

House Study Bill 240 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON HITE)

A BILL FOR

1 An Act relating to educational programs, information, funding,
2 tax credits and deductions, open enrollment, supplementary
3 weighting, and including effective date and retroactive
4 applicability provisions.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I

EDUCATION INFORMATION, PROGRAM STANDARDS, AND FUNDING

Section 1. Section 22.7, subsection 1, Code 2021, is amended to read as follows:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. This subsection shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student's education records. **This subsection** shall not be construed to prohibit a school corporation or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with section 256.9, subsection ~~44~~ 11.

Sec. 2. Section 256.9, subsection 11, Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

- 11. a. Approve, coordinate, and supervise the use of electronic data and information processing by school districts, area education agencies, and merged areas, including the procurement or development of a single, comprehensive, statewide, student information system that is required to be used by all school districts, accredited nonpublic schools, and area education agencies.
- b. (1) The student information system procured or developed

1 shall be designed for the purpose of establishing standardized
2 electronic data collections and reporting protocols that
3 facilitate compliance with state and federal reporting
4 requirements, improve school-to-school and district-to-district
5 information exchanges, and maintain the confidentiality of
6 individual student and staff data.

7 (2) The system shall provide for the electronic transfer
8 of individual student records between attendance centers,
9 school districts, accredited nonpublic schools, area education
10 agencies, postsecondary institutions, merged areas, and the
11 department.

12 (3) The system shall be designed to ensure compatibility
13 with other information or data management systems used or
14 maintained by postsecondary institutions and merged areas as
15 required by law.

16 *c.* The director shall, to the extent practicable, establish
17 a uniform coding and reporting system as part of the student
18 information system.

19 *d.* The department shall pay for the procurement or
20 development of the student information system and shall pay
21 for at least the first year of statewide implementation, after
22 which the cost of operating the system may be funded through
23 the collection of a fee by the department from each school
24 district and accredited nonpublic school. The amount of the
25 fee shall be based on a per-student rate, not to exceed seven
26 dollars per student for the first year of the fee and set to
27 raise an amount equal to the actual cost of the electronic
28 data collection system minus administrative costs of the
29 department related to the system. If the cost of the system
30 is funded through collection of a fee by the department, after
31 consultation with stakeholders, the department shall adopt by
32 rule the per student fee for subsequent years based on the
33 actual cost of the electronic data collection system minus
34 administrative costs of the department.

35 *e.* The student information system shall only be used for

1 the purpose of collecting information from school districts,
2 accredited nonpublic schools, and area education agencies
3 required by state or federal law or for preparation of state
4 or federal reports.

5 *f.* A school district, accredited nonpublic school, or area
6 education agency shall not duplicate the collection of any
7 information in the student information system.

8 Sec. 3. Section 256.9, subsection 44, Code 2021, is amended
9 by striking the subsection.

10 Sec. 4. Section 256.11, subsection 8, Code 2021, is amended
11 by striking the subsection and inserting in lieu thereof the
12 following:

13 8. *a.* The state board shall establish a flexible student
14 and school support program to be administered by the director.
15 Under the program, upon request of the board of directors of
16 a public school district or the authorities in charge of an
17 accredited nonpublic school, the director may, for a period
18 not to exceed three years, grant the applicable board of
19 directors or the authority in charge of the nonpublic school
20 the ability to use the flexible student and school support
21 program to implement evidence-based practices in innovative
22 ways to enhance student learning, well-being, and postsecondary
23 success.

24 *b.* Approval to participate in the flexible student and
25 school support program shall exempt the school district or
26 nonpublic school from one or more of the requirements of
27 the educational program specified in subsection 3, 4, or 5,
28 subsection 6, paragraph "b" or "c", subsection 7, paragraph "b"
29 or "c", or the minimum school calendar requirements in section
30 279.10, subsection 1. An exemption shall be granted only
31 if the director deems that the request made is an essential
32 part of an educational program to support student learning,
33 well-being, and postsecondary success; is necessary for the
34 success of the program; and is broadly consistent with the
35 intent of the requirements of the educational program specified

1 in subsection 3, 4, or 5, subsection 6, paragraph "b" or "c",
2 subsection 7, paragraph "b" or "c", or the minimum school
3 calendar requirements in section 279.10, subsection 1.

