-8222	Filed	LOHSE of Polk
HF 2536	H-8228	Filed	HARRIS of Appanoose
HF 2612	H-8220	Filed	RECEIVED FROM THE SENATE
HF 2664	H-8229	Filed	THOMSON of Floyd
SF 506	H-8217	Filed	FRY of Clarke
SF 2152	H-8225	Filed	COMMITTEE ON LABOR AND WORKFORCE, et al
SF 2268	H-8226		TUREK of Pottawattamie
SF 2325	H-8221	Filed	SCHEETZ of Linn

Fiscal Notes

[HF 2567](#) — [Illegal Entry or Presence, Prohibition and Enforcement](#)
(LSB5603HV)

[HF 2616](#) — [Criminal Procedure, Defense Subpoenas](#) (LSB5336HV)

SENATE AMENDMENT TO
HOUSE FILE 131

H-8219

1 Amend House File 131, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, line 2, by striking <2023> and inserting <2024>

4 2. By striking page 1, line 12, through page 2, line 25.

5 3. Page 2, line 26, by striking <2023> and inserting <2024>

6 4. Page 2, by striking lines 28 through 33 and inserting:

7 ~~<8. a. A credit union director shall not receive~~
8 ~~compensation for service as a director. However, a director~~
9 ~~may be reimbursed for reasonable expenses directly related~~
10 ~~to such service~~ Subject to its bylaws, a credit union may
11 provide compensation to members of the credit union's board,
12 elected pursuant to section 533.204, in an amount not to exceed
13 sixteen thousand dollars per year per board member for a credit
14 union with one billion dollars or greater in assets, or not to
15 exceed eight thousand dollars per year per board member for a
16 credit union with less than one billion dollars in assets. A
17 director who receives compensation under this paragraph shall
18 not be reimbursed for expenses directly related to service as
19 a director.

20 b. A credit union director who does not receive compensation
21 under paragraph "a" may be reimbursed for reasonable expenses
22 directly related to service as a director.>

23 5. Page 2, line 34, by striking <2023> and inserting <2024>

24 6. Page 3, after line 22 by inserting:

25 <NEW SUBSECTION. 13. a. In addition to any other liability
26 imposed by law upon the directors of a state credit union, the
27 directors of a state credit union shall be liable for all of
28 the following:

29 (1) The directors of a state credit union who vote for,
30 or assent to, the declaration of any dividend or other
31 distribution of the assets of the state credit union to the
32 state credit union's members in willful or negligent violation
33 of this chapter, any restrictions contained in the articles of
34 incorporation, or any order by the superintendent restricting
35 the payment of dividends or other distribution of assets, shall

1 be jointly and severally liable to the state credit union for
2 the amount of the dividend which is paid, or the value of
3 such assets which are distributed, in excess of the amount of
4 such dividend or distribution which could have been paid or
5 distributed had the violation not occurred.

6 (2) The directors of a state credit union who vote for,
7 or assent to, any distribution of the assets of the state
8 credit union to the state credit union's members during the
9 dissolution of the state credit union without the payment and
10 discharge of, or making adequate provision for, all known
11 debts, obligations, and liabilities of the state credit union
12 shall be jointly and severally liable to the state credit union
13 for the value of the distributed assets to the extent that such
14 debts, obligations, and liabilities of the state credit union
15 are not thereafter paid and discharged.

16 (3) The directors of a state credit union who willfully
17 or negligently vote for, or assent to, a loan or an extension
18 of credit in violation of this chapter shall be jointly and
19 severally liable to the state credit union for the total amount
20 of any loss sustained by the state credit union.

21 (4) The directors of a state credit union who willfully or
22 negligently vote for, or assent to, any investment of funds of
23 the state credit union in violation of this chapter shall be
24 jointly and severally liable to the state credit union for the
25 amount of any loss sustained by the state credit union on the
26 investment of funds.

27 *b.* A director shall not be liable under paragraph "a" if
28 the director relied and acted in good faith on information
29 that was held out to the director to be correct by any officer
30 of the state credit union, or was stated in a written report
31 by a certified public accountant or firm of certified public
32 accounts. A director shall not be deemed to be negligent if
33 the director in good faith exercised the diligence, care, and
34 skill which an ordinarily prudent person would exercise as a
35 director under similar circumstances.

1 *c.* When deemed necessary by the superintendent, and after
2 affording an opportunity for a hearing upon adequate notice,
3 the superintendent may require that a director whom the
4 superintendent reasonably believes to be liable to a state
5 credit union pursuant to paragraph "a" to place in an escrow
6 account in an insured credit union located in this state,
7 as directed by the superintendent, an amount sufficient to
8 discharge any liability which may accrue pursuant to paragraph
9 "a". Upon a final determination of the amount of liability owed
10 pursuant to paragraph "a", the superintendent shall pay over the
11 amount due to the state credit union from the escrow account.
12 Any portion of the escrow account in excess of the amount of
13 liability owed shall be refunded on a pro rata basis to the
14 directors required to contribute to the escrow account pursuant
15 to this paragraph.

16 *d.* The liability provisions of this subsection shall not
17 apply to a director of a credit union who is not directly
18 compensated for services as a director other than the
19 reimbursement of actual expenses.

20 NEW SUBSECTION. 14. *a.* Any director held liable for
21 the payment of a dividend or other distribution of assets of
22 a state credit union under subsection 13 shall be entitled
23 to contribution from any member of the state credit union
24 who accepted or received a dividend or other distribution of
25 assets, knowing that the dividend or distribution of assets was
26 made in violation of this chapter, in proportion to the amount
27 received by each member.

28 *b.* Any director held liable under subsection 13 shall be
29 entitled to contribution from any other director found to be
30 similarly liable.

31 NEW SUBSECTION. 15. *a.* A director of a state credit union
32 who is present at a meeting of the state credit union's board
33 of directors shall be presumed to have assented to any matter
34 taken up by, or action taken by, the board, unless the director
35 dissents by doing any of the following:

H-8219 (Continued)

1 (1) Has the director's dissent entered into the minutes of
2 the board meeting.

3 (2) Files the director's written dissent with the
4 individual acting as the secretary of the board meeting before
5 the adjournment of the board meeting.

6 (3) Forwards the director's written dissent by registered
7 or certified mail to the board secretary of the state credit
8 union promptly after the adjournment of the board meeting.

9 b. The right to dissent pursuant to paragraph "a" shall not
10 apply to a director who votes in favor of the action of the
11 board.

12 NEW SUBSECTION. 16. Any action seeking to impose liability
13 under this section, other than liability for contribution,
14 shall be commenced within five years of the event giving rise
15 to the liability.>

16 7. Page 3, line 23, by striking <2023> and inserting <2024>

17 8. Page 4, line 10, by striking <2023> and inserting <2024>

18 9. Page 5, by striking lines 1 through 24.

19 10. By renumbering as necessary.

H-8219 FILED MARCH 19, 2024

HOUSE FILE 131

H-8227

1 Amend the Senate amendment, H-8219, to House File 131, as
2 amended, passed, and reprinted by the House, as follows:

3 1. Page 1, by striking lines 7 through 22 and inserting:

4 <<8. ~~A credit union director shall not receive compensation~~
5 ~~for service as a director. However, a~~ A credit union director
6 may be reimbursed for reasonable expenses directly related to
7 such service as a director. Subject to its bylaws, a credit
8 union may provide compensation to members of the credit union's
9 board, elected pursuant to section 533.204, in an amount not to
10 exceed sixteen thousand dollars per year per board member for
11 a credit union with one billion dollars or greater in assets,
12 or not to exceed eight thousand dollars per year per board
13 member for a credit union with less than one billion dollars
14 in assets.>>

By MOHR of Scott

H-8227 FILED MARCH 19, 2024

SENATE AMENDMENT TO
HOUSE FILE 259

H-8218

1 Amend House File 259, as passed by the House, as follows:

2 1. By striking page 1, line 1, through page 2, line 4, and
3 inserting:

4 <Section 1. Section 35.1, subsection 2, Code 2024, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *d.* A resident of this state who served in
7 any component of the armed forces of the United States, who
8 is in receipt of service-connected disability from the United
9 States department of veterans affairs, and who was discharged
10 under honorable conditions.>

11 2. Page 2, line 5, by striking <2023> and inserting <2024>

12 3. Page 2, line 7, by striking <2023> and inserting <2024>

13 4. Page 2, lines 27 and 28, by striking <section 35A.5,
14 subsection 9> and inserting <subsection 9>

15 5. Page 2, line 31, after <training> by inserting <program>

16 6. By striking page 2, line 33, through page 3, line 23, and
17 inserting:

18 <Sec. _____. Section 35A.5, subsection 9, Code 2024, is
19 amended by striking the subsection and inserting in lieu
20 thereof the following:

21 9. Verify each executive director and administrator of a
22 county commission of veteran affairs is fully qualified to work
23 in the person's position. Qualifications include but are not
24 limited to all of the following:

25 *a.* The person has obtained certification that is federally
26 required for the executive director's or administrator's
27 position within twelve months of beginning the person's
28 employment.

29 *b.* The person has obtained a personal identification
30 verification card necessary to access the veterans benefits
31 management system within twelve months of beginning the
32 person's employment.

33 *c.* The person maintains certification that is federally
34 required for the executive director's or administrator's
35 position.

H-8218 (Continued)

1 *d.* The person maintains an active personal identification
2 verification card and has access to the veterans benefits
3 management system.

4 *e.* The person is proficient in the use of electronic
5 mail, general computer use, and use of the internet to access
6 information regarding facilities, benefits, and services
7 available to veterans and their families.>

8 7. Page 3, line 24, by striking <2023> and inserting <2024>

9 8. Page 3, line 35, by striking <2023> and inserting <2024>

10 9. Page 4, line 12, by striking <2023> and inserting <2024>

11 10. Page 4, line 22, by striking <2023> and inserting <2024>

12 11. Page 4, line 33, by striking <2023> and inserting <2024>

13 12. Page 5, line 12, after <the> by inserting <Upon a
14 request from a county commission of veteran affairs and based
15 on extenuating circumstances, the commandant of the Iowa
16 department of veterans affairs may extend the time frame for
17 an executive director or administrator to obtain a personal
18 identification verification card.>

19 13. Page 5, line 29, by striking <2023> and inserting <2024>

20 14. By striking page 6, line 4, through page 8, line 1, and
21 inserting:

22 <Sec. _____. REPEAL. Sections 35A.17 and 35B.17, Code 2024,
23 are repealed.

24 Sec. _____. TRANSITION. A person employed in the position
25 of a county veteran service officer on the effective date of
26 this Act must obtain a personal identification verification
27 card under section 35A.5, subsection 9, as amended by this Act,
28 within one year of the effective date of this Act or be removed
29 from office.>

30 15. By renumbering as necessary.

