

House Amendment to
Senate File 2310

S-5135

- 1 Amend Senate File 2310, as amended, passed, and reprinted by
2 the Senate, as follows:
- 3 1. Page 1, before line 1 by inserting:
4 <DIVISION I
5 ONLINE LEARNING PROGRAM AND COURSEWORK REQUIREMENTS>
- 6 2. Page 2, line 4, by striking <a.>
7 3. Page 2, by striking lines 20 through 28.
8 4. Page 2, line 31, by striking <The provisions of
9 subsection 5> and inserting:
10 <(1) The offer and teach requirements of subsection 5,
11 paragraphs "a" through "e" and "g" through "j",>
12 5. Page 2, line 35, by striking <(1)> and inserting <(a)>
13 6. Page 3, line 4, by striking <(2)> and inserting <(b)>
14 7. Page 3, after line 6 by inserting:
15 <(2) Notwithstanding subparagraph (1), unnumbered paragraph
16 1, if either subparagraph (1), subparagraph division (a) or
17 (b), apply, a school district or accredited nonpublic school
18 may exceed the limitation specified in subparagraph (1),
19 unnumbered paragraph 1, to provide world language, personal
20 finance literacy, and computer science coursework online
21 in accordance with paragraph "c" and the offer and teach
22 requirements of subsection 5, paragraphs "f" and "k", and any
23 such requirement as may be established under subsection 5 for
24 computer science, shall not apply.>
25 8. Page 3, line 7, after <may> by inserting <at the
26 discretion of the department>
27 9. Page 3, line 8, by striking <5> and inserting <5,
28 paragraphs "a" through "e" and "g" through "j",>
29 10. Page 3, line 12, by striking <the requirements of
30 subsection 5> and inserting <such requirements>
31 11. Page 3, line 15, by striking <5> and inserting <5,
32 paragraphs "a" through "e" and "g" through "j",>
33 12. Page 3, line 20, by striking <(1) or (2)> and inserting
34 <(1), (2), or (3)>
35 13. Page 3, line 27, by striking <either> and inserting

1 <any>

2 14. Page 4, after line 6 by inserting:

3 <(3) An online learning platform offered, subject to the
4 initial availability of federal funds, by the department in
5 collaboration with one or more area education agencies or in
6 partnership with school districts and accredited nonpublic
7 schools. The online learning platform may deliver distance
8 education to secondary students, including students receiving
9 independent private instruction as defined in section 299A.1,
10 subsection 2, paragraph "b", competent private instruction
11 under section 299A.2, or private instruction by a nonlicensed
12 person under section 299A.3, provided the coursework offered
13 by the online learning platform is taught and supervised by
14 a teacher licensed under chapter 272 who has online learning
15 experience and the course content meets the requirements
16 established by rule pursuant to section 256.7, subsection 32,
17 paragraph "c". The department and the area education agencies
18 operating online learning programs pursuant to section 273.16
19 shall coordinate to ensure the most effective use of resources
20 and delivery of services. Federal funds, if available, may
21 be used to offset what would otherwise be costs to school
22 districts for participation in the program.>

23 15. Page 4, by striking line 11 and inserting:

24 <~~c. Private providers utilized to provide courses by~~Courses
25 provided by private providers to a school>

26 16. Page 5, after line 25 by inserting:

27 <Sec. _____. Section 279.10, Code 2020, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 3. a. For the school year beginning July
30 1, 2020, and ending June 30, 2021, any instruction provided in
31 accordance with a return-to-learn plan submitted by a school
32 district or accredited nonpublic school to the department of
33 education in response to a proclamation of a public health
34 disaster emergency, issued by the governor pursuant to section
35 29C.6 and related to COVID-19, shall be deemed to meet the

1 requirements of subsection 1, regardless of the nature,
2 location, or medium of instruction if the return-to-learn plan
3 contains the minimum number of days or hours as required by
4 subsection 1.

