

Senate amendment to  
House File 847

H-1425

1 Amend House File 847, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 10, by striking lines 20 through 30.

4 2. Page 11, by striking lines 25 through 30.

5 3. By striking page 11, line 31, through page 12, line 10,  
6 and inserting:

7 <Sec. \_\_\_\_ . EXTRACURRICULAR INELIGIBILITY. In addition  
8 to the circumstances enumerated under section 256.46,  
9 subsection 1, and section 282.18, subsection 11, for which  
10 the ineligibility period for extracurricular interscholastic  
11 contests or competitions shall not apply, and notwithstanding  
12 any provision of law or rule of the state board of education to  
13 the contrary, for determinations of eligibility for the school  
14 year beginning July 1, 2020, and the school year beginning  
15 July 1, 2021, a child may participate immediately in varsity  
16 interscholastic contests or competitions upon enrollment in a  
17 school or school district, if the child was previously enrolled  
18 in the school or school district on the first day of the school  
19 calendar for the school year beginning July 1, 2020, then  
20 enrolls in a different school or school district for a portion  
21 of the school year beginning July 1, 2020, and then, before  
22 July 1, 2021, reenrolls in the school or school district in  
23 which the child was initially enrolled.>

24 4. By striking page 12, line 11, through page 13, line 6,  
25 and inserting:

26 <Sec. \_\_\_\_ . EFFECTIVE DATE. The following, being deemed of  
27 immediate importance, take effect upon enactment:

28 1. The portion of the section of this division of this  
29 Act enacting section 282.18, subsection 11, paragraph "a",  
30 subparagraph (9).

31 2. The portion of the section of this division of this  
32 Act enacting section 282.18, subsection 11, paragraph "a",  
33 subparagraph (10).

34 3. The section of this division of this Act establishing  
35 an exception to the ineligibility period for extracurricular

1 interscholastic contests or competitions for the school year  
2 beginning July 1, 2020, and the school year beginning July 1,  
3 2021.

4 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The following apply  
5 retroactively to July 1, 2020:

6 1. The section of this division of this Act enacting section  
7 256.46, subsection 1, paragraph "i".

8 2. The portion of the section of this division of this  
9 Act enacting section 282.18, subsection 11, paragraph "a",  
10 subparagraph (9).

11 3. The section of this division of this Act establishing  
12 an exception to the ineligibility period for extracurricular  
13 interscholastic contests or competitions for the school year  
14 beginning July 1, 2020, and the school year beginning July 1,  
15 2021.>

16 5. Page 15, after line 20 by inserting:

17 <DIVISION \_\_\_\_  
18 PLEDGE OF ALLEGIANCE

19 Sec. \_\_\_\_\_. Section 280.5, Code 2021, is amended to read as  
20 follows:

21 **280.5 Display of United States flag and Iowa state flag —**  
22 **pledge of allegiance.**

23 1. The board of directors of each public school district  
24 and the authorities in charge of each nonpublic school shall  
25 provide and maintain a suitable flagstaff on each school site  
26 under its control, and the United States flag and the Iowa  
27 state flag shall be raised on all school days when weather  
28 conditions are suitable.

29 2. The board of directors of each public school district  
30 shall administer the pledge of allegiance in grades one through  
31 twelve each school day. Each classroom in which the pledge of  
32 allegiance is recited pursuant to this subsection shall display  
33 the United States flag during the recitation. A student shall  
34 not be compelled against the student's objections or those of  
35 the student's parent or guardian to recite the pledge.

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DIVISION \_\_\_\_

FACE COVERING REQUIREMENTS

Sec. \_\_\_\_ . NEW SECTION. 280.31 **Face coverings.**

1. The principal of a public school attendance center or nonpublic school attendance center shall have the authority to allow students of the attendance center to attend in-person instruction at the attendance center without wearing a face covering as required or recommended by federal or state statute, regulation, or order, county or city ordinance, regulation, or order, or public health guidance, if the principal believes that allowing such attendance without wearing a face covering is in the best interest of the students by ensuring that students receive quality education, preventing health-related conditions caused by face coverings, or otherwise supporting the physical health, mental health, and overall well-being of the students, and if the board of directors of the school district or the authorities in charge of the nonpublic school, as applicable, has approved such authority or decision of the principal.

2. a. A principal's decision to allow students to attend in-person instruction at the attendance center without wearing a face covering under subsection 1, including the approval by a board of directors of a school district or the authorities in charge of a nonpublic school, shall not constitute any of the conditions specified in section 686D.4, subsections 1 through 3.

b. For purposes of section 686D.5, a principal's decision under subsection 1, including the approval by a board of directors of a school district or the authorities in charge of a nonpublic school, shall not be construed to be an act or omission that is not in substantial compliance with, or that is consistent with, any federal or state statute, regulation, order, or public health guidance related to COVID-19 that was applicable at the time of the alleged exposure or potential exposure to COVID-19.

1     Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this Act, being  
2 deemed of immediate importance, takes effect upon enactment.

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DIVISION \_\_\_\_

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SCHOOL TUITION ORGANIZATION TAX CREDIT

5     Sec. \_\_\_\_ . Section 422.11S, subsection 1, Code 2021, is  
6 amended to read as follows:

7     1. The taxes imposed under this subchapter, less the  
8 credits allowed under section 422.12, shall be reduced by a  
9 school tuition organization tax credit equal to ~~sixty-five~~  
10 seventy-five percent of the amount of the voluntary cash or  
11 noncash contributions made by the taxpayer during the tax year  
12 to a school tuition organization, subject to the total dollar  
13 value of the organization's tax credit certificates as computed  
14 in subsection 8. The tax credit shall be claimed by use of a  
15 tax credit certificate as provided in subsection 7.

