

House File 868

H-1443

1 Amend House File 868 as follows:

2 1. Page 26, after line 35 by inserting:

3 <DIVISION ____

4 ACCOUNTABILITY AND ADMINISTRATIVE MEASURES — FEES

5 Sec. ____ . Section 256.9, Code 2021, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 63. Develop and make available on the
8 department's internet site general guidance for parents,
9 guardians, and community members who have concerns about school
10 districts or their governing boards.

11 Sec. ____ . Section 256.11, subsections 10 and 11, Code 2021,
12 are amended by striking the subsections and inserting in lieu
13 thereof the following:

14 10. The state board shall establish, and the department
15 shall use, for the school year commencing July 1, 2021, and
16 each succeeding school year, an accreditation, monitoring,
17 and enforcement process for school districts and nonpublic
18 schools seeking accreditation pursuant to this subsection and
19 subsections 11 and 12. The process established shall include
20 all of the following requirements:

21 *a. Phase I monitoring.*

22 (1) Phase I monitoring shall consist of annual monitoring by
23 the department of all accredited schools and school districts
24 for compliance with state and federal school laws, regulations,
25 and rules adopted by the state board under chapter 17A,
26 including but not limited to the following:

27 (a) Accreditation standards adopted by the state board as
28 provided in this section.

29 (b) Fiscal compliance.

30 (c) Federal education laws including but not limited to the
31 federal Elementary and Secondary Education Act of 1965, and the
32 federal Individuals with Disabilities Education Act, 20 U.S.C.
33 §1400 et seq., as amended.

34 (d) The federal Civil Rights Act of 1964 and chapter 216.

35 (e) All other requirements of this title applicable to

1 accredited schools and school districts.

2 (2) Phase I monitoring may include but shall not be limited
3 to the following:

4 (a) One or more desk audits requiring submission of
5 information to the department in a manner and on forms
6 prescribed by the department.

7 (b) One or more remote or on-site visits to schools or
8 school districts to address accreditation issues identified in
9 a desk audit. Such a visit may be conducted by an individual
10 departmental consultant or may be a comprehensive site visit
11 by a team of departmental consultants and other subject-matter
12 professionals.

13 (c) A review of district finances by department staff or a
14 neutral third party.

15 (d) A review of local school board policies and procedures
16 by department staff or a neutral third party.

17 (3) The department shall provide a public report annually of
18 findings of noncompliance and required corrective actions for
19 each accredited school and school district. The purpose of the
20 phase I process is to bring schools and school districts into
21 minimum compliance with federal and state laws, regulations,
22 and rules and no citation or corrective action may be designed
23 to require more than minimum compliance.

24 (4) The department shall provide a written report
25 annually to the state board of any monitoring review resulting
26 in multiple or substantial findings of noncompliance or
27 noncompliance findings that remain uncorrected for more
28 than thirty days past the deadline set by the department for
29 correction.

30 (5) The department shall eliminate duplicative reporting
31 on the part of schools and school districts for phase I
32 monitoring, and is prohibited from collecting information not
33 specifically permitted by federal or state law, regulation, or
34 rule.

35 (6) Enforcement actions under phase I monitoring are

1 limited to actions permitted pursuant to paragraph "c",
2 subparagraphs (2) and (3). Violations of federal legal
3 requirements shall follow the procedures and limitations of the
4 governing statute.

5 *b. Phase II monitoring.*

6 (1) Phase II monitoring shall take place when any of the
7 following conditions are present:

8 (a) When either the annual monitoring or the biennial
9 on-site visit of phase I indicates that an accredited school or
10 school district is deficient and fails to be in compliance with
11 accreditation standards.

12 (b) In response to a petition filed with the director
13 requesting such an accreditation committee visitation that is
14 signed by eligible electors residing in the school district
15 equal in number to at least twenty percent of the registered
16 voters of the school district.

17 (c) In response to a petition filed with the director
18 requesting such an accreditation committee visitation that is
19 signed by twenty percent or more of the parents or guardians
20 who have children enrolled in the school or school district.

21 (d) At the direction of the state board.

22 (e) The school budget review committee submits to the
23 department a recommendation for a fiscal review pursuant to
24 section 257.31, subsection 18.

25 (2) Phase II monitoring shall consist of a full desk audit
26 of all monitoring requirements and an on-site visit to the
27 school or school district for the purpose of determining the
28 extent of noncompliance, the reason for lack of correction, if
29 applicable, and a recommendation for corrective action to the
30 director and the state board.

31 (3) Phase II monitoring requires the use of an accreditation
32 committee appointed by the director. The accreditation
33 committee shall be made up primarily of department staff but
34 may request the assistance of third-party specialists at the
35 discretion of the director. An accreditation committee visit

1 to a nonpublic school requires membership on the committee
2 from nonpublic school instructional or administrative staff or
3 board members. A member of a committee shall not have a direct
4 interest in the school district or nonpublic school being
5 visited.

