

Senate File 2369

S-5106

1 Amend Senate File 2369 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 PARENT OR GUARDIAN BILL OF RIGHTS

6 Section 1. Section 256.11, subsection 10, paragraph a,
7 subparagraph (1), Code 2022, is amended by adding the following
8 new subparagraph division:

9 NEW SUBPARAGRAPH DIVISION. (0e) The requirements of
10 section 279.76.

11 Sec. 2. Section 256E.7, subsection 2, Code 2022, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *0i.* Be subject to and comply with the
14 requirements of section 279.76 in the same manner as a school
15 district.

16 Sec. 3. NEW SECTION. **279.76 Parent or guardian bill of**
17 **rights.**

18 1. Unless otherwise prohibited by state or federal law, the
19 board of directors of a school district shall adopt policies to
20 ensure that all of the following parental rights are reserved
21 to the parent or guardian of a minor child without obstruction
22 or interference from the school district in which the minor
23 child is enrolled:

24 *a.* The right to know what the school district in which
25 the minor child is enrolled is teaching the minor child,
26 including the textbooks, books, articles, outlines, handouts,
27 presentations, videos, and any other similar materials the
28 school district uses for student instruction. By July 1, 2025,
29 the school district shall grant access through the internet to
30 the curriculum used for student instruction of a minor child
31 enrolled in the school district to the parent or guardian of
32 the minor child.

33 *b.* The right to access and review information related to
34 who is teaching the minor child, including guest lecturers and
35 outside presenters.

1 *c.* The right to access and review information related to
2 persons who contract with or otherwise receive moneys from the
3 school district.

4 *d.* The right to access the minor child while the minor child
5 is in school that a reasonable person would deem necessary
6 to ensure the health and safety of the minor child, unless
7 otherwise prohibited by a court order.

8 *e.* The right to access and review all school records
9 relating to the minor child; provided, however, that the school
10 district may prohibit access to and disclosure of school
11 records if any of the following apply:

12 (1) The school records are related to the minor child's
13 reporting of the parent's or guardian's violation of any law.

14 (2) The school district determines based on actual threats
15 to the health, safety, or welfare of a minor child, that
16 providing access to or disclosing the school records may result
17 in serious harm to the minor child.

18 (3) Chapter 232, subchapter III, part 2, prohibits the
19 school record from being disclosed.

20 *f.* The right to access and review information related to the
21 collection and transmission of information related to the minor
22 child, including assessment information, documents created by
23 the minor child, and teacher evaluations of the minor child.

24 *g.* Subject to section 22.7, the right to access and
25 review information necessary to ensure the accountability and
26 transparency of the board of directors of the school district
27 in which the minor child is enrolled.

28 *h.* The right to access and review information related to the
29 minor child's safety while at school.

30 2. *a.* The school district shall not require any student
31 to engage in any activity, including instruction, or any
32 test, assessment, or other means of evaluation, that involves
33 sexually explicit material without the express prior written
34 consent of the student's parent or guardian, which may be
35 obtained by electronic means.

1 *b.* The school district shall make every effort to prohibit
2 a minor child from accessing sexually explicit material in the
3 classroom on a device or through a computer network that is
4 owned or otherwise provided by the school district.

5 *c.* (1) A school district that maintains in electronic form
6 a catalog of library materials shall grant access through the
7 internet or other suitable means to the catalog of library
8 materials to the parent or guardian of any student enrolled in
9 the school district. School districts that maintain a catalog
10 of library materials in other than electronic form shall
11 grant physical access to the catalog of library materials to
12 the parent or guardian of any student enrolled in the school
13 district at the school where the student attends class and at
14 times that are convenient for the parent or guardian.

15 (2) The parent or guardian of a minor child enrolled in
16 the school district may provide notice to the school district
17 indicating the materials that the minor child shall not be
18 allowed to check out from a library operated by the school
19 district, and the school district shall not allow the minor
20 child to check out the materials described in the notice.

21 (3) If a school district does not maintain in electronic
22 form a catalog of library materials, the school district shall
23 not allow a minor child to check out sexually explicit material
24 from a library operated by the school district without the
25 express prior written consent of the minor child's parent or
26 guardian, which may be obtained by electronic means.

27 3. The school district must receive the prior written
28 consent of a student's parent or guardian before requiring a
29 student to take part in any of the following activities:

30 *a.* An activity that involves the collection, disclosure,
31 or use of personal information collected from students for the
32 purpose of marketing or selling the information or providing
33 the information to any other person for its marketing or sale.

34 *b.* A survey, analysis, or evaluation that reveals
35 information concerning any of the following:

- 1 (1) The political affiliations or beliefs of the student or
2 the student's parent or guardian.
- 3 (2) Mental or psychological problems of the student or the
4 student's family.
- 5 (3) Sex behavior or attitudes.
- 6 (4) Illegal, antisocial, self-incriminating, or demeaning
7 behavior.
- 8 (5) Critical appraisals of other individuals with whom the
9 student has close familial relationships.
- 10 (6) Legally recognized privileged or analogous
11 relationships, such as those of attorneys, physicians, or
12 ministers.
- 13 (7) Religious practices, affiliations, or beliefs of the
14 student or the student's parent or guardian.
- 15 (8) Income, except when required by law to determine
16 eligibility for participation in a program or for receiving
17 financial assistance under such a program.
- 18 c. Any nonemergency, invasive physical examination or
19 screening that is required as a condition of attendance,
20 administered by the school and is scheduled in advance, and
21 that is not necessary to protect the immediate health and
22 safety of the student or other students.
- 23 4. The rights guaranteed to parents and guardians by this
24 section are not a comprehensive list of the rights reserved
25 to parents or guardians of a minor child. The enumeration of
26 the rights contained in this section shall not be construed to
27 limit the rights reserved to parents or guardians of a minor
28 child.
- 29 5. The school district shall publish a copy of this section
30 in the student handbook and on the school district's internet
31 site.
- 32 6. For purposes of this section, unless the context
33 otherwise requires:
- 34 a. "Material" means the same as defined in section 728.1.
35 b. "Minor child" means an individual under eighteen years

1 of age.