16     Sec. \_\_\_\_ . Section 422.11S, subsection 8, paragraph a,  
17 subparagraph (2), Code 2021, is amended to read as follows:

18     (2) ~~(a)~~ *"Total approved tax credits"* means for the 2006  
19 calendar year, two million five hundred thousand dollars, for  
20 the 2007 calendar year, five million dollars, for calendar  
21 years beginning on or after January 1, 2008, but before January  
22 1, 2012, seven million five hundred thousand dollars, for  
23 calendar years beginning on or after January 1, 2012, but  
24 before January 1, 2014, eight million seven hundred fifty  
25 thousand dollars, for calendar years beginning on or after  
26 January 1, 2014, but before January 1, 2019, twelve million  
27 dollars, ~~and~~ for calendar years beginning on or after January  
28 1, 2019, but before January 1, 2020, thirteen million dollars,  
29 ~~and~~ for calendar years beginning on or after January 1, 2020,  
30 but before January 1, 2022, fifteen million dollars, and for  
31 calendar years beginning on or after January 1, 2022, twenty  
32 million dollars.

33     ~~(b) (i) During any calendar year beginning on or after~~  
34 ~~January 1, 2022, if the amount of awarded tax credits from the~~  
35 ~~preceding calendar year are equal to or greater than ninety~~

1 ~~percent of the total approved tax credits for the current~~  
2 ~~calendar year, the total approved tax credits for the current~~  
3 ~~calendar year shall equal the product of ten percent multiplied~~  
4 ~~by the total approved tax credits for the current calendar year~~  
5 ~~plus the total approved tax credits for the current calendar~~  
6 ~~year.~~

7 (ii) ~~If total approved tax credits are recomputed pursuant~~  
8 ~~to subparagraph subdivision (i), the total approved tax credits~~  
9 ~~shall equal the previous total approved tax credits recomputed~~  
10 ~~pursuant to subparagraph subdivision (i) for purposes of future~~  
11 ~~recomputations under subparagraph subdivision (i), provided~~  
12 ~~that the maximum total approved tax credits recomputed pursuant~~  
13 ~~to this subparagraph division (b) shall not exceed twenty~~  
14 ~~million dollars in a calendar year.~~

15 Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY. The following applies  
16 retroactively to January 1, 2021, for tax years beginning on  
17 or after that date:

18 The section of this division of this Act amending section  
19 422.11S, subsection 1.

20 DIVISION \_\_\_\_  
21 CHARTER SCHOOLS

22 Sec. \_\_\_\_ . Section 256E.5, if enacted by 2021 Iowa Acts,  
23 House File 813, is amended by adding the following new  
24 subsection:

25 NEW SUBSECTION. 7A. a. The state board shall not approve a  
26 charter school application under this section if approval would  
27 result in a number of charter school attendance centers for  
28 charter schools approved under this section that violates any  
29 of the following for the geographic area within the state where  
30 the charter school is proposed to be located:

31 (1) More than one charter school attendance center for the  
32 elementary school grade levels per ten thousand public and  
33 nonpublic students in grades kindergarten through grade twelve  
34 residing in the geographic area.

35 (2) More than one charter school attendance center for

1 the middle school or junior high school grade levels per ten  
2 thousand public and nonpublic students in grades kindergarten  
3 through grade twelve residing in the geographic area.

4 (3) More than one charter school attendance center for the  
5 high school grade levels per ten thousand public and nonpublic  
6 students in grades kindergarten through grade twelve residing  
7 in the geographic area.

8 *b.* This subsection is repealed July 1, 2026.

9 Sec. \_\_\_\_\_. Section 256E.7, subsections 2A, 3, and 5, if  
10 enacted by 2021 Iowa Acts, House File 813, are amended to read  
11 as follows:

12 2A. *a.* The governing board's meetings shall be conducted  
13 in a manner that is open to the public and the governing board  
14 shall be a governmental body for purposes of chapter 21.

15 *b.* The governing board shall be a government body for  
16 purposes of chapter 22 and all records, documents, and  
17 electronic data of the charter school and of the governing  
18 board shall be public records and shall be subject to the  
19 provisions of chapter 22 relating to the examination of public  
20 records.

21 3. *a.* A charter school shall employ or contract with  
22 teachers as defined in section 272.1, who hold valid licenses  
23 with an endorsement for the type of instruction or service for  
24 which the teachers are employed or under contract.

25 *b.* The chief administrator of the charter school shall be  
26 one of the following:

27 (1) An administrator who holds a valid license under chapter  
28 272.

29 (2) A teacher who holds a valid license under chapter 272.

30 (3) An individual who holds an authorization to be  
31 a charter school administrator issued by the board of  
32 educational examiners under chapter 272. The board of  
33 educational examiners shall adopt rules for the issuance of  
34 such authorizations not later than December 31, 2021, and such  
35 authorizations shall only be valid for service or employment as

1 a charter school administrator.

2 5. A charter school shall enroll an eligible student who  
3 submits a timely application unless the number of applications  
4 exceeds the capacity of a program, class, grade level, or  
5 building. In this case, students must be accepted by lot.  
6 Upon enrollment of an eligible student, the charter school  
7 shall notify the public school district of residence not later  
8 than March 1 of the ~~preceding~~ school year preceding the school  
9 year of enrollment.

10 Sec. \_\_\_\_\_. Section 256E.10, subsection 2, if enacted by 2021  
11 Iowa Acts, House File 813, is amended to read as follows:

12 2. As part of the charter school contract, the charter  
13 school ~~may be required to~~ shall submit an annual report to  
14 assist the state board in evaluating the charter school's  
15 performance and compliance with the performance framework.>

16 6. Title page, line 1, after <programs,> by inserting  
17 <requirements,>

18 7. By renumbering, redesignating, and correcting internal  
19 references as necessary.