4 c. Approval to participate in the flexible student and
5 school support program shall include authority for a school
6 district to use funds from the school district's flexibility
7 account under section 298A.2, subsection 2, to implement all or
8 part of the flexible student and school support program.

9 d. The application for the flexible student and school
10 support program shall include all of the following and
11 be submitted on forms and in a format prescribed by the
12 department:

13 (1) A description of the proposed educational program,
14 including evidence used to design the program and evidence of
15 involvement of board members, parents, students, community
16 members, and staff in development of the program.

17 (2) Program goals and measures of program effectiveness and
18 success, including student success and performance.

19 (3) A plan for program administration, including the use of
20 personnel, facilities, and funding.

21 (4) A plan for evaluation of the proposed program on at
22 least an annual basis, including a plan for program revisions,
23 if necessary.

24 (5) The estimated financial impact of the program on the
25 school district or nonpublic school.

26 e. Approval to participate in the program does not exempt
27 the school district or nonpublic school from federal law or
28 any other requirements of state law that are not specifically
29 exempted by the director.

30 f. Each school district or nonpublic school approved to
31 participate in the flexible student and school support program
32 shall file an annual report with the department on the status
33 of the program on forms and in a format prescribed by the
34 department.

35 g. Participation in the flexible student and school support

1 program may be renewed for additional periods of years, each
2 not to exceed three years. The director may revoke approval of
3 all or part of any application or approved education program
4 if the annual report or any other information available to
5 the department indicates that conditions no longer warrant
6 use of an exemption or funding from the school district's
7 flexibility account under section 298A.2, subsection 2. Notice
8 of revocation must be provided by the director to the school
9 district or nonpublic school prior to the beginning of the
10 school year for which participation is revoked.

11 Sec. 5. Section 257.10, subsection 9, paragraph d, Code
12 2021, is amended to read as follows:

13 ~~d. For the budget year beginning July 1, 2009, the use~~
14 ~~of the funds calculated under [this subsection](#) shall comply~~
15 ~~with the requirements of [chapter 284](#) and shall be distributed~~
16 ~~to teachers pursuant to [section 284.3A](#).~~ For the budget year
17 beginning July 1, 2010, and succeeding budget years, the use
18 of the funds calculated under [this subsection](#) shall comply
19 with the requirements of [chapter 284](#) and shall be distributed
20 to teachers pursuant to [section 284.3A](#). If all teacher
21 compensation requirements of chapter 284 for the school
22 district are met and funds received under this subsection
23 remain unexpended and unobligated at the end of a fiscal year
24 beginning on or after July 1, 2020, the school district may
25 transfer all or a portion of such unexpended and unobligated
26 funds for deposit in the school district's flexibility account
27 established under section 298A.2, subsection 2.

28 Sec. 6. Section 257.10, subsection 12, paragraph d, Code
29 2021, is amended to read as follows:

30 d. For the budget year beginning July 1, 2014, and
31 succeeding budget years, the use of the funds calculated under
32 this subsection shall comply with the requirements of chapter
33 284 and shall be distributed to teachers pursuant to section
34 284.15. The funds shall be used only to increase the payment
35 for a teacher assigned to a leadership role pursuant to a

1 framework or comparable system approved pursuant to section
2 284.15; to increase the percentages of teachers assigned to
3 leadership roles; to increase the minimum teacher starting
4 salary to thirty-three thousand five hundred dollars; to
5 cover the costs for the time mentor and lead teachers are
6 not providing instruction to students in a classroom; for
7 coverage of a classroom when an initial or career teacher
8 is observing or co-teaching with a teacher assigned to a
9 leadership role; for professional development time to learn
10 best practices associated with the career pathways leadership
11 process; and for other costs associated with a framework or
12 comparable system approved by the department of education under
13 section 284.15 with the goals of improving instruction and
14 elevating the quality of teaching and student learning. If
15 all requirements for the school district for the use of funds
16 calculated under this subsection are met and funds received
17 under this subsection remain unexpended and unobligated at
18 the end of a fiscal year beginning on or after July 1, 2020,
19 the school district may transfer all or a portion of such
20 unexpended and unobligated funds for deposit in the school
21 district's flexibility account established under section
22 298A.2, subsection 2.