2 *c. "Sexually explicit material"* means any material that
3 meets all of the following criteria:

4 (1) Taken as a whole with respect to minor children, the
5 material appeals to the prurient interest in nudity, sex, or
6 excretion.

7 (2) The material depicts, describes, or represents, in a
8 patently offensive way with respect to what is suitable for
9 minor children, a sex act or lewd exhibition of the genitals.
10 For purposes of this subparagraph, "*lewd exhibition of the*
11 *genitals*" includes any material depicting genitalia in which
12 the place or pose of the person in the depiction is sexually
13 suggestive, any visual depiction that suggests sexual coyness
14 or a willingness to engage in sexual activity, or any visual
15 depiction that is intended or designed to elicit a sexual
16 response from the viewer.

17 (3) Taken as a whole, the material lacks serious literary,
18 artistic, political, or scientific value as to minors. For
19 purposes of this subparagraph, material lacks serious literary,
20 artistic, political, or scientific value as to minor children
21 if the material contains material described in subparagraphs
22 (1) and (2) when substantially similar material is readily
23 available to minor children that does not contain material
24 described in subparagraphs (1) and (2) but that conveys a
25 substantially similar message or viewpoint.

26 *d. "Visual depiction"* includes any picture, slide,
27 photograph, digital or electronic image, negative image,
28 undeveloped film, motion picture, videotape, digital or
29 electronic recording, live transmission, or any other pictorial
30 or three-dimensional representation.

31 DIVISION II

32 STUDENT FIRST SCHOLARSHIP PROGRAM

33 Sec. 4. Section 256.9, Code 2022, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 65. Adopt rules relating to the

1 administration of and applications for the student first
2 scholarship program pursuant to section 257.11B, including but
3 not limited to application processing timelines and information
4 required to be submitted by a parent or guardian.

5 Sec. 5. Section 257.11, subsection 5, Code 2022, is amended
6 to read as follows:

7 5. *Shared operational functions — increased student*
8 *opportunities — budget years beginning in 2014 through 2024*
9 *2034.*

10 a. (1) In order to provide additional funding to increase
11 student opportunities and redirect more resources to student
12 programming for school districts that share operational
13 functions, a district that shares with a political subdivision
14 one or more operational functions of a curriculum director,
15 master social worker, independent social worker, work-based
16 learning coordinator, special education director, mental health
17 professional who holds a statement of recognition issued by the
18 board of educational examiners, a school resource officer, or
19 school counselor, or one or more operational functions in the
20 areas of superintendent management, business management, human
21 resources, transportation, or operation and maintenance for at
22 least twenty percent of the school year shall be assigned a
23 supplementary weighting for each shared operational function.
24 A school district that shares an operational function in
25 the area of superintendent management shall be assigned a
26 supplementary weighting of eight pupils for the function. A
27 school district that shares an operational function in the area
28 of business management, human resources, transportation, or
29 operation and maintenance shall be assigned a supplementary
30 weighting of five pupils for the function. A school district
31 that shares the operational functions of a curriculum director;
32 a master social worker or an independent social worker licensed
33 under [chapters 147](#) and [154C](#); a work-based learning coordinator;
34 a special education director; a mental health professional
35 who holds a statement of recognition issued by the board

1 of educational examiners; a school resource officer; or a
2 school counselor shall be assigned a supplementary weighting
3 of three pupils for the function. The additional weighting
4 shall be assigned for each discrete operational function
5 shared. However, a school district may receive the additional
6 weighting under this subsection for sharing the services of an
7 individual with a political subdivision even if the type of
8 operational function performed by the individual for the school
9 district and the type of operational function performed by
10 the individual for the political subdivision are not the same
11 operational function, so long as both operational functions are
12 eligible for weighting under this subsection. In such case,
13 the school district shall be assigned the additional weighting
14 for the type of operational function that the individual
15 performs for the school district, and the school district
16 shall not receive additional weighting for any other function
17 performed by the individual. The operational function sharing
18 arrangement does not need to be a newly implemented sharing
19 arrangement to receive supplementary weighting under this
20 subsection.

21 (2) For the purposes of this paragraph "a":

22 (a) "*Political subdivision*" means a city, township, county,
23 school corporation, merged area, area education agency,
24 institution governed by the state board of regents, or any
25 other governmental subdivision.

26 (b) "School resource officer" means the same as defined in
27 34 U.S.C. §10389.

28 ~~(b)~~ (c) "*Work-based learning coordinator*" means an
29 appropriately trained individual responsible for facilitating
30 authentic, engaging work-based learning experiences for
31 learners and educators in partnership with employers and others
32 to enhance learning by connecting the content and skills that
33 are necessary for future careers.

34 b. (1) Notwithstanding paragraph "a", subparagraph (1),
35 each operational function assigned a supplementary weighting

1 of five pupils under paragraph "a", subparagraph (1), shall
2 instead be assigned a supplementary weighting of four pupils
3 for the school budget years beginning July 1, 2022, ~~July 1,~~
4 ~~2023, and July 1, 2024~~ through July 1, 2034.

5 (2) Notwithstanding paragraph "a", subparagraph (1), each
6 operational function assigned a supplementary weighting of
7 three pupils under paragraph "a", subparagraph (1), shall
8 instead be assigned a supplementary weighting of two pupils for
9 the school budget years beginning July 1, 2022, ~~July 1, 2023,~~
10 ~~and July 1, 2024~~ through July 1, 2034.

11 c. School districts that share operational functions with
12 other school districts are not required to be contiguous school
13 districts. If two or more districts sharing operational
14 functions are not contiguous to each other, the districts
15 separating those districts are not required to be a party to
16 the operational functions sharing arrangement.

17 d. Supplementary weighting pursuant to [this subsection](#)
18 shall be available to a school district during the period
19 commencing with the budget year beginning July 1, 2014,
20 through the budget year beginning July 1, ~~2024~~ 2034. The
21 maximum amount of additional weighting for which a school
22 district shall be eligible in a budget year is twenty-one
23 additional pupils; provided, however, that the maximum amount
24 of additional weighting for which a school district shall be
25 eligible in a budget year may be increased to up to twenty-four
26 additional pupils if approved pursuant to section 257.16E.
27 Criteria for determining the qualification of operational
28 functions for supplementary weighting shall be determined by
29 the department by rule, through consideration of increased
30 student opportunities.

