

Senate File 438 - Introduced

SENATE FILE 438
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1190)

A BILL FOR

1 An Act relating to the responsibilities and authority of school
2 districts or school corporations, accredited nonpublic
3 schools, or area education agencies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

SCHOOL DISTRICT RESPONSIBILITIES AND REQUIREMENTS RELATING TO
CHILDREN'S HEALTH

Section 1. Section 8A.318, subsections 1 and 3, Code 2019,
are amended to read as follows:

1. *Findings and intent.* The general assembly finds that
human beings are vulnerable to and may be severely affected by
exposure to chemicals, hazardous waste, and other environmental
hazards. The federal environmental protection agency estimates
that human exposure to indoor air pollutants can be two to
five times, and up to one hundred times, higher than outdoor
levels. ~~Children, teachers, janitors, and other staff members
spend a significant amount of time inside school buildings.~~
Likewise, ~~state~~ State employees and citizens of this state
spend a significant amount of time inside state buildings.
These individuals are continuously exposed to chemicals from
cleaners, waxes, deodorizers, and other maintenance products.

3. *Use of environmentally preferable cleaning and maintenance
products.*

a. ~~All school districts in this state, community colleges,
institutions under the control of the state board of regents,
and state agencies utilizing state buildings,~~ are encouraged
to conform to an environmentally preferable cleaning policy
designed to facilitate the purchase and use of environmentally
preferable cleaning and maintenance products for purposes of
~~public school, community college, regents institution, and
state building cleaning and maintenance.~~

b. ~~Each school district, community college, institution
under the control of the state board of regents, or state
agency utilizing public buildings shall conduct an evaluation
and assessment regarding implementation of an environmentally
preferable cleaning policy pursuant to [this section](#). ~~On or
after July 1, 2012, all~~ All state agencies, ~~and all school
districts, community colleges, and institutions under the
control of the state board of regents which have not opted~~~~

1 ~~out of compliance pursuant to paragraph "c",~~ shall purchase
2 only cleaning and maintenance products identified by the
3 department or that meet nationally recognized standards.
4 ~~School districts, community colleges, institutions under the~~
5 ~~control of the state board of regents, and state~~ State agencies
6 procuring supplies for ~~schools and~~ state buildings may deplete
7 their existing cleaning and maintenance supply stocks and
8 implement the new requirements in the procurement cycle for
9 the following year. **This section** shall not be interpreted
10 in a manner that prohibits the use of disinfectants,
11 disinfecting cleaners, sanitizers, or any other antimicrobial
12 product regulated by the federal Insecticide, Fungicide,
13 and Rodenticide Act, 7 U.S.C. §136 et seq., when necessary
14 to protect public health and provided that the use of these
15 products is in accordance with responsible cleaning procedure
16 requirements.

17 ~~c. A school district, community college, or institution~~
18 ~~under the control of the state board of regents may, based upon~~
19 ~~the evaluation and assessment conducted pursuant to paragraph~~
20 ~~"b", opt out of compliance with the requirements of this section~~
21 ~~upon the affirmative vote of a majority of the members of the~~
22 ~~board of directors of the school district or a determination by~~
23 ~~the president of the community college or by the president or~~
24 ~~administrative officer of the regents institution. A school~~
25 ~~district, community college, or regents institution opting~~
26 ~~out of compliance pursuant to this paragraph shall notify the~~
27 ~~department of education, the state board of education, or the~~
28 ~~state board of regents, as appropriate, of this decision.~~

29 Sec. 2. Section 135.17, subsection 1, paragraphs a and b,
30 Code 2019, are amended to read as follows:

31 a. Except as provided in paragraphs "c" and "d", the parent
32 or guardian of a child enrolled in a public or accredited
33 nonpublic elementary school shall ~~provide evidence to the~~
34 ~~school district or accredited nonpublic elementary school in~~
35 ~~which the child is enrolled of~~ ensure that the child having