6 (4) After visiting the school district or nonpublic
7 school, the accreditation committee shall, within thirty
8 days, determine whether the accreditation standards have been
9 met and shall make a report to the director, together with a
10 recommendation on what enforcement actions, if any, should be
11 recommended to the state board.

12 *c. Enforcement.*

13 (1) The department shall enforce the laws, regulations,
14 and rules applicable to school districts and nonpublic schools
15 consistent with the process outlined in this subsection. The
16 department shall coordinate its enforcement of chapter 216 with
17 the Iowa state civil rights commission to reduce duplication
18 of efforts.

19 (2) If, after having an opportunity to correct, if
20 permitted, a school district is found to be in noncompliance
21 with federal education laws including but not limited to the
22 federal Elementary and Secondary Education Act of 1965, the
23 federal Individuals with Disabilities Education Act, 20 U.S.C.
24 §1400 et seq., as amended, the federal Civil Rights Act of
25 1964, chapter 216, section 279.73 if enacted by House File 744,
26 or section 279.74 if enacted by House File 802, the director
27 shall recommend that the state board shall do one of the
28 following within thirty days of the finding of noncompliance:

29 (a) Impose conditions on funding provided to a school
30 district, including directing the use of school district funds
31 and designating the school district a high-risk grantee under
32 2 C.F.R. §200.207.

33 (b) Withhold payment of state or federal funds to a
34 school district, in whole or in part, until noncompliance
35 is corrected. Initial withholding of state funds is at the

1 discretion of the director for a period of sixty calendar days,
2 after which it is subject to approval of the state board every
3 sixty calendar days. Withholding of federal funds is subject
4 to the governing federal statute or regulation.

5 (3) The director may use any of the following permitted
6 enforcement mechanisms and shall exercise discretion to ensure
7 that enforcement actions are proportionate to school district
8 or nonpublic school noncompliance:

9 (a) Advise the school district or nonpublic school on the
10 availability of appropriate technical assistance.

11 (b) Require the school district or nonpublic school to
12 complete a corrective action plan or plan for improvement by
13 a reasonable deadline.

14 (c) Recommend a phase II visit to the school district or
15 nonpublic school to the state board.

16 (d) Refer conduct of school district or nonpublic school
17 staff or school board members, or school authorities, to the
18 office of the attorney general for investigation.

19 (e) Refer financial concerns to the auditor of state for
20 investigation.

21 (f) Recommend removal of accreditation of the school
22 district or school to the state board.

23 (g) Take any other enforcement mechanism available to the
24 director.

25 (4) The department shall focus enforcement activities on
26 all of the following:

27 (a) Improving educational results for children, families,
28 and students.

29 (b) Ensuring that public agencies and their governing
30 boards meet requirements of state and federal laws.

31 11. a. If the recommendation pursuant to subsection 10
32 is that a school district or nonpublic school not remain
33 accredited, the accreditation committee shall provide the
34 school district or nonpublic school with a report that includes
35 a list of all of the deficiencies, a plan prescribing the

1 actions that must be taken to correct the deficiencies, and
2 a deadline date for completion of the prescribed actions.
3 The accreditation committee shall advise the school district
4 or nonpublic school of available resources and technical
5 assistance to improve areas of weakness. The school district
6 or nonpublic school shall be provided with the opportunity
7 to respond to the accreditation committee's report. The
8 director shall review the accreditation committee's report
9 and the response of the school district or nonpublic school
10 and shall provide a report to the state board along with
11 copies of the accreditation committee's report, the response
12 to the accreditation committee's report, and other pertinent
13 information. At the request of the school district or
14 nonpublic school, the school district or nonpublic school may
15 appear before the state board and address the state board
16 directly regarding any part of the plan specified in the
17 report. The state board may modify the plan. During the
18 period of time specified in the plan for its implementation by
19 a school district or nonpublic school, the school district or
20 school shall remain accredited.

21 *b.* The accreditation committee shall revisit the school
22 district or nonpublic school and shall determine whether the
23 deficiencies in the standards have been corrected.

24 *c.* The accreditation team shall make a report and
25 recommendation to the director and the state board. The
26 committee recommendation shall specify whether the school
27 district or nonpublic school shall remain accredited. For a
28 school district, the committee report and recommendation shall
29 also specify under what conditions the district may remain
30 accredited. The conditions may include but are not limited to
31 providing temporary oversight authority, operational authority,
32 or both oversight and operational authority to the director and
33 the state board for some or all aspects of the school district
34 in order to bring the school district into compliance with
35 minimum standards.

1 *d.* The state board shall review the report and
2 recommendation, may request additional information, and shall
3 determine whether the deficiencies have been corrected.