31 e. Supplementary weighting pursuant to [this subsection](#) shall
32 be available to an area education agency during the period
33 commencing with the budget year beginning July 1, 2014, through
34 the budget year beginning July 1, ~~2024~~ 2034. The minimum
35 amount of additional funding for which an area education

1 agency shall be eligible in a budget year is thirty thousand
2 dollars, and the maximum amount of additional funding for which
3 an area education agency shall be eligible is two hundred
4 thousand dollars. The department of management shall annually
5 set a weighting for each area education agency to generate
6 the approved operational sharing expense using the area
7 education agency's special education cost per pupil amount and
8 foundation level. Criteria for determining the qualification
9 of operational functions for supplementary weighting shall be
10 determined by the department by rule, through consideration of
11 increased student opportunities.

12 *f.* **This subsection** is repealed effective July 1, ~~2025~~ 2035.

13 **Sec. 6. NEW SECTION. 257.11B Student first scholarship**
14 **program.**

15 1. *a.* For the school budget year beginning July 1, 2022,
16 and each succeeding school budget year, the following resident
17 pupils shall be eligible to receive a student first scholarship
18 in the manner provided in this section:

19 (1) A pupil whose household has an annual income which
20 is less than or equal to four hundred percent of the most
21 recently revised poverty income guidelines published by the
22 United States department of health and human services. The
23 total number of student first scholarships the department of
24 education approves for pupils pursuant to this subparagraph
25 shall not exceed five thousand in a school year. However, if
26 the number of student first scholarships received by pupils
27 pursuant to subparagraph (2) is less than the number of student
28 first scholarships reserved for pupils under subparagraph (2),
29 the department of education may approve the difference for
30 pupils pursuant to this subparagraph for the same school year.

31 (2) A pupil who has an individualized education program.
32 The total number of student first scholarships the department
33 of education approves for pupils pursuant to this subparagraph
34 shall not exceed five thousand in a school year. However, if
35 the number of student first scholarships received by pupils

1 pursuant to subparagraph (1) is less than the number of student
2 first scholarships reserved for pupils under subparagraph (1),
3 the department of education may approve the difference for
4 pupils pursuant to this subparagraph for the same school year.

5 (3) A pupil who received a student first scholarship
6 for the immediately preceding school budget year, who is
7 eligible to enroll in grade one through grade twelve, who meets
8 the requirements of subparagraph (1) or (2) and who is not
9 otherwise ineligible under this section.

10 b. Student first scholarships shall be made available to
11 parents and guardians in the manner authorized under subsection
12 4, paragraph "c", for the payment of qualified educational
13 expenses as provided in this section.

14 c. No more than ten thousand student first scholarships
15 shall be made available each school year.

16 d. For purposes of this subsection, "resident" means the
17 same as defined in section 282.1, subsection 2.

18 2. a. By January 1 preceding the school year for which the
19 student first scholarship is requested, all of the following
20 individuals may request a student first scholarship by
21 submitting an application to the department of education, on
22 application forms developed by the department of education,
23 indicating the individual intends to enroll the pupil in a
24 nonpublic school for the entirety of the school year:

25 (1) The parent or guardian of a pupil currently enrolled
26 in a school district who has been enrolled in that school
27 district for the equivalent of at least two semesters
28 immediately preceding the school year for which the student
29 first scholarship is requested.

30 (2) The parent or guardian of a pupil who is eligible to
31 enroll in a school district for kindergarten in the next school
32 year.

33 (3) The parent or guardian of pupil enrolled in a nonpublic
34 school who received a student first scholarship in the current
35 school year.

1 *b.* By February 1 preceding the school year for which the
2 student first scholarship is requested, the department of
3 education shall determine the number of pupils in each school
4 district approved to receive a scholarship for the following
5 school year and shall notify the parent or guardian of each
6 pupil approved for the following school year to receive a
7 scholarship and the amount of the scholarship for the pupil.
8 The department of education shall approve pupils who received
9 a student first scholarship for the immediately preceding
10 school budget year who are eligible to enroll in grade one
11 through grade twelve, who meet the requirements of subsection
12 1, paragraph "a", subparagraph (1) or (2), and who are not
13 otherwise ineligible under this section. The department
14 of education shall approve the remaining pupils who did
15 not receive a student first scholarship for the immediately
16 preceding school budget year, subject to the limitation in
17 subsection 1, paragraph "c", on a first-come, first-served
18 basis based on the date the parent or guardian submitted the
19 application pursuant to paragraph "a".

20 *c.* Student first scholarships shall only be approved for
21 one school year and applications must be submitted annually for
22 student first scholarships in subsequent school years.

23 3. The department of education shall assign each pupil a
24 student first scholarship in an amount equal to the sum of all
25 the following for the same school budget year:

26 *a.* The product of the pupil's weighted enrollment that
27 would otherwise be assigned to the pupil under this chapter if
28 the pupil was enrolled in the pupil's district of residence
29 multiplied by the difference between eighty-eight and
30 four-tenths percent of the regular program state cost per pupil
31 and the statewide average foundation property tax per pupil.

32 *b.* The total teacher salary supplement district cost per
33 pupil for the pupil's district of residence.

34 *c.* The total professional development supplement district
35 cost per pupil for the pupil's district of residence.

1 *d.* The total early intervention supplement district cost per
2 pupil for the pupil's district of residence.

3 *e.* The total area education agency teacher salary supplement
4 district cost per pupil for the pupil's district of residence.

5 *f.* The total area education agency professional development
6 supplement district cost per pupil for the pupil's district of
7 residence.

8 *g.* The total teacher leadership supplement district cost per
9 pupil for the pupil's district of residence.

10 4. A student first scholarship fund is created in the
11 state treasury under the control of the department of
12 education consisting of moneys appropriated to the department
13 of education for the purpose of providing student first
14 scholarships under this section. For the fiscal year
15 commencing July 1, 2022, and each succeeding fiscal year, there
16 is appropriated from the general fund of the state to the
17 department of education to be credited to the fund the amount
18 necessary to pay all student first scholarships approved for
19 that fiscal year. The director of the department of education
20 has all powers necessary to carry out and effectuate the
21 purposes, objectives, and provisions of this section pertaining
22 to the fund, including the power to do all of the following:

23 *a.* Make and enter into contracts necessary for the
24 administration of the fund.