SENATE AMENDMENT TO
HOUSE FILE 2150

H-8223

1 Amend House File 2150, as passed by the House, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 256.165, subsection 1, paragraph b,
5 Code 2024, is amended to read as follows:

6 b. (1) The board shall issue a transitional coaching
7 authorization to an individual who is at least twenty-one
8 years of age and who provides verification of an offer of a
9 coaching position by a school or a consortium of schools,
10 but who has not completed the coursework required for a
11 coaching authorization as specified in paragraph "a". A
12 transitional coaching authorization is valid for not more
13 than one year, shall not be renewed, and is valid only in
14 the school or consortium of schools making the offer of the
15 coaching position. A consortium of schools may include a
16 school district, a school district school attendance center,
17 or an accredited nonpublic school, or any combination thereof.
18 However, prior to issuing a transitional coaching authorization
19 to an individual under this paragraph "b", the board shall
20 ensure that the individual meets all of the following
21 requirements:

22 ~~{1}~~ (a) Completes a ~~shortened course of training relating~~
23 ~~to the code of professional rights and responsibilities,~~
24 ~~practices, and ethics developed in accordance with~~
25 ~~section 256.146, subsection 1, paragraph "a", by the board~~
26 ~~specifically for transitional coaches~~ certification course for
27 cardiopulmonary resuscitation that has been approved by the
28 board.

29 {2} (b) Completes the child and dependent adult abuse
30 mandatory reporter training required by sections 232.69 and
31 235B.16.

32 {3} (c) Completes a nationally recognized concussion in
33 youth sports training course.

34 {4} (d) Complies with the background investigation
35 requirements established by the board pursuant to section

H-8223 (Continued)

1 256.146, subsection 16.

2 (2) The board shall require an individual who has been
3 issued a transitional coaching authorization pursuant to
4 this paragraph to secure full cardiopulmonary resuscitation
5 certification within ninety days after issuance of the
6 transitional coaching authorization.>

7 2. Title page, by striking lines 1 through 3 and
8 inserting <An Act modifying requirements related to obtaining
9 a transitional coaching authorization from the board of
10 educational examiners.>

H-8223 FILED MARCH 19, 2024

SENATE AMENDMENT TO
HOUSE FILE 2240

H-8224

1 Amend House File 2240, as passed by the House, as follows:

2 1. Page 1, before line 1 by inserting:

3 <Sec. _____. Section 692A.102, subsection 1, paragraph a,
4 subparagraph (6), subparagraph division (a), Code 2024, is
5 amended to read as follows:

6 (a) ~~Harassment~~ Except as provided in subparagraph division
7 (0b), harassment in violation of section 708.7, subsection
8 1, 2, or 3, if a determination is made that the offense was
9 sexually motivated pursuant to section 692A.126.

10 Sec. _____. Section 692A.102, subsection 1, paragraph a,
11 subparagraph (6), Code 2024, is amended by adding the following
12 new subparagraph division:

13 NEW SUBPARAGRAPH DIVISION. (0b) Harassment in violation of
14 section 708.7, subsection 1, paragraph "a", subparagraph (5),
15 if committed by a person eighteen years of age or older.>

16 2. Page 1, line 7, by striking <knowing that> and inserting
17 <~~knowing that~~ to which>

18 3. Page 1, line 9, after <or posting.> by inserting
19 <Notwithstanding subsection 5, a person eighteen years of age
20 or older who commits a violation of this subparagraph shall
21 be required to register as a sex offender pursuant to the
22 provisions of chapter 692A.>

H-8224 FILED MARCH 19, 2024

HOUSE FILE 2519

H-8222

- 1 Amend House File 2519 as follows:
- 2 1. Page 11, after line 33 by inserting:
- 3 <Sec. ____ . Section 554.1201, subsection 2, Code 2024, is
- 4 amended by adding the following new paragraph:
- 5 NEW PARAGRAPH. *Oj.* “*Central bank digital currency*” means a
- 6 digital currency, a digital medium of exchange, or a digital
- 7 monetary unit of account issued by the United States federal
- 8 reserve system, a federal agency, a foreign government, a
- 9 foreign central bank, or a foreign reserve system, that is made
- 10 directly available to a consumer by such entities. The term
- 11 includes a digital currency, a digital medium of exchange, or a
- 12 digital monetary unit of account issued by the United States
- 13 federal reserve system, a federal agency, a foreign government,
- 14 a foreign central bank, or a foreign reserve system, that is
- 15 processed or validated directly by such entities.>
- 16 2. Page 13, line 3, after <government.> by inserting <The
- 17 term also does not include a central bank digital currency.>
- 18 3. By renumbering as necessary.

By LOHSE of Polk

H-8222 FILED MARCH 19, 2024

H-8228

1 Amend House File 2536 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 16.5E Application or award —
5 prohibition.

6 1. The authority may prohibit a person from receiving an
7 award of financial assistance, or from being selected as a
8 vendor to provide goods or services to the authority in any of
9 the following circumstances:

10 a. An act or omission by the person seriously affects or
11 threatens public health, public safety, or the environment.

12 b. The person is charged with or convicted of a crime
13 involving dishonesty.

14 c. An act or omission by the person indicates a lack of
15 integrity or honesty.

16 d. The person violates the terms of an agreement or
17 transaction that detrimentally impacts the integrity of a
18 program administered by the authority, or other governmental
19 entity as defined in section 8A.101.

20 e. A compelling cause exists that is relevant to and affects
21 the person's obligations under the programs administered by the
22 authority, or is relevant to and affects the provision of goods
23 and services to the authority by a vendor.

24 2. Upon a determination by the authority, a person shall
25 be prohibited from receiving an award of financial assistance,
26 or from being selected as a vendor pursuant to subsection 1.
27 The authority shall provide written notice to the prohibited
28 person stating the reason for the prohibition. The authority
29 may immediately disqualify a prohibited person from receiving
30 financial assistance, or from being selected as a vendor.

31 3. A prohibited person may request a review of the
32 determination made by the authority pursuant to subsection 2.

33 a. The request to review the determination shall be made
34 within thirty-five calendar days of the date the authority
35 provided written notice to the prohibited person. The request

1 to review the determination must be in writing and state the
2 specific reasons or legal basis for review.

3 *b.* Within sixty calendar days of the receipt of the request
4 to review, the authority shall approve, deny, or modify the
5 determination, if the authority finds that the determination
6 is based on a clear error of material fact or law, or if the
7 authority finds the determination was arbitrary, capricious, or
8 an abuse of discretion.

9 *c.* The authority shall issue its decision in writing and
10 provide written notice of the decision to the prohibited
11 person.

12 *d.* The decision of the authority pursuant to this subsection
13 shall be considered final agency action. A petition for
14 judicial review of the decision of the authority shall be filed
15 pursuant to section 17A.19.

16 4. The authority shall adopt rules as necessary pursuant to
17 chapter 17A to administer this section.

18 Sec. 2. Section 16.35, subsection 2, Code 2024, is amended
19 by striking the subsection and inserting in lieu thereof the
20 following:

21 2. The authority shall adopt a qualified allocation
22 plan that satisfies the requirements of section 42 of
23 the Internal Revenue Code. The authority may revise the
24 qualified allocation plan provided the revision satisfies the
25 requirements of section 42 of the Internal Revenue Code. When
26 adopting the qualified allocation plan, the authority shall
27 specify the selection criteria, the application procedure, and
28 the allocation of low-income housing credits under the state
29 housing credit ceiling. The selection criteria described
30 in the qualified allocation plan shall include all of the
31 following:

32 *a.* The selection criteria described in section 42 of the
33 Internal Revenue Code.

34 *b.* The statutory preferences described in section 42 of the
35 Internal Revenue Code.

H-8228 (Continued)

1 *c.* The economic feasibility of the proposed project.

2 *d.* The ability of the applicant to complete the project in a
3 timely manner.

4 Sec. 3. Section 16.35, subsection 3, Code 2024, is amended
5 by striking the subsection.

6 Sec. 4. Section 16.154, subsection 1, Code 2024, is amended
7 to read as follows:

8 1. An eligible entity may apply to the authority for
9 financial assistance under the program by submitting a plan
10 ~~that meets~~ on an application form as required by the authority.
11 To be approved for an award of financial assistance, the plan
12 must meet all of the following requirements:

13 *a.* The plan ~~includes~~ proposes one or more projects that
14 improve water quality in the local area or watershed. Projects
15 shall use practices identified in the Iowa nutrient reduction
16 strategy.

17 *b.* The plan ~~describes in detail~~ describes the manner in
18 which the projects will be financed and undertaken, including,
19 as applicable, the sources of revenue directed to financing
20 the improvements as well as the eligible entities that will be
21 receiving the revenues and how such revenues will be spent on
22 the projects.>

By HARRIS of Appanoose

H-8228 FILED MARCH 19, 2024

SENATE AMENDMENT TO
HOUSE FILE 2612

H-8220

1 Amend House File 2612, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

<DIVISION I

6 DIVISION OF SPECIAL EDUCATION OF THE DEPARTMENT OF EDUCATION

7 Section 1. Section 256.9, subsection 54, Code 2024, is
8 amended by striking the subsection.

9 Sec. 2. Section 256B.3, Code 2024, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. 15A. Beginning July 1, 2025, oversee the
12 operation of each area education agency to ensure the area
13 education agency complies with all applicable federal and state
14 laws related to special education.

15 NEW SUBSECTION. 15B. Beginning July 1, 2025, provide
16 guidance and standards to area education agencies for federal
17 and state education initiatives which the area education
18 agencies must implement statewide.

19 Sec. 3. DEPARTMENT OF EDUCATION AND AREA EDUCATION AGENCIES
20 — STAFFING AND TRANSITION PLAN.

21 1. The department of education shall coordinate with
22 each area education agency, and with the division of special
23 education of the department, to develop a plan to transfer
24 employees of the area education agency whose primary job duties
25 involve providing oversight and compliance services to the area
26 education agency to ensure the area education agency complies
27 with all applicable federal and state laws related to special
28 education from employment under the area education agency to
29 employment under the division of special education of the
30 department, as needed. The plan shall include a description of
31 how the area education agency will accommodate any space needed
32 in the area education agency's facilities for employees of the
33 division of special education.

34 2. The department of education will compile all of the plans
35 created pursuant to subsection 1 and submit the compilation to

1 the general assembly on or before January 1, 2025.

2

DIVISION II

3

AREA EDUCATION AGENCIES — GENERAL PROVISIONS

4 Sec. 4. Section 273.1, Code 2024, is amended to read as
5 follows:

6

273.1 Intent.

7 It is the intent of the general assembly to provide an
8 effective, efficient, and economical means of identifying and
9 serving children from under five years of age through grade
10 twelve who require special education and any other children
11 requiring special education as defined in section 256B.2; to
12 provide for media services and other programs and services
13 for pupils in grades kindergarten through twelve and children
14 requiring special education as defined in section 256B.2; to
15 provide a method of financing the programs and services; and
16 ~~to avoid a duplication of programs and services provided by~~
17 ~~any other school corporation in the state; and to provide~~
18 services to school districts under a contract with those school
19 districts; to improve student achievement; and to close student
20 achievement gaps.

21 Sec. 5. Section 273.2, subsections 1, 3, and 4, Code 2024,
22 are amended to read as follows:

23 1. There are established throughout the state ~~fifteen~~ nine
24 area education agencies, each of which is governed by an area
25 education agency board of directors and, beginning July 1,
26 2025, by the division of special education of the department of
27 education to the extent described in section 256B.3, subsection
28 15A. The boundaries of an area education agency shall not
29 divide a school district. The director of the department of
30 education shall change boundaries of area education agencies
31 to take into account mergers of local school districts and
32 changes in boundaries of local school districts, when necessary
33 to maintain the policy of this chapter that a local school
34 district shall not be a part of more than one area education
35 agency.

