

Senate Study Bill 1190 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON SINCLAIR)

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~~ Community colleges, institutions
5 under the control of the state board of regents, and state
6 agencies procuring supplies for schools and state buildings may
7 deplete their existing cleaning and maintenance supply stocks
8 and implement the new requirements in the procurement cycle
9 for 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 *b.* The board of directors of each school district and
10 the authorities in charge of each nonpublic school shall, in
11 collaboration with the department, ~~do the following:~~

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

15 ~~(2) Provide, if the parent or guardian cannot provide~~
16 ~~evidence that the child received a blood lead test in~~
17 ~~accordance with paragraph "a", the parent or guardian with~~
18 received community blood lead testing program information,
19 including contact information for the department.

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

22 3. ~~The board of directors of each school district and the~~
23 ~~authorities in charge of each nonpublic school shall furnish~~
24 ~~the department, in the format specified by the department,~~
25 ~~within sixty days after the start of the school calendar, a~~
26 ~~list of the children enrolled in kindergarten. The department~~
27 ~~shall notify the school districts and nonpublic schools of the~~
28 ~~children who have not met the blood lead testing requirements~~
29 ~~set forth in~~ **this section** ~~and shall work with the school~~
30 ~~districts, nonpublic schools, and the local childhood lead~~
31 ~~poisoning prevention programs to assure that these children are~~
32 ~~tested as required by~~ in accordance with **this section**.

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

35 9B. ~~Beginning July 1, 2007, each~~ A school district shall may

1 have a school nurse to provide health services to its students.
2 ~~Each school district shall work toward the goal of having one~~
3 ~~school nurse for every seven hundred fifty students enrolled in~~
4 ~~the school district.~~ For purposes of **this subsection**, "school
5 nurse" means a person who holds an endorsement or a statement of
6 professional recognition for school nurses issued by the board
7 of educational examiners under **chapter 272**.

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

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

12 1. The parent, guardian, or legal custodian of a child
13 who is of compulsory attendance age, who places the child
14 under competent private instruction under **section 299A.2**, not
15 in an accredited school or a home school assistance program
16 operated by a school district or accredited nonpublic school,
17 shall furnish a report in duplicate on forms provided by the
18 public school district, to the district by September 1 of the
19 school year in which the child will be under competent private
20 instruction. The secretary shall retain and file one copy
21 and forward the other copy to the district's area education
22 agency. The report shall state the name and age of the child,
23 the period of time during which the child has been or will be
24 under competent private instruction for the year, an outline
25 of the course of study, texts used, and the name and address
26 of the instructor. The parent, guardian, or legal custodian
27 of a child, who is placing the child under competent private
28 instruction for the first time, shall also provide the district
29 with evidence that the child has had the immunizations required
30 under **section 139A.8**, and, if the child is elementary school
31 age, a shall ensure that the child was tested for elevated
32 blood lead test levels in accordance with **section 135.105D**.
33 The term "outline of course of study" shall include subjects
34 covered, lesson plans, and time spent on the areas of study.

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DIVISION II

1 AREA EDUCATION AGENCY BOARDS — POSTING OF NOTICE OF PROPOSED
2 BUDGET

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

5 12. Prepare an annual budget estimating income and
6 expenditures for programs and services as provided in sections
7 273.1, 273.2, this section, sections 273.4 to 273.9, and
8 chapter 256B within the limits of funds provided under section
9 256B.9 and chapter 257. The board shall give post notice
10 of a public hearing on the proposed budget ~~by publication in~~
11 ~~an official county newspaper in each county in the territory~~
12 ~~of the area education agency in which the principal place~~
13 ~~of business of a school district that is a part of the area~~
14 ~~education agency is located~~ on the area education agency's
15 internet site. The notice shall specify the date, which
16 shall be not later than March 1 of each year, the time, and
17 the location of the public hearing. The proposed budget as
18 approved by the board shall then be submitted to the state
19 board of education, on forms provided by the department,
20 no later than March 15 preceding the next fiscal year for
21 approval. The state board shall review the proposed budget of
22 each area education agency and shall before May 1, either grant
23 approval or return the budget without approval with comments
24 of the state board included. An unapproved budget shall be
25 resubmitted to the state board for final approval not later
26 than May 15. The state board shall give final approval only to
27 budgets submitted by area education agencies accredited by the
28 state board or that have been given conditional accreditation
29 by the state board.