25 *b.* Procure insurance against any loss in connection with the
26 assets of the fund or require a surety bond.

27 *c.* Contract with a private financial management firm to
28 manage the fund, in collaboration with the treasurer of state,
29 including providing for the disbursement of student first
30 scholarships in the form of an electronic debit card or checks
31 that are payable directly from the pupil's account within the
32 fund.

33 *d.* Conduct audits or other reviews necessary to properly
34 administer the program.

35 *e.* Adopt rules for the administration of the fund and

1 accounts within the fund.

2 5. a. For each pupil approved for a student first
3 scholarship, the nonpublic school shall certify the pupil's
4 enrollment and the department of education shall establish an
5 account for that pupil in the student first scholarship fund.
6 The amount of the pupil's student first scholarship shall be
7 deposited into the pupil's account on July 1, and such amount
8 shall be immediately available for the payment of qualified
9 educational expenses incurred by the parent or guardian for
10 the pupil during that fiscal year using the payment method
11 authorized under subsection 4, paragraph "c".

12 b. A nonpublic school that accepts payment from a parent
13 or guardian using funds from a pupil's account in the student
14 first scholarship fund shall not refund, rebate, or share any
15 portion of such payment with the parent, guardian, or pupil.

16 c. Moneys remaining in a pupil's account upon conclusion
17 of the fiscal year shall remain in the pupil's account in the
18 student first scholarship fund for the payment of qualified
19 educational expenses in future fiscal years during which the
20 pupil participates in the program until the pupil becomes
21 ineligible under the program or until the remaining amounts are
22 transferred to the state general fund under subsection 8.

23 6. a. For purposes of this section, "*qualified educational*
24 *expenses*" includes tuition and fees at a nonpublic school,
25 textbooks, fees or payments for educational therapies,
26 including tutoring or cognitive skills training, curriculum
27 fees, software, and materials for a course of study for a
28 specific subject matter or grade level, tuition or fees for
29 nonpublic online education programs, tuition for vocational and
30 life skills education approved by the department of education,
31 education materials and services for pupils with disabilities,
32 including the cost of paraprofessionals and assistants who are
33 trained in accordance with state law, standardized test fees,
34 advanced placement examinations or examinations related to
35 postsecondary education admission or credentialing, qualified

1 education expenses, as defined in section 12D.1, excluding
2 room and board expenses, and other expenses incurred by the
3 parent or guardian that are directly related to the education
4 of the pupil at a nonpublic school, including a nonpublic
5 school accredited by an independent accrediting agency approved
6 by the department of education. The cost of one computer or
7 other portable computing device shall be allowed as a qualified
8 educational expense for a pupil if the computer or portable
9 computing device is used primarily for the education of the
10 pupil and if such a purchase has not been made using funds from
11 that pupil's account in any of the three immediately preceding
12 fiscal years.

13 *b. "Qualified educational expenses"* does not include
14 transportation costs for the pupil, the cost of food or
15 refreshments consumed by the pupil, the cost of clothing for
16 the pupil, or the cost of disposable materials, including
17 but not limited to paper, notebooks, pencils, pens, and art
18 supplies.

19 7. *a.* A person who makes a false claim for the purpose
20 of obtaining a student first scholarship provided for in this
21 section or who knowingly receives the scholarship or makes a
22 payment from an account within the student first scholarship
23 fund without being legally entitled to do so is guilty of a
24 fraudulent practice under chapter 714. The false claim for a
25 student first scholarship or a payment from an account shall
26 be disallowed. The department of education shall also close
27 the pupil's account in the student first scholarship fund and
28 transfer any remaining moneys in the account for deposit in the
29 general fund of the state. If the improperly obtained amounts
30 from the scholarship have been disbursed from the applicable
31 account in the student first scholarship fund, the department
32 of education shall recover such amounts from the parent or
33 guardian, including by initiating legal proceedings to recover
34 such amounts, if necessary. A parent or guardian who commits
35 a fraudulent practice under this section is prohibited from

1 participating in the student first scholarship program in the
2 future.

3 *b.* If, prior to the end of the required attendance
4 period of the school year, a pupil who receives a student
5 first scholarship withdraws from enrollment in the nonpublic
6 school or is expelled, the nonpublic school shall notify the
7 department of education in writing of the pupil's withdrawal
8 or expulsion, and the pupil's parent or guardian shall notify
9 the department of education of the pupil's withdrawal or
10 expulsion from the nonpublic school. A pupil's expulsion
11 from the nonpublic school prior to the end of the required
12 attendance period for the school year shall invalidate the
13 pupil's eligibility for the student first scholarship for the
14 school budget year. A pupil's withdrawal from a nonpublic
15 school prior to the end of the required attendance period of
16 the school year shall invalidate the pupil's eligibility for
17 the student first scholarship for the school budget year unless
18 the withdrawal is the result of a change in residence of the
19 pupil and the pupil, following written notice by the parent
20 or guardian and certification by the new nonpublic school to
21 the department of education, enrolls in a different nonpublic
22 school in this state for the remainder of the school year.

23 *c.* (1) Upon receipt of a notice of expulsion under
24 paragraph "b", the department of education shall close the
25 pupil's account in the student first scholarship fund and
26 transfer any remaining moneys in the account for deposit in
27 the general fund of the state. In addition, if amounts from
28 the scholarship for the school budget year during which the
29 pupil is expelled have been disbursed from the expelled pupil's
30 account in the student first scholarship fund, the department
31 of education shall recover such amounts from the parent or
32 guardian, including by initiating legal proceedings to recover
33 such amounts, if necessary.

34 (2) Upon receipt of a notice of withdrawal under paragraph
35 "b" and a determination that the pupil's withdrawal was

1 not the result of a change in residence, the department of
2 education shall cease disbursements of remaining moneys in
3 the pupil's account in the student first scholarship fund,
4 close the pupil's account, and transfer any moneys remaining
5 in the pupil's account for deposit in the general fund of
6 the state. In addition, if amounts from the scholarship for
7 the school budget year during which the withdrawal occurs
8 have been disbursed from the pupil's account in the student
9 first scholarship fund, the department of education shall
10 recover such amounts from the parent or guardian to the extent
11 the amount disbursed exceeds the amount of the scholarship
12 proportionate to the remaining portion of the school year
13 following the withdrawal, including by initiating legal
14 proceedings to recover such amounts, if necessary.