5 *b.* This subsection is repealed on July 1, 2021.>

6 17. Page 5, after line 26 by inserting:

7 <DIVISION ____
8 TEMPORARY FLEXIBILITY FOR USE OF CERTAIN MONEYS BY SCHOOL
9 DISTRICTS TO PROVIDE ADDITIONAL INSTRUCTIONAL TIME
10 Sec. ____ . PROFESSIONAL DEVELOPMENT MONEYS AND HOURS
11 REQUIREMENTS FOR ADDITIONAL INSTRUCTIONAL TIME FOR THE
12 2020-2021 SCHOOL YEAR. Notwithstanding section 257.10,
13 subsection 10, and the professional development requirements
14 of chapter 284, for the school year beginning July 1, 2020,
15 and ending June 30, 2021, the moneys calculated and paid to
16 the school district for professional development pursuant to
17 section 257.10, subsection 10, or section 257.37A, subsection
18 2, to provide thirty-six hours of professional development
19 opportunities held outside of the minimum school day, may
20 instead be used by a school district to provide instructional
21 time to the school calendar in addition to the amount of
22 instructional time required under section 279.10, subsection 1,
23 and the thirty-six-hour professional development requirement
24 of chapter 284 shall be reduced by such number of hours of
25 additional instructional time.

26 Sec. ____ . DISTRICT MANAGEMENT LEVY FUND — PERMISSIBLE USES
27 BUDGET YEAR 2020-2021.

28 1. For the school budget year beginning July 1, 2020, and
29 ending June 30, 2021, unencumbered moneys remaining in the
30 district management levy fund under section 298A.3 at the
31 end of the budget year beginning July 1, 2019, and ending
32 June 30, 2020, and the taxes certified for levy before the
33 effective date of this Act under section 298.4 and deposited in
34 the district management levy fund for the school budget year
35 beginning July 1, 2020, and ending June 30, 2021, in addition

1 to the purposes authorized under section 298.4, may be expended
2 by a school district to provide additional instructional time
3 to the school calendar in excess of the amount of instructional
4 time required under section 279.10, subsection 1, during the
5 school year beginning July 1, 2020, and ending June 30, 2021.

6 2. The board of directors of a school district,
7 notwithstanding the budget amendment requirements of chapters
8 24 and 257, may authorize the expenditure of specified district
9 management levy funds for purposes specified in subsection 1
10 by resolution of the board specifying the amount to be used
11 and the purposes from which the funds will be reallocated, if
12 the resolution of the board is approved and filed with the
13 department of education on or before June 30, 2021.

14 DIVISION _____

15 TEMPORARY FLEXIBILITY FOR CERTAIN EDUCATIONAL INSTRUCTIONAL AND
16 POLICY REQUIREMENTS

17 Sec. _____. OPEN ENROLLMENT — EXTENSION OF NOTIFICATION
18 DEADLINE FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding
19 section 282.18, subsection 2, paragraph "a", for the school
20 year commencing July 1, 2020, a parent or guardian shall have
21 until July 15, 2020, to notify to the district of residence and
22 the receiving district, on forms prescribed by the department
23 of education, that the parent or guardian intends to enroll
24 the parent's or guardian's child in an online public school
25 in another school district, if the child, another resident of
26 the child's residence, or a regular caretaker of the child
27 has a significant health condition that increases the risk
28 of COVID-19. The notification shall include the name of the
29 person with the health condition, specify the person's health
30 condition, include written verification of the health condition
31 from the person's physician or licensed health care provider
32 and, for persons other than the child, whether the person with
33 the health condition is a resident of the child's residence
34 or the child's regular caretaker. Section 282.18, subsection
35 3, shall not apply to a notification submitted in accordance

1 with this section. Notwithstanding section 282.18, subsection
2 2, paragraph "b", the superintendent of the receiving school
3 district is authorized to approve a notification received
4 under this section. Within fourteen days of receipt of such
5 notification, the superintendent shall notify the parent or
6 guardian and the school district of residence that the request
7 has been approved or denied. If the notification has been
8 denied or if further review is required, the superintendent
9 shall provide the parent or guardian with an explanation of
10 the approval process and expected timeline for the review. A
11 decision to deny a request submitted under this section is
12 subject to appeal under section 290.1. The state board shall
13 exercise broad discretion to achieve just and equitable results
14 that are in the best interest of the affected child. This
15 section is not intended to extend the provisions of section
16 282.18, subsection 2, paragraph "a", for enrollment in a
17 physical school district.

18 Sec. _____. SCHOOL DISTRICT DUTIES RELATING TO COMPETENT
19 PRIVATE INSTRUCTION FOR THE 2020-2021 SCHOOL YEAR. For the
20 school year commencing July 1, 2020, each school district shall
21 provide to children receiving competent private instruction
22 available texts or supplementary materials on the same basis
23 as they are provided to enrolled students and shall provide
24 available texts or supplemental instructional materials on the
25 same basis as they are provided to enrolled students when a
26 child is under dual enrollment or in a home school assistance
27 program.