1 has, no earlier than three years of age but no later than four
2 months after enrollment, at a minimum, a dental screening
3 performed by a licensed physician, a licensed nurse, a licensed
4 physician assistant, or a licensed dental hygienist or dentist.
5 Except as provided in paragraphs "c" and "d", the parent
6 or guardian of a child enrolled in a public or accredited
7 nonpublic high school shall provide evidence to the school
8 ~~district or accredited nonpublic high school in which the child~~
9 ~~is enrolled of~~ ensure that the child ~~having~~ has, at a minimum,
10 a dental screening performed no earlier than one year prior
11 to enrollment and not later than four months after enrollment
12 by a licensed dental hygienist or dentist. A school district
13 or accredited nonpublic school ~~shall~~ may provide access to a
14 process to complete the screenings described in this paragraph
15 as appropriate.

16 *b.* A person authorized to perform a dental screening
17 required by this section shall record that the screening was
18 completed, and such additional information required by the
19 department, on uniform forms developed by the department in
20 cooperation with the department of education, and shall submit
21 the completed form to the department of public health in
22 written or electronic form. The form shall include a space for
23 the person to summarize any condition that may indicate a need
24 for special services.

25 Sec. 3. Section 135.17, subsection 2, Code 2019, is amended
26 to read as follows:

27 2. Each public and nonpublic school shall, in collaboration
28 with the department, ~~do the following:~~

29 ~~a. Ensure~~ ensure that the parent or guardian of a student
30 enrolled in kindergarten or grade nine in the school has
31 ~~complied with~~ received information about the dental screening
32 requirements of subsection 1 and about any resources available
33 to satisfy the requirements.

34 ~~b. Provide, if a student has not had a dental screening~~
35 ~~performed in accordance with subsection 1, the parent or~~

1 ~~guardian of the student with community dental screening~~
2 ~~referral resources, including contact information for the~~
3 ~~i-smile coordinator, department, or dental society.~~

4 Sec. 4. Section 135.17, subsection 3, Code 2019, is amended
5 by striking the subsection.

6 Sec. 5. Section 135.39D, subsections 1 and 5, Code 2019, are
7 amended to read as follows:

8 1. The parent or guardian of a child to be enrolled in a
9 public or accredited nonpublic elementary school shall ensure
10 that the child is screened for vision impairment at least once
11 before enrollment in kindergarten and again before enrollment
12 in grade three. ~~The parent or guardian of the child shall~~
13 ~~ensure that evidence of the vision screening is provided to the~~
14 ~~school district or accredited nonpublic school in which the~~
15 ~~child is enrolled. Evidence of the vision screening may shall~~
16 ~~be provided either directly from the parent or guardian or from~~
17 to the department in either written or electronic form by a
18 vision screening provider referred to in subsection 2, and may
19 ~~be provided in either written or electronic form.~~

20 5. Each public and accredited nonpublic elementary school
21 shall, in collaboration with the department, ~~do the following:~~

22 a. ~~Provide~~ provide the parents or guardians of students with
23 vision screening referral resources.

24 b. ~~Arrange for evidence of vision screenings provided~~
25 ~~pursuant to subsection 1 to be forwarded to the department.~~

26 Sec. 6. Section 135.102, subsection 7, Code 2019, is amended
27 to read as follows:

28 7. Implementation of a ~~requirement that~~ requirements
29 established under section 135.105D relating to blood lead
30 testing of children receive a blood lead test prior to the age
31 of six and ~~before enrolling in any elementary school in Iowa in~~
32 ~~accordance with section 135.105D.~~

33 Sec. 7. Section 135.105D, subsection 2, paragraphs a and b,
34 Code 2019, are amended to read as follows:

35 a. A parent or guardian of a child under the age of two

1 is strongly encouraged to have the child tested for elevated
2 blood lead levels by the age of two. Except as provided in
3 ~~paragraph "b" and subsection 4,~~ a parent or guardian shall
4 ~~provide evidence to the school district elementary attendance~~
5 ~~center or the accredited nonpublic elementary school in which~~
6 ~~the parent's or guardian's child is enrolled~~ ensure that the
7 child was tested for elevated blood lead levels by the age of
8 six according to recommendations provided by the department.
9 A parent or guardian, or the person authorized by the
10 parent or guardian to test the child for elevated blood lead
11 levels, shall record that the testing was completed, and such
12 additional information required by the department on uniform
13 forms developed by the department in cooperation with the
14 department of education, and shall submit the completed form to
15 the department of public health in written or electronic form.
16 The form shall include a space for the person to summarize any
17 condition that may indicate a need for special services.