15 (3) Upon receipt of a notice of withdrawal under paragraph
16 "b" and a determination that the withdrawal was the result of
17 a change in residence but that the pupil did not enroll in
18 a different nonpublic school in this state for the remainder
19 of the school year, the department of education shall cease
20 disbursements of remaining moneys in the pupil's account in
21 the student first scholarship fund, close the pupil's account,
22 and transfer any moneys remaining in the pupil's account for
23 deposit in the general fund of the state.

24 (4) If a pupil's eligibility is invalidated under the
25 provisions of paragraph "b", the pupil shall be ineligible for a
26 student first scholarship for the following school budget year
27 under subsection 1, paragraph "a", subparagraphs (2) and (3).

28 8. Moneys remaining in a pupil's account when the pupil
29 graduates from high school or turns twenty-one years of age,
30 whichever occurs first, shall be transferred by the department
31 of education for deposit in the general fund of the state.

32 9. a. A parent may appeal to the state board of education
33 any administrative decision the department of education
34 makes pursuant to this section, including but not limited
35 to determinations of eligibility, allowable expenses, and

1 removal from the program. The department shall notify the
2 parent or guardian in writing of the appeal process at the same
3 time the department notifies the parent or guardian of the
4 administrative decision. The state board of education shall
5 establish the appeals process consistent with chapter 17A and
6 shall post such appeal process information on the state board
7 of education's internet site.

8 *b.* The state board of education shall refer cases of
9 substantial misuse of student first scholarship funds to the
10 attorney general for the purpose of collection or for the
11 purpose of a criminal investigation if the state board of
12 education obtains evidence of fraudulent use of an account.

13 10. *a.* This section shall not be construed to authorize
14 the state or any political subdivision of the state to exercise
15 authority over any nonpublic school or construed to require a
16 nonpublic school to modify its academic standards for admission
17 or educational program in order to receive payment from a
18 parent or guardian using funds from a pupil's account in the
19 student first scholarship fund.

20 *b.* This section shall not be construed to expand the
21 authority of the state or any political subdivision of the
22 state to impose regulations upon any nonpublic school that are
23 not necessary to implement this section.

24 *c.* A nonpublic school that accepts payment from a parent
25 or guardian using funds from a pupil's account in the student
26 first scholarship fund is not an agent of this state or of a
27 political subdivision of this state.

28 *d.* Rules adopted by the department of education to implement
29 this section that impose an undue burden on a nonpublic school
30 are invalid.

31 *e.* A nonpublic school that accepts payment from a parent
32 or guardian using funds from a pupil's account in the student
33 first scholarship fund shall be given the maximum freedom
34 possible to provide for the educational needs of the school's
35 students, consistent with state and federal law.

1 Sec. 7. NEW SECTION. 257.16E Student first operational
2 sharing fund.

3 1. A student first operational sharing fund is created as
4 a separate and distinct fund in the state treasury under the
5 control of the department of management. Moneys in the fund
6 include revenues credited to the fund, appropriations made to
7 the fund, and other moneys deposited into the fund.

8 2. *a.* For each fiscal year beginning on or after July 1,
9 2023, there is appropriated annually from the general fund of
10 the state to the department of management for deposit in the
11 student first operational sharing fund an amount equal to the
12 product of the number of student first scholarships approved
13 under section 257.11B for the base year multiplied by the sum
14 of the statewide average foundation property tax per pupil plus
15 the difference between the amount determined under section
16 257.16B, subsection 2, paragraph "c", subparagraph (2), and
17 the amount determined under section 257.16B, subsection 2,
18 paragraph "c", subparagraph (1).

19 *b.* The moneys available in a fiscal year in the student
20 first operational sharing fund shall be used to increase the
21 maximum amount of additional weighting established pursuant to
22 section 257.11, subsection 5, paragraph "d", from twenty-one
23 additional pupils up to twenty-four additional pupils if the
24 school district requests the additional weighting from the
25 school budget review committee, and the school budget review
26 committee approves the additional weighting after examining
27 the need for the position requested. If the moneys in the
28 student first operational sharing fund are insufficient to make
29 the payments required by section 257.11, subsection 5, the
30 remainder shall be paid as foundation aid pursuant to section
31 257.16.

32 3. Payments to school districts under this section shall
33 be paid at the same time and in the same manner as foundation
34 aid is paid under section 257.16, and may be included in the
35 monthly payment of state aid under section 257.16, subsection

1 2.

2 4. Notwithstanding section 8.33, any moneys remaining
3 in the student first operational sharing fund at the end of
4 a fiscal year shall not revert to any other fund but shall
5 remain in the student first operational sharing fund for use as
6 provided in this section for the following fiscal year.

7 Sec. 8. Section 257.31, subsection 16, Code 2022, is amended
8 to read as follows:

9 16. The committee shall perform the duties assigned to it
10 under [sections 257.16E, 257.32, 257.40, and 260C.18B](#).

11 Sec. 9. Section 422.7, Code 2022, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 51. Subtract, to the extent included, the
14 amount of a student first scholarship under section 257.11B
15 received by the taxpayer for payment of qualified educational
16 expenses.

17 Sec. 10. STUDENT FIRST SCHOLARSHIP PROGRAM APPLICATIONS FOR
18 THE SCHOOL YEAR BEGINNING JULY 1, 2022.

19 1. Notwithstanding the deadline in section 257.11B,
20 subsection 2, paragraph "a", as enacted in this division of
21 this Act, by May 1 preceding the school year beginning July
22 1, 2022, the parent or guardian of a pupil who is enrolled in
23 a school district or who is eligible to enroll in a school
24 district for kindergarten in the next school year, and who is
25 requesting a student first scholarship for the school year
26 beginning July 1, 2022, may request a student first scholarship
27 by submitting an application to the department of education,
28 on application forms developed by the department of education,
29 indicating that the parent or guardian intends to enroll the
30 pupil in a nonpublic school for the entirety of the school year
31 beginning July 1, 2022.

