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[SF 2310](#) – Iowa Learning Online (LSB5150SV.2)  
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Fiscal Note Version – Final Action

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**Description**

[Senate File 2310](#) makes a variety of changes to the Iowa Code regarding education. This Bill takes effect upon enactment, unless otherwise provided, and is applicable July 1, 2020.

**Division I:**

The Bill requires school districts and accredited nonpublic schools to report to the Department of Education (DE) online coursework offered by the school district or accredited nonpublic school in which students are enrolled. Rules adopted by the State Board of Education must require that online coursework offered by school districts, accredited nonpublic schools, and area education agencies (AEAs) meet specified requirements. The previously established DE online learning program model, [Iowa Learning Online](#), will be eliminated, and the DE will maintain a list of [approved online providers](#) that includes a school district, accredited nonpublic school, partnership or consortium of schools, private provider, AEAs, or [Iowa e-Learning Central](#). The DE and AEAs will coordinate to ensure the most effective use of resources and delivery for the Iowa e-Learning Central platform and will use federal funds, if available, to offset costs to participating schools.

No offer and teach waiver issued by the DE would be required for school districts or accredited nonpublic schools for offering a world language, finance literacy, or computer science course online, if the school district or accredited nonpublic school makes every reasonable and good-faith effort to employ a licensed teacher for the specified subject and is unable to employ such teacher, or if fewer than 10 students typically register for instruction in the specified subject at the school district or accredited nonpublic school. An additional two courses can be offered online with the waiver of offer and teach requirements if the school district or accredited nonpublic school makes every reasonable and good faith effort to employ a licensed teacher for the specified subject and is unable to employ such teacher or fewer than 10 students typically register for instruction in the specified subject at the school district or accredited nonpublic school. A school district or accredited nonpublic school may request an additional waiver from the DE to exceed the five courses allowed for waiver of offer and teach requirements.

An online learning program to deliver distance education to Iowa's students will be available to students receiving [independent private instruction \(IPI\)](#), [competent private instruction \(CPI\)](#), or [private instruction by a nonlicensed person](#), provided such students register with the school district of residence.

Participating students will be awarded high school credit, and the school district or accredited nonpublic school in which the student is enrolled is responsible for recordkeeping and issuing an earned high school diploma. Each school that participates in the program is required to have a site coordinator to serve as a student advocate and as a liaison between the online learning program staff, teachers, and the school district or accredited nonpublic school. School districts

and accredited nonpublic schools will pay AEAs the cost of providing coursework under an online learning program.

This Bill also provides for school calendar flexibility for school districts and accredited nonpublic schools that submit a [Return-to-Learn Plan](#) addressing student learning in response to school closures due to a Governor proclamation of a public health disaster emergency related to COVID-19. Any return-to-learn plan submitted by a school district or accredited nonpublic school must contain provisions for in-person instruction and provide that in-person instruction is the presumed method of instruction. This subsection of the Bill is repealed on July 1, 2021.

#### Division II:

Division II allows for additional flexibility for use of professional development dollars and management levy dollars for FY 2021. During the 2020-2021 school year, school districts may use any portion of the 36 required hours for professional development to provide instructional time in addition to the amount of required instructional time under Iowa Code section [279.10](#). In FY 2021, school districts are estimated to receive \$33.6 million in categorical State aid for professional development. At the end of FY 2019, school districts carried over a statewide total of \$26.7 million in professional development categorical fund balances for FY 2020.

#### Division III

- Until July 15, 2020, for the school year commencing July 1, 2020, a parent may apply to open-enroll a student in an online public school in another school district if the child, the child's caretaker, or another resident of the child's residence has a significant health condition that may increase the risk of COVID-19.
- For the 2020-2021 school year, each school district, if requested, shall provide texts and supplementary materials to children enrolled in competent private instruction (CPI) under a school district's Home School Assistance program (HSAP).
- For the 2020-2021 school year, if the Governor proclaims a public health disaster, a school board of directors may authorize the closure of the school district due to an outbreak of COVID-19 in the school district or any school district attendance center. School districts are encouraged to follow guidelines issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the Iowa Department of Public Health.
- For the 2020-2021 school year, minimum school day requirements will not be waived for school closures due to COVID-19 unless the school district or accredited nonpublic school provides compulsory remote learning. Unless explicitly authorized in a proclamation of a public health disaster emergency issued by the Governor and related to COVID-19, a brick-and-mortar school district or accredited nonpublic school will not take action to provide instruction primarily through remote-learning opportunities.
- For the 2020-2021 school year, if a remote-learning period is necessary, teachers and other necessary school staff will be available during regular required contract hours.
- For the 2020-2021 school year, a student who is enrolled in a school district or accredited nonpublic school but who does not participate in compulsory remote-learning opportunities that are implemented due to COVID-19 will be considered truant, except for defined excluded students.
- For the 2020-2021 school year, the DE may waive teacher-endorsement requirements for defined circumstances.
- For the 2020-2021 school year, when implementing social distancing policies included in a return-to-learn plan, school districts and accredited nonpublic schools must, to the extent possible, provide in-person instruction for [core academic subjects](#).
- For the 2020-2021 school year, statewide assessments will not be waived.