18 *b.* The board of directors of each school district and
19 the authorities in charge of each nonpublic school shall, in
20 collaboration with the department, ~~do the following:~~

21 ~~(1) Ensure~~ ensure that the parent or guardian of a student
22 enrolled in the school ~~has complied with the requirements of~~
23 ~~paragraph "a".~~

24 ~~(2) Provide, if the parent or guardian cannot provide~~
25 ~~evidence that the child received a blood lead test in~~
26 ~~accordance with paragraph "a", the parent or guardian with~~
27 received community blood lead testing program information,
28 including contact information for the department.

29 Sec. 8. Section 135.105D, subsection 3, Code 2019, is
30 amended to read as follows:

31 ~~3. The board of directors of each school district and the~~
32 ~~authorities in charge of each nonpublic school shall furnish~~
33 ~~the department, in the format specified by the department,~~
34 ~~within sixty days after the start of the school calendar, a~~
35 ~~list of the children enrolled in kindergarten. The department~~

1 ~~shall notify the school districts and nonpublic schools of the~~
2 ~~children who have not met the blood lead testing requirements~~
3 ~~set forth in [this section](#) and shall work with the school~~
4 ~~districts, nonpublic schools, and the local childhood lead~~
5 ~~poisoning prevention programs to assure that these children are~~
6 ~~tested as required by in accordance with [this section](#).~~

7 Sec. 9. Section 256.11, subsection 9B, Code 2019, is amended
8 to read as follows:

9 9B. ~~Beginning July 1, 2007, each A school district shall~~
10 ~~have a school nurse to provide health services to its students.~~
11 ~~Each school district shall work toward the goal of having one~~
12 ~~school nurse for every seven hundred fifty students enrolled in~~
13 ~~the school district. For purposes of [this subsection](#), "school~~
14 ~~nurse" means a person who holds an endorsement or a statement of~~
15 ~~professional recognition for school nurses issued by the board~~
16 ~~of educational examiners under [chapter 272](#).~~

17 Sec. 10. Section 280.7A, subsection 1, Code 2019, is amended
18 by striking the subsection.

19 Sec. 11. Section 299.4, subsection 1, Code 2019, is amended
20 to read as follows:

21 1. The parent, guardian, or legal custodian of a child
22 who is of compulsory attendance age, who places the child
23 under competent private instruction under [section 299A.2](#), not
24 in an accredited school or a home school assistance program
25 operated by a school district or accredited nonpublic school,
26 shall furnish a report in duplicate on forms provided by the
27 public school district, to the district by September 1 of the
28 school year in which the child will be under competent private
29 instruction. The secretary shall retain and file one copy
30 and forward the other copy to the district's area education
31 agency. The report shall state the name and age of the child,
32 the period of time during which the child has been or will be
33 under competent private instruction for the year, an outline
34 of the course of study, texts used, and the name and address
35 of the instructor. The parent, guardian, or legal custodian

1 of a child, who is placing the child under competent private
2 instruction for the first time, shall also provide the district
3 with evidence that the child has had the immunizations required
4 under [section 139A.8](#), and, if the child is elementary school
5 age, a shall ensure that the child was tested for elevated
6 blood lead test levels in accordance with [section 135.105D](#).
7 The term "*outline of course of study*" shall include subjects
8 covered, lesson plans, and time spent on the areas of study.