32 2. Notwithstanding the deadline in section 257.11B,
33 subsection 2, paragraph "b", as enacted in this division of
34 this Act, by June 1 preceding the school year beginning July
35 1, 2022, the department of education shall determine the

1 number of pupils in each school district approved to receive
2 a scholarship for the following school year and shall notify
3 the parent or guardian of each pupil approved for the following
4 school year to receive a scholarship and the amount of the
5 scholarship for the pupil.

6 Sec. 11. EMERGENCY RULES. The department of education
7 may adopt emergency rules under section 17A.4, subsection 3,
8 and section 17A.5, subsection 2, paragraph "b", to implement
9 the provisions of the section of this division of this Act
10 enacting section 256.9, subsection 65, and section 257.11B, and
11 the rules shall be effective immediately upon filing unless
12 a later date is specified in the rules. Any rules adopted
13 in accordance with this section shall also be published as a
14 notice of intended action as provided in section 17A.4.

15 Sec. 12. EFFECTIVE DATE. The following, being deemed of
16 immediate importance, take effect upon enactment:

17 1. The section of this division of this Act enacting section
18 256.9, subsection 65.

19 2. The section of this division of this Act enacting section
20 257.11B.

21 3. The section of this division of this Act establishing
22 deadlines for the applications for the student first
23 scholarship program for the school year beginning July 1, 2022.

24 4. The section of this division of this Act authorizing the
25 department of education to engage in emergency rulemaking.

26 Sec. 13. APPLICABILITY. The following applies to school
27 budget years and fiscal years beginning on or after July 1,
28 2022:

29 The section of this division of this Act enacting section
30 257.11B.

31 Sec. 14. APPLICABILITY. The following applies to school
32 budget years and fiscal years beginning on or after July 1,
33 2023:

34 The section of this division of this Act enacting section
35 257.16E.

1 of the assessment required by this subparagraph division to the
2 department.

3 (ii) A student shall answer at least seventy percent of the
4 questions on the civics test developed by the United States
5 citizenship and immigration services correctly as a condition
6 of graduation. A student who fails to answer at least seventy
7 percent of the questions on the civics test correctly may
8 retake the civics test as many times as necessary.

9

DIVISION IV

10

PRIVATE INSTRUCTION — SPECIAL EDUCATION

11 Sec. 17. Section 299A.9, subsection 1, Code 2022, is amended
12 to read as follows:

13 1. A child of compulsory attendance age who is identified
14 as requiring special education under [chapter 256B](#) is eligible
15 for placement under competent private instruction ~~with prior~~
16 ~~approval of the placement by the director of special education~~
17 ~~of the area education agency of the child's district of~~
18 ~~residence.~~

19 Sec. 18. Section 299A.9, Code 2022, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 3. The parent, guardian, or legal custodian
22 of a child who is identified as requiring special education
23 may request dual enrollment pursuant to section 299A.8. The
24 appropriate special education services for the child shall be
25 determined pursuant to chapter 256B and rules adopted pursuant
26 to chapter 256B.

27

DIVISION V

28

OPEN ENROLLMENT

29 Sec. 19. Section 282.18, subsection 5, Code 2022, is amended
30 to read as follows:

31 5. a. Open enrollment applications filed after March 1
32 of the preceding school year that do not qualify for good
33 cause as provided in [subsection 4](#) shall be subject to the
34 approval of the board of the resident district and the board
35 of the receiving district. The parent or guardian shall send

1 notification to the district of residence and the receiving
2 district that the parent or guardian seeks to enroll the
3 parent's or guardian's child in the receiving district.

4 b. A decision of either board to deny an application filed
5 under [this subsection](#) involving repeated acts of harassment
6 of the student that the resident district cannot adequately
7 address, a consistent failure of the resident district to
8 reasonably respond to a student's failure to meet basic
9 academic standards after notice provided by a parent or
10 guardian, or a serious health condition of the student that
11 the resident district cannot adequately address is subject to
12 appeal under [section 290.1](#). A decision of either board to
13 deny an application filed under this subsection related to the
14 sibling or stepsibling of a student described in this paragraph
15 is also subject to appeal under section 290.1.

16 c. The state board shall adopt by rule the criteria
17 for determining a resident district's consistent failure
18 to reasonably respond to a student's failure to meet basic
19 academic standards and shall exercise broad discretion to
20 achieve just and equitable results that are in the best
21 interest of the affected child or children.

22 Sec. 20. Section 282.18, subsection 11, paragraph a, Code
23 2022, is amended by adding the following new subparagraph:

24 NEW SUBPARAGRAPH. (08) If the pupil participates in
25 open enrollment because the pupil's sibling or stepsibling
26 participates in open enrollment as a result of the sibling
27 or stepsibling's appeal under section 282.18, subsection 5,
28 paragraph "b".

29 DIVISION VI

30 PRACTITIONER PREPARATION PROGRAMS

31 Sec. 21. Section 256.7, subsection 3, paragraph b, Code
32 2022, is amended to read as follows:

33 b. Procedures provided for approval of programs shall
34 include procedures for enforcement of the prescribed standards
35 and, ~~except as provided in [section 256.16, subsection 3](#),~~ shall

1 not include a procedure for the waiving of any of the standards
2 prescribed.

3 Sec. 22. Section 256.16, subsection 1, paragraph a, Code
4 2022, is amended by striking the paragraph.

5 Sec. 23. Section 256.16, subsection 1, paragraph d, Code
6 2022, is amended to read as follows:

7 *d.* Require that each student admitted to an approved
8 practitioner preparation program participate in pre-student
9 teaching field experiences that include both observation and
10 participation in teaching activities in a variety of school
11 settings. These Pre-student teaching field experiences for
12 students participating in an initial teacher preparation
13 program shall comprise a total of at least fifty eighty
14 hours in duration, at least ten hours of which shall occur
15 prior to a student's acceptance in an approved practitioner
16 preparation program. Pre-student teaching field experiences
17 for students participating in a teacher intern preparation
18 program shall comprise a total of at least fifty hours in
19 duration. The student teaching experience shall be a minimum
20 of fourteen weeks in duration during the student's final year
21 of the practitioner preparation program. The program shall
22 make every reasonable effort to offer the student teaching
23 experience prior to a student's last semester, or equivalent,
24 in the program, and to expand the student's student teaching
25 opportunities beyond one semester or the equivalent.