- For the 2020-2021 school year, cardiopulmonary resuscitation certification (CPR) requirements for graduation will be waived for specified circumstances.
- If a parent or guardian of a student enrolled in a school district or accredited nonpublic school notifies the school in writing, with specific notice requirements, that a student, resident of the student's residence, or caretaker of the student has a significant health condition that increases the risk of COVID-19, the school will make reasonable accommodations for the student to attend school through remote learning. The provisions and accommodations for students with individualized education programs (IEP) or in need of accommodations will be determined by the student's IEP or accommodations team. The school may collaborate with an AEA or another school district or accredited nonpublic school to provide remote learning opportunities to the defined student.
- A school district or accredited nonpublic school, in response to a proclamation of a public health disaster emergency explicitly addressing school closures issued by the Governor and related to COVID-19, may provide instruction primarily through continuous remote-learning opportunities if such instruction is provided in accordance with the school's return-to-learn plan submitted to the DE regardless of whether the school is approved to provide instruction primarily through continuous remote-learning opportunities. Instruction provided pursuant to this section will be provided by Iowa licensed teachers and will be aligned with the Iowa Core and core content requirements and standards.

#### School District Impact Report

The Bill requires school districts to submit a report, with specified information, to the DE detailing any reduction in expenditures to the school district resulting from the closure of schools due to COVID-19 during the school budget year beginning July 1, 2019, and ending June 30, 2020. The DE will prepare and submit to the General Assembly, by November 15, 2020, a report that details, for each school district, the total net impact of the COVID-19 pandemic on each school district's budget.

#### Fiscal Impact

The estimated fiscal impact of [SF 2310](#), by section, is as follows:

##### Division I

There will be no fiscal impact to the State for this section unless an appropriation is made for the online learning platform. An estimated \$7.0 million will be provided for establishing the statewide online learning platform through the Elementary and Secondary School Emergency Relief Fund as part of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act ([H.R. 748](#)).

School districts and accredited nonpublic schools participating in the online learning program may incur additional staff costs associated with the requirement to have a site coordinator.

##### Division II

This section has no fiscal impact to the State or local property taxes. Some districts may choose to use professional development dollars in the 2020-2021 school year for additional instructional time in the classroom; however, the amount that will be used cannot be determined.

##### Division III

The fiscal impact of this section cannot be determined; however, there may be some impact to school districts as follows:

- Some districts may experience an increase or decrease in revenue due to an increase in COVID-19 related open enrollment filers; however, the extent is unknown.

- There is not expected to be a fiscal impact to school districts providing texts and materials to CPI students under a HSAP.
- There may be increased costs to provide compulsory remote learning independently or alongside in-building learning and potentially in collaboration with AEAs.
- There may be increased information technology costs to ensure accessibility of teachers and other necessary staff.
- There may be costs associated with additional personnel and reporting for students not participating in compulsory remote-learning opportunities, who are considered truant.
- There may be costs associated with additional staff to support multiple classrooms to meet social distancing requirements.
- There may be potential support costs for administration of the statewide summative assessment outside of a typical classroom setting. The State currently provides a \$3.0 million [appropriation](#) to Iowa Testing Programs that offsets the school district and accredited nonpublic school [cost](#) of the statewide summative assessment. The cost per test/per student, not covered by the State appropriation, is directly billed from Iowa Testing Programs to school districts.
- There may be cost savings to school districts with the potential DE waiver of teacher-endorsement requirements allowing a teacher to teach multiple subject areas or multiple grades, and the availability of an online learning option for determined courses.
- There may be additional cost savings to school districts that opt to use the statewide online learning program instead of paying for a course provided by an online private provider. For more information, see the [Fiscal Note](#) for [SF 394](#).
- There may be cost savings to school districts by using State-developed and -owned content available via the online learning platform rather than individual school district purchases and development of content.

#### School District Savings Report

There may be one-time costs to the DE in compiling the requested information, but the amount cannot be determined.

Senate File 2310 may include a State mandate as defined in Iowa Code section [25B.3](#) and requires that any State mandate in the Bill be paid by a school district from the State Foundation Aid appropriation.

**Source**

Iowa Department of Education

**Effective Date**

Unless otherwise provided, this Bill is effective July 1, 2020, or upon enactment.

/s/ Holly M. Lyons

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June 25, 2020

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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