9

DIVISION II

10 AREA EDUCATION AGENCY BOARDS — POSTING OF NOTICE OF PROPOSED
11 BUDGET

12 Sec. 12. Section 273.3, subsection 12, Code 2019, is amended
13 to read as follows:

14 12. Prepare an annual budget estimating income and
15 expenditures for programs and services as provided in sections
16 273.1, [273.2](#), [this section](#), [sections 273.4 to 273.9](#), and
17 chapter 256B within the limits of funds provided under section
18 256B.9 and [chapter 257](#). The board shall ~~give~~ post notice
19 of a public hearing on the proposed budget ~~by publication in~~
20 ~~an official county newspaper in each county in the territory~~
21 ~~of the area education agency in which the principal place~~
22 ~~of business of a school district that is a part of the area~~
23 ~~education agency is located~~ on the area education agency's
24 internet site. The notice shall specify the date, which
25 shall be not later than March 1 of each year, the time, and
26 the location of the public hearing. The proposed budget as
27 approved by the board shall then be submitted to the state
28 board of education, on forms provided by the department,
29 no later than March 15 preceding the next fiscal year for
30 approval. The state board shall review the proposed budget of
31 each area education agency and shall before May 1, either grant
32 approval or return the budget without approval with comments
33 of the state board included. An unapproved budget shall be
34 resubmitted to the state board for final approval not later
35 than May 15. The state board shall give final approval only to

1 budgets submitted by area education agencies accredited by the
2 state board or that have been given conditional accreditation
3 by the state board.

4 DIVISION III

5 SCHOOL DISTRICTS — MISCELLANEOUS PROVISIONS

6 Sec. 13. Section 256.11, subsection 9, Code 2019, is amended
7 to read as follows:

8 9. ~~Beginning July 1, 2006, each~~ A school district shall
9 have a qualified teacher librarian who shall be licensed by the
10 board of educational examiners under [chapter 272](#). The state
11 board shall establish in rule a definition of and standards for
12 an articulated sequential kindergarten through grade twelve
13 media program. ~~A school district that entered into a contract
14 with an individual for employment as a media specialist or
15 librarian prior to June 1, 2006, shall be considered to be
16 in compliance with [this subsection](#) until June 30, 2011, if
17 the individual is making annual progress toward meeting the
18 requirements for a teacher librarian endorsement issued by the
19 board of educational examiners under [chapter 272](#). A school
20 district that entered into a contract with an individual for
21 employment as a media specialist or librarian who holds at
22 least a master's degree in library and information studies
23 shall be considered to be in compliance with this subsection
24 until the individual leaves the employ of the school district.~~

25 Sec. 14. Section 279.8, subsection 1, Code 2019, is amended
26 to read as follows:

27 1. The board shall make rules for its own government and
28 that of the directors, officers, employees, teachers and
29 pupils, and for the care of the schoolhouse, grounds, and
30 property of the school corporation, and shall aid in the
31 enforcement of the rules, and require the performance of duties
32 imposed by law and the rules. ~~The board shall include in its
33 rules provisions regulating the loading and unloading of pupils
34 from a school bus stopped on the highway during a period of
35 reduced highway visibility caused by fog, snow or other weather~~

1 ~~conditions.~~ The board shall have the authority to include in
2 its rules provisions allowing school corporation employees to
3 use school credit cards to pay for the actual and necessary
4 expenses incurred in the performance of work-related duties.

5 Sec. 15. Section 279.41, Code 2019, is amended to read as
6 follows:

7 **279.41 Schoolhouses and sites sold — funds.**

8 1. Moneys received from the condemnation, sale, or other
9 disposition for public purposes of schoolhouses, school sites,
10 or both schoolhouses and school sites, shall be deposited in
11 the physical plant and equipment levy fund and may without a
12 vote of the electorate be used for purposes authorized under
13 section 298.3, as ordered by the board of directors of the
14 school ~~district~~ corporation.

15 2. Notwithstanding subsection 1, the board of directors of a
16 school corporation organized under chapter 274 may take action
17 to deposit moneys received pursuant to subsection 1 in any
18 proposed account of the school corporation. However, the board
19 shall hold a public hearing on the proposal prior to taking
20 action to deposit the funds in accordance with this subsection.
21 The board shall publish notice of the time and the place of the
22 public hearing in the same manner as required in section 24.9.