23 Sec. 7. Section 298A.2, subsection 2, paragraph a, Code
24 2021, is amended by adding the following new subparagraphs:

25 NEW SUBPARAGRAPH. (4) Teacher salary supplement funds
26 received under section 257.10, subsection 9.

27 NEW SUBPARAGRAPH. (5) Teacher leadership supplement funds
28 received under section 257.10, subsection 12.

29 Sec. 8. Section 298A.2, subsection 2, paragraph c, Code
30 2021, is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (8) An approved flexible student and
32 school support program under section 256.11, subsection 8.

33 DIVISION II

34 EDUCATION TAX CREDITS AND DEDUCTIONS

35 Sec. 9. Section 2.48, subsection 3, paragraph b,

1 subparagraph (5), Code 2021, is amended to read as follows:

2 (5) Tuition and textbook tax credits under section ~~422.12~~
3 422.12D.

4 Sec. 10. Section 422.7, subsection 55, Code 2021, is amended
5 to read as follows:

6 55. A taxpayer who is an eligible educator as defined in
7 section 62(d)(1) of the Internal Revenue Code is allowed to
8 take the deduction for certain expenses of elementary and
9 secondary school teachers allowed under section 62(a)(2)(D) of
10 the Internal Revenue Code, ~~as amended by the federal Emergency~~
11 ~~Economic Stabilization Act of 2008, Pub. L. No. 110-343,~~ in
12 computing net income for state tax purposes in excess of
13 the amount of the taxpayer's deduction for certain expenses
14 of elementary and secondary school teachers for federal tax
15 purposes allowed under section 62(a)(2)(D) of the Internal
16 Revenue Code, but not to exceed five hundred dollars.

17 Sec. 11. Section 422.12, subsection 1, paragraphs d and e,
18 Code 2021, are amended by striking the paragraphs.

19 Sec. 12. Section 422.12, subsection 2, paragraph b, Code
20 2021, is amended by striking the paragraph.

21 Sec. 13. NEW SECTION. 422.12D Tuition and textbook tax
22 credit.

23 1. For purposes of this section, unless the context
24 otherwise requires:

25 a. "*Private instruction*" means independent private
26 instruction as defined in section 299A.1, subsection 2,
27 paragraph "b", competent private instruction under section
28 299A.2, or private instruction provided to a resident of this
29 state by a nonlicensed person under section 299A.3.

30 b. "*Textbooks*" means books and other instructional materials
31 and equipment used in elementary and secondary schools in
32 teaching only those subjects legally and commonly taught in
33 public elementary and secondary schools in this state and
34 does not include instructional books and materials used in
35 the teaching of religious tenets, doctrines, or worship, the

1 purpose of which is to inculcate those tenets, doctrines, or
2 worship. "Textbooks" includes books or materials used for
3 extracurricular activities including sporting events, musical
4 or dramatic events, speech activities, driver's education, or
5 programs of a similar nature.

6 c. "Tuition" means any charges for the expenses of
7 personnel, buildings, equipment, and materials other than
8 textbooks, and other expenses of elementary or secondary
9 schools which relate to the teaching only of those subjects
10 legally and commonly taught in public elementary and
11 secondary schools in this state and which do not relate to
12 the teaching of religious tenets, doctrines, or worship, the
13 purpose of which is to inculcate those tenets, doctrines, or
14 worship. "Tuition" includes those expenses which relate to
15 extracurricular activities including sporting events, musical
16 or dramatic events, speech activities, driver's education, or
17 programs of a similar nature.