28 Sec. _____. SCHOOL DISTRICT CLOSURES DURING THE 2020-2021
29 SCHOOL YEAR. For the school year beginning July 1, 2020, and
30 ending June 30, 2021, if the governor proclaims a public health
31 disaster pursuant to section 29C.6, the board of directors of a
32 school district may authorize closure of the school district
33 or any school district attendance center due to an outbreak
34 of COVID-19 in the school district or any school district
35 attendance center. School districts are encouraged to follow

1 guidelines issued by the centers for disease control and
2 prevention of the United States department of health and human
3 services and may consult with the local board of health when
4 determining social distancing measures or authorizing a school
5 closure.

6 Sec. ____ . INSTRUCTIONAL TIME PROVISIONS FOR SCHOOL
7 DISTRICTS AND ACCREDITED NONPUBLIC SCHOOLS FOR THE 2020-2021
8 SCHOOL YEAR.

9 1. Notwithstanding any other provision of law to the
10 contrary, the instructional time requirements of section
11 279.10, subsection 1, and the minimum school day requirements
12 of section 256.7, subsection 19, shall not be waived any time
13 during the school year beginning July 1, 2020, and ending June
14 30, 2021, for school closure due to the COVID-19 pandemic
15 unless the school district or the authorities in charge of the
16 accredited nonpublic school, as appropriate, provide compulsory
17 remote learning, including online learning, electronic
18 learning, distance learning, or virtual learning.

19 2. If the board of directors of a school district or
20 the authorities in charge of an accredited nonpublic school
21 determines any time during the school year beginning July
22 1, 2020, and ending June 30, 2021, that a remote-learning
23 period is necessary, the school board or the authorities, as
24 appropriate, shall ensure that teachers and other necessary
25 school staff are available during the remote-learning period to
26 support students, to participate in professional development
27 opportunities, and to perform other job-related functions
28 during the regular, required contract hours, even if the
29 accessibility to or by the teachers and other necessary school
30 staff is offered remotely through electronic means.

31 Sec. ____ . TRUANCY REQUIREMENTS FOR THE 2020-2021 SCHOOL
32 YEAR. In addition to the provisions of chapter 299, a
33 child who is enrolled in a school district or accredited
34 nonpublic school but who does not participate in compulsory
35 remote-learning opportunities, including online learning,

1 electronic learning, distance learning, or virtual learning,
2 offered by the school district or accredited nonpublic school
3 of enrollment during a period of school closure implemented any
4 time during the school year beginning July 1, 2020, and ending
5 June 30, 2021, due to the COVID-19 pandemic shall be considered
6 truant. This section is not applicable to a child who was
7 receiving competent private instruction or independent private
8 instruction in accordance with the requirements of chapter
9 299A, whose parent, guardian, or legal custodian notified the
10 school district prior to July 1, 2019. Any child who was
11 enrolled in a public school or accredited nonpublic school
12 prior to July 1, 2019, may be subject to the provisions of
13 chapter 299 if the child's parent, guardian, or legal custodian
14 did not, for the school year beginning July 1, 2020, complete
15 and send the report required under section 299.4 to the school
16 district of residence of the child in a timely manner.

17 Sec. ____ . TEACHER ENDORSEMENT WAIVER FOR THE 2020-2021
18 SCHOOL YEAR. For the school year beginning July 1, 2020, and
19 ending June 30, 2021, notwithstanding any provision to the
20 contrary, if a school district or accredited nonpublic school
21 has made every reasonable and good-faith effort to employ a
22 teacher licensed under chapter 272 who holds an endorsement for
23 a specified grade level or subject area and is unable to employ
24 a teacher with the appropriate endorsement, and the school
25 district or accredited nonpublic school is also unable to
26 develop, or use a private provider to provide, an online course
27 that meets the requirements of chapter 256, the director of
28 the department of education may waive the teacher-endorsement
29 requirements for the specified grade level or subject area for
30 the school district or accredited nonpublic school, and the
31 provisions of section 256.9, subsection 48, and section 272.15,
32 subsection 4, shall not apply.

