

Senate File 2310

S-5154

1 Amend the House amendment, S-5135, to Senate File 2310, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 3, through page 10, line 15, and  
4 inserting:

5 <1. Page 1, before line 1 by inserting:

6 <DIVISION I  
7 ONLINE LEARNING PROGRAM AND COURSEWORK REQUIREMENTS>

8 2. Page 2, line 4, by striking <a.>

9 3. Page 2, by striking lines 20 through 28.

10 4. Page 2, line 31, by striking <The provisions of  
11 subsection 5> and inserting:

12 <(1) The offer and teach requirements of subsection 5,  
13 paragraphs "a" through "e" and "g" through "j",>

14 5. Page 2, line 35, by striking <(1)> and inserting <(a)>

15 6. Page 3, line 4, by striking <(2)> and inserting <(b)>

16 7. Page 3, after line 6 by inserting:

17 <(2) If a school district or accredited nonpublic school  
18 meets the requirements of subparagraph (1), subparagraph  
19 division (a) or (b), the school district or accredited  
20 nonpublic school may exceed the two-subject limitation  
21 specified in subparagraph (1), unnumbered paragraph 1, for the  
22 purpose of providing world language, personal finance literacy,  
23 and computer science coursework online in accordance with  
24 paragraph "c".>

25 8. Page 3, line 8, by striking <5> and inserting <5,  
26 paragraphs "a" through "e" and "g" through "j",>

27 9. Page 3, line 12, by striking <the requirements of  
28 subsection 5> and inserting <such requirements>

29 10. Page 3, line 15, by striking <5> and inserting <5,  
30 paragraphs "a" through "e" and "g" through "j",>

31 11. Page 3, line 20, by striking <(1) or (2)> and inserting  
32 <(1), (2), or (3)>

33 12. Page 3, line 27, by striking <either> and inserting  
34 <any>

35 13. Page 4, after line 6 by inserting:

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

22 14. Page 4, by striking line 11 and inserting:

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

25 15. Page 5, after line 25 by inserting:

26 <Sec. \_\_\_\_\_. Section 279.10, Code 2020, is amended by adding  
27 the following new subsection:

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

1 location, or medium of instruction if the return-to-learn  
2 plan contains the minimum number of days or hours as required  
3 by subsection 1. Any return-to-learn plan submitted by a  
4 school district or accredited nonpublic school must contain  
5 provisions for in-person instruction and provide that in-person  
6 instruction is the presumed method of instruction.

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

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

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

28 DIVISION \_\_\_\_  
29 TEMPORARY FLEXIBILITY FOR CERTAIN EDUCATIONAL INSTRUCTIONAL AND  
30 POLICY REQUIREMENTS  
31 Sec. \_\_\_\_ . OPEN ENROLLMENT — EXTENSION OF NOTIFICATION  
32 DEADLINE FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding  
33 section 282.18, subsection 2, paragraph "a", for the school  
34 year commencing July 1, 2020, a parent or guardian shall have  
35 until July 15, 2020, to notify to the district of residence and

1 the receiving district, on forms prescribed by the department  
2 of education, that the parent or guardian intends to enroll  
3 the parent's or guardian's child in an online public school  
4 in another school district, if the child, another resident of  
5 the child's residence, or a regular caretaker of the child  
6 has a significant health condition that increases the risk  
7 of COVID-19. The notification shall include the name of the  
8 person with the health condition, specify the person's health  
9 condition, include written verification of the health condition  
10 from the person's physician or licensed health care provider  
11 and, for persons other than the child, whether the person with  
12 the health condition is a resident of the child's residence  
13 or the child's regular caretaker. Section 282.18, subsection  
14 3, shall not apply to a notification submitted in accordance  
15 with this section. Notwithstanding section 282.18, subsection  
16 2, paragraph "b", the superintendent of the receiving school  
17 district is authorized to approve a notification received  
18 under this section. Within fourteen days of receipt of such  
19 notification, the superintendent shall notify the parent or  
20 guardian and the school district of residence that the request  
21 has been approved or denied. If the notification has been  
22 denied or if further review is required, the superintendent  
23 shall provide the parent or guardian with an explanation of  
24 the approval process and expected timeline for the review. A  
25 decision to deny a request submitted under this section is  
26 subject to appeal under section 290.1. The state board shall  
27 exercise broad discretion to achieve just and equitable results  
28 that are in the best interest of the affected child. This  
29 section is not intended to extend the provisions of section  
30 282.18, subsection 2, paragraph "a", for enrollment in a  
31 physical school district.

