



KIM REYNOLDS  
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG  
LT GOVERNOR

May 26, 2023

The Honorable Paul Pate  
Secretary of State of Iowa  
State Capitol  
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

Senate File 496, an Act relating to children and students, including establishing a parent's or guardian's right to make decisions affecting the parent's or guardian's child, authorizing the parent or guardian of a student enrolled in a school district to enroll the student in another attendance center within the same school district in certain specified circumstances, prohibiting instruction related to gender identity and sexual orientation in school districts, charter schools, and innovation zone schools in kindergarten through grade six, and modifying provisions related to student health screenings, school district library programs, the educational program provided to students enrolled in school districts, accredited nonpublic schools, and charter schools, other duties of school districts, accredited nonpublic schools, the department of education, the board of educational examiners, and the governing boards of charter schools and innovation zone schools, competent private instruction, and special education, and including effective date provisions.

The above Senate File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink that reads "Kim Reynolds".

Kim Reynolds  
Governor of Iowa

cc: Secretary of the Senate  
Clerk of the House



Senate File 496

AN ACT

RELATING TO CHILDREN AND STUDENTS, INCLUDING ESTABLISHING A PARENT'S OR GUARDIAN'S RIGHT TO MAKE DECISIONS AFFECTING THE PARENT'S OR GUARDIAN'S CHILD, AUTHORIZING THE PARENT OR GUARDIAN OF A STUDENT ENROLLED IN A SCHOOL DISTRICT TO ENROLL THE STUDENT IN ANOTHER ATTENDANCE CENTER WITHIN THE SAME SCHOOL DISTRICT IN CERTAIN SPECIFIED CIRCUMSTANCES, PROHIBITING INSTRUCTION RELATED TO GENDER IDENTITY AND SEXUAL ORIENTATION IN SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INNOVATION ZONE SCHOOLS IN KINDERGARTEN THROUGH GRADE SIX, AND MODIFYING PROVISIONS RELATED TO STUDENT HEALTH SCREENINGS, SCHOOL DISTRICT LIBRARY PROGRAMS, THE EDUCATIONAL PROGRAM PROVIDED TO STUDENTS ENROLLED IN SCHOOL DISTRICTS, ACCREDITED NONPUBLIC SCHOOLS, AND CHARTER SCHOOLS, OTHER DUTIES OF SCHOOL DISTRICTS, ACCREDITED NONPUBLIC SCHOOLS, THE DEPARTMENT OF EDUCATION, THE BOARD OF EDUCATIONAL EXAMINERS, AND THE GOVERNING BOARDS OF CHARTER SCHOOLS AND INNOVATION ZONE SCHOOLS, COMPETENT PRIVATE INSTRUCTION, AND SPECIAL EDUCATION, AND INCLUDING EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

EDUCATIONAL PROGRAM

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

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

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

2. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and, subject to section 279.80, age-appropriate and research-based human growth and development. A kindergarten teacher shall be licensed to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program; provided, however, that section 279.80 shall not apply to a nonpublic school.

3. The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, ~~age-appropriate and research-based human growth and development~~, physical education, traffic safety, music, ~~and~~ visual art, and, subject to section 279.80, age-appropriate and research-based human growth and development. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph "a", subparagraph (4), shall be offered in at least one grade level commencing with the school year

beginning July 1, 2023. The health curriculum shall include the characteristics of communicable diseases ~~including acquired immune deficiency syndrome~~. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

4. The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; age-appropriate and research-based human growth and development; career exploration and development; physical education; music; and visual art. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph "a", subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education service areas as defined in subsection 5, paragraph "h", and incorporate relevant twenty-first century skills. The health curriculum shall include age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases, ~~including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome~~. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of career exploration and development in nonpublic schools. ~~For purposes of this section, "age-appropriate", "HPV", and "research-based" mean the same as defined in section 279.50.~~

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

student achievement goals of the total school curriculum.

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

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

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

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

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

c. A school district that entered into a contract with an individual for employment as a media specialist or librarian prior to June 1, 2006, shall be considered to be in compliance with this subsection until June 30, 2011, if the individual is making annual progress toward meeting the requirements for a teacher librarian endorsement issued by the board of educational examiners ~~under chapter 272~~. A school district that entered into a contract with an individual for employment as a media specialist or librarian who holds at least a master's degree in library and information studies shall be

considered to be in compliance with this subsection until the individual leaves the employ of the school district.

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

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

Sec. 4. Section 256.11, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 19. For purposes of this section:

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

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

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

## DIVISION II

### SCHOOL RESPONSIBILITIES

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

i. Be subject to and comply with section 279.76 relating to physical examinations, and health screenings, and formal examinations or surveys designed to assess a student's mental, emotional, or physical health in the same manner as a school district.

Sec. 6. Section 256E.7, subsection 2, Code 2023, is amended

by adding the following new paragraphs:

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

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

NEW PARAGRAPH. *000j.* Be subject to and comply with the requirements of section 279.80 relating to sexual orientation and gender identity instruction in kindergarten through grade six in the same manner as a school district.

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

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

*k.* Be subject to and comply with section 279.76 relating to physical examinations, and health screenings, and formal examinations or surveys designed to assess a student's mental, emotional, or physical health in the same manner as a school district.