1 3. a. (1) The Subject to subparagraph (2), the area
2 education agency board shall furnish educational services
3 and programs as provided in section 273.1, this section,
4 sections 273.3 through 273.8, and chapter 256B to the pupils
5 enrolled in public or nonpublic schools located within
6 its boundaries which are on the list of accredited schools
7 pursuant to section 256.11. The area education agency board
8 shall furnish educational and media services and programs
9 as provided in section 273.1, this section, sections 273.3
10 through 273.8, and chapter 256B to the pupils enrolled in
11 nonpublic schools located within its boundaries which are on
12 the list of accredited nonpublic schools pursuant to section
13 256.11 regardless of whether the school district in which the
14 accredited nonpublic school is located receives such services
15 and programs from the area education agency.

16 (2) A public school located within an area education
17 agency's boundaries that wishes to receive educational services
18 and programs from the area education agency must request to
19 receive such educational services and programs by February 1 of
20 the preceding school year, including by providing for a method
21 of payment for such services and programs and entering into an
22 agreement with the area education agency. If a public school
23 located within an area education agency's boundaries requests
24 to receive such services after February 1 of the preceding
25 school year, the area education agency board may furnish the
26 educational services and programs.

27 (3) The programs and services provided under this
28 subsection shall be at least commensurate with programs and
29 services existing on July 1, 1974.

30 (4) The programs and services provided to pupils enrolled
31 in nonpublic schools shall be comparable to programs and
32 services provided to pupils enrolled in public schools within
33 constitutional guidelines.

34 b. The area education agencies may furnish evidence-based
35 professional development services to public or nonpublic

1 schools located within its boundaries which are on the list of
2 accredited schools pursuant to section 256.11, subject to the
3 approval of the director of the department of education.

4 4. The area education agency board shall ~~provide~~ do all of
5 the following:

6 a. Provide for special education services and ~~media services~~
7 for the local school districts in the area and ~~shall encourage~~
8 that request to receive such services by February 1 of the
9 preceding school year, including by providing for a method of
10 payment for such services and entering into agreements with the
11 area education agency. An area education agency may provide
12 special education services for local school districts in the
13 area that request to receive such services after February 1 of
14 the preceding school year.

15 b. Encourage and assist school districts in the area to
16 establish programs for gifted and talented children. ~~The board~~
17 ~~shall assist~~

18 c. Assist in facilitating interlibrary loans of materials
19 between school districts and other libraries.

20 Sec. 6. Section 273.2, Code 2024, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. 4A. The area education agency board shall
23 provide for media services for the local school districts in
24 the area that request to receive such services by February 1 of
25 the preceding school year, including by providing for a method
26 of payment for such services and entering into agreements
27 with the area education agency. An area education agency may
28 provide media services for local school districts in the area
29 that request to receive such services after February 1 of the
30 preceding school year.

31 NEW SUBSECTION. 12. The area education agency board shall
32 charge reasonable costs that are consistent with current
33 market rates for the educational services, special education
34 services, professional development services, and media services
35 established by the area education agency board.

1 NEW SUBSECTION. 13. The area education agency board
2 shall provide an annual report by October 1 of each year to
3 the general assembly and the department of education that
4 includes a description of the progress the area education
5 agency has made to improve the outcomes achieved by students
6 receiving special education services and a description of how
7 the area education agency is focusing the moneys it receives on
8 providing services in the classroom.

9 Sec. 7. Section 273.3, subsection 11, Code 2024, is amended
10 to read as follows:

11 11. Employ personnel to carry out the functions of the
12 area education agency which shall include the employment of
13 an administrator who shall possess a license issued under
14 chapter 256, subchapter VII, part 3. The administrator shall
15 be employed pursuant to section 279.20 and sections 279.23,
16 279.24, and 279.25. The salary for an area education agency
17 administrator shall be established by the board based upon
18 the previous experience and education of the administrator;
19 provided, however, that the salary for an area education agency
20 administrator shall not exceed one hundred twenty-five percent
21 of the average salary of all superintendents of the school
22 districts that are located within the boundaries of the area
23 education agency. Section 279.13 applies to the area education
24 agency board and to all teachers employed by the area education
25 agency. Sections 279.23, 279.24, and 279.25 apply to the area
26 education board and to all administrators employed by the area
27 education agency. Section 279.69 applies to the area education
28 agency board and employees of the board, including part-time,
29 substitute, or contract employees, who provide services to a
30 school or school district.

31 Sec. 8. Section 273.3, Code 2024, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 26. Annually, on or before January 1 of
34 each year, prepare and submit to each school district within
35 the boundaries of the area education agency a report that

1 includes all of the following:

2 *a.* A monetary accounting of payments the area education
3 agency received from the school district, including payments
4 under section 257.35, during the previous fiscal year.

5 *b.* A description of the services the area education agency
6 provided to the school district during the previous fiscal
7 year, including a calculation of the cost per pupil for each
8 category of service the area education agency provided to the
9 school district.

10 Sec. 9. Section 273.4, unnumbered paragraph 1, Code 2024,
11 is amended to read as follows:

12 Under direction of the board of directors of the area
13 education agency, and, beginning July 1, 2025, the division of
14 special education of the department of education, to the extent
15 described in section 256B.3, subsection 15A, the administrator
16 of the area education agency shall, in addition to other
17 duties:

18 Sec. 10. Section 273.5, unnumbered paragraph 1, Code 2024,
19 is amended to read as follows:

20 There shall be established a division of special education
21 of the area education agency which shall provide for special
22 education programs and services to the local school districts.
23 The division of special education shall be headed by a director
24 of special education who meets certification standards of the
25 department of education. The director of special education
26 shall be an employee of the division of special education of
27 the department of education. The director of special education
28 shall have the responsibility for implementation of state
29 regulations and guidelines relating to special education
30 programs and services. The director of special education shall
31 have the following powers and duties:

32 Sec. 11. Section 273.8, subsection 1, Code 2024, is amended
33 to read as follows:

34 1. *Board of directors.*

35 *a.* The board of directors of an area education agency shall

1 ~~consist of not less than five nor more than nine members,~~
2 ~~each a resident of and elected in the manner provided in this~~
3 ~~section from a director district that is approximately equal~~
4 ~~in population to the other director districts in the area~~
5 ~~education agency.~~ Each director shall serve a four-year term
6 which commences at the organization meeting.

7 b. Five members of the board of directors of an area
8 education agency must be residents of and elected in the
9 manner provided in this section from a director district that
10 is approximately equal in population to the other director
11 districts in the area education agency.

12 c. Four members of the board of directors of an area
13 education agency must be appointed by the majority vote of
14 the superintendents of school districts located within the
15 boundaries of the area education agency. A member appointed
16 pursuant to this paragraph must be a superintendent of a school
17 district located within the boundaries of the area education
18 agency; provided, however, that a superintendent appointed
19 pursuant to this paragraph may designate any individual to
20 serve for all, or the remainder of, the superintendent's term.

21 Sec. 12. Section 273.8, subsection 2, paragraphs c and d,
22 Code 2024, are amended to read as follows:

23 c. The board of each separate school district that is
24 located entirely or partially inside an area education agency
25 director district shall cast a vote for director of the area
26 education agency board described in subsection 1, paragraph
27 "b", based upon the ratio that the population of the school
28 district, or portion of the school district, in the director
29 district bears to the total population in the director
30 district. The population of each school district or portion
31 shall be determined by the department of education. The member
32 of the area education agency board described in subsection 1,
33 paragraph "b", to be elected may be a member of a local school
34 district board of directors and shall be an elector and a
35 resident of the director district, but shall not be a school

1 district employee.

2 *d.* (1) Vacancies A vacancy, as defined in section 277.29,
3 in ~~the~~ a membership position of the area education agency board
4 described in subsection 1, paragraph "b", shall be filled
5 for the unexpired portion of the term at a director district
6 convention called and conducted in the manner provided in
7 subsection 3.

8 (2) A vacancy, as defined in section 277.29, in a membership
9 position of the area education agency board described in
10 subsection 1, paragraph "c", shall be filled for the unexpired
11 portion of the term by an individual who is appointed by
12 the majority vote of the superintendents of school districts
13 located within the boundaries of the area education agency.

14 Sec. 13. Section 273.8, subsection 3, Code 2024, is amended
15 to read as follows:

16 3. *Director district convention.* If no candidate files with
17 the area education agency secretary by the deadline specified
18 in subsection 2, or a vacancy occurs, or if otherwise required
19 as provided in section 273.23, subsection 3, a director
20 district convention, attended by members of the boards of
21 directors of the local school districts located within the
22 director district, shall be called to elect a board member
23 described in subsection 1, paragraph "b", for that director
24 district. The convention location shall be determined by the
25 area education agency administrator. Notice of the time, date,
26 and place of a director district convention shall be published
27 by the area education agency administrator in at least one
28 newspaper of general circulation in the director district at
29 least thirty days prior to the day of the convention. The cost
30 of publication shall be paid by the area education agency. A
31 candidate for election to the area education agency board shall
32 file a statement of candidacy with the area education agency
33 secretary at least ten days prior to the date of the director
34 district convention on forms prescribed by the department of
35 education, or nominations may be made at the convention by a

1 delegate from a board of directors of a school district located
2 within the director district. A statement of candidacy shall
3 include the candidate's name, address, and school district.
4 Delegates to director district conventions shall not be bound
5 by a school board or any school board member to pledge their
6 votes to any candidate prior to the date of the convention.

7 Sec. 14. Section 273.10, Code 2024, is amended to read as
8 follows:

9 **273.10 Accreditation of area education programs.**

10 1. The division of special education of the department
11 of education shall develop, in consultation with the area
12 education agencies, and establish an accreditation process for
13 area education agencies ~~by July 1, 1997~~. At a minimum, the
14 accreditation process shall consist of the following:

15 a. The timely submission by an area education agency of
16 information required by the division of special education of
17 the department on forms provided by the ~~department~~ division of
18 special education.

19 b. The use of an accreditation team appointed by the
20 ~~director~~ division of special education of the department of
21 education to conduct an evaluation, including an on-site visit
22 of each area education agency. The team shall include, but
23 is not limited to, department staff members, representatives
24 from the school districts served by the area education agency
25 being evaluated, area education agency staff members from area
26 education agencies other than the area education agency that
27 conducts the programs being evaluated for accreditation, and
28 other team members with expertise as deemed appropriate by the
29 ~~director~~ division of special education.

30 2. Prior to a visit to an area education agency, the
31 accreditation team shall have access to that area education
32 agency's program audit report filed with the ~~department~~
33 division of special education of the department of education.
34 After a visit to an area education agency, the accreditation
35 team shall determine whether the accreditation standards for

1 a program, including but not limited to standards established
2 pursuant to ~~section 256.9, subsection 54~~ section 256B.3,
3 subsection 15B, have been met and shall make a report to the
4 ~~director and the state board~~ division of special education,
5 together with a recommendation as to whether the programs of
6 the area education agency should receive initial accreditation
7 or remain accredited. The accreditation team shall report
8 strengths and weaknesses, if any, for each accreditation
9 standard and shall advise the area education agency of
10 available resources and technical assistance to further enhance
11 the strengths and improve areas of weakness. An area education
12 agency may respond to the accreditation team's report.

