

Senate File 496

S-3160

1 Amend the House amendment, S-3117, to Senate File 496, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 5, through page 38, line 24, and
4 inserting:

5 <<DIVISION I

6 EDUCATIONAL PROGRAM

7 Section 1. Section 256.11, unnumbered paragraph 1, Code
8 2023, is amended to read as follows:

9 The state board shall adopt rules under [chapter 17A](#) and
10 a procedure for accrediting all public and nonpublic schools
11 in Iowa offering instruction at any or all levels from the
12 prekindergarten level through grade twelve. The rules of
13 the state board shall require that a an age-appropriate,
14 multicultural, and gender-fair approach is used by schools and
15 school districts. The educational program shall be taught from
16 a an age-appropriate, multicultural, and gender-fair approach.
17 Global perspectives shall be incorporated into all levels of
18 the educational program. The rules adopted by the state board
19 pursuant to [section 256.17, Code Supplement 1987](#), to establish
20 new standards shall satisfy the requirements of [this section](#) to
21 adopt rules to implement the educational program contained in
22 this section. The educational program shall be as follows:

23 Sec. 2. Section 256.11, subsections 2, 3, 4, and 9, Code
24 2023, are amended to read as follows:

25 2. The kindergarten program shall include experiences
26 designed to develop healthy emotional and social habits and
27 growth in the language arts and communication skills, as well
28 as a capacity for the completion of individual tasks, and
29 protect and increase physical well-being with attention given
30 to experiences relating to the development of life skills and,
31 subject to section 279.80, age-appropriate and research-based
32 human growth and development. A kindergarten teacher shall be
33 licensed to teach in kindergarten. An accredited nonpublic
34 school must meet the requirements of [this subsection](#) only if
35 the nonpublic school offers a kindergarten program; provided,

1 however, that section 279.80 shall not apply to a nonpublic
2 school.

3 3. The following areas shall be taught in grades one through
4 six: English-language arts, social studies, mathematics,
5 science, health, ~~age-appropriate and research-based~~
6 ~~human growth and development~~, physical education, traffic
7 safety, music, and visual art, and, subject to section
8 279.80, age-appropriate and research-based human growth and
9 development. Computer science instruction incorporating
10 the standards established under section 256.7, subsection
11 26, paragraph "a", subparagraph (4), shall be offered in
12 at least one grade level commencing with the school year
13 beginning July 1, 2023. The health curriculum shall include
14 the characteristics of communicable diseases ~~including acquired~~
15 ~~immune deficiency syndrome.~~ The state board as part of
16 accreditation standards shall adopt curriculum definitions for
17 implementing the elementary program.

18 4. The following shall be taught in grades seven and
19 eight: English-language arts; social studies; mathematics;
20 science; health; age-appropriate and research-based human
21 growth and development; career exploration and development;
22 physical education; music; and visual art. Computer science
23 instruction incorporating the standards established under
24 section 256.7, subsection 26, paragraph "a", subparagraph (4),
25 shall be offered in at least one grade level commencing with
26 the school year beginning July 1, 2023. Career exploration
27 and development shall be designed so that students are
28 appropriately prepared to create an individual career
29 and academic plan pursuant to [section 279.61](#), incorporate
30 foundational career and technical education concepts aligned
31 with the six career and technical education service areas
32 as defined in [subsection 5](#), paragraph "h", and incorporate
33 relevant twenty-first century skills. The health curriculum
34 shall include age-appropriate and research-based information
35 regarding the characteristics of sexually transmitted diseases,

1 ~~including HPV and the availability of a vaccine to prevent~~
2 ~~HPV, and acquired immune deficiency syndrome.~~ The state board
3 as part of accreditation standards shall adopt curriculum
4 definitions for implementing the program in grades seven
5 and eight. However, ~~this subsection~~ shall not apply to the
6 teaching of career exploration and development in nonpublic
7 schools. For purposes of ~~this section~~, ~~"age-appropriate"~~,
8 ~~"HPV"~~, and ~~"research-based"~~ mean the same as defined in section
9 279.50.