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

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

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

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

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

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

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

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

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

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

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

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

1. a. Each school district is prohibited from administering or conducting an invasive physical examination of a student, ~~or~~ a student health screening that is not required by state or federal law, or a formal examination or survey of a student



that is designed to assess the student's mental, emotional, or physical health that is not required by state or federal law, without first acquiring the written consent of the student's parent or guardian. This section applies only to a minor child in the direct care of a parent or guardian, and does not apply to an emancipated minor or a minor who is not residing with the parent or guardian.

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

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

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

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

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

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

b. A detailed explanation of the procedures or policies in effect to request the review of decisions made by the board of directors of the school district, including the petition process established pursuant to section 279.8B.

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

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

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

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

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

b. Distribute any educational materials in a manner that

would infringe on the intellectual property rights of any person.

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

1. As used in this section:

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

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

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

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

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

4. If, after investigation, the department of education determines that a school district or an employee of a school district has violated this section, the school district or employee of the school district, as applicable, shall be subject to the following:

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

b. (1) For a second or subsequent violation of this section, if the department of education finds that a school district knowingly violated this section, the superintendent of

the school district shall be subject to a hearing conducted by the board of educational examiners pursuant to section 272.2, subsection 14, which may result in disciplinary action.

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

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

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

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

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

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

c. Sexual behavior, orientation, or attitudes.

d. Illegal, antisocial, self-incriminating, or demeaning behavior.

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

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

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

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

2. An employee of a school district, or a contractor engaged

by a school district, shall not answer any question pertaining to any particular student enrolled in the school district in any survey related to the social or emotional abilities, competencies, or characteristics of the student, unless the board of directors of the school district satisfies all of the following requirements:

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

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

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

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

1. As used in this section:

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

b. "*Sexual orientation*" means the same as defined in section 216.2.

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

Sec. 17. NEW SECTION. 279.81 Library materials review committee.

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

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

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

2. a. A parent or guardian shall send notification to the school district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the student in another attendance center within the same school district that offers classes at the student's grade level.

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

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

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

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

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

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

5. If a student, for whom a request to transfer has been filed with the school district, has been suspended or expelled in the school district, the student shall not be permitted to transfer until the student has been reinstated. Once the student has been reinstated, however, the student shall be permitted to transfer in the same manner as if the student had not been suspended or expelled. If a student, for whom a request to transfer has been filed with a school district, is expelled in the school district, the student shall be permitted to transfer under this section if the student applies for and is reinstated. However, if the student applies for reinstatement but is not reinstated in the school district, the school district may deny the request to transfer. The decision of the school district may be appealed to the board of directors of the school district.

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

7. This section shall not be construed to prohibit a school district from allowing the parent or guardian of a student enrolled in the school district to enroll the student in another attendance center within the same school district

that offers classes at the student's grade level pursuant to a policy adopted by the board of directors of the school district that allows for transfers for reasons in addition to those allowed pursuant to this section.

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

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

After following the policy adopted by the school district pursuant to section 280.28, subsection 3, an employee of a school district may notify the parents or guardians of a student enrolled in the school district in writing or by electronic mail within twenty-four hours after the employee witnesses, either directly or indirectly by viewing a recording created by a video surveillance system, any student enrolled in the school district harassing or bullying the student. For purposes of this section, "harassment" and "bullying" mean the same as defined in section 280.28.

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

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

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

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

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

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



DIVISION III

PRIVATE INSTRUCTION AND SPECIAL EDUCATION

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

1. A child of compulsory attendance age who is identified as requiring special education under chapter 256B is eligible for placement under competent private instruction ~~with prior approval of the placement by the director of special education of the area education agency of the child's district of residence.~~

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

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

DIVISION IV

PARENTS AND GUARDIANS RIGHTS

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

1. For purposes of this section:

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

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

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

2. Subject to section 147.164, as enacted by 2023 Iowa Acts, Senate File 538, a parent or guardian bears the ultimate responsibility, and has the fundamental, constitutionally protected right, to make decisions affecting the parent's or guardian's minor child, including decisions related to the minor child's medical care, moral upbringing, religious upbringing, residence, education, and extracurricular

activities. Any and all restrictions of this right shall be subject to strict scrutiny.

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

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

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

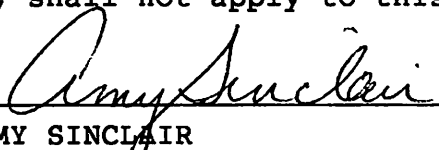
c. A court from issuing an order that is permitted by law.

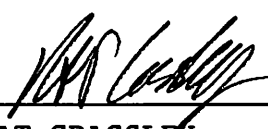
4. This section shall not be construed to authorize a parent or guardian to engage in conduct that is unlawful or to abuse or neglect a minor child in violation of the laws of this state.

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

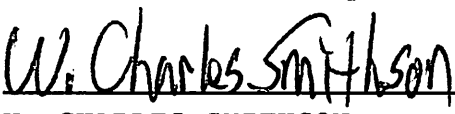
DIVISION V  
IMPLEMENTATION OF ACT

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

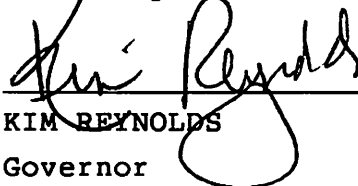
  
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AMY SINCLAIR  
President of the Senate

  
\_\_\_\_\_  
PAT GRASSLEY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 496, Ninetieth General Assembly.

  
\_\_\_\_\_  
W. CHARLES SMITHSON  
Secretary of the Senate

Approved May 26<sup>th</sup>, 2023

  
\_\_\_\_\_  
KIM REYNOLDS  
Governor