23 Sec. 16. Section 279.48, subsection 3, Code 2019, is amended
24 by striking the subsection.

25 Sec. 17. Section 279.60, subsection 2, Code 2019, is amended
26 by striking the subsection.

27 Sec. 18. Section 279.69, subsection 1, Code 2019, is amended
28 to read as follows:

29 1. Prior to hiring an applicant for a school employee
30 position, a school district shall have access to and shall
31 review the information in the Iowa court information system
32 available to the general public, the sex offender registry
33 information under [section 692A.121](#) available to the general
34 public, the central registry for child abuse information
35 established under [section 235A.14](#), and the central registry for

1 dependent adult abuse information established under section
2 235B.5 for information regarding the applicant. ~~A school~~
3 ~~district shall follow the same procedure by June 30, 2014, for~~
4 ~~each school employee employed by the school district as of July~~
5 ~~1, 2013.~~ A school district shall implement a consistent policy
6 to follow the same procedure for each school employee employed
7 by the school district ~~on or after July 1, 2013,~~ at least every
8 five years after the school employee's initial date of hire. A
9 school district ~~shall not~~ may charge an employee for the cost
10 of the registry checks conducted pursuant to this subsection,
11 not to exceed the actual cost of the registry checks. A school
12 district shall maintain documentation demonstrating compliance
13 with this subsection.

14 Sec. 19. REPEAL. Section 279.44, Code 2019, is repealed.

15

EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the responsibilities and authority
19 relating to school districts and the boards of directors of
20 school districts and is organized in divisions.

21 DIVISION I — SCHOOL DISTRICT RESPONSIBILITIES AND
22 REQUIREMENTS RELATING TO CHILDREN'S HEALTH.

23 Dental Screenings. Division I strikes provisions that
24 require a parent or guardian of a child enrolled in public
25 and accredited nonpublic elementary school or high school to
26 provide evidence to the school that the child has had a dental
27 screening performed by a licensed physician, nurse, physician
28 assistant, dentist, or dental hygienist; require the schools
29 to ensure that the parent or guardian has complied with the
30 requirements; and require the school to provide the parent or
31 guardian of a student who has not had a dental screening with
32 community dental screening referral services.

33 The division requires the person who performs the child's
34 dental screening to submit the information regarding completion
35 of the screening on a form to the department of public health,

1 and provides that the form may be submitted to the department
2 in written or electronic form.

3 Under the division, the school must ensure that the parent or
4 guardian of a student enrolled in kindergarten or grade nine
5 has received information about the state's dental screening
6 requirements and about resources that are available to satisfy
7 the requirements.

8 Use of Environmentally Preferable Cleaning Products in
9 School District, Community College, and Regents Institution
10 Buildings. The division strikes requirements that school
11 districts, community colleges, and regents institutions conduct
12 an evaluation and assessment regarding implementation of an
13 environmentally preferable cleaning policy and purchase only
14 cleaning and maintenance products identified by the department
15 of administrative services as being environmentally preferable
16 or that meet nationally recognized standards. A provision
17 establishing a process by which school districts, community
18 colleges, and regents institutions could opt out of compliance
19 is stricken.

20 Vision Screenings. The division replaces a provision that
21 requires a parent or guardian of an elementary school child
22 to ensure that evidence of the child's vision screening is
23 provided to the school in which the child is enrolled with a
24 requirement that the evidence of vision screening be provided
25 to the department of public health by the person providing the
26 screening.

27 Blood Lead Testing. The division strikes language
28 requiring the department of public health to adopt rules for
29 a requirement that children receive a blood lead test before
30 enrolling in any elementary school; strikes a requirement that
31 a parent or guardian provide evidence to a school district
32 that the parent or guardian's child was tested for elevated
33 blood lead levels by age six; strikes a provision requiring the
34 school district and nonpublic school to ensure that the parent
35 or guardian has complied and if not, to provide the parent or

1 guardian with community blood lead testing information; and
2 strikes a requirement that the school district and nonpublic
3 school furnish the department with a list of children enrolled
4 in kindergarten.