32 Sec. \_\_\_\_\_. SCHOOL DISTRICT DUTIES RELATING TO COMPETENT  
33 PRIVATE INSTRUCTION FOR THE 2020-2021 SCHOOL YEAR. For  
34 the school year beginning July 1, 2020, and ending June 30,  
35 2021, upon request of a parent, guardian, or legal or actual

1 custodian, each school district shall provide to children  
2 receiving competent private instruction available texts or  
3 supplementary materials on the same basis as they are provided  
4 to regularly enrolled students when a child is under dual  
5 enrollment or in a home school assistance program. This  
6 section shall only apply to children who are enrolled in their  
7 school district's home school assistance program by the child's  
8 parent, guardian, or legal or actual custodian.

9 Sec. \_\_\_\_\_. SCHOOL DISTRICT CLOSURES DURING THE 2020-2021  
10 SCHOOL YEAR. For the school year beginning July 1, 2020, and  
11 ending June 30, 2021, if the governor proclaims a public health  
12 disaster pursuant to section 29C.6, the board of directors of a  
13 school district may authorize closure of the school district  
14 or any school district attendance center due to an outbreak  
15 of COVID-19 in the school district or any school district  
16 attendance center. School districts are encouraged to follow  
17 guidelines issued by the centers for disease control and  
18 prevention of the United States department of health and human  
19 services and the Iowa department of public health, and may  
20 consult with the local board of health when determining social  
21 distancing measures or authorizing a school closure.

22 Sec. \_\_\_\_\_. INSTRUCTIONAL TIME PROVISIONS FOR SCHOOL  
23 DISTRICTS AND ACCREDITED NONPUBLIC SCHOOLS FOR THE 2020-2021  
24 SCHOOL YEAR.

25 1. Notwithstanding any other provision of law to the  
26 contrary, the instructional time requirements of section  
27 279.10, subsection 1, and the minimum school day requirements  
28 of section 256.7, subsection 19, shall not be waived any  
29 time during the school year beginning July 1, 2020, and  
30 ending June 30, 2021, for school closure due to the COVID-19  
31 pandemic unless the school district or the authorities in  
32 charge of the accredited nonpublic school, as appropriate,  
33 provide compulsory remote learning, including online learning,  
34 electronic learning, distance learning, or virtual learning.  
35 Unless explicitly authorized in a proclamation of a public

1 health disaster emergency issued by the governor pursuant to  
2 section 29C.6 and related to COVID-19, a brick-and-mortar  
3 school district or accredited nonpublic school shall not take  
4 action to provide instruction primarily through remote-learning  
5 opportunities.

6 2. If the board of directors of a school district or  
7 the authorities in charge of an accredited nonpublic school  
8 determines any time during the school year beginning July 1,  
9 2020, and ending June 30, 2021, that a remote-learning period  
10 is necessary, the school board or the authorities in charge of  
11 an accredited nonpublic school, as appropriate, shall ensure  
12 that teachers and other necessary school staff are available  
13 during the remote-learning period to support students, to  
14 participate in professional development opportunities, and  
15 to perform other job-related functions during the regular,  
16 required contract hours, even if the accessibility to or by the  
17 teachers and other necessary school staff is offered remotely.

