

Senate File 2369

S-5108

1 Amend the amendment, S-5106, to Senate File 2369, as
2 follows:

3 <1. By striking page 1, line 4, through page 31, line 27,
4 and inserting:

5 <DIVISION I

6 PARENT OR GUARDIAN BILL OF RIGHTS

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

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

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

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

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

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

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

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

1 outside presenters.

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

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

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

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

15 (2) The school district determines that a credible threat to
16 the health, safety, or welfare of a minor child may result from
17 providing access to or disclosing the school records.

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 obscene material without the express prior written consent of
34 the student's parent or guardian, which may be obtained by
35 electronic means.

1 *b.* The school district shall make every effort to prohibit
2 a minor child from accessing obscene material in the classroom
3 on a device or through a computer network that is owned or
4 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) The school district shall not allow a minor child to
22 check out obscene material from a library operated by the
23 school district without the express prior written consent of
24 the minor child's parent or guardian, which may be obtained by
25 electronic means.

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

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

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

35 (1) The political affiliations or beliefs of the student or

1 the student's parent or guardian.

2 (2) Mental or psychological problems of the student or the
3 student's family.

4 (3) Sex behavior or attitudes.

5 (4) Illegal, antisocial, self-incriminating, or demeaning
6 behavior.

7 (5) Critical appraisals of other individuals with whom the
8 student has close familial relationships.

9 (6) Legally recognized privileged or analogous
10 relationships, such as those of attorneys, physicians, or
11 ministers.

12 (7) Religious practices, affiliations, or beliefs of the
13 student or the student's parent or guardian.

14 (8) Income, except when required by law to determine
15 eligibility for participation in a program or for receiving
16 financial assistance under such a program.

17 c. Any nonemergency, invasive physical examination or
18 screening that is required as a condition of attendance,
19 administered by the school and is scheduled in advance, and
20 that is not necessary to protect the immediate health and
21 safety of the student or other students.

22 4. The rights guaranteed to parents and guardians by this
23 section are not a comprehensive list of the rights reserved
24 to parents or guardians of a minor child. The enumeration of
25 the rights contained in this section shall not be construed to
26 limit the rights reserved to parents or guardians of a minor
27 child.

28 5. The school district shall publish a copy of this section
29 in the student handbook and on the school district's internet
30 site.

31 6. For purposes of this section, unless the context
32 otherwise requires, "*obscene material*" means the same as defined
33 in section 728.1.

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DIVISION II
INCIDENTS RELATED TO LICENSED PRACTITIONERS

1 Sec. 4. Section 232.69, subsection 1, unnumbered paragraph
2 1, Code 2022, is amended to read as follows:

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

14 Sec. 5. Section 232.69, subsection 1, paragraph b,
15 subparagraph (4), Code 2022, is amended to read as follows:

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

20 Sec. 6. Section 232.70, subsection 6, Code 2022, is amended
21 by adding the following new paragraph:

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

27 Sec. 7. Section 256.9, Code 2022, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 65. a. Develop and implement a process
30 for the reporting and investigation of any incident that arises
31 that may reasonably lead to the conclusion that an individual
32 with a license, endorsement, certification, authorization, or
33 statement of recognition issued by the board of educational
34 examiners who is employed by the board of directors of a
35 school district or the authorities in charge of an accredited

1 nonpublic school has committed a felony or has engaged in
2 conduct described in section 272.15, subsection 1, paragraph
3 "a", subparagraph (1), subparagraph divisions (a) through (d).

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

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

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

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

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

1 board of educational examiners shall assess a fine against
2 an administrator of the school district or the accredited
3 nonpublic school who failed to ensure compliance with the
4 process of not less than five hundred dollars and not more than
5 five thousand dollars. Payments of the fine provided in this
6 paragraph shall be remitted to the treasurer of the state for
7 deposit in the general fund of the state.

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

22 Sec. 8. Section 256E.7, subsection 2, Code 2022, is amended
23 by adding the following new paragraph:

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

27 Sec. 9. Section 272.2, subsection 14, paragraph b,
28 subparagraph (1), unnumbered paragraph 1, Code 2022, is amended
29 to read as follows:

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

34 Sec. 10. Section 272.2, subsection 15, Code 2022, is amended
35 to read as follows:

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

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

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

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

34 e. Adopt rules that require the board to investigate an
35 administrator who is employed by the school that employs a

1 licensed practitioner who is the subject of an investigation
2 initiated under paragraph "a". The rules shall require
3 the board to investigate whether the administrator filed a
4 written complaint pursuant to this subsection and whether the
5 administrator was required to report to the board pursuant to
6 section 272.15.

7 Sec. 11. Section 279.69, Code 2022, is amended by adding the
8 following new subsection:

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

18 Sec. 12. NEW SECTION. **280.32 Incidents related to licensed**
19 **practitioners — reporting and investigation.**

20 The board of directors of a school district and the
21 authorities in charge of each accredited nonpublic school shall
22 follow the process created by the department of education
23 pursuant to section 256.9, subsection 65, related to the
24 reporting and investigation of an incident involving the
25 possible commission of a felony by any person who has been
26 issued a license, endorsement, certification, authorization, or
27 statement of recognition by the board of educational examiners.

28 DIVISION III

29 BOARD OF EDUCATIONAL EXAMINERS — RENEWAL CREDITS

30 Sec. 13. Section 272.2, subsection 1, paragraph c, Code
31 2022, is amended to read as follows:

32 c. Rules adopted pursuant to [this subsection](#) establishing
33 licensure renewal requirements shall provide that up to half
34 of the units needed for licensure renewal may be earned upon
35 the successful completion of an individualized professional

1 development plan as verified by the supervising licensed
2 evaluator, or by successful completion of professional
3 development courses or programs offered by a professional
4 development program licensed by the board, or by a practitioner
5 preparation institution or area education agency approved by
6 the state board of education. The rules shall require that
7 holders of a master educator teaching license, professional
8 service license, or professional administrator license who are
9 employed by a school district described in chapter 274, charter
10 school, or accredited nonpublic school may earn all renewal
11 credits, except for the evaluator training required by section
12 284.10 and the mandatory reporter training required by section
13 232.69, through professional development activities as verified
14 by the supervising licensed evaluator.>

15 2. Title page, by striking lines 1 through 10 and inserting
16 <An Act relating to education, including establishing a process
17 for investigating complaints against licensed practitioners,
18 modifying provisions related to the rights of students enrolled
19 in school districts or charter schools, the rights of parents
20 and guardians of those students, mandatory reporters, and
21 the responsibilities of the department of education, school
22 districts, charter schools, accredited nonpublic schools, and
23 the board of educational examiners.>>

HERMAN C. QUIRMBACH