5 Instead, the bill requires the parent or guardian, or
6 the person authorized by the parent or guardian to test the
7 child for elevated blood lead levels, to submit a record of
8 the testing to the department of public health in written
9 or electronic form; requires that the school districts and
10 nonpublic schools ensure that the parent or guardian has
11 received community blood lead testing program information;
12 and requires the department to work with school districts,
13 nonpublic schools, and the local childhood lead poisoning
14 prevention programs to assure that children are tested.

15 A requirement that the parents, guardians, and legal
16 custodians of children under competent private instruction
17 submit evidence to a school district that the child has been
18 tested for elevated blood lead levels has been replaced with a
19 requirement that the parents, guardians, and legal custodians
20 ensure that the child has been tested.

21 School Nurse Requirement. The bill strikes the requirement
22 that school districts work toward a goal of having one school
23 nurse for every 750 students.

24 Student Eye Care. The division strikes a provision
25 requiring that every parent or guardian of a child registered
26 for kindergarten or preschool be provided with a student vision
27 card provided by the Iowa optometric association and approved
28 by the department of education with a goal of each child
29 reaching an eye examination by age seven.

30 DIVISION II — AREA EDUCATION AGENCY BOARDS — POSTING OF
31 NOTICE OF PROPOSED BUDGET.

32 Division II strikes a provision that requires area education
33 agency (AEA) boards to give notice of a public hearing on the
34 agency's proposed budget by publication in an official county
35 newspaper in each county in which a school district located

1 within the AEA locates its principal place of business.

2 DIVISION III — SCHOOL DISTRICTS — MISCELLANEOUS
3 PROVISIONS.

4 Teacher Librarian Requirement. The bill strikes obsolete
5 provisions.

6 School Bus Rules. The division strikes a provision
7 requiring school boards to have rules regulating the loading
8 and unloading of pupils from a school bus stopped on the
9 highway during inclement weather.

10 Schoolhouse and Site Fund Deposits. The division also
11 provides an exception to a provision that requires a school
12 district to deposit in the physical plant and equipment
13 levy moneys received from the condemnation, sale, or other
14 disposition for public purposes of schoolhouses, school sites,
15 or both schoolhouses and school sites. Under the exception,
16 the board of directors of a school corporation organized under
17 Code chapter 274 may take action to deposit such moneys in
18 any proposed account of the school corporation if the board
19 holds a public hearing on the proposal prior to taking action.
20 The board must publish notice of the time and the place of
21 the public hearing between 10 to 20 days before the hearing
22 in a newspaper of general circulation located within the
23 corporation's boundaries. As used in the provision, "school
24 corporation" refers to a school district, though under Code
25 section 260C.14(3), the board of directors of a community
26 college has the powers and duties prescribed for the boards of
27 directors of school districts under Code chapter 279.

28 Publication of Notice Prior to Loan Agreement. The division
29 strikes a provision requiring a school corporation to publish
30 notice in a newspaper of general circulation prior to entering
31 into a loan agreement for an equipment purchase.

32 School District Reporting Requirements. The division
33 also strikes a provision requiring a school district to
34 collect information from parents or guardians of kindergarten
35 students regarding preschool attendance, factors identified

1 by the early childhood Iowa office, and other demographic
2 factors; and requiring the school district to report community
3 strategies results, the early childhood assessment results,
4 and the preschool information collected to the department of
5 education each year. Also stricken is a requirement that the
6 department review the information and submit its findings and
7 recommendations annually in a report to the governor, the
8 general assembly, the early childhood Iowa state board, and the
9 early childhood Iowa area boards.

10 Charging for Registry Checks. Currently, school districts
11 are prohibited from charging employees for the cost of registry
12 checks. The bill provides that a school district may charge
13 an employee for the cost of the registry checks, not to exceed
14 the actual cost. Obsolete language relating to school employee
15 registry checks is stricken.

16 Energy Audit Results. The division also repeals a Code
17 provision that requires the boards of directors of school
18 districts to file with the economic development authority the
19 results of an energy audit of the buildings owned and leased
20 by the school district.