18 2. The taxes imposed under this subchapter, less the credits
19 allowed under section 422.12, shall be reduced by a tuition
20 and textbook credit equal to fifty percent of the first two
21 thousand dollars which the taxpayer has paid to others for each
22 dependent in grades kindergarten through twelve, for tuition
23 and textbooks of each dependent who is receiving private
24 instruction or who is attending an elementary or secondary
25 school situated in Iowa, which school is accredited or approved
26 under section 256.11, which is not operated for profit, and
27 which adheres to the provisions of the federal Civil Rights Act
28 of 1964 and chapter 216.

29 3. The department, when conducting an audit of a taxpayer's
30 return, shall also audit the tuition and textbook tax credit
31 portion of the tax return.

32 4. Any credit allowed under this section in excess of
33 the tax liability shall be refunded. In lieu of claiming a
34 refund, the taxpayer may elect to have the overpayment shown
35 on the taxpayer's final, completed return credited to the tax

1 liability for the following taxable year.

2 5. Married taxpayers who have filed joint federal returns
3 electing to file separate returns or to file separately on a
4 combined return form must determine the tuition and textbook
5 tax credit based upon their combined net income and allocate
6 the total credit amount to each spouse in the proportion that
7 each spouse's respective net income bears to the total combined
8 net income. Nonresidents or part-year residents of Iowa must
9 determine their tuition and textbook tax credit in the ratio of
10 their Iowa source net income to their all source net income.
11 Nonresidents or part-year residents who are married and elect
12 to file separate returns or to file separately on a combined
13 return form must allocate the tuition and textbook tax credit
14 between the spouses in the ratio of each spouse's Iowa source
15 net income to the combined Iowa source net income of the
16 taxpayers.

17 Sec. 14. 2018 Iowa Acts, chapter 1161, section 118, is
18 amended to read as follows:

19 SEC. 118. Section 422.7, subsections 3, 7, 8, 9, 10, 11, 14,
20 15, 16, 20, 22, 24, 25, 26, 30, 35, 36, 37, 39, 39B, 40, 43, 45,
21 49, 53, ~~55~~, 56, 57, and 58, Code 2018, are amended by striking
22 the subsections.

23 Sec. 15. EFFECTIVE DATE. This division of this Act, being
24 deemed of immediate importance, takes effect upon enactment.

25 Sec. 16. RETROACTIVE APPLICABILITY. The following apply
26 retroactively to January 1, 2021, for tax years beginning on
27 or after that date:

28 1. The section of this division of this Act amending section
29 422.7, subsection 55.

30 2. The section of this division of this Act amending section
31 422.12, subsection 1, paragraphs "d" and "e".

32 3. The section of this division of this Act amending section
33 422.12, subsection 2, paragraph "b".

34 4. The section of this division of this Act enacting section
35 422.12D.

DIVISION III

SCHOOL DISTRICT ENROLLMENT WORKING GROUP

Sec. 17. SCHOOL DISTRICT ENROLLMENT WORKING GROUP.

1
2
3
4 1. The department of education shall convene a school
5 district enrollment working group to review the methodology
6 and timing of determinations of school district enrollment,
7 including examination of the current on-time funding authorized
8 under section 257.13, the budget adjustment authorized under
9 section 257.14, the types and amounts of funding paid for
10 students open enrolled under section 282.18, and alternative
11 methods for determining school district enrollments.

12 2. Voting members of the working group shall include
13 representatives from all of the following:

14 a. The Iowa association of school boards.

15 b. The school administrators of Iowa.

16 c. The urban education network of Iowa.

17 d. The Iowa association of school business officials.

18 e. A representative of a school district designated by the
19 rural school advocates of Iowa.

20 f. A representative of a school district designated by the
21 urban education network of Iowa.

22 3. Four members of the general assembly shall serve as
23 ex officio, nonvoting members of the working group, with one
24 member to be appointed by each of the following: the majority
25 leader of the senate, the minority leader of the senate, the
26 speaker of the house of representatives, and the minority
27 leader of the house of representatives.

28 4. The director of the department of education, or the
29 director's designee, and the director of the department of
30 management, or the director's designee, shall each serve as ex
31 officio, nonvoting members of the working group.