13 3. The ~~state board of education~~ division of special
14 education of the department of education shall determine
15 whether a program of an area education agency shall receive
16 initial accreditation or shall remain accredited.

17 a. Approval of area education agency programs by the ~~state~~
18 ~~board~~ division of special education shall be based upon the
19 ~~recommendation of the director of the department of education~~
20 after a study of the factual and evaluative evidence on record
21 about each area education agency program in terms of the
22 accreditation standards adopted by the state board.

23 b. Approval, if granted, shall be for a term of five years.
24 However, the ~~state board~~ division of special education may
25 grant conditional approval for a term of less than five years
26 if conditions warrant.

27 4. If the ~~state board of education~~ division of special
28 education of the department of education determines that an
29 area education agency's program does not meet accreditation
30 standards, the ~~director of the department of education~~
31 division of special education, in cooperation with the board
32 of directors of the area education agency, shall establish a
33 remediation plan prescribing the procedures that must be taken
34 to correct deficiencies in meeting the program standards,
35 and shall establish a deadline date for correction of the

1 deficiencies. ~~The remediation plan is subject to the approval~~
2 ~~of the state board.~~

3 5. The division of special education of the department
4 of education may suspend the accreditation of the area
5 education agency program shall remain accredited during the
6 implementation of the remediation plan. The accreditation
7 team shall visit the area education agency and shall determine
8 whether the deficiencies in the standards for the program have
9 been corrected and shall make a report and recommendation
10 to the director and the state board of education division
11 of special education. The state board division of special
12 education shall review the report and recommendation and shall
13 determine whether the deficiencies in the program have been
14 corrected. If the division of special education determines
15 that the deficiencies in the program have been corrected, the
16 division of special education shall reinstate the accreditation
17 of the area education agency program if such accreditation was
18 suspended pursuant to this subsection.

19 6. a. If the deficiencies in an area education program
20 have not been corrected, the ~~agency board~~ division of special
21 education of the department of education shall take one
22 of the following actions within sixty days from removal of
23 accreditation:

24 (1) Merge the deficient program with a program from another
25 accredited area education agency.

26 (2) Contract with another area education agency or other
27 public educational institution for purposes of program
28 delivery.

29 b. The rules developed by the state board of education for
30 the accreditation process shall include provisions for removal
31 of accreditation, including provisions for proper notice to the
32 administrator of the area education agency, each member of the
33 board of directors of the area education agency, the department
34 of education, and the superintendents and administrators of the
35 schools of the districts served by the area education agency.

1 Sec. 15. Section 273.11, Code 2024, is amended to read as
2 follows:

3 **273.11 Standards for accrediting area education programs.**

4 1. The state board of education, in consultation with the
5 division of special education of the department of education,
6 shall develop standards and rules for the accreditation of area
7 education agencies. Standards shall be general in nature,
8 but at a minimum shall identify requirements addressing the
9 services provided by each division, as well as identifying
10 indicators of quality that will permit area education agencies,
11 school districts, the division of special education of the
12 department of education, and the general public to judge
13 accurately the effectiveness of area education agency services.

14 2. Standards developed shall include, but are not limited
15 to, the following:

16 a. Support for school-community planning, including a means
17 of assessing needs, developing collaborative relationships
18 among community agencies, establishing shared direction, and
19 implementing program plans and reporting progress toward goals
20 for all students, including students with disabilities.

21 b. ~~Professional~~ Evidence-based professional development
22 programs that respond to current needs.

23 c. Support for curriculum development, instruction, and
24 assessment ~~for~~ services that address the areas of reading,
25 language arts, math, and science, using research-based
26 methodologies, for all students, including students with
27 disabilities.

28 d. Special education ~~compliance and~~ support.

29 e. Management services, including financial reporting and
30 purchasing as requested and funded by local districts.

31 f. Support for instructional media services that supplement
32 and support local district media centers and services.

33 g. Support for school technology planning and staff
34 development for implementing instructional technologies.

35 h. A program and services evaluation and reporting system

1 that includes information related to special education.

2 i. Support for school district libraries in accordance with
3 section 273.2, subsection 4.

4 j. Support for early childhood service coordination for
5 families and children, age birth through three years, to
6 meet health, safety, and learning needs, including service
7 coordination.

8 k. Timely submission of required reports and documents to
9 the state board of education, the department of education,
10 and the division of special education of the department of
11 education.

12 l. Support for schools and school districts in analyzing
13 student achievement data related to the learning environment,
14 comparing data to the external knowledge base, and using that
15 information to guide schools and school districts in setting
16 goals and implementing actions to improve student learning for
17 all students, including students with disabilities.

18 m. Support for addressing the diverse learning needs of
19 all children and youths, including children and youths who are
20 eligible for special education through services that include
21 direct services to students with disabilities.

22 n. Support for schools and school districts to ensure
23 compliance with rules adopted by the state board of education
24 related to special education.

25 o. Support necessary to implement effective instruction for
26 all students, including students with disabilities, through
27 school technology services.

28 p. Support for students using educational programs and
29 services in a manner that is consistent with the educational
30 standards established pursuant to section 256.11.

31 q. Support for staff development and adult learners
32 utilizing evidence-based professional development in a manner
33 that meets the professional needs of staff and adult learners
34 consistent with standards adopted by the state board of
35 education.

1 r. Compliance with all relevant federal and state laws
2 in the provision of services and supports to students with
3 disabilities.

4 Sec. 16. TRANSITION PROVISIONS.

5 1. An area education agency that was accredited pursuant to
6 section 273.10 on or before the effective date of the section
7 of this division of this Act amending section 273.10 shall
8 remain accredited unless and until the division of special
9 education of the department of education takes action to remove
10 accreditation from the area education agency pursuant to
11 section 273.10, as amended in this division of this Act.

12 2. a. As of July 1, 2024, each area education agency shall
13 terminate the employment of all directors of special education
14 employed by the area education agency pursuant to section
15 273.5, as amended in this division of this Act.

16 b. Within a reasonable time after July 1, 2024, the
17 division of special education of the department of education
18 shall employ at least one individual to serve as a director
19 of special education in each area education agency. During
20 the hiring process associated with employing an individual to
21 serve as director of special education in an area education
22 agency, the division of special education shall give preference
23 to individuals whose employment was terminated pursuant to
24 paragraph "a".

25 Sec. 17. EFFECTIVE DATE. The following take effect July 1,
26 2025:

27 1. The section of this division of this Act amending section
28 273.10.

29 2. The section of this division of this Act amending section
30 273.11.

31 Sec. 18. APPLICABILITY. The following applies to
32 employment agreements entered into or renewed between an area
33 education agency and an area education agency administrator on
34 or after July 1, 2024:

35 The section of this division of this Act amending section

1 273.3, subsection 11.

2 Sec. 19. APPLICABILITY. The following applies to the
3 election of directors and vacancies occurring under section
4 273.8, as amended in this division of this Act, on or after
5 July 1, 2024:

6 The sections of this division of this Act amending section
7 273.8.

8 Sec. 20. APPLICABILITY. The following apply to school years
9 beginning on or after July 1, 2025:

10 1. The portion of the section of this division of this Act
11 amending section 273.2, subsection 3.

12 2. The portion of the section of this division of this Act
13 amending section 273.2, subsection 4.

14 3. The portion of the section of this division of this Act
15 enacting section 273.2, subsection 4A.

16 DIVISION III

17 AREA EDUCATION AGENCIES — FUNDING

18 Sec. 21. Section 257.1, subsection 3, Code 2024, is amended
19 to read as follows:

20 3. *Computations rounded.* In making computations and
21 payments under this chapter, except in the case of computations
22 relating to funding of special education support services,
23 media services, and educational services ~~provided through the~~
24 ~~area education agencies~~ under section 257.37, and the teacher
25 salary supplement, the professional development supplement,
26 the early intervention supplement, and the teacher leadership
27 supplement, the department of management shall round amounts to
28 the nearest whole dollar.

29 Sec. 22. Section 257.10, subsection 7, Code 2024, is amended
30 to read as follows:

31 7. *Special education support services district cost.* Special
32 education support services district cost for a school district
33 for a budget year is equal to the special education support
34 services district cost per pupil for the budget year multiplied
35 by the special education support services weighted enrollment

1 for the district for the budget year. If the special education
2 support services district cost for a school district for
3 a budget year is less than the special education support
4 services district cost for that district for the base year, the
5 department of management shall adjust the special education
6 support services district cost for that district for the budget
7 year to equal the special education support services district
8 cost for the base year. Funds calculated under this subsection
9 and received by a school district or an area education agency,
10 as applicable, shall be used for special education support
11 services.

12 Sec. 23. Section 257.10, subsection 8, paragraph a, Code
13 2024, is amended to read as follows:

14 a. Combined district cost is the sum of the regular program
15 district cost per pupil multiplied by the weighted enrollment,
16 the special education support services district cost, the
17 total teacher salary supplement district cost, the total
18 professional development supplement district cost, the total
19 early intervention supplement district cost, and the total
20 teacher leadership supplement district cost, plus the sum of
21 the additional district cost allocated to the district to fund
22 media services and educational services ~~provided through the~~
23 ~~area education agency~~ under section 257.37, the area education
24 agency total teacher salary supplement district cost and the
25 area education agency total professional development supplement
26 district cost.

27 Sec. 24. Section 257.35, subsection 1, Code 2024, is amended
28 to read as follows:

29 1. a. (1) The For fiscal years beginning before July 1,
30 2024, the department of management shall deduct the amounts
31 calculated for special education support services, media
32 services, area education agency teacher salary supplement
33 district cost, area education agency professional development
34 supplement district cost, and educational services for each
35 school district from the state aid due to the district pursuant

1 to this chapter and shall pay the amounts to the respective
2 area education agencies on a monthly basis from September 15
3 through June 15 during each school year.

4 (2) For the fiscal year beginning July 1, 2024, the
5 department of management shall deduct the following amounts
6 from the state aid due to each school district pursuant to
7 this chapter and shall pay the amounts to the respective area
8 education agencies on a monthly basis from September 15 through
9 June 15 during each school year:

10 (a) The amount calculated for special education support
11 services for the school district.

12 (b) Forty percent of the amount calculated for media
13 services for the school district.

14 (c) The area education agency teacher salary supplement
15 district cost.

16 (d) The area education agency professional development
17 supplement district cost.

18 (e) Forty percent of the amount calculated in section 257.37
19 for educational services for the school district.

20 (3) For the fiscal year beginning July 1, 2025, and each
21 fiscal year thereafter, the department of management shall
22 deduct the following from the state aid due to each school
23 district pursuant to this chapter and shall pay the amounts to
24 the respective area education agencies on a monthly basis from
25 September 15 through June 15 during each school year:

26 (a) The greater of the following:

27 (i) Ten percent of the amount calculated for special
28 education support services for the school district.

29 (ii) The amount calculated for special education support
30 services for the school district that is attributable to that
31 portion of the special education support services weighted
32 enrollment that is nonpublic school pupils served with special
33 education support services by the area education agency.

34 (b) The area education agency teacher salary supplement
35 district cost.