26 Sec. 24. Section 256.16, subsection 2, Code 2022, is amended
27 to read as follows:

28 2. A person initially applying for a license shall
29 successfully complete a practitioner preparation program
30 approved under [section 256.7, subsection 3](#), and containing the
31 subject matter specified in [this section](#), before the initial
32 action by the board of educational examiners under chapter
33 272 takes place. ~~However, [this subsection](#) shall not apply to~~
34 ~~a person who meets the requirements for an initial one-year~~
35 ~~license in accordance with [subsection 3](#).~~

1 Sec. 25. Section 256.16, subsection 3, Code 2022, is amended
2 by striking the subsection.

3 Sec. 26. Section 272.2, subsection 14, paragraph b,
4 subparagraph (5), Code 2022, is amended to read as follows:

5 (5) The applicant fails to meet board standards for
6 application for an initial or renewed license. ~~However, this~~
7 ~~subparagraph shall not apply to a person who applies for an~~
8 ~~initial one-year license and submits to the board a waiver~~
9 ~~issued by the director of the department of education in~~
10 ~~accordance with [section 256.16, subsection 3](#).~~

11 Sec. 27. Section 272.2, subsection 22, Code 2022, is amended
12 by striking the subsection.

13 Sec. 28. HIGHER EDUCATION INSTITUTIONS — NOTICE TO
14 FORMER STUDENTS. All higher education institutions providing
15 practitioner preparation shall notify students who failed to
16 achieve the minimum passing scores set by the department of
17 education on the assessments administered under section 256.16,
18 subsection 1, paragraph "a", subparagraph (2), Code 2022,
19 before the effective date of this division of this Act, of the
20 changes related to the completion of a practitioner preparation
21 program provided by this division of this Act, including the
22 student's ability to apply for an initial license from the
23 board of educational examiners if the student completed all
24 other requirements of a practitioner preparation program
25 approved under section 256.7, subsection 3.

26 Sec. 29. EFFECTIVE DATE. This division of this Act, being
27 deemed of immediate importance, takes effect upon enactment.

28 Sec. 30. APPLICABILITY. This division of this Act applies
29 to students who attended or are attending practitioner
30 preparation programs before, on, or after the effective date
31 of this division of this Act.

32 DIVISION VII

33 INCIDENTS RELATED TO LICENSED PRACTITIONERS

34 Sec. 31. Section 232.69, subsection 1, unnumbered paragraph
35 1, Code 2022, is amended to read as follows:

1 The classes of persons enumerated in [this subsection](#) shall
2 make a report within twenty-four hours and as provided in
3 section 232.70, of cases of child abuse. In addition, the
4 classes of persons enumerated in [this subsection](#) shall make a
5 report of abuse of a child ~~who is under twelve years of age and~~
6 ~~may make a report of abuse of a child who is twelve years of age~~
7 ~~or older~~, which would be defined as child abuse under section
8 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),
9 except that the abuse resulted from the acts or omissions of
10 a person other than a person responsible for the care of the
11 child.

12 Sec. 32. Section 232.69, subsection 1, paragraph b,
13 subparagraph (4), Code 2022, is amended to read as follows:

14 (4) A licensed school employee, certified para-educator,
15 holder of a coaching authorization issued under [section 272.31](#),
16 full-time school employee who is eighteen years of age or
17 older, or an instructor employed by a community college.

18 Sec. 33. Section 232.70, subsection 6, Code 2022, is amended
19 by adding the following new paragraph:

20 NEW PARAGRAPH. *Of.* If the person making the report is a
21 licensed school employee who reasonably believes the person
22 responsible for the injury is a licensed school employee, the
23 identity of the licensed school employee the person making the
24 report believes is responsible for the injury.

25 Sec. 34. Section 256.9, Code 2022, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 66. *a.* Develop and implement a process
28 for the reporting and investigation of any incident that arises
29 that may reasonably lead to the conclusion that an individual
30 with a license, endorsement, certification, authorization, or
31 statement of recognition issued by the board of educational
32 examiners who is employed by the board of directors of a
33 school district or the authorities in charge of an accredited
34 nonpublic school has committed a felony or has engaged in
35 conduct described in section 272.15, subsection 1, paragraph

1 "a", subparagraph (1), subparagraph divisions (a) through (d).

2 b. The process shall prohibit the boards of directors of a
3 school district and the authorities in charge of an accredited
4 nonpublic school from entering into any of the following:

5 (1) A written or oral agreement that prohibits the board of
6 directors of the school district or the authorities in charge
7 of an accredited nonpublic school, an employee of the school
8 district or the accredited nonpublic school, or a contractor
9 of the school district or the accredited nonpublic school
10 from discussing an incident, past performance or actions,
11 past allegations leading to discipline or adverse employment
12 action, or employee resignation with any governmental agent,
13 governmental officer, or any potential employer.

14 (2) A written or oral agreement that waives the liability
15 of an individual with a license, endorsement, certification,
16 authorization, or statement of recognition issued by the
17 board of educational examiners related to or arising from an
18 incident, past performance or action, or past allegations of
19 wrongdoing.

20 c. The board of directors of a school district or the
21 authorities in charge of an accredited nonpublic school and
22 contractors of the school district or the accredited nonpublic
23 school shall be immune from any civil liability arising
24 from discussing an incident, past performance or actions,
25 past allegations leading to discipline or adverse employment
26 action, or employee resignation with any governmental agent,
27 governmental officer, or any potential employer.

28 d. If the board of educational examiners finds that
29 the board of directors of a school district or the
30 authorities in charge of an accredited nonpublic school
31 has intentionally failed to follow the process established
32 by this subsection regarding an incident, or the reporting
33 requirements established pursuant to section 272.15, the
34 board of educational examiners shall assess a fine against
35 an administrator of the school district or the accredited

1 nonpublic school who failed to ensure compliance with the
2 process of not less than five hundred dollars and not more than
3 five thousand dollars. Payments of the fine provided in this
4 paragraph shall be remitted to the treasurer of the state for
5 deposit in the general fund of the state.