32 5. The working group shall submit its findings and
33 recommendations to the general assembly not later than December
34 1, 2021.

35 Sec. 18. EFFECTIVE DATE. This division of this Act, being

1 deemed of immediate importance, takes effect upon enactment.

2 DIVISION IV

3 OPEN ENROLLMENT

4 Sec. 19. Section 256.46, subsection 1, Code 2021, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. *i.* If the child's former school or school
7 district, if located in this state, was unable to participate
8 in varsity interscholastic sports as the result of a decision
9 or implementation of a decision of the school board or
10 superintendent.

11 Sec. 20. Section 282.18, subsection 2, paragraph a, Code
12 2021, is amended to read as follows:

13 *a.* By March 1 of the preceding school year for students
14 entering grades one through twelve, or by September 1 of the
15 current school year for students entering kindergarten or for
16 prekindergarten students enrolled in special education programs
17 and included in the school district's basic enrollment under
18 section 257.6, subsection 1, paragraph "a", subparagraph (1),
19 the parent or guardian shall send notification to the district
20 of residence and the receiving district, on forms prescribed
21 by the department of education, that the parent or guardian
22 intends to enroll the parent's or guardian's child in a public
23 school in another school district. If a parent or guardian
24 fails to file a notification that the parent intends to enroll
25 the parent's or guardian's child in a public school in another
26 district by the deadline specified in [this subsection](#), the
27 procedures of [subsection 4](#) apply.

28 Sec. 21. Section 282.18, subsection 4, paragraph b, Code
29 2021, is amended to read as follows:

30 *b.* For purposes of this section, ~~"good cause":~~

31 (1) "Good cause" means a change in a child's residence
32 due to a change in family residence, a change in a child's
33 residence from the residence of one parent or guardian to
34 the residence of a different parent or guardian, a change
35 in the state in which the family residence is located, a

1 change in a child's parents' marital status, a guardianship
2 or custody proceeding, placement in foster care, adoption,
3 participation in a foreign exchange program, initial placement
4 of a prekindergarten student in a special education program
5 requiring specially designed instruction, or participation
6 in a substance abuse or mental health treatment program, a
7 change in the status of a child's resident district such as
8 removal of accreditation by the state board, surrender of
9 accreditation, or permanent closure of a nonpublic school,
10 revocation of a charter school contract as provided in section
11 256F.8, the failure of negotiations for a whole grade sharing,
12 reorganization, dissolution agreement, ~~or~~ the rejection of a
13 current whole grade sharing agreement, or reorganization plan,
14 or if the child's assigned attendance center in the district of
15 residence is identified as in significant need for improvement.
16 If the good cause relates to a change in status of a child's
17 school district of residence, however, action by a parent
18 or guardian must be taken to file the notification within
19 forty-five days of the last board action or within thirty days
20 of the certification of the election, whichever is applicable
21 to the circumstances.

22 (2) "Significant need for improvement" means a school
23 attendance center designated by the department of education
24 under the priority category under the Iowa school performance
25 profiles for two or more of the immediately preceding school
26 years or identified for comprehensive support and improvement
27 under the federal Every Student Succeeds Act, Pub. L. No.
28 114-95, or an equivalent objective federal standard, for two or
29 more of the immediately preceding school years.

30 Sec. 22. Section 282.18, subsection 5, Code 2021, is amended
31 to read as follows:

32 5. Open enrollment applications filed after March 1
33 of the preceding school year that do not qualify for good
34 cause as provided in [subsection 4](#) shall be subject to the
35 approval of the board of the resident district and the board

1 of the receiving district. The parent or guardian shall send
2 notification to the district of residence and the receiving
3 district that the parent or guardian seeks to enroll the
4 parent's or guardian's child in the receiving district. A
5 decision of either board to deny an application filed under
6 this subsection involving repeated acts of harassment of the
7 student that the resident district cannot adequately address,
8 a consistent failure of the resident district to reasonably
9 respond to a student's failure to meet basic academic standards
10 after notice provided by a parent or guardian, or a serious
11 health condition of the student that the resident district
12 cannot adequately address is subject to appeal under section
13 290.1. The state board shall adopt by rule the criteria
14 for determining a resident district's consistent failure
15 to reasonably respond to a student's failure to meet basic
16 academic standards and shall exercise broad discretion to
17 achieve just and equitable results that are in the best
18 interest of the affected child or children.