1 (c) The area education agency professional development
2 supplement district cost.

3 (d) The amount calculated in section 257.37 for media
4 services for the school district that is attributable to that
5 portion of the enrollment served, as defined in section 257.37,
6 subsection 4, that is nonpublic school pupils served with media
7 services by the area education agency.

8 (e) The amount calculated in section 257.37 for educational
9 services for the school district that is attributable to that
10 portion of the enrollment served, as defined in section 257.37,
11 subsection 4, that is nonpublic school pupils served with
12 educational services by the area education agency.

13 b. The department of management shall notify each school
14 district of the amount of state aid deducted for these purposes
15 and the balance of state aid shall be paid to the district. If
16 a district does not qualify for state aid under this chapter
17 in an amount sufficient to cover its amount due to the area
18 education agency as calculated by the department of management,
19 the school district shall pay the deficiency to the area
20 education agency from other moneys received by the district, on
21 a quarterly basis during each school year.

22 Sec. 25. Section 257.37, Code 2024, is amended to read as
23 follows:

24 **257.37 Funding media and educational services.**

25 Media services and educational services provided by a school
26 district or through the area education agencies agency shall be
27 funded, to the extent provided, by an addition to the combined
28 district cost of each school district, determined as follows:

29 1. For the budget year beginning July 1, 1991, and
30 succeeding budget years, the total amount funded in each area
31 for media services shall be computed as provided in this
32 subsection. For the budget year beginning July 1, 1991, the
33 total amount funded in each area for media services in the
34 base year shall be divided by the enrollment served in the
35 base year to provide an area media services cost per pupil in

1 the base year, and the department of management shall compute
2 the state media services cost per pupil in the base year which
3 is equal to the average of the area media services costs per
4 pupil in the base year. For the budget year beginning July 1,
5 1991, and succeeding budget years, the department of management
6 shall compute the supplemental state aid for media services
7 in the budget year by multiplying the state media services
8 cost per pupil in the base year times the state percent of
9 growth for the budget year, and the total amount funded in each
10 area for media services cost in the budget year equals the
11 area media services cost per pupil in the base year plus the
12 supplemental state aid for media services in the budget year
13 times the enrollment served in the budget year. Funds shall be
14 paid to area education agencies as provided in section 257.35.
15 Funds not required to be paid to the area education agency as
16 provided in section 257.35 may be used by the school district
17 for media services provided by the district or by contract
18 through the area education agency. A school district may use
19 unreserved fund balances for media services in a manner which
20 the school district determines is appropriate to best maintain
21 the level of special education services.

22 2. Up to thirty percent of the budget of an area for media
23 services may be expended for media resource material including
24 the purchase or replacement of material required in section
25 273.6, subsection 1. ~~Funds shall be paid to area education~~
26 ~~agencies as provided in section 257.35.~~

27 3. For the budget year beginning July 1, 1991, and
28 succeeding budget years, the total amount funded in each area
29 for educational services shall be computed as provided in this
30 subsection. For the budget year beginning July 1, 1991, the
31 total amount funded in each area for educational services
32 in the base year shall be divided by the enrollment served
33 in the area in the base year to provide an area educational
34 services cost per pupil in the base year, and the department of
35 management shall compute the state educational services cost

1 per pupil in the base year, which is equal to the average of
2 the area educational services costs per pupil in the base year.
3 For the budget year beginning July 1, 1991, and succeeding
4 budget years, the department of management shall compute the
5 supplemental state aid for educational services by multiplying
6 the state educational services cost per pupil in the base year
7 times the state percent of growth for the budget year, and the
8 total amount funded in each area for educational services for
9 the budget year equals the area educational services cost per
10 pupil for the base year plus the supplemental state aid for
11 educational services in the budget year times the enrollment
12 served in the area in the budget year. Funds shall be paid
13 to area education agencies as provided in section 257.35.

14 Funds not required to be paid to the area education agency as
15 provided in section 257.35 may be used by the school district
16 for educational services provided by the district or by
17 contract through the area education agency. A school district
18 may use unreserved fund balances for educational services in a
19 manner which the school district determines is appropriate to
20 best maintain the level of special education services.

21 4. "*Enrollment served*" means the basic enrollment of all
22 school districts within the boundaries of the area education
23 agency plus the number of nonpublic school pupils served by
24 the area education agency with media services or educational
25 services, as applicable, except that if a nonpublic school
26 pupil or a pupil attending another district under a whole grade
27 sharing agreement or open enrollment receives services through
28 an area other than the area of the pupil's residence, the
29 pupil shall be deemed to be served by the area of the pupil's
30 residence, which shall by contractual arrangement reimburse
31 the area through which the pupil actually receives services.
32 Each school district shall include in the enrollment report
33 submitted pursuant to section 257.6, subsection 1, the number
34 of nonpublic school pupils within each school district for
35 media and educational services served by the area. However,

1 the school district shall not include in the enrollment report
2 nonpublic school pupils receiving classes or services funded
3 entirely by federal grants or allocations.

4 5. *a.* If an area education agency does not serve nonpublic
5 school pupils in a manner comparable to services provided
6 public school pupils for media and educational services, as
7 determined by the state board of education, the state board
8 shall instruct the department of management to reduce the funds
9 for media services and educational services within the area one
10 time by an amount to compensate for such reduced services. The
11 media services budget shall be reduced by an amount equal to
12 the product of the cost per pupil in basic enrollment for the
13 budget year for media services times the difference between
14 the enrollment served and the basic enrollment recorded for
15 the area. The educational services budget shall be reduced by
16 an amount equal to the product of the cost per pupil in basic
17 enrollment for the budget year for educational services times
18 the difference between the enrollment served and the basic
19 enrollment recorded for the area.

20 *b.* This subsection applies only to media and educational
21 services which cannot be diverted for religious purposes.

22 *c.* Notwithstanding this subsection, an area education agency
23 shall distribute to nonpublic schools media materials purchased
24 wholly or partially with federal funds in a manner comparable
25 to the distribution of such media materials to public schools
26 as determined by the director of the department of education.

27 6. For the budget year beginning July 1, 2002, and each
28 succeeding budget year, notwithstanding the requirements of
29 this section for determining the budgets and funding of media
30 services and education services, an area education agency or
31 school district may, ~~within the limits of the total of the~~
32 ~~funds provided for the budget years pursuant to section 257.35,~~
33 expend for special education support services an amount that
34 exceeds the payment for special education support services
35 ~~pursuant to section 257.35~~ in order to maintain the level

1 of required special education support services in the area
2 education agency or the school district, as applicable.

3 Sec. 26. APPLICABILITY. This division of this Act applies
4 July 1, 2024, for school budget years beginning on or after
5 that date.

6 DIVISION IV

7 INITIAL TEACHER COMPENSATION

8 Sec. 27. Section 257.10, subsection 12, paragraph d, Code
9 2024, is amended to read as follows:

10 *d.* Except as otherwise allowed under this paragraph, for
11 the budget year beginning July 1, 2014, and succeeding budget
12 years, the use of the funds calculated under this subsection
13 shall comply with the requirements of chapter 284 and shall
14 be distributed to teachers pursuant to section 284.15. The
15 funds shall be used only to increase the payment for a teacher
16 assigned to a leadership role pursuant to a framework or
17 comparable system approved pursuant to section 284.15; to
18 increase the percentages of teachers assigned to leadership
19 roles; to increase the minimum teacher starting salary to
20 ~~thirty-three thousand five hundred dollars~~ the amount provided
21 in section 284.15, subsection 2, paragraph "a", subparagraph
22 (1); to cover the costs for the time mentor and lead teachers
23 are not providing instruction to students in a classroom;
24 for coverage of a classroom when an initial or career
25 teacher is observing or co-teaching with a teacher assigned
26 to a leadership role; for professional development time to
27 learn best practices associated with the career pathways
28 leadership process; and for other costs associated with a
29 framework or comparable system approved by the department of
30 education under section 284.15 with the goals of improving
31 instruction and elevating the quality of teaching and student
32 learning. If all requirements for the school district for
33 the use of funds calculated under this subsection are met
34 and funds received under this subsection remain unexpended
35 and unobligated at the end of a fiscal year beginning on or

1 after July 1, 2020, the school district may transfer all or a
2 portion of such unexpended and unobligated funds for deposit
3 in the school district's flexibility account established
4 under section 298A.2, subsection 2. At the end of a fiscal
5 year beginning on or after July 1, 2022, school districts may
6 use all or a portion of funds under this subsection for the
7 purposes authorized under subsection 9, paragraph "d", and,
8 notwithstanding any provision of law to the contrary, school
9 districts shall not be required to participate in or comply
10 with section 284.15 in order to continue to receive funding
11 under this subsection.

12 Sec. 28. Section 284.15, subsection 2, paragraph a,
13 subparagraph (1), Code 2024, is amended to read as follows:

14 (1) The salary for an initial teacher who has successfully
15 completed an approved practitioner preparation program as
16 defined in section 256.145 or holds an initial or intern
17 teacher license issued under chapter 256, subchapter VII,
18 part 3, shall be at least ~~thirty-three thousand five hundred~~
19 forty-six thousand two hundred fifty-one dollars, which shall
20 also constitute the minimum salary for an Iowa teacher.

21 Sec. 29. Section 284.16, subsection 1, paragraph a,
22 unnumbered paragraph 1, Code 2024, is amended to read as
23 follows:

24 The beginning teacher shall be paid not less than
25 ~~thirty-three thousand five hundred~~ forty-six thousand two
26 hundred fifty-one dollars and shall meet the following
27 requirements:

28 Sec. 30. Section 284.17, subsection 1, Code 2024, is amended
29 to read as follows:

30 1. A minimum salary of ~~thirty-three thousand five hundred~~
31 forty-six thousand two hundred fifty-one dollars for a
32 full-time teacher.

33 DIVISION V

34 AREA EDUCATION AGENCIES — REQUIRED EVALUATIONS AND REPORTS

35 Sec. 31. AREA EDUCATION AGENCIES — CONTINUOUS

1 IMPROVEMENT. On or before January 1, 2025, each area education
2 agency shall submit a report to the director of the department
3 of education and the general assembly that contains all of the
4 following information:

5 1. Progress the area education agency has made in reducing
6 expenditures associated with administration and administrators,
7 including chief administrators, directors and department heads,
8 regional administrators, regional and zone coordinators,
9 district coordinators, and human resources and personnel
10 managers by at least thirty percent by July 1, 2026.

11 2. A proposal for the reorganization of services provided by
12 area education agencies to centralize some services provided by
13 the area education agencies, including media services, and to
14 create centers of excellence for other services.

15 Sec. 32. AREA EDUCATION AGENCY FACILITIES AND PROPERTY. On
16 or before January 1, 2025, the department of administrative
17 services, in coordination with the department of education
18 and each area education agency, shall submit a report to
19 the general assembly that contains all of the following
20 information:

21 1. An inventory of all real property and facilities owned
22 by the area education agencies.

23 2. An evaluation of the value of all real property and
24 facilities owned by the area education agencies.

25 3. An evaluation of how the real property and facilities
26 owned by the area education agencies are used.

