

House File 847

S-3165

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.

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 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 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.

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

DIVISION ____

SCHOOL TUITION ORGANIZATION TAX CREDIT

Sec. ____ . Section 422.11S, subsection 1, Code 2021, is amended to read as follows:

1. The taxes imposed under [this subchapter](#), less the

1 credits allowed under [section 422.12](#), shall be reduced by a
2 school tuition organization tax credit equal to ~~sixty-five~~
3 seventy-five percent of the amount of the voluntary cash or
4 noncash contributions made by the taxpayer during the tax year
5 to a school tuition organization, subject to the total dollar
6 value of the organization's tax credit certificates as computed
7 in [subsection 8](#). The tax credit shall be claimed by use of a
8 tax credit certificate as provided in [subsection 7](#).

9 Sec. _____. Section 422.11S, subsection 8, paragraph a,
10 subparagraph (2), Code 2021, is amended to read as follows:

11 (2) ~~(a)~~ *"Total approved tax credits"* means for the 2006
12 calendar year, two million five hundred thousand dollars, for
13 the 2007 calendar year, five million dollars, for calendar
14 years beginning on or after January 1, 2008, but before January
15 1, 2012, seven million five hundred thousand dollars, for
16 calendar years beginning on or after January 1, 2012, but
17 before January 1, 2014, eight million seven hundred fifty
18 thousand dollars, for calendar years beginning on or after
19 January 1, 2014, but before January 1, 2019, twelve million
20 dollars, ~~and~~ for calendar years beginning on or after January
21 1, 2019, but before January 1, 2020, thirteen million dollars,
22 ~~and~~ for calendar years beginning on or after January 1, 2020,
23 but before January 1, 2022, fifteen million dollars, and for
24 calendar years beginning on or after January 1, 2022, twenty
25 million dollars.

26 ~~(b) (i) During any calendar year beginning on or after~~
27 ~~January 1, 2022, if the amount of awarded tax credits from the~~
28 ~~preceding calendar year are equal to or greater than ninety~~
29 ~~percent of the total approved tax credits for the current~~
30 ~~calendar year, the total approved tax credits for the current~~
31 ~~calendar year shall equal the product of ten percent multiplied~~
32 ~~by the total approved tax credits for the current calendar year~~
33 ~~plus the total approved tax credits for the current calendar~~
34 ~~year.~~

35 ~~(ii) If total approved tax credits are recomputed pursuant~~

1 ~~to subparagraph subdivision (i), the total approved tax credits~~
2 ~~shall equal the previous total approved tax credits recomputed~~
3 ~~pursuant to subparagraph subdivision (i) for purposes of future~~
4 ~~recomputations under subparagraph subdivision (i), provided~~
5 ~~that the maximum total approved tax credits recomputed pursuant~~
6 ~~to this subparagraph division (b) shall not exceed twenty~~
7 ~~million dollars in a calendar year.~~

8 Sec. _____. RETROACTIVE APPLICABILITY. The following applies
9 retroactively to January 1, 2021, for tax years beginning on
10 or after that date:

11 The section of this division of this Act amending section
12 422.11S, subsection 1.

13 DIVISION ____

14 CHARTER SCHOOLS

15 Sec. _____. Section 256E.5, if enacted by 2021 Iowa Acts,
16 House File 813, is amended by adding the following new
17 subsection:

18 NEW SUBSECTION. 7A. a. The state board shall not approve a
19 charter school application under this section if approval would
20 result in a number of charter school attendance centers for
21 charter schools approved under this section that violates any
22 of the following for the geographic area within the state where
23 the charter school is proposed to be located:

24 (1) More than one charter school attendance center for the
25 elementary school grade levels per ten thousand public and
26 nonpublic students in grades kindergarten through grade twelve
27 residing in the geographic area.

28 (2) More than one charter school attendance center for
29 the middle school or junior high school grade levels per ten
30 thousand public and nonpublic students in grades kindergarten
31 through grade twelve residing in the geographic area.

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

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

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

5 2A. *a.* The governing board's meetings shall be conducted
6 in a manner that is open to the public and the governing board
7 shall be a governmental body for purposes of chapter 21.

8 *b.* The governing board shall be a government body for
9 purposes of chapter 22 and all records, documents, and
10 electronic data of the charter school and of the governing
11 board shall be public records and shall be subject to the
12 provisions of chapter 22 relating to the examination of public
13 records.

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

18 *b.* The chief administrator of the charter school shall be
19 one of the following:

20 (1) An administrator who holds a valid license under chapter
21 272.

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

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

30 5. A charter school shall enroll an eligible student who
31 submits a timely application unless the number of applications
32 exceeds the capacity of a program, class, grade level, or
33 building. In this case, students must be accepted by lot.
34 Upon enrollment of an eligible student, the charter school
35 shall notify the public school district of residence not later

1 than March 1 of the ~~preceding~~ school year preceding the school
2 year of enrollment.

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

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

9 6. Title page, line 1, after <programs,> by inserting
10 <requirements,>

11 7. By renumbering, redesignating, and correcting internal
12 references as necessary.

COMMITTEE ON WAYS AND MEANS
DAN DAWSON, CHAIRPERSON