19 Sec. 23. Section 282.18, subsection 9, paragraphs a, b, and
20 c, Code 2021, are amended to read as follows:

21 a. If a parent or guardian of a child, who is participating
22 in open enrollment under [this section](#), moves to a different
23 school district during the course of either district's academic
24 year, the child's first district of residence as determined on
25 the date specified in section 257.6, subsection 1, shall be
26 responsible for payment of the cost per pupil plus weightings
27 or special education costs to the receiving school district for
28 the balance of the school year in which the move took place.
29 The new district of residence shall be responsible for the
30 payments during succeeding years.

31 b. If a request to transfer is due to a change in family
32 residence, a change in a child's residence from the residence
33 of one parent or guardian to the residence of a different
34 parent or guardian, a change in the state in which the family
35 residence is located, a change in a child's parents' marital

1 status, a guardianship proceeding, placement in foster care,
2 adoption, participation in a foreign exchange program, or
3 participation in a substance abuse or mental health treatment
4 program, and the child who is the subject of the request is
5 enrolled in any grade from kindergarten through grade twelve
6 or who is a prekindergarten student enrolled in a special
7 education program at the time of the request and is not
8 currently using any provision of open enrollment, the parent or
9 guardian of the child shall have the option to have the child
10 remain in the child's original district of residence under open
11 enrollment with no interruption in the child's ~~kindergarten~~
12 ~~through grade twelve~~ educational program. If a parent or
13 guardian exercises this option, the child's new district of
14 residence is not required to pay the amount calculated in
15 subsection 7 or 8, as applicable, until the start of the first
16 full year of enrollment of the child.

17 c. The receiving district shall bill the ~~first~~ resident
18 district determined under paragraph "a" according to the
19 timeline in [section 282.20, subsection 3](#). Payments shall be
20 made to the receiving district in a timely manner.

21 Sec. 24. Section 282.18, subsection 10, paragraph c, Code
22 2021, is amended to read as follows:

23 c. If the pupil meets the economic eligibility requirements
24 established by the department and state board of education, the
25 sending district is responsible for providing transportation
26 or paying the pro rata cost of the transportation to a parent
27 or guardian for transporting the pupil to and from a point
28 on a regular school bus route of a contiguous receiving
29 district unless the cost of providing transportation or the
30 pro rata cost of the transportation to a parent or guardian
31 exceeds the average transportation cost per pupil transported
32 for the previous school year in the district. The economic
33 eligibility requirements established by the department of
34 education and state board of education shall minimally include
35 those pupils with household incomes of two hundred percent

1 or less of the federal poverty level as defined by the most
2 recently revised poverty income guidelines published by the
3 United States department of health and human services. If
4 the cost exceeds the average transportation cost per pupil
5 transported for the previous school year, the sending district
6 shall only be responsible for that average per pupil amount.
7 A sending district which provides transportation for a pupil
8 to a contiguous receiving district under **this subsection** may
9 withhold, from the district cost per pupil amount that is to
10 be paid to the receiving district, an amount which represents
11 the average or pro rata cost per pupil for transportation,
12 whichever is less.

13 Sec. 25. Section 282.18, subsection 11, paragraph a, Code
14 2021, is amended by adding the following new subparagraphs:

15 NEW SUBPARAGRAPH. (8) If the pupil participates in open
16 enrollment because of circumstances that meet the definition of
17 good cause under subsection 4, paragraph "b".

18 NEW SUBPARAGRAPH. (9) If the board of directors or
19 superintendent of the district of residence issues or
20 implements a decision that results in the discontinuance or
21 suspension of varsity interscholastic sports activities in the
22 district of residence.