27

DIVISION VI

28

TEACHER SALARY SUPPLEMENT DISTRICT COST PER PUPIL

29

Sec. 33. Section 257.10, subsection 9, paragraph a, Code
30 2024, is amended to read as follows:

31

a. (1) For the budget year beginning July 1, 2009, the
32 department of management shall add together the teacher
33 compensation allocation made to each district for the fiscal
34 year beginning July 1, 2008, pursuant to section 284.13,
35 subsection 1, paragraph "h", Code 2009, and the phase II

1 allocation made to each district for the fiscal year beginning
2 July 1, 2008, pursuant to section 294A.9, Code 2009, and divide
3 that sum by the district's budget enrollment in the fiscal
4 year beginning July 1, 2009, to determine the teacher salary
5 supplement district cost per pupil. For the budget year
6 beginning July 1, 2010, and succeeding budget years beginning
7 before July 1, 2024, the teacher salary supplement district
8 cost per pupil for each school district for a budget year
9 is the teacher salary supplement program district cost per
10 pupil for the base year plus the teacher salary supplement
11 supplemental state aid amount for the budget year.

12 (2) For the budget year beginning July 1, 2024, the teacher
13 salary supplement district cost per pupil for a school district
14 shall be the greater of the following:

15 (a) The teacher salary supplement district cost per pupil
16 for the school district for the base year plus the teacher
17 salary supplement supplemental state aid amount for the budget
18 year.

19 (b) The per pupil amount necessary, as calculated by
20 the department of management, to allow the school district
21 to provide a minimum teacher starting salary of forty-six
22 thousand two hundred fifty-one dollars in accordance with
23 the requirements of chapter 284, including costs associated
24 with the employer's share of contributions to the Iowa public
25 employees' retirement system and the employer's share of the
26 tax imposed by the federal Insurance Contributions Act.

27 (3) For the budget year beginning July 1, 2025, and
28 succeeding budget years, the teacher salary supplement district
29 cost per pupil for each school district for a budget year
30 is the teacher salary supplement program district cost per
31 pupil for the base year plus the teacher salary supplement
32 supplemental state aid amount for the budget year.

33 DIVISION VII

34 DEPARTMENT OF EDUCATION REQUIREMENTS

35 Sec. 34. Section 256.9, Code 2024, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 70. Develop and distribute to school
3 districts and accredited nonpublic schools a process to
4 facilitate the development of individualized education
5 programs and assist individualized education program teams
6 with decisions regarding free appropriate public education
7 and placement for students enrolled in accredited nonpublic
8 schools.

9 NEW SUBSECTION. 71. Provide professional learning and
10 other support materials and tools for individualized education
11 program teams, including students, families, teacher service
12 providers, and administrators of both school districts
13 and accredited nonpublic schools to help such individuals
14 understand the processes required under the federal law that
15 are relevant to students enrolled in accredited nonpublic
16 schools and to promote informed participation in individualized
17 education program meetings of students enrolled in accredited
18 nonpublic schools.

19 NEW SUBSECTION. 72. Provide information to individualized
20 education program teams and public agencies that nonpublic
21 schools shall be considered a placement option so long as the
22 individualized education program of a child with a disability
23 does not require some other arrangement.

24 NEW SUBSECTION. 73. Develop and distribute to school
25 districts professional learning and other materials for
26 meaningful consultation for representatives of area education
27 agencies, school districts, and accredited nonpublic schools.

28 NEW SUBSECTION. 74. Establish sustainable accountability
29 and data collection systems related to special education
30 that meet federal and state legal requirements and encourage
31 innovative models for meeting the needs of students.

32 NEW SUBSECTION. 75. Develop and distribute to school
33 districts and accredited nonpublic schools an implementation
34 plan related to identifying, evaluating, and promoting
35 strategies and models for providing special education and

H-8220 (Continued)

1 related services with accredited nonpublic schools that improve
2 the experiences and outcomes for students with disabilities.

3

DIVISION VIII

4

STATE MANDATE

5 Sec. 35. IMPLEMENTATION OF ACT. Section 25B.2, subsection
6 3, shall not apply to this Act.>

7 2. Title page, by striking lines 1 through 7 and inserting
8 <An Act relating to education, including modifying provisions
9 related to the duties and powers of area education agencies,
10 the membership of the boards of directors of area education
11 agencies, the department of education, the department of
12 administrative services, area education agency funding, the
13 calculation of the teacher salary supplement district cost per
14 pupil and the minimum teacher starting salary, and including
15 transition, effective date, and applicability provisions.>

[H-8220](#) FILED MARCH 19, 2024

HOUSE FILE 2664

H-8229

1 Amend House File 2664 as follows:

2 1. Page 1, line 24, after <person> by inserting <whose real
3 property is subject to an eminent domain taking claim arising
4 from an application before the board>

5 2. Page 1, by striking lines 29 through 32 and inserting:
6 <(2) The facts and>

7 3. Page 2, after line 8 by inserting:
8 <NEW SUBSECTION. 6. A bond shall not be required for an
9 appeal of any order entered in an action arising from this
10 section, or for any injunction to enforce an order entered
11 pursuant to this section.

12 Sec. _____. NEW SECTION. 479B.9A Judicial review of final
13 order.

14 Any person or entity admitted as a party to the hearing may
15 seek judicial review of the final order issued by the board
16 pursuant to section 479B.9, as provided in section 17A.19. The
17 party seeking judicial review shall not be required to post a
18 bond to stay action on the permit.

19 Sec. _____. NEW SECTION. 479B.9B Ordinances.

20 Hazardous liquid pipeline ordinances may be enforced by
21 injunction, action to compel performance, or other appropriate
22 equitable relief in the district court of the county in which a
23 violation occurs. The relief may be sought by petition of the
24 county attorney or the attorney for the political subdivision
25 that adopted the ordinance or in which the violation occurs.
26 An injunction, if granted, shall be issued without bond.>

27 4. Title page, line 1, after <relating to> by inserting
28 <actions involving utilities, including final orders regarding
29 hazardous liquid pipelines, enforcement of hazardous liquid
30 pipeline ordinances, and>

31 5. By renumbering as necessary.

By THOMSON of Floyd

H-8229 FILED MARCH 19, 2024

SENATE FILE 506

H-8217

1 Amend the amendment, H-8210, to Senate File 506, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. Page 7, after line 1 by inserting:

4 <DIVISION ____

5 NURSING FACILITY TRAINING AND CITATION REVIEWS

6 Sec. ____ . NEW SECTION. 135C.35C Nursing facilities — joint
7 training sessions.

8 The department shall semiannually provide joint training
9 sessions for inspectors and nursing facilities to review at
10 least three of the ten most frequently issued federal citations
11 in the state during the immediately preceding calendar year.
12 The department shall develop a protocol to identify regional
13 citation patterns relating to complaints, standards, and
14 outcomes in the nursing facility inspection process. The
15 department shall include the state long-term care ombudsman,
16 or the state long-term care ombudsman's designee, and
17 representatives of each nursing facility provider association
18 in the state in the planning process for the joint training
19 sessions.

20 Sec. ____ . Section 135C.40, subsection 1, Code 2024, is
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. *d.* (1) The department shall establish and
23 maintain a process to review each citation issued for immediate
24 jeopardy or substandard quality of care prior to issuance of
25 final findings under section 135C.40A. Representatives of the
26 nursing facility issued such a citation may participate in
27 the review to provide context and evidence for the department
28 to consider in determining if a final finding of immediate
29 jeopardy or substandard quality of care should be issued. The
30 review shall ensure consistent and accurate application of
31 federal and state inspection protocols and defined regulatory
32 standards.

33 (2) For the purposes of this paragraph:

34 (a) "*Immediate jeopardy*" means a situation in which the
35 provider's noncompliance with one or more requirements of

1 participation has caused, or is likely to cause, serious
2 injury, harm, impairment, or death to a resident.

3 (b) *“Likely”* means probable and reasonably to be expected,
4 and suggests a greater degree of probability than a mere risk,
5 potential, or possibility that a particular event will cause
6 serious injury, harm, impairment, or death to a resident.

7 (c) *“Substandard quality of care”* means the same as defined
8 in 42 C.F.R. §488.301.

9

DIVISION ____

10 HEALTH CARE EMPLOYMENT AGENCIES AND AGENCY WORKERS

11 Sec. ____ . Section 135Q.1, Code 2024, is amended to read as
12 follows:

13 **135Q.1 Definitions.**

14 As used in this chapter, unless the context otherwise
15 requires:

16 1. *“Department”* means the department of inspections,
17 appeals, and licensing.

18 2. *“Health care employment agency”* or *“agency”* means ~~an~~ any
19 of the following:

20 a. An agency that contracts with a health care entity
21 in this state to provide agency workers for temporary or
22 temporary-to-hire employee placements.

23 b. A health care technology platform.

24 3. *“Health care employment agency worker”* or *“agency worker”*
25 means an individual who contracts with or is employed by a
26 health care employment agency to provide nursing services to
27 health care entity consumers.

28 4. *“Health care entity”* means a facility, agency, or program
29 licensed or certified by the department or by the centers for
30 Medicare and Medicaid services of the United States department
31 of health and human services.

32 5. “Health care technology platform” or “platform” includes
33 an individual, a trust, a partnership, a corporation, a limited
34 liability partnership or company, or any other business entity
35 that develops and operates, offers, or maintains a system or

1 technology that provides an internet-based or application-based
2 marketplace through which an individual as an independent
3 contractor, and in the individual's sole discretion, chooses
4 when and how often to utilize the platform to bid on or select
5 open shifts posted by a health care entity to provide nursing
6 services to a health care entity.

7 5- 6. "*Managing entity*" means a business entity,
8 owner, ownership group, chief executive officer, program
9 administrator, director, or other decision maker whose
10 responsibilities include directing the management or policies
11 of a health care employment agency. "*Managing entity*" includes
12 an individual who, directly or indirectly, holds a beneficial
13 interest in a corporation, partnership, or other business
14 entity that constitutes a managing entity.

15 6- 7. "*Nursing services*" means those services which may be
16 provided only by or under the supervision of a nurse. "*Nursing*
17 *services*" includes services performed by a registered nurse, a
18 licensed practical nurse, a certified nurse aide, a certified
19 medication aide, a home health aide, a medication manager, or
20 by noncertified or nonlicensed staff providing personal care
21 as defined in section 231C.2. "*Nursing services*" does not
22 include the practice of nursing by an advanced registered nurse
23 practitioner or an advanced practice registered nurse licensed
24 under chapter 152 or 152E.

25 Sec. ____ . Section 135Q.2, Code 2024, is amended to read as
26 follows:

27 **135Q.2 Health care employment agency requirements —**
28 **registration — liability — ~~penalties.~~**

29 1. a. A health care employment agency operating in the
30 state shall register annually with the department. Each
31 separate location of a health care employment agency shall
32 register annually with and pay an annual registration fee of
33 five hundred dollars to the department. The department shall
34 issue each location a separate certification of registration
35 upon approval of registration and payment of the fee. The

1 annual registration fees shall be retained by the department as
2 repayment receipts as defined in section 8.2.

3 b. A health care employment agency that fails to register
4 with the department as required under this section is
5 prohibited from contracting with a health care entity in this
6 state.

7 2. A health care employment agency shall do all of the
8 following:

9 a. Ensure that agency workers comply with all applicable
10 requirements relating to the health requirements and
11 qualifications of personnel in health care entity settings.