10 9. a. (1) Beginning July 1, 2006, each school district
11 shall have a qualified teacher librarian who shall be licensed
12 by the board of educational examiners under ~~chapter 272~~. Each
13 school district shall establish a kindergarten through grade
14 twelve library program that is consistent with section 280.6
15 and with the educational standards established in this section,
16 contains only age-appropriate materials, and supports the
17 student achievement goals of the total school curriculum.

18 (2) If, after investigation, the department determines
19 that a school district or an employee of a school district has
20 violated the provisions of subparagraph (1) related to library
21 programs containing only age-appropriate materials, beginning
22 January 1, 2024, the school district or employee of the school
23 district, as applicable, shall be subject to the following:

24 (a) For the first violation of subparagraph (1), the
25 department shall issue a written warning to the board
26 of directors of the school district or the employee, as
27 applicable.

28 (b) (i) For a second or subsequent violation of
29 subparagraph (1), if the department finds that a school
30 district knowingly violated subparagraph (1), the
31 superintendent of the school district shall be subject to
32 a hearing conducted by the board of educational examiners
33 pursuant to section 272.2, subsection 14, which may result in
34 disciplinary action.

35 (ii) For a second or subsequent violation of subparagraph

1 (1), if the department finds that an employee of the school
2 district who holds a license, certificate, authorization, or
3 statement of recognition issued by the board of educational
4 examiners knowingly violated subparagraph (1), the employee
5 shall be subject to a hearing conducted by the board of
6 educational examiners pursuant to section 272.2, subsection 14,
7 which may result in disciplinary action.

8 b. The state board shall establish in rule a definition
9 of and standards for an articulated sequential kindergarten
10 through grade twelve media program.

11 c. A school district that entered into a contract with an
12 individual for employment as a media specialist or librarian
13 prior to June 1, 2006, shall be considered to be in compliance
14 with [this subsection](#) until June 30, 2011, if the individual
15 is making annual progress toward meeting the requirements
16 for a teacher librarian endorsement issued by the board of
17 educational examiners ~~under chapter 272~~. A school district
18 that entered into a contract with an individual for employment
19 as a media specialist or librarian who holds at least a
20 master's degree in library and information studies shall be
21 considered to be in compliance with [this subsection](#) until the
22 individual leaves the employ of the school district.

23 Sec. 3. Section 256.11, subsection 5, paragraph j,
24 subparagraph (1), Code 2023, is amended to read as follows:

25 (1) One unit of health education which shall include
26 personal health; food and nutrition; environmental health;
27 safety and survival skills; consumer health; family life;
28 age-appropriate and research-based human growth and
29 development; substance abuse and nonuse; emotional and
30 social health; health resources; and prevention and control
31 of disease, including age-appropriate and research-based
32 information regarding sexually transmitted diseases, ~~including~~
33 ~~HPV and the availability of a vaccine to prevent HPV, and~~
34 ~~acquired immune deficiency syndrome.~~

35 Sec. 4. Section 256.11, Code 2023, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 19. For purposes of this section:

3 a. (1) "*Age-appropriate*" means topics, messages, and
4 teaching methods suitable to particular ages or age groups
5 of children and adolescents, based on developing cognitive,
6 emotional, and behavioral capacity typical for the age or age
7 group. "*Age-appropriate*" does not include any material with
8 descriptions or visual depictions of a sex act as defined in
9 section 702.17.

10 (2) Notwithstanding subparagraph (1), for purposes of the
11 human growth and development curriculum, "*age-appropriate*" means
12 the same as defined in section 279.50.

13 b. "*Research-based*" means the same as defined in section
14 279.50.

15 DIVISION II

16 SCHOOL RESPONSIBILITIES

17 Sec. 5. Section 256E.7, subsection 2, paragraph i, Code
18 2023, is amended to read as follows:

19 i. Be subject to and comply with [section 279.76](#) relating
20 to physical examinations, ~~and~~ health screenings, and formal
21 examinations or surveys designed to assess a student's mental,
22 emotional, or physical health in the same manner as a school
23 district.

24 Sec. 6. Section 256E.7, subsection 2, Code 2023, is amended
25 by adding the following new paragraphs:

26 NEW PARAGRAPH. 0j. Be subject to and comply with the
27 requirements of section 279.78 relating to prohibitions and
28 requirements related to the gender identity of students in the
29 same manner as a school district.