6 e. If the board of educational examiners finds that the
7 board of directors of a school district or the authorities in
8 charge of an accredited nonpublic school has intentionally
9 concealed, or attempted to conceal from any governmental
10 agent, governmental officer, or potential employer a founded
11 incident, or any conduct required to be reported pursuant to
12 section 272.15, the board of educational examiners shall assess
13 a fine against an administrator of the school district or the
14 accredited nonpublic school who assisted in the concealment, or
15 attempted concealment, of an incident, or any conduct required
16 to be reported pursuant to section 272.15, of not more than
17 ten thousand dollars. Payments of the fine provided in this
18 paragraph shall be remitted to the treasurer of the state for
19 deposit in the general fund of the state.

20 Sec. 35. Section 256E.7, subsection 2, Code 2022, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *oi.* Be subject to and comply with the
23 requirements of section 280.32 in the same manner as a school
24 district.

25 Sec. 36. Section 272.2, subsection 14, paragraph b,
26 subparagraph (1), unnumbered paragraph 1, Code 2022, is amended
27 to read as follows:

28 The person entered a plea of guilty to, ~~or~~ has been found
29 guilty of, or the board has found by a preponderance of the
30 evidence that the person committed, any of the following
31 offenses, whether or not a sentence is imposed:

32 Sec. 37. Section 272.2, subsection 15, Code 2022, is amended
33 to read as follows:

34 15. a. Adopt rules that require specificity in written
35 complaints that are filed by individuals who have personal

1 knowledge of an alleged violation and which are accepted by
2 the board, provide that the jurisdictional requirements as set
3 by the board in administrative rule are met on the face of the
4 complaint before initiating an investigation of allegations,
5 provide that any investigation be limited to the allegations
6 contained on the face of the complaint, provide for an adequate
7 interval between the receipt of a complaint and public notice
8 of the complaint, permit parties to a complaint to mutually
9 agree to a resolution of the complaint filed with the board,
10 allow the respondent the right to review any investigative
11 report upon a finding of probable cause for further action by
12 the board, require that the conduct providing the basis for
13 the complaint occurred within three years of discovery of the
14 event by the complainant unless good cause can be shown for
15 an extension of this limitation, and require complaints to be
16 resolved within one hundred eighty days unless good cause can
17 be shown for an extension of this limitation.

18 b. Adopt rules that require the collection and retention of
19 written complaints that are filed. If the board determines a
20 written complaint is not founded, the complaint and all records
21 related to the complaint shall be kept confidential and are not
22 subject to chapter 22.

23 c. Adopt rules that require the board to notify the public
24 when a licensed practitioner who is the subject of an ongoing
25 investigation initiated under paragraph "a" has a case pending
26 with a finding of probable cause. This paragraph shall not be
27 construed to require the board to disclose unfounded, closed
28 investigations initiated under paragraph "a".

29 d. Adopt rules that require the evaluation of complaints
30 that did not result in any discipline or sanction if similar
31 complaints are filed against the same licensed practitioner.

32 e. Adopt rules that require the board to investigate an
33 administrator who is employed by the school that employs a
34 licensed practitioner who is the subject of an investigation
35 initiated under paragraph "a". The rules shall require

1 the board to investigate whether the administrator filed a
2 written complaint pursuant to this subsection and whether the
3 administrator was required to report to the board pursuant to
4 section 272.15.

5 Sec. 38. Section 279.69, Code 2022, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 1A. Prior to hiring an individual who
8 has been issued a license, endorsement, certification,
9 authorization, or statement of recognition by the board
10 of educational examiners, a school district shall view the
11 board of educational examiner's public license information to
12 determine if the individual has a case pending with a finding
13 of probable cause or any licensure sanction. This subsection
14 shall not be construed to require the board of educational
15 examiners to disclose unfounded, closed investigations.

16 Sec. 39. NEW SECTION. **280.32 Incidents related to licensed**
17 **practitioners — reporting and investigation.**

18 The board of directors of a school district and the
19 authorities in charge of each accredited nonpublic school shall
20 follow the process created by the department of education
21 pursuant to section 256.9, subsection 66, related to the
22 reporting and investigation of an incident involving the
23 possible commission of a felony by any person who has been
24 issued a license, endorsement, certification, authorization, or
25 statement of recognition by the board of educational examiners.

26 DIVISION VIII

27 BOARD OF EDUCATIONAL EXAMINERS — RENEWAL CREDITS

28 Sec. 40. Section 272.2, subsection 1, paragraph c, Code
29 2022, is amended to read as follows:

30 c. Rules adopted pursuant to [this subsection](#) establishing
31 licensure renewal requirements shall provide that up to half
32 of the units needed for licensure renewal may be earned upon
33 the successful completion of an individualized professional
34 development plan as verified by the supervising licensed
35 evaluator, or by successful completion of professional

1 development courses or programs offered by a professional
2 development program licensed by the board, or by a practitioner
3 preparation institution or area education agency approved by
4 the state board of education. The rules shall require that
5 holders of a master educator teaching license, professional
6 service license, or professional administrator license who are
7 employed by a school district described in chapter 274, charter
8 school, or accredited nonpublic school may earn all renewal
9 credits, except for the evaluator training required by section
10 284.10 and the mandatory reporter training required by section
11 232.69, through professional development activities as verified
12 by the supervising licensed evaluator.>

13 2. Title page, by striking lines 1 through 10 and inserting
14 <An Act relating to education, including establishing a
15 student first scholarship program, a student first operational
16 sharing fund, and a process for investigating complaints
17 against licensed practitioners, modifying provisions related
18 to supplementary weighting, the rights of students enrolled in
19 school districts or charter schools, the rights of parents and
20 guardians of those students, social studies instruction, open
21 enrollment, competent private instruction, special education,
22 practitioner preparation programs, mandatory reporters, and
23 the responsibilities of the department of education, school
24 districts, charter schools, accredited nonpublic schools, and
25 the board of educational examiners, and including notice,
26 effective date, applicability, and retroactive applicability
27 provisions.>

AMY SINCLAIR