18 Sec. \_\_\_\_ . TRUANCY REQUIREMENTS FOR THE 2020-2021 SCHOOL  
19 YEAR. In addition to the provisions of chapter 299, a  
20 child who is enrolled in a school district or accredited  
21 nonpublic school but who does not participate in compulsory  
22 remote-learning opportunities, including online learning,  
23 electronic learning, distance learning, or virtual learning,  
24 offered by the school district or accredited nonpublic school  
25 of enrollment during a period of school closure implemented  
26 any time during the school year beginning July 1, 2020, and  
27 ending June 30, 2021, due to the COVID-19 pandemic shall be  
28 considered truant. This section is not applicable to a child  
29 who was receiving competent private instruction or independent  
30 private instruction in accordance with the requirements of  
31 chapter 299A prior to July 1, 2019. Any child who was enrolled  
32 in a public school or accredited nonpublic school prior to July  
33 1, 2019, may be subject to the provisions of chapter 299 if  
34 the child's parent, guardian, or legal custodian did not, for  
35 the school year beginning July 1, 2020, complete and send the

1 report required under section 299.4 to the school district of  
2 residence of the child in a timely manner.

3     Sec. \_\_\_\_\_. TEACHER ENDORSEMENT WAIVER FOR THE 2020-2021  
4 SCHOOL YEAR. For the school year beginning July 1, 2020, and  
5 ending June 30, 2021, notwithstanding any provision to the  
6 contrary, if a school district or accredited nonpublic school  
7 has made every reasonable and good-faith effort to employ a  
8 teacher licensed under chapter 272 who holds an endorsement for  
9 a specified grade level or subject area and is unable to employ  
10 a teacher with the appropriate endorsement, and the school  
11 district or accredited nonpublic school is also unable to  
12 develop, or use a private provider to provide, an online course  
13 that meets the requirements of chapter 256, the director of  
14 the department of education may waive the teacher-endorsement  
15 requirements for the specified grade level or subject area for  
16 the school district or accredited nonpublic school, and the  
17 provisions of section 256.9, subsection 48, and section 272.15,  
18 subsection 4, shall not apply.

19     Sec. \_\_\_\_\_. MISCELLANEOUS POLICY PROVISIONS FOR SCHOOLS  
20 FOR THE 2020-2021 SCHOOL YEAR. The following provisions are  
21 applicable for the school year beginning July 1, 2020, and  
22 ending June 30, 2021:

23     1. SOCIAL DISTANCING. In implementing social distancing  
24 policies included in a return-to-learn plan, the board of  
25 directors of each school district and the authorities in charge  
26 of each accredited nonpublic school shall, to the extent  
27 possible, provide in-person instruction for core academic  
28 subjects.

29     2. STATEWIDE ASSESSMENTS. The provisions of section 256.7,  
30 subsection 21, paragraph "b", relating to the administration  
31 of statewide summative assessment of student progress, and the  
32 assessments administered in accordance with sections 279.60  
33 and 279.68, shall not be waived, and such assessments shall be  
34 administered to students as required by those sections.

35     3. CPR CERTIFICATION — EXCEPTION FOR GRADUATION. If a

1 school district or accredited nonpublic school closes on the  
2 advice of a local board of health, the department of public  
3 health, or because the governor proclaims a public health  
4 disaster pursuant to section 29C.6, a student who meets the  
5 graduation requirements of section 256.7, subsection 26,  
6 paragraph "a", the requirements of section 280.9A, and the  
7 school district's or accredited nonpublic school's graduation  
8 requirements may graduate without meeting the cardiopulmonary  
9 resuscitation certification requirements of section 256.11,  
10 section 6, paragraph "c".