30 DIVISION III

31 SCHOOL DISTRICTS — MISCELLANEOUS PROVISIONS

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

34 9. ~~Beginning July 1, 2006, each~~ A school district shall may
35 have a qualified teacher librarian who shall be licensed by the

1 board of educational examiners under **chapter 272**. The state
2 board shall establish in rule a definition of and standards for
3 an articulated sequential kindergarten through grade twelve
4 media program. ~~A school district that entered into a contract~~
5 ~~with an individual for employment as a media specialist or~~
6 ~~librarian prior to June 1, 2006, shall be considered to be~~
7 ~~in compliance with **this subsection** until June 30, 2011, if~~
8 ~~the individual is making annual progress toward meeting the~~
9 ~~requirements for a teacher librarian endorsement issued by the~~
10 ~~board of educational examiners under **chapter 272**. A school~~
11 ~~district that entered into a contract with an individual for~~
12 ~~employment as a media specialist or librarian who holds at~~
13 ~~least a master's degree in library and information studies~~
14 ~~shall be considered to be in compliance with this subsection~~
15 ~~until the individual leaves the employ of the school district.~~

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

18 1. The board shall make rules for its own government and
19 that of the directors, officers, employees, teachers and
20 pupils, and for the care of the schoolhouse, grounds, and
21 property of the school corporation, and shall aid in the
22 enforcement of the rules, and require the performance of duties
23 imposed by law and the rules. ~~The board shall include in its~~
24 ~~rules provisions regulating the loading and unloading of pupils~~
25 ~~from a school bus stopped on the highway during a period of~~
26 ~~reduced highway visibility caused by fog, snow or other weather~~
27 ~~conditions.~~ The board shall have the authority to include in
28 its rules provisions allowing school corporation employees to
29 use school credit cards to pay for the actual and necessary
30 expenses incurred in the performance of work-related duties.

31 Sec. 15. Section 279.41, Code 2019, is amended to read as
32 follows:

33 **279.41 Schoolhouses and sites sold — funds.**

34 1. Moneys received from the condemnation, sale, or other
35 disposition for public purposes of schoolhouses, school sites,

1 or both schoolhouses and school sites, shall be deposited in
2 the physical plant and equipment levy fund and may without a
3 vote of the electorate be used for purposes authorized under
4 section 298.3, as ordered by the board of directors of the
5 school ~~district~~ corporation.

6 2. Notwithstanding subsection 1, the board of directors of a
7 school corporation organized under chapter 274 may take action
8 to deposit moneys received pursuant to subsection 1 in any
9 proposed account of the school corporation. However, the board
10 shall hold a public hearing on the proposal prior to taking
11 action to deposit the funds in accordance with this subsection.
12 The board shall publish notice of the time and the place of the
13 public hearing in the same manner as required in section 24.9.

14 Sec. 16. Section 279.48, subsection 3, Code 2019, is amended
15 by striking the subsection.

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

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

20 1. Prior to hiring an applicant for a school employee
21 position, a school district shall have access to and shall
22 review the information in the Iowa court information system
23 available to the general public, the sex offender registry
24 information under [section 692A.121](#) available to the general
25 public, the central registry for child abuse information
26 established under [section 235A.14](#), and the central registry for
27 dependent adult abuse information established under section
28 235B.5 for information regarding the applicant. ~~A school~~
29 ~~district shall follow the same procedure by June 30, 2014, for~~
30 ~~each school employee employed by the school district as of July~~
31 ~~1, 2013.~~ A school district shall implement a consistent policy
32 to follow the same procedure for each school employee employed
33 by the school district ~~on or after July 1, 2013,~~ at least every
34 five years after the school employee's initial date of hire. A
35 school district ~~shall not~~ may charge an employee for the cost

1 of the registry checks conducted pursuant to this subsection,
2 not to exceed the actual cost of the registry checks. A school
3 district shall maintain documentation demonstrating compliance
4 with this subsection.

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

6 EXPLANATION

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

9 This bill relates to the responsibilities and authority
10 relating to school districts and the boards of directors of
11 school districts and is organized in divisions.

12 DIVISION I — SCHOOL DISTRICT RESPONSIBILITIES AND
13 REQUIREMENTS RELATING TO CHILDREN'S HEALTH.

14 Dental Screenings. Division I strikes provisions that
15 require a parent or guardian of a child enrolled in public
16 and accredited nonpublic elementary school or high school to
17 provide evidence to the school that the child has had a dental
18 screening performed by a licensed physician, nurse, physician
19 assistant, dentist, or dental hygienist; require the schools
20 to ensure that the parent or guardian has complied with the
21 requirements; and require the school to provide the parent or
22 guardian of a student who has not had a dental screening with
23 community dental screening referral services.

24 The division requires the person who performs the child's
25 dental screening to submit the information regarding completion
26 of the screening on a form to the department of public health,
27 and provides that the form may be submitted to the department
28 in written or electronic form.

29 Under the division, the school must ensure that the parent or
30 guardian of a student enrolled in kindergarten or grade nine
31 has received information about the state's dental screening
32 requirements and about resources that are available to satisfy
33 the requirements.

34 Use of Environmentally Preferable Cleaning Products in
35 School District Buildings. The division strikes requirements

1 that school districts conduct an evaluation and assessment
2 regarding implementation of an environmentally preferable
3 cleaning policy and, unless districts opt out of compliance,
4 to purchase only cleaning and maintenance products identified
5 by the department of administrative services as being
6 environmentally preferable or that meet nationally recognized
7 standards.