4 *e.* If the deficiencies have not been corrected, and the
5 conditional accreditation alternatives contained in the report
6 are not mutually acceptable to the state board and the local
7 board, the state board shall deaccredit the school district and
8 merge the territory of the school district with one or more
9 contiguous school districts at the end of the school year. The
10 state board may place a district under receivership for the
11 remainder of the school year. The receivership shall be under
12 the direct supervision and authority of the area education
13 agency in which the district is located. The decision of
14 whether to deaccredit the school district or to place the
15 district under receivership shall be based upon a determination
16 by the state board of the best interests of the students,
17 parents, residents of the community, teachers, administrators,
18 and school district board members and upon the recommendations
19 of the accreditation committee and the director.

20 *f.* In the case of a nonpublic school, if the deficiencies
21 have not been corrected, the state board may deaccredit the
22 nonpublic school. The deaccreditation shall take effect on the
23 date established by the resolution of the state board, which
24 shall be no later than the end of the school year in which the
25 nonpublic school is deaccredited.

26 Sec. _____. Section 272.2, Code 2021, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 24. Establish, collect, and refund
29 fees from an administrator for the administrative costs
30 of processing complaints and conducting hearings if the
31 administrator is the respondent in a complaint for violation of
32 the code of professional conduct and ethics, developed pursuant
33 to subsection 1, for which final board action results in a
34 sanction against the administrator.

35 Sec. _____. Section 272.10, Code 2021, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5. The fees established by the board
3 for the administrative costs of processing complaints and
4 conducting hearings pursuant to section 272.2, subsection 24,
5 may include a fee for personal service by a sheriff, a fee for
6 legal notice when placed in a newspaper, transcription service
7 or court reporter fee, and other fees assessed as costs by
8 the board. The fees collected annually in accordance with
9 this subsection shall be retained by and are appropriated to
10 the board for the purposes related to the board's duties.
11 Notwithstanding section 8.33, fees retained by and appropriated
12 to the board pursuant to this subsection that remain
13 unencumbered or unobligated at the close of the fiscal year
14 shall not revert but shall remain available for expenditure for
15 the activities of the board as provided in this chapter until
16 the close of the succeeding fiscal year.

17 Sec. ____ . NEW SECTION. **279.8B** **Petition for public hearing.**

18 1. Upon petition signed by eligible electors of a school
19 district equal in number to at least five percent of the
20 persons who voted in the last preceding election of school
21 officials under section 277.1, the board of directors of the
22 school district shall hold a public hearing on the proposal
23 specified in the petition. If the proposal relates to
24 curriculum, the school district may halt use of the subject
25 instructional materials until the school board holds the public
26 hearing and makes a decision regarding the proposal.

27 2. The board of directors of the school district shall
28 hold the public hearing within thirty days of receipt of the
29 petition filed in accordance with subsection 1. Notice of the
30 time and place of the public hearing shall be posted for public
31 viewing on the school district's internet site for at least the
32 five days immediately preceding the public hearing. Notice
33 shall include a brief description of the proposal.

34 Sec. ____ . Section 279.66, Code 2021, is amended to read as
35 follows:

1 **279.66 Discipline and personal conduct standards.**

2 1. The board of directors of a school district shall review
3 and modify existing policies related to student discipline
4 and student conduct that are designed to promote responsible
5 behavior on school property and at school functions in
6 order that the policy shall govern the conduct of students,
7 teachers and other school personnel, and visitors; provide
8 opportunities for students to exercise self-discipline
9 and practice cooperative classroom behavior; and encourage
10 students and practitioners to model fairness, equity, and
11 respect. The policy shall specify the responsibilities of
12 students, parents and guardians, and practitioners in creating
13 an atmosphere where all individuals feel a sense of respect,
14 safety, and belonging, and shall set forth the consequences for
15 unacceptable behavior. The policy shall be published in the
16 student handbook.

17 2. The board of directors of a school district shall
18 include or reference in the student handbook guidance published
19 pursuant to section 256.9, subsection 63, by the department of
20 education for parents, guardians, and community members who
21 have concerns about school districts or their governing boards.

22 Sec. _____. NEW SECTION. **279.75 Training for equity**
23 **coordinators.**

24 The board of directors of a school district shall provide
25 training on free speech under the first amendment to the
26 Constitution of the United States to any equity coordinator
27 employed by the school district.

28 Sec. _____. CODE EDITOR DIRECTIVE. The Code editor shall
29 correct and eliminate any references in this division of this
30 Act to Code section 279.73 or 279.74, as appropriate, if either
31 or both Code sections are not enacted by House File 744 or
32 House File 802, by the Eighty-ninth General Assembly, 2021
33 Regular Session, or any extraordinary session.

34 Sec. _____. TRANSITION PROVISION — ACCREDITATION. School
35 districts and accredited nonpublic schools that are currently

1 accredited on the effective date of this division of this Act
2 shall remain accredited until the state board of education
3 adopts rules, and the department of education implements such
4 rules, to administer the accreditation process established
5 in accordance with section 256.11, subsections 10 and 11, as
6 amended by this division of this Act.>

7 2. By renumbering as necessary.

BRINK of Mahaska