30 NEW PARAGRAPH. 00j. Be subject to and comply with the
31 requirements of section 279.79 relating to student, employee,
32 and contractor participation in surveys, analyses, activities,
33 or evaluations in the same manner as a school district.

34 NEW PARAGRAPH. 000j. Be subject to and comply with the
35 requirements of section 279.80 relating to sexual orientation

1 and gender identity instruction in kindergarten through grade
2 six in the same manner as a school district.

3 NEW PARAGRAPH. *0000j.* Be subject to and comply with the
4 requirements of section 279.81 relating to prohibiting students
5 from serving on any committees that determine, or provide
6 recommendations related to, whether a material in a school
7 library should be removed.

8 Sec. 7. Section 256F.4, subsection 2, paragraph k, Code
9 2023, is amended to read as follows:

10 *k.* Be subject to and comply with [section 279.76](#) relating
11 to physical examinations, ~~and~~ health screenings, and formal
12 examinations or surveys designed to assess a student's mental,
13 emotional, or physical health in the same manner as a school
14 district.

15 Sec. 8. Section 256F.4, subsection 2, Code 2023, is amended
16 by adding the following new paragraphs:

17 NEW PARAGRAPH. *l.* Be subject to and comply with the
18 requirements of section 279.78 relating to prohibitions and
19 requirements related to the gender identity of students in the
20 same manner as a school district.

21 NEW PARAGRAPH. *m.* Be subject to and comply with the
22 requirements of section 279.79 relating to student, employee,
23 and contractor participation in surveys, analyses, activities,
24 or evaluations in the same manner as a school district.

25 NEW PARAGRAPH. *n.* Be subject to and comply with the
26 requirements of section 279.80 relating to sexual orientation
27 and gender identity instruction in kindergarten through grade
28 six in the same manner as a school district.

29 NEW PARAGRAPH. *o.* Be subject to and comply with the
30 requirements of section 279.81 relating to prohibiting students
31 from serving on any committees that determine, or provide
32 recommendations related to, whether a material in a school
33 library should be removed.

34 Sec. 9. Section 279.50, subsections 1 and 2, Code 2023, are
35 amended to read as follows:

1 1. ~~Each~~ Subject to section 279.80, each school board shall
2 provide instruction in kindergarten which gives attention
3 to experiences relating to life skills and human growth and
4 development as required in section 256.11. School districts
5 shall use research provided in section 256.9, subsection 46,
6 paragraph "b", to evaluate and upgrade their instructional
7 materials and teaching strategies for human growth and
8 development.

9 2. Each school board shall provide age-appropriate and
10 research-based instruction in human growth and development
11 including instruction regarding human sexuality, self-esteem,
12 stress management, interpersonal relationships, domestic
13 abuse, ~~HPV and the availability of a vaccine to prevent HPV,~~
14 ~~and acquired immune deficiency syndrome~~ and the prevention and
15 control of disease, including sexually transmitted diseases as
16 required in section 256.11, in grades ~~one~~ seven through twelve.

17 Sec. 10. Section 279.50, Code 2023, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 1A. Subject to section 279.80, each
20 school board shall provide age-appropriate and research-based
21 instruction in human growth and development including
22 instruction regarding self-esteem, stress management,
23 interpersonal relationships, and domestic abuse in grades one
24 through six.

25 Sec. 11. Section 279.50, subsection 9, paragraphs b and c,
26 Code 2023, are amended by striking the paragraphs.

27 Sec. 12. Section 279.76, subsections 1 and 2, Code 2023, are
28 amended to read as follows:

29 1. a. Each school district is prohibited from administering
30 or conducting an invasive physical examination of a student,
31 ~~or~~ a student health screening that is not required by state or
32 federal law, or a formal examination or survey of a student
33 that is designed to assess the student's mental, emotional, or
34 physical health that is not required by state or federal law,
35 without first acquiring the written consent of the student's

1 parent or guardian. **This section** applies only to a minor child
2 in the direct care of a parent or guardian, and does not apply
3 to an emancipated minor or a minor who is not residing with the
4 parent or guardian.