33 Sec. ____ . MISCELLANEOUS POLICY PROVISIONS FOR SCHOOLS
34 FOR THE 2020-2021 SCHOOL YEAR. The following provisions are
35 applicable for the school year beginning July 1, 2020, and

1 ending June 30, 2021:

2 1. SOCIAL DISTANCING. In implementing social distancing
3 policies, the board of directors of each school district and
4 the authorities in charge of each accredited nonpublic school
5 shall prioritize core academic subjects.

6 2. STATEWIDE ASSESSMENTS. The provisions of section 256.7,
7 subsection 21, paragraph "b", relating to the administration
8 of statewide summative assessment of student progress, and the
9 assessments administered in accordance with sections 279.60
10 and 279.68, shall not be waived, and such assessments shall be
11 administered to students as required by those sections.

12 3. CPR CERTIFICATION — EXCEPTION FOR GRADUATION. If a
13 school district or accredited nonpublic school closes on the
14 advice of a local board of health, the department of public
15 health, or because the governor proclaims a public health
16 disaster pursuant to section 29C.6, a student who meets the
17 graduation requirements of section 256.7, subsection 26,
18 paragraph "a", the requirements of section 280.9A, and the
19 school district's or accredited nonpublic school's graduation
20 requirements may graduate without meeting the cardiopulmonary
21 resuscitation certification requirements of section 256.11,
22 section 6, paragraph "c".

23 4. NOTIFICATION OF SIGNIFICANT HEALTH CONDITION —
24 COMPULSORY REMOTE LEARNING. If a parent or guardian of a
25 student enrolled in a school district or accredited nonpublic
26 school notifies the school district or accredited nonpublic
27 school in writing that the student, another resident of the
28 student's residence, or a regular caretaker of the student
29 has a significant health condition that increases the risk of
30 COVID-19, the school district or accredited nonpublic school
31 shall make reasonable accommodations for the student, on a
32 case-by-case basis, to attend school through remote learning.
33 The provision of special education and accommodations for
34 students who have individualized education programs or
35 section 504 plans in compliance with the requirements of

1 section 504 of the Rehabilitation Act, 29 U.S.C. §794, and
2 with Tit. II of the Americans with Disabilities Act, 42
3 U.S.C. §12131-12165, will be determined by each respective
4 individualized education program team or section 504 team.
5 The notification shall include the name of the person with
6 the health condition, specify the person's health condition,
7 include written verification of the health condition from the
8 person's physician or licensed health care provider and, for
9 persons other than the student, whether the person with the
10 health condition is a resident of the student's residence
11 or the student's regular caretaker. A school district or
12 an accredited nonpublic school may collaborate with an area
13 education agency or another school district or accredited
14 nonpublic school to provide remote learning opportunities to a
15 student who meets the requirements of this section.

16 5. Notwithstanding section 256.7, subsection 32; section
17 256.9, subsection 55; section 256.43; or any other provision to
18 the contrary, a school district or accredited nonpublic school
19 may provide instruction primarily over the internet if such
20 instruction is provided in accordance with a return-to-learn
21 plan submitted by the school district or school to the
22 department of education in response to a proclamation of a
23 public health disaster emergency, issued by the governor
24 pursuant to section 29C.6 and related to COVID-19, without
25 regard to whether the school or school district is approved to
26 provide instruction primarily over the internet. Instruction
27 provided pursuant to this section shall be provided by teachers
28 licensed pursuant to chapter 272 and shall assure and maintain
29 evidence of alignment of the courses with the Iowa core and
30 core content requirements and standards.>

31 18. Page 5, after line 26 by inserting:

32 <DIVISION ____
33 SCHOOL DISTRICT SAVINGS REPORT
34 Sec. ____ . SCHOOL DISTRICT COVID-19 SAVINGS REPORT FOR
35 BUDGET YEAR 2019-2020. Each school district shall submit a

1 report to the department of education, in a format and by a
2 date as determined by the department, detailing the beginning
3 fund balances for the budget year beginning July 1, 2020, and
4 any savings to the school district resulting from the closure
5 of schools due to the COVID-19 pandemic during the school
6 budget year beginning July 1, 2019, and ending June 30, 2020,
7 including but not limited to savings from transportation, the
8 number of employees laid off by the school district listed
9 by staff position and whether such employees were reported
10 to receive unemployment compensation benefits, and spring or
11 summer programs canceled or otherwise impacted.>

12 19. Title page, by striking lines 1 through 4 and inserting
13 <An Act relating to educational instructional requirements and
14 funding flexibility.>

15 20. By renumbering as necessary.