11 4. NOTIFICATION OF SIGNIFICANT HEALTH CONDITION —  
12 COMPULSORY REMOTE LEARNING. If a parent or guardian of a  
13 student enrolled in a school district or accredited nonpublic  
14 school notifies the school district or accredited nonpublic  
15 school in writing that the student, another resident of the  
16 student's residence, or a regular caretaker of the student  
17 has a significant health condition that increases the risk of  
18 COVID-19, the school district or accredited nonpublic school  
19 shall make reasonable accommodations for the student, on a  
20 case-by-case basis, to attend school through remote learning.  
21 The provision of special education and accommodations for  
22 students who have individualized education programs or  
23 section 504 plans in compliance with the requirements of  
24 section 504 of the Rehabilitation Act, 29 U.S.C. §794, and  
25 with Tit. II of the Americans with Disabilities Act, 42  
26 U.S.C. §12131-12165, will be determined by each respective  
27 individualized education program team or section 504 team.  
28 The notification shall include the name of the person with  
29 the health condition, specify the person's health condition,  
30 include written verification of the health condition from the  
31 person's physician or licensed health care provider and, for  
32 persons other than the student, whether the person with the  
33 health condition is a resident of the student's residence  
34 or the student's regular caretaker. A school district or  
35 an accredited nonpublic school may collaborate with an area



1 education agency or another school district or accredited  
2 nonpublic school to provide remote learning opportunities to a  
3 student who meets the requirements of this section.

4 5. Notwithstanding section 256.7, subsection 32; section  
5 256.9, subsection 55; section 256.43; or any other provision  
6 to the contrary, a school district or accredited nonpublic  
7 school may provide instruction primarily through continuous  
8 remote-learning opportunities if such instruction is provided  
9 in accordance with a return-to-learn plan submitted by  
10 the school district or accredited nonpublic school to the  
11 department of education in response to a proclamation of a  
12 public health disaster emergency explicitly addressing school  
13 closures, issued by the governor pursuant to section 29C.6 and  
14 related to COVID-19, without regard to whether the accredited  
15 nonpublic school or school district is approved to provide  
16 instruction primarily through continuous remote-learning  
17 opportunities. Instruction provided pursuant to this section  
18 shall be provided by teachers licensed pursuant to chapter 272  
19 and shall assure and maintain evidence of alignment of the  
20 courses with the Iowa core and core content requirements and  
21 standards.

22 DIVISION \_\_\_\_

23 SCHOOL DISTRICT IMPACT REPORT

24 Sec. \_\_\_\_ . SCHOOL DISTRICT COVID-19 IMPACT REPORT FOR BUDGET  
25 YEAR 2019-2020. Each school district shall submit a report  
26 to the department of education, in a format and by a date  
27 as determined by the department, detailing any reduction in  
28 expenditures to the school district resulting from the closure  
29 of schools due to the COVID-19 pandemic during the school  
30 budget year beginning July 1, 2019, and ending June 30, 2020,  
31 including but not limited to reductions in expenditures for  
32 transportation, the number of contract employees which include  
33 certified and classified employees laid off by the school  
34 district and the number of non-contract employees laid off  
35 by the school district, both listed by staff position, and

1 spring or summer programs canceled or otherwise impacted. The  
2 department shall prepare and, by November 15, 2020, submit to  
3 the general assembly, a report that details for each school  
4 district the total net impact of the COVID-19 pandemic on each  
5 school district's budget.

6 DIVISION \_\_\_\_

7 EFFECTIVE DATES AND APPLICABILITY

8 Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. Unless otherwise  
9 provided, this Act, if approved by the governor on or after  
10 July 1, 2020, takes effect upon enactment.

11 Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY. Unless otherwise  
12 provided, this Act, if approved by the governor on or after  
13 July 1, 2020, applies retroactively to July 1, 2020.>

14 17. Title page, by striking lines 1 through 4 and inserting  
15 <An Act relating to educational instructional requirements  
16 and funding flexibility and including effective date and  
17 retroactive applicability provisions.>

18 18. By renumbering as necessary.>

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AMY SINCLAIR