23 Sec. 26. Section 282.18, subsection 11, Code 2021, is
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. *0c.* If a pupil is declared ineligible for
26 interscholastic athletic contests and athletic competitions in
27 the pupil's district of residence due to the pupil's academic
28 performance, upon participating in open enrollment, in addition
29 to any other period of ineligibility under this subsection, the
30 pupil shall be ineligible in the receiving district for the
31 remaining period of ineligibility declared by the district of
32 residence.

33 Sec. 27. RETROACTIVE APPLICABILITY. The following apply
34 retroactively to July 1, 2020:

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

1 256.46, subsection 1, paragraph "i".

2 2. The portion of the section of this division of this
3 Act enacting section 282.18, subsection 11, paragraph "a",
4 subparagraph (9).

5 DIVISION V

6 SCHOOL BOARD POWERS AND DUTIES

7 Sec. 28. Section 279.1, Code 2021, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 3. A school corporation is entrusted with
10 public funds for the purpose of improving student outcomes,
11 including but not limited to student academic achievement and
12 skill proficiency, and the board of directors of the school
13 corporation is responsible for overseeing such improvement.

14 DIVISION VI

15 SHARED OPERATIONAL FUNCTIONS

16 Sec. 29. Section 257.11, subsection 5, paragraph a, Code
17 2021, is amended to read as follows:

18 a. (1) In order to provide additional funding to
19 increase student opportunities and redirect more resources
20 to student programming for school districts that share
21 operational functions, a district that shares with a
22 political subdivision one or more operational functions of
23 a curriculum director, master social worker, independent
24 social worker, work-based learning coordinator, or school
25 counselor, or one or more operational functions in the areas
26 of superintendent management, business management, human
27 resources, transportation, or operation and maintenance for at
28 least twenty percent of the school year shall be assigned a
29 supplementary weighting for each shared operational function.
30 A school district that shares an operational function in
31 the area of superintendent management shall be assigned a
32 supplementary weighting of eight pupils for the function. A
33 school district that shares an operational function in the area
34 of business management, human resources, transportation, or
35 operation and maintenance shall be assigned a supplementary

1 weighting of five pupils for the function. A school district
2 that shares the operational functions of a curriculum director,
3 a master social worker or an independent social worker licensed
4 under chapters 147 and 154C, a work-based learning coordinator,
5 or a school counselor shall be assigned a supplementary
6 weighting of three pupils for the function. The additional
7 weighting shall be assigned for each discrete operational
8 function shared. However, a school district may receive the
9 additional weighting under this subsection for sharing the
10 services of an individual with a political subdivision even if
11 the type of operational function performed by the individual
12 for the school district and the type of operational function
13 performed by the individual for the political subdivision are
14 not the same operational function, so long as both operational
15 functions are eligible for weighting under this subsection. In
16 such case, the school district shall be assigned the additional
17 weighting for the type of operational function that the
18 individual performs for the school district, and the school
19 district shall not receive additional weighting for any other
20 function performed by the individual. The operational function
21 sharing arrangement does not need to be a newly implemented
22 sharing arrangement to receive supplementary weighting under
23 this subsection.

24 (2) For the purposes of this ~~section, "political~~
25 subdivision" paragraph "a":

26 (a) "Political subdivision" means a city, township, county,
27 school corporation, merged area, area education agency,
28 institution governed by the state board of regents, or any
29 other governmental subdivision.

30 (b) "Work-based learning coordinator" means an appropriately
31 trained individual responsible for facilitating authentic,
32 engaging work-based learning experiences for learners and
33 educators in partnership with employers and others to enhance
34 learning by connecting the content and skills that are
35 necessary for future careers.

1 collection system minus administrative costs of the department
2 related to the system. Additionally, if the cost of the system
3 is funded through collection of a fee by the department, after
4 consultation with stakeholders, the department shall adopt by
5 rule the per-student fee for subsequent years based on the
6 actual cost of the electronic data collection system minus
7 administrative costs of the department.

8 Division I also requires the state board of education to
9 establish a flexible student and school support program to be
10 administered by the director of the department of education.
11 Under such program, upon request of the board of directors of
12 a public school district or the authorities in charge of an
13 