5 b. Each school district shall give written notice to a
6 student's parent or guardian of an examination or survey of
7 the student required by state or federal law that is designed
8 to assess the student's mental, emotional, or physical health
9 not less than seven days prior to the examination or survey.
10 The notice shall include a copy of the examination or survey
11 or a link to an internet site where the parent or guardian may
12 access the examination or survey.

13 c. This subsection shall not apply to a hearing or vision
14 examination.

15 2. **This section** shall not be construed to prohibit a school
16 district from conducting health screenings or invasive physical
17 examinations in emergent care situations or from cooperating in
18 a child abuse assessment commenced in accordance with section
19 232.71B.

20 Sec. 13. **NEW SECTION. 279.77 Transparency — publication**
21 **of school district information.**

22 1. Each school district shall publish all of the following
23 information related to the current school year on the school
24 district's internet site:

25 a. A detailed explanation of the procedures or policies
26 in effect for the parent or guardian of a student enrolled in
27 the school district to request the removal of a book, article,
28 outline, handout, video, or other educational material that is
29 available to students in the classroom or in a library operated
30 by the school district. Each school district shall prominently
31 display the detailed explanation on the school district's
32 internet site.

33 b. A detailed explanation of the procedures or policies in
34 effect to request the review of decisions made by the board
35 of directors of the school district, including the petition

1 process established pursuant to section 279.8B.

2 2. The board of directors of each school district shall
3 adopt a policy describing the procedures for the parent or
4 guardian of a student enrolled in the school district or a
5 resident of the school district to review the instructional
6 materials used in classrooms in the school district. The
7 policy shall include a process for a student's parent or
8 guardian to request that the student not be provided with
9 certain instructional materials. The policy shall be
10 prominently displayed on the school district's internet site
11 and the board of directors of the school district shall, at
12 least annually, provide a written or electronic copy of the
13 policy to the parent or guardian of each student enrolled
14 in the school district. For purposes of this section,
15 "*instructional materials*" means either printed or electronic
16 textbooks and related core materials that are written and
17 published primarily for use in elementary school and secondary
18 school instruction and are required by a state educational
19 agency or local educational agency for use by students in the
20 student's classes by the teacher of record. "*Instructional*
21 *materials*" does not include lesson plans.

22 3. Each school district shall make available on the school
23 district's internet site a comprehensive list of all books
24 available to students in libraries operated by the school
25 district. However, for school years beginning prior to July
26 1, 2025, if the school district does not use an electronic
27 catalog, the school district may request a waiver from this
28 requirement from the department of education.

29 4. The identity of a parent or guardian who requests the
30 removal of a book, article, outline, handout, video, or other
31 educational material that is available to students in the
32 classroom or in a library operated by the school district
33 pursuant to subsection 1, paragraph "a", shall be confidential
34 and shall not be a public record subject to disclosure under
35 chapter 22.

1 5. This section shall not be construed to require a school
2 district to do any of the following:

3 a. Reproduce educational materials that were not created by
4 a person employed by the board of directors.

5 b. Distribute any educational materials in a manner that
6 would infringe on the intellectual property rights of any
7 person.

8 Sec. 14. NEW SECTION. 279.78 Parental rights in education.

9 1. As used in this section:

10 a. "*Gender identity*" means the same as defined in section
11 216.2.

12 b. "*License*" means the same as defined in section 272.1.

13 c. "*Practitioner*" means the same as defined in section
14 272.1.

15 2. A school district shall not knowingly give false or
16 misleading information to the parent or guardian of a student
17 regarding the student's gender identity or intention to
18 transition to a gender that is different than the sex listed on
19 a student's official birth certificate or certificate issued
20 upon adoption if the certificate was issued at or near the time
21 of the student's birth.

22 3. If a student enrolled in a school district requests
23 an accommodation that is intended to affirm the student's
24 gender identity from a licensed practitioner employed by
25 the school district, including a request that the licensed
26 practitioner address the student using a name or pronoun that
27 is different than the name or pronoun assigned to the student
28 in the school district's registration forms or records, the
29 licensed practitioner shall report the student's request
30 to an administrator employed by the school district, and
31 the administrator shall report the student's request to the
32 student's parent or guardian.