12 b. Document that each agency worker meets the minimum
13 licensing, certification, training, and health requirements
14 and the continuing education standards for the agency worker's
15 position in the health care entity setting.

16 c. Maintain records for each agency worker and report,
17 file, or otherwise provide any required documentation to
18 external parties or regulators which would otherwise be the
19 responsibility of the health care entity if the agency worker
20 was employed by the health care entity.

21 d. Maintain professional and general liability insurance
22 coverage with minimum per occurrence coverage of one million
23 dollars and aggregate coverage of three million dollars to
24 insure against loss, damage, or expense incident to a claim
25 arising out of the death or injury of any person as the result
26 of negligence or malpractice in the provision of services by
27 the agency or an agency worker.

28 3. a. A health care employment agency shall not do any of
29 the following:

30 (1) Restrict in any manner the employment opportunities
31 of an agency worker by including a non-compete clause in any
32 contract with an agency worker or health care entity.

33 (2) In any contract with an agency worker or health care
34 entity, require payment of liquidated damages, employment fees,
35 or other compensation if the agency worker is subsequently

1 hired as a permanent employee of the health care entity.

2 *b.* This subsection shall not apply to a contract between
3 a health care employment agency and an agency worker or a
4 health care entity if the contract meets all of the following
5 criteria:

6 (1) The contract is entered into for the purpose of placing
7 an agency worker the health care employment agency assisted in
8 obtaining authorization to work in the United States.

9 (2) The contract contains an initial duration term of
10 not less than twenty-four months and a total duration term,
11 including any renewals or extensions, of not more than
12 thirty-six months.

13 (3) The contract requires the agency worker to work for
14 a single health care entity for the entire duration of the
15 contract.

16 *c.* Any contract that violates this subsection shall be
17 unenforceable in court.

18 4. A health care employment agency shall submit a report to
19 the department on a quarterly basis for each health care entity
20 participating in Medicare or Medicaid with whom the agency
21 contracts that includes all of the following by provider type:

22 *a.* A detailed list of the average amount charged to the
23 health care entity for each individual agency worker category.

24 *b.* A detailed list of the average amount paid by the agency
25 to agency workers in each individual agency worker category.

26 ~~5. *a.* A health care employment agency that violates~~
27 ~~subsection 1 or subsection 2 is subject to denial or revocation~~
28 ~~of registration for a period of one year and a monetary penalty~~
29 ~~of five hundred dollars for a first offense and five thousand~~
30 ~~dollars for each offense thereafter.~~

31 ~~*b.* A health care employment agency that violates subsection~~
32 ~~3 or that knowingly provides an agency worker who has an~~
33 ~~illegally or fraudulently obtained or issued diploma,~~
34 ~~registration, license, certification, or background check to~~
35 ~~a health care entity is subject to immediate revocation of~~

1 ~~registration. The department shall notify the agency thirty~~
2 ~~days in advance of the date of such revocation.~~

3 ~~c. (1) The managing entity of an agency for which~~
4 ~~registration has been denied or revoked under this subsection~~
5 ~~shall not be eligible to apply for or be granted registration~~
6 ~~for another agency during the two-year period following the~~
7 ~~date of the denial or revocation.~~

8 ~~(2) The department shall not approve a new registration~~
9 ~~or renew an existing registration for any agency for which~~
10 ~~the managing entity is also the managing entity of an agency~~
11 ~~for which registration has been denied or revoked during the~~
12 ~~two-year period in which registration of the violating agency~~
13 ~~is denied or revoked.~~

14 ~~6.~~ 5. The department shall establish a system for members
15 of the public to report complaints against an agency or
16 agency worker. The department shall investigate any complaint
17 received and shall report the department's findings to the
18 complaining party and the agency involved.

19 Sec. ____ . NEW SECTION. 135Q.3 Penalties — enforcement.

20 1. a. A health care employment agency that violates
21 section 135Q.2, subsection 1 or 4, is subject to an initial
22 monetary penalty of five thousand dollars and shall be provided
23 notification and given a thirty-day grace period in which to
24 comply.

25 b. A health care employment agency that fails to comply
26 following the notification and within the thirty-day grace
27 period under paragraph "a" shall be subject to a monetary penalty
28 of twenty-five thousand dollars.

29 c. If a health care employment agency fails to comply
30 with paragraph "b", the health care employment agency shall
31 be subject to an additional monetary penalty of twenty-five
32 thousand dollars, revocation of registration, and denial of
33 subsequent registration for up to three years.

34 2. a. A health care employment agency that violates section
35 135Q.2, subsection 2, or that knowingly provides an agency

1 worker who has an illegally or fraudulently obtained or issued
2 diploma, registration, license, certification, or background
3 check to a health care entity is subject to a monetary penalty
4 of five thousand dollars for each violation.

5 *b.* If a health care employment agency commits a second or
6 subsequent violation of section 135Q.2, subsection 2, within
7 any three-year period, the health care employment agency shall
8 be subject to immediate revocation of registration. The
9 department shall notify the agency thirty days in advance of
10 the date of such revocation.

11 3. A health care employment agency that violates section
12 135Q.2, subsection 3, is subject to a monetary penalty of
13 twenty-five thousand dollars for the first violation. If
14 a health care employment agency violates section 135Q.2,
15 subsection 3, a second or subsequent time, the health care
16 employment agency shall be subject to immediate revocation of
17 registration, and shall not be eligible to apply for or be
18 granted registration for the three-year period immediately
19 following the date of revocation.

20 4. *a.* The managing entity of an agency for which
21 registration has been denied or revoked under this section
22 shall not be eligible to apply for or be granted registration
23 for another agency during the three-year period following the
24 date of the denial or revocation.

25 *b.* The department shall not approve a new registration
26 or renew an existing registration for any agency for which
27 the managing entity is also the managing entity of an agency
28 for which registration has been denied or revoked during the
29 three-year period in which registration of the violating agency
30 is denied or revoked.

31 5. Any monetary penalties collected under this section
32 shall be retained by the department as repayment receipts as
33 defined in section 8.2.

34 6. The attorney general shall enforce the provisions of this
35 chapter.

H-8217 (Continued)

1 Sec. ____ . NEW SECTION. 135Q.4 Department annual report.

2 The department shall submit an annual report to the general
3 assembly by January 15, for the immediately preceding fiscal
4 year, that includes a summary of the number of registrations
5 issued and the amount of registration fees collected, the
6 violations of this chapter, the amount of monetary penalties
7 collected, the number of health care employment agencies and
8 managing entities for whom a registration was revoked or
9 denied, and any recommendations for changes to the chapter.

10 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
11 deemed of immediate importance, takes effect upon enactment.>

12 2. Page 7, by striking lines 2 through 4 and inserting:

13 <____. Title page, line 2, after <process,> by inserting
14 <training and citation reviews, and health care employment
15 agencies and agency workers, providing civil and criminal
16 liability limitations under certain circumstances, providing
17 penalties,>>

18 3. By renumbering as necessary.

By FRY of Clarke

[H-8217](#) FILED MARCH 19, 2024

SENATE FILE 2152

H-8225

1 Amend Senate File 2152, as passed by the Senate, as follows:

2 1. Page 1, by striking lines 21 through 25 and inserting
3 <this chapter. Audits shall be carried out by employer field
4 auditors employed by the department. Procedures for audits
5 shall be in accordance with this section. The employer and the
6 department may mutually agree to conduct an audit in person or
7 by telephone, facsimile, electronic mail, video conference, or
8 other means.>

9 2. Page 2, line 1, by striking <may include> and inserting
10 <are limited to>

11 3. Page 2, line 5, after <section.> by inserting <If further
12 documentation is required to complete the audit, the department
13 may request charts of accounts, general ledgers, balance
14 sheets, and profit and loss statements from the employer.>

15 4. Page 2, by striking lines 14 through 16 and inserting
16 <auditor shall conduct and document a detailed audit of
17 the records described in subsection 3, if such records are
18 maintained by the employer, for at least>

By COMMITTEE ON LABOR AND WORKFORCE
DEYOE of Story, Chairperson

H-8225 FILED MARCH 19, 2024

SENATE FILE 2268

H-8226

1 Amend the amendment, H-8208, to Senate File 2268, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 6 and inserting:

4 <___. By striking everything after the enacting clause and
5 inserting:

6 <Section 1. Section 216.8B, Code 2024, is amended by
7 striking the section and inserting in lieu thereof the
8 following:

9 **216.8B Assistance animals and service animals in housing.**

10 1. For purposes of this section, unless the context
11 otherwise requires:

12 a. "*Assistance animal*" means an animal that qualifies as a
13 reasonable accommodation under the federal Fair Housing Act, 42
14 U.S.C. §3601 et seq., as amended, or section 504 of the federal
15 Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

16 b. "*Service animal*" means a dog or miniature horse as set
17 forth in the implementing regulations of Tit. II and Tit. III
18 of the federal Americans with Disabilities Act of 1990, 42
19 U.S.C. §12101 et seq.

20 2. A person with a disability and a disability-related need
21 for an assistance animal or service animal may request from a
22 landlord to keep an assistance animal or service animal as a
23 reasonable accommodation in housing. Following a request for
24 accommodation, the landlord shall evaluate and respond to the
25 request within a reasonable amount of time.

26 3. If a person's disability or disability-related need for
27 an assistance animal is not readily apparent, the landlord
28 may request supporting information that reasonably supports
29 the person's need for the particular assistance animal being
30 requested. Supporting information may include documentation
31 identified in section 216.8C, subsection 1.

32 4. An assistance animal or service animal registration
33 of any kind, including but not limited to an identification
34 card, patch, certificate, or similar registration obtained
35 electronically or in person, is not sufficient information

1 to reliably establish that the person has a disability or
2 disability-related need for an assistance animal or service
3 animal.

4 5. If a person requests to keep more than one assistance
5 animal, the landlord may request information for each
6 assistance animal pursuant to section 216.8C, subsection 1.

7 6. Unless otherwise prohibited by state or federal law,
8 rule, or regulation, a landlord:

9 a. Shall not request information under this section that
10 discloses a diagnosis or severity of a person's disability or
11 any medical records relating to the disability, but a person
12 with a disability or legal guardian may voluntarily disclose
13 such information or medical records to the landlord at the
14 person with the disability or legal guardian's discretion.

15 b. Shall make reasonable accommodations in the landlord's
16 rules, policies, practices, and services normally required
17 for pets, for the assistance animal or service animal of a
18 person with a disability when the accommodations are necessary
19 to afford the person equal opportunity to use and enjoy a
20 dwelling.

21 c. May deny a request for an accommodation for an assistance
22 animal or service animal if any of the following are true:

23 (1) Providing the accommodation would impose an undue
24 financial and administrative hardship on the landlord.

25 (2) Providing the accommodation would fundamentally alter
26 the nature of the landlord's operations.

27 (3) The assistance animal or service animal would do any of
28 the following:

29 (a) Pose a direct threat to the safety or health of
30 others that cannot be reduced or eliminated by a reasonable
31 accommodation.

32 (b) Cause substantial physical damage to the property of
33 others that cannot be reduced or eliminated by a reasonable
34 accommodation.

35 (4) Providing the accommodation is not otherwise

1 reasonable.