8 Vision Screenings. The division replaces a provision that
9 requires a parent or guardian of an elementary school child
10 to ensure that evidence of the child's vision screening is
11 provided to the school in which the child is enrolled with a
12 requirement that the evidence of vision screening be provided
13 to the department of public health by the person providing the
14 screening.

15 Blood Lead Testing. The division strikes language
16 requiring the department of public health to adopt rules for
17 a requirement that children receive a blood lead test before
18 enrolling in any elementary school; strikes a requirement that
19 a parent or guardian provide evidence to a school district
20 that the parent or guardian's child was tested for elevated
21 blood lead levels by age six; strikes a provision requiring the
22 school district and nonpublic school to ensure that the parent
23 or guardian has complied and if not, to provide the parent or
24 guardian with community blood lead testing information; and
25 strikes a requirement that the school district and nonpublic
26 school furnish the department with a list of children enrolled
27 in kindergarten.

28 Instead, the bill requires that the school districts and
29 nonpublic schools ensure that the parent or guardian has
30 received community blood lead testing program information,
31 and requires the department to work with school districts,
32 nonpublic schools, and the local childhood lead poisoning
33 prevention programs to assure that children are tested.

34 A requirement that the parents, guardians, and legal
35 custodians of children under competent private instruction

1 submit evidence to a school district that the child has been
2 tested for elevated blood lead levels has been replaced with a
3 requirement that the parents, guardians, and legal custodians
4 ensure that the child has been tested.

5 School Nurse Requirement. The bill strikes the requirement
6 that each school district have a school nurse to provide
7 health services to students and the requirement that districts
8 work toward a goal of having one school nurse for every 750
9 students, and instead authorizes a school district to have a
10 school nurse to provide health care to students.

11 Student Eye Care. The division strikes a provision
12 requiring that every parent or guardian of a child registered
13 for kindergarten or preschool be provided with a student vision
14 card provided by the Iowa optometric association and approved
15 by the department of education with a goal of each child
16 reaching an eye examination by age seven.

17 DIVISION II — AREA EDUCATION AGENCY BOARDS — POSTING OF
18 NOTICE OF PROPOSED BUDGET.

19 Division II strikes a provision that requires area education
20 agency (AEA) boards to give notice of a public hearing on the
21 agency's proposed budget by publication in an official county
22 newspaper in each county in which a school district located
23 within the AEA locates its principal place of business.

24 DIVISION III — SCHOOL DISTRICTS — MISCELLANEOUS
25 PROVISIONS.

26 Teacher Librarian Requirement. The bill strikes a
27 requirement that each school district have a teacher librarian,
28 and instead authorizes each district to have a teacher
29 librarian.

30 School Bus Rules. The division strikes a provision
31 requiring school boards to have rules regulating the loading
32 and unloading of pupils from a school bus stopped on the
33 highway during inclement weather.

34 Schoolhouse and Site Fund Deposits. The division also
35 provides an exception to a provision that requires a school

1 district to deposit in the physical plant and equipment
2 levy moneys received from the condemnation, sale, or other
3 disposition for public purposes of schoolhouses, school sites,
4 or both schoolhouses and school sites. Under the exception,
5 the board of directors of a school corporation organized under
6 Code chapter 274 may take action to deposit such moneys in
7 any proposed account of the school corporation if the board
8 holds a public hearing on the proposal prior to taking action.
9 The board must publish notice of the time and the place of
10 the public hearing between 10 to 20 days before the hearing
11 in a newspaper of general circulation located within the
12 corporation's boundaries. As used in the provision, "school
13 corporation" refers to a school district, though under Code
14 section 260C.14(3), the board of directors of a community
15 college has the powers and duties prescribed for the boards of
16 directors of school districts under Code chapter 279.

17 Publication of Notice Prior to Loan Agreement. The division
18 strikes a provision requiring a school corporation to publish
19 notice in a newspaper of general circulation prior to entering
20 into a loan agreement for an equipment purchase.

21 School District Reporting Requirements. The division
22 also strikes a provision requiring a school district to
23 collect information from parents or guardians of kindergarten
24 students regarding preschool attendance, factors identified
25 by the early childhood Iowa office, and other demographic
26 factors; and requiring the school district to report community
27 strategies results, the early childhood assessment results,
28 and the preschool information collected to the department of
29 education each year. Also stricken is a requirement that the
30 department review the information and submit its findings and
31 recommendations annually in a report to the governor, the
32 general assembly, the early childhood Iowa state board, and the
33 early childhood Iowa area boards.

34 Charging for Registry Checks. Currently, school districts
35 are prohibited from charging employees for the cost of registry

1 checks. The bill provides that a school district may charge
2 an employee for the cost of the registry checks, not to exceed
3 the actual cost. Obsolete language relating to school employee
4 registry checks is stricken.

5 Energy Audit Results. The division also repeals a Code
6 provision that requires the boards of directors of school
7 districts to file with the economic development authority the
8 results of an energy audit of the buildings owned and leased
9 by the school district.