33 4. If, after investigation, the department of education
34 determines that a school district or an employee of a school
35 district has violated this section, the school district or

1 employee of the school district, as applicable, shall be
2 subject to the following:

3 a. For the first violation of this section, the department
4 of education shall issue a written warning to the board
5 of directors of the school district or the employee, as
6 applicable.

7 b. (1) For a second or subsequent violation of this
8 section, if the department of education finds that a school
9 district knowingly violated this section, the superintendent of
10 the school district shall be subject to a hearing conducted by
11 the board of educational examiners pursuant to section 272.2,
12 subsection 14, which may result in disciplinary action.

13 (2) For a second or subsequent violation of this section,
14 if the department of education finds that an employee of
15 the school district who holds a license, certificate,
16 authorization, or statement of recognition issued by the board
17 of educational examiners knowingly violated this section, the
18 employee shall be subject to a hearing conducted by the board
19 of educational examiners pursuant to section 272.2, subsection
20 14, which may result in disciplinary action.

21 5. The state board of education shall adopt rules pursuant
22 to chapter 17A to administer this section.

23 Sec. 15. NEW SECTION. 279.79 Surveys — required parent or
24 guardian consent.

25 1. The board of directors of a school district must
26 receive the prior written consent of a student's parent or
27 guardian before requiring a student to take part in any survey,
28 analysis, activity, or evaluation that reveals information
29 concerning any of the following about the student or the
30 student's family, whether the information is personally
31 identifiable or not:

32 a. The political affiliations or beliefs of the student or
33 the student's parent or guardian.

34 b. Mental or psychological problems of the student or the
35 student's family.

1 *c.* Sexual behavior, orientation, or attitudes.

2 *d.* Illegal, antisocial, self-incriminating, or demeaning
3 behavior.

4 *e.* Critical appraisals of other individuals with whom the
5 student has close familial relationships.

6 *f.* Legally recognized privileged or analogous relationships,
7 such as those of attorneys, physicians, or ministers.

8 *g.* Religious practices, affiliations, or beliefs of the
9 student or the student's parent or guardian.

10 *h.* Income, except when required by law to determine
11 eligibility for participation in a program or for receiving
12 financial assistance under such a program.

13 2. An employee of a school district, or a contractor engaged
14 by a school district, shall not answer any question pertaining
15 to any particular student enrolled in the school district
16 in any survey related to the social or emotional abilities,
17 competencies, or characteristics of the student, unless the
18 board of directors of the school district satisfies all of the
19 following requirements:

20 *a.* The board of directors of the school district provides to
21 the parent or guardian of each student enrolled in the school
22 district detailed information related to the survey, including
23 the person who created the survey, the person who sponsors the
24 survey, how information generated by the survey is used, and
25 how information generated by the survey is stored.

26 *b.* The board of directors of the school district receives
27 the written consent from a student's parent or guardian
28 authorizing the employee or contractor to answer questions in
29 the survey pertaining to the student.

30 3. Subsection 2 shall not be construed to prohibit an
31 employee of a school district, or a contractor engaged by a
32 school district, from answering questions pertaining to any
33 particular student enrolled in the school district as part of
34 the process of developing or implementing an individualized
35 education program for such student.

1 Sec. 16. NEW SECTION. **279.80 Sexual orientation and gender**
2 **identity — prohibited instruction.**

3 1. As used in this section:

4 *a.* “*Gender identity*” means the same as defined in section
5 216.2.

6 *b.* “*Sexual orientation*” means the same as defined in section
7 216.2.

8 2. A school district shall not provide any program,
9 curriculum, test, survey, questionnaire, promotion, or
10 instruction relating to gender identity or sexual orientation
11 to students in kindergarten through grade six.

12 Sec. 17. NEW SECTION. **279.81 Library materials review**
13 **committee.**

14 The board of directors of a school district shall not allow a
15 student to serve on any committee that determines, or provides
16 recommendations related to, whether a material in a library
17 operated by the school district should be removed.