2 *d.* May require proof of compliance with state and local
3 licensure and vaccination requirements for each assistance
4 animal or service animal.

5 *e.* Shall provide a written determination regarding the
6 person's request for an assistance animal.

7 7. A tenant with a disability and a disability-related
8 need for an assistance animal shall, upon receipt of a request
9 for documentation for an accommodation for an assistance
10 animal consistent with this section, provide that landlord
11 with the documentation requested for a determination on the
12 accommodation request.

13 8. A tenant with a disability and a disability-related need
14 for an assistance animal or service animal shall be liable for
15 any damage done by the tenant's assistance animal or service
16 animal to the leased premises, the landlord's property, or any
17 other person's property, or to another person on the leased
18 premises, the landlord's property, or any other person's
19 property, as well as any applicable remedies available pursuant
20 to chapter 562A or chapter 562B.

21 9. This section does not limit the means by which a person
22 with a disability may demonstrate, pursuant to state or federal
23 law, that the person has a disability or that the person has
24 a disability-related need for an assistance animal or service
25 animal.

26 10. This section shall not be construed to restrict existing
27 federal law related to a person's right to a reasonable
28 accommodation and equal access to housing, including but not
29 limited to the federal Fair Housing Act.

30 Sec. 2. Section 216.8C, Code 2024, is amended by striking
31 the section and inserting in lieu thereof the following:

32 **216.8C Finding of disability and need for an assistance**
33 **animal in housing.**

34 1. Upon a request for documentation pursuant to section
35 216.8B, subsection 3, a licensee under chapter 148, 148C, 152,

1 154B, 154C, or 154D, or a licensee of another state who is
2 licensed under a similar law and who is in good standing with
3 that state, shall make a written finding that includes all of
4 the following:

5 *a.* Whether the patient or client has a disability.

6 *b.* Whether the patient has a disability-related need for an
7 assistance animal.

8 *c.* The particular assistance provided by the assistance
9 animal, if any.

10 *d.* Certification whether the provider-patient relationship
11 has existed, in person or telehealth, for at least thirty days
12 between the licensee and the patient or client.

13 *e.* Certification whether the licensee is familiar with
14 the person and the disability prior to providing the written
15 finding.

16 *f.* The date the finding was issued by the licensee and the
17 date the finding will expire.

18 *g.* The license number and type of license held by the
19 licensee.

20 *h.* Whether the licensee received a separate or additional
21 fee or other form of compensation solely in exchange for making
22 the written finding required under this section.

23 2. The written finding must be made within twelve months of
24 the start of a rental agreement and is valid for a period of
25 twelve months or the term of the rental agreement, whichever
26 is greater.

27 3. A licensee under chapter 148, 148C, 152, 154B, 154C, or
28 154D may be subject to disciplinary action from the licensee's
29 licensing board for a violation of this section.

30 4. The commission shall create a form in compliance
31 with this section and provide the form to the public on the
32 commission's website.

33 5. The commission shall offer training and consultation to
34 the governing boards under chapter 148, 148C, 152, 154B, 154C,
35 or 154D.

H-8226 (Continued)

1 6. This section does not limit the means by which a person
2 with a disability may demonstrate, pursuant to state or federal
3 law, that the person has a disability or that the person has a
4 disability-related need for an assistance animal.>>

5 2. By renumbering as necessary.

By TUREK of Pottawattamie

H-8226 FILED MARCH 19, 2024

SENATE FILE 2325

H-8221

1 Amend Senate File 2325, as amended, passed, and reprinted by
2 the Senate, as follows:

- 3 1. Page 1, by striking lines 1 through 8.
4 2. By renumbering as necessary.

By SCHEETZ of Linn

H-8221 FILED MARCH 19, 2024



[HF 2567](#) – Illegal Entry or Presence, Prohibition and Enforcement (LSB5603HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2567](#) creates a new Iowa Code chapter related to illegal reentry into the State by certain aliens; creates procedures for law enforcement, the Department of Public Safety (DPS), and judicial officers; and establishes criminal offenses.

House File 2567 establishes that a person commits an aggravated misdemeanor if the person enters, attempts to enter, or is at any time found in the State under the following circumstances:

- The person has been denied admission to or has been excluded, deported, or removed from the United States.
- The person has departed from the United States while an order of exclusion, deportation, or removal is outstanding.

Under the Bill, a person commits a Class D felony under the following circumstances:

- The person's removal was after a conviction for the commission of two or more misdemeanors involving drugs, crimes against a person, or both.
- The person was excluded pursuant to [8 U.S.C. §1225\(c\)](#) (inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing) because the defendant was excludable under 8 U.S.C. §12282(a)(3)(B).
- The person was removed pursuant to the provisions of [8 U.S.C. ch. 12, subch. V](#) (alien terrorist removal procedures).
- The person was removed pursuant to [8 U.S.C. §1231\(a\)\(4\)\(B\)](#) (detention and removal of aliens).

Under the Bill, a person commits a Class C felony if the person was removed after a conviction for the commission of a felony. A person also commits a Class C felony if they are charged with an offense under the Bill, a judge issued an order for the person to return to the foreign nation from which the person entered, and the person failed to comply with the order.

House File 2567 sets rules for peace officers and the DPS that limit locations an individual may be arrested for illegal reentry, tasks required prior to the issuance of a return order, and criminal record reporting requirements.

The Bill creates procedures for the Judicial Branch and judges related to written orders; restricts the use of deferred judgments, sentences, or suspended sentences in certain circumstances; and restricts the abatement of prosecution in certain circumstances.

The Bill also provides standards related to civil immunity for and indemnification of local government officials, employees, and contractors.

Background

A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but not more than \$13,660. A Class D felony is punishable by confinement for up to five years

and a fine of at least \$1,025 but not more than \$10,245. An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A delay of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

House File 2567 creates new criminal offenses, and the correctional impact cannot be estimated due to a lack of existing conviction data. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for Class C felonies, Class D felonies, and aggravated misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
C Felony (Non-Persons)	86.0%	19.4	\$24.94	64.2%	42.2	\$ 7.67	13.0%	\$ 20.00	34.0%	\$ 50.00	21.3	\$ 7.67
D Felony (Non-Persons)	84.4%	13.0	\$24.94	69.8%	39.5	\$ 7.67	14.5%	\$ 20.00	32.2%	\$ 50.00	15.7	\$ 7.67
Aggravated Misdemeanor (Non-Persons)	30.4%	7.5	\$24.94	45.0%	25.1	\$ 7.67	3.6%	\$ 20.00	71.7%	\$ 50.00	11.9	\$ 7.67

Minority Impact

House File 2567 creates new criminal offenses. As a result, Criminal and Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing data to estimate the minority impact of the Bill. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2567 creates new criminal offenses, and the fiscal impact to the correctional system cannot be estimated due to a lack of existing conviction data. **Figure 2** shows the average State cost per offense for a Class C felony, a Class D felony, and an aggravated misdemeanor. The estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the Department of Corrections (DOC). The cost would be incurred across multiple fiscal years for prison and parole supervision.

Figure 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class C Felony	\$14,300 to \$27,500
Class D Felony	\$12,600 to \$18,200
Aggravated Misdemeanor	\$7,500 to \$10,800

The cost to transport an individual to a port of entry is unknown. Although the fiscal impact cannot be estimated, it may be significant.

Sources

Department of Corrections
Criminal and Juvenile Justice Planning, Department of Management
Department of Public Safety
Judicial Branch
Legislative Services Agency

/s/ Jennifer Acton

March 18, 2024

Doc ID 1448092

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



[HF 2616](#) – Criminal Procedure, Defense Subpoenas (LSB5336HV)
Staff Contact: Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2616](#) relates to defense subpoenas in criminal actions and provides the following:

- A criminal defendant or counsel acting on the defendant's behalf may not issue any subpoena for documents or evidence except upon application to the court. The defendant must prove by a preponderance of the evidence all of the following:
 - There is a compelling need for the evidence sought, and the evidence is material, necessary, exculpatory, and admissible at trial.
 - The evidence sought does not include the private information of a crime victim or any other person except for the defendant's private information.
- Notwithstanding any rule of criminal procedure concerning the issuance of a subpoena, the Bill serves as the exclusive mechanism for a criminal defendant or counsel acting on the defendant's behalf to issue a subpoena for documents or other evidence.
- An application for a defense subpoena must not be filed or reviewed ex parte.
- The prosecuting attorney is not required to execute or effectuate any order or subpoena issued pursuant to the Bill.
- A crime victim or other party who is the subject of a subpoena must not be required by the court to execute a waiver.
- Upon application by a crime victim or the prosecuting attorney, the court must appoint an attorney to represent the person or entity served with a defense subpoena if the person or entity is determined to be indigent. Counsel appointed for this purpose pursuant to the Bill must be paid from the Indigent Defense Fund.
- Documents or other evidence obtained through a defense subpoena must be provided to the prosecuting attorney within three business days after the receipt of the documents or other evidence.
- Documents or other evidence obtained through a defense subpoena that does not comply with the requirements in the Bill are not admissible in any criminal action if offered by the defendant.
- The court may sanction an attorney for knowingly issuing a defense subpoena in violation of the Bill.
- An applicant for postconviction relief is not entitled to relief on a claim of ineffective assistance of counsel as a result of evidence obtained through a defense subpoena.

Background

Iowa Code section [815.9\(1\)](#) provides the qualifications for indigency. Iowa Code section [815.11](#) establishes the Indigent Defense Fund. The Indigent Defense Fund consists of funds appropriated by the General Assembly from the General Fund to the Office of the State Public Defender (SPD) for indigent legal defense by a court-appointed attorney. Approximately \$22.7 million was expended from the Indigent Defense Fund in FY 2023 for processing criminal claims. The average cost per criminal case in FY 2023 was \$524 per case.

Assumptions

- Expanding representation by the SPD to indigent individuals who receive a defense subpoena may significantly increase costs to the Indigent Defense Fund due to an increase in attorney time spent on criminal cases; the time needed for investigation; the number of motions, hearings, trials, and appeals; and the use of expert witnesses. The number of individuals to which this will apply cannot be estimated.
- The requirement to provide information obtained through a subpoena to the prosecutor within three days may also increase costs to the Indigent Defense Fund due to additional staff needed to comply.
- The SPD will require 15.0 Investigator 2 full-time equivalent (FTE) positions at a cost of \$67,000 each to meet the increased investigatory needs of public defender employees and contract attorneys.
- The number of applications to the court for defense subpoenas is unknown.
- The average cost per criminal case is estimated to double from \$524 to \$1,048 per case.

Fiscal Impact

The total fiscal impact of House File 2616 cannot be estimated, but the costs to the SPD are anticipated to be significant. Under the Bill, the amount of attorney time spent on a case is estimated to increase due to the increased numbers of motions, hearings, and investigations, and fewer resolutions before trials which may increase the average cost per criminal case handled by court-appointed attorneys. The costs will be incurred by the Indigent Defense Fund.

Additionally, the SPD estimates the need to hire 15.0 Investigator 2 FTE positions, for a total cost of \$1.0 million to the SPD operating budget.

Sources

Office of the State Public Defender
Legislative Services Agency

/s/ Jennifer Acton

March 18, 2024

Doc ID 1448091

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.

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