18 Sec. 18. NEW SECTION. **279.82 Intra-district enrollment.**

19 1. A parent or guardian of a student enrolled in a
20 school district may enroll the student in another attendance
21 center within the same school district that offers classes
22 at the student’s grade level in the manner provided in this
23 section if, as a result of viewing a recording created by a
24 video surveillance system or a report from a school district
25 employee, and consistent with the requirements of the federal
26 Family Educational Rights and Privacy Act, 20 U.S.C. §1232g,
27 and any regulations promulgated pursuant to that Act, the
28 school district determines that any student enrolled in the
29 school district has harassed or bullied the student. For
30 purposes of this subsection, “*harassment*” and “*bullying*” mean
31 the same as defined in section 280.28.

32 2. *a.* A parent or guardian shall send notification to
33 the school district, on forms prescribed by the department of
34 education, that the parent or guardian intends to enroll the
35 student in another attendance center within the same school

1 district that offers classes at the student's grade level.

2 **b.** The school district shall enroll the student in another
3 attendance center within the same school district unless the
4 attendance center has insufficient classroom space for the
5 student. If the request is granted, the school district shall
6 transmit a copy of the form to the parent or guardian within
7 five days after the school district's action. The parent
8 or guardian may withdraw the request at any time prior to
9 the school district's action on the request. A denial of a
10 request by the school district may be appealed to the board of
11 directors of the school district.

12 **c.** The board of directors of each school district shall
13 adopt a policy that defines the term "*insufficient classroom*
14 *space*" for that district.

15 3. A request under this section is for a period of not
16 less than one year. A student who attends school in another
17 attendance center pursuant to this section may return to
18 the original attendance center and enroll at any time, once
19 the parent or guardian has notified the school district in
20 writing of the decision to enroll the student in the original
21 attendance center.

22 4. If a request filed under this section is for a student
23 requiring special education under chapter 256B, the request to
24 transfer to another attendance center shall only be granted if
25 all of the following conditions are met:

26 **a.** The attendance center maintains a special education
27 instructional program that is appropriate to meet the student's
28 educational needs and the enrollment of the student in the
29 attendance center would not cause the size of the class or
30 caseload in that special education instructional program in the
31 attendance center to exceed the maximum class size or caseload
32 established pursuant to rules adopted by the state board of
33 education.

34 **b.** If the student would be assigned to a general education
35 class, there is sufficient classroom space for the general

1 education class to which the student would be assigned.

2 5. If a student, for whom a request to transfer has been
3 filed with the school district, has been suspended or expelled
4 in the school district, the student shall not be permitted
5 to transfer until the student has been reinstated. Once the
6 student has been reinstated, however, the student shall be
7 permitted to transfer in the same manner as if the student
8 had not been suspended or expelled. If a student, for whom
9 a request to transfer has been filed with a school district,
10 is expelled in the school district, the student shall be
11 permitted to transfer under this section if the student applies
12 for and is reinstated. However, if the student applies for
13 reinstatement but is not reinstated in the school district,
14 the school district may deny the request to transfer. The
15 decision of the school district may be appealed to the board of
16 directors of the school district.

17 6. A student who is enrolled in another attendance center
18 within the same school district pursuant to this section is
19 eligible to participate immediately in varsity interscholastic
20 athletic contests and athletic competitions as a member of a
21 team from the receiving attendance center.

22 7. This section shall not be construed to prohibit a
23 school district from allowing the parent or guardian of a
24 student enrolled in the school district to enroll the student
25 in another attendance center within the same school district
26 that offers classes at the student's grade level pursuant to a
27 policy adopted by the board of directors of the school district
28 that allows for transfers for reasons in addition to those
29 allowed pursuant to this section.

30 8. The state board of education shall adopt rules pursuant
31 to chapter 17A to administer this section.

32 **Sec. 19. NEW SECTION. 279.83 Notice to parents or guardians**
33 **related to physical injuries, harassment, or bullying.**

34 After following the policy adopted by the school district
35 pursuant to section 280.28, subsection 3, an employee of a

1 school district may notify the parents or guardians of a
2 student enrolled in the school district in writing or by
3 electronic mail within twenty-four hours after the employee
4 witnesses, either directly or indirectly by viewing a recording
5 created by a video surveillance system, any student enrolled
6 in the school district harassing or bullying the student. For
7 purposes of this section, "harassment" and "bullying" mean the
8 same as defined in section 280.28.

9 Sec. 20. Section 280.28, subsection 3, Code 2023, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *Of.* A procedure for reporting an
12 allegation of an act of harassment or bullying, including
13 the identification by job title of the school official
14 responsible for ensuring that the policy is implemented, and
15 the identification of the person or persons responsible for
16 receiving reports of allegations of harassment or bullying.
17 The procedure shall require a school official to notify the
18 parents or guardians of a student enrolled in the school
19 district within twenty-four hours after the school official
20 receives a report that the student may have been the victim of
21 conduct that constitutes harassment or bullying.

22 Sec. 21. EFFECTIVE DATE. The following, being deemed of
23 immediate importance, take effect upon enactment:

24 1. The section of this division of this Act enacting section
25 279.82.

26 2. The section of this division of this Act enacting section
27 279.83.

28 3. The section of this division of this Act amending section
29 280.28, subsection 3.

30 DIVISION III

31 PRIVATE INSTRUCTION AND SPECIAL EDUCATION

32 Sec. 22. Section 299A.9, subsection 1, Code 2023, is amended
33 to read as follows:

34 1. A child of compulsory attendance age who is identified
35 as requiring special education under [chapter 256B](#) is eligible

1 for placement under competent private instruction ~~with prior~~
2 ~~approval of the placement by the director of special education~~
3 ~~of the area education agency of the child's district of~~
4 ~~residence.~~

5 Sec. 23. Section 299A.9, Code 2023, is amended by adding the
6 following new subsection:

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

13 DIVISION IV

14 PARENTS AND GUARDIANS RIGHTS

15 Sec. 24. NEW SECTION. 601.1 Parents and guardians —
16 rights.

17 1. For purposes of this section:

18 a. *"Emergent care situation"* means a sudden or unforeseen
19 occurrence or onset of a medical or behavioral condition that
20 could result in serious injury or harm to a minor child in the
21 event immediate medical attention is not provided.

22 b. *"Medical care"* means any care, treatment, service, or
23 procedure to prevent, diagnose, alleviate, treat, or cure a
24 minor child's physical or mental condition.

25 c. *"Minor child"* means an unmarried and unemancipated person
26 under the age of eighteen years.

27 2. Subject to section 147.164, as enacted by 2023 Iowa
28 Acts, Senate File 538, a parent or guardian bears the ultimate
29 responsibility, and has the fundamental, constitutionally
30 protected right, to make decisions affecting the parent's
31 or guardian's minor child, including decisions related to
32 the minor child's medical care, moral upbringing, religious
33 upbringing, residence, education, and extracurricular
34 activities. Any and all restrictions of this right shall be
35 subject to strict scrutiny.

1 3. This section shall not be construed to prohibit any of
2 the following:

3 a. A minor child from receiving medical attention in an
4 emergent care situation.

5 b. A person from cooperating in a child abuse assessment
6 commenced in accordance with section 232.71B.

7 c. A court from issuing an order that is permitted by law.

8 4. This section shall not be construed to authorize a parent
9 or guardian to engage in conduct that is unlawful or to abuse
10 or neglect a minor child in violation of the laws of this
11 state.

12 5. The rights guaranteed to parents and guardians by this
13 section are not a comprehensive list of the rights reserved
14 to parents or guardians of a minor child. The enumeration of
15 the rights contained in this section shall not be construed to
16 limit the rights reserved to parents or guardians of a minor
17 child.

18 DIVISION V

19 IMPLEMENTATION OF ACT

20 Sec. 25. IMPLEMENTATION OF ACT. Section 25B.2, subsection
21 3, shall not apply to this Act.>

22 2. Title page, line 3, after <child,> by inserting
23 <authorizing the parent or guardian of a student enrolled in
24 a school district to enroll the student in another attendance
25 center within the same school district in certain specified
26 circumstances,>

27 3. Title page, line 11, by striking <districts> and
28 inserting <districts, accredited nonpublic schools, the
29 department of education, the board of educational examiners,>

30 4. Title page, line 13, after <education> by inserting <,
31 and including effective date provisions>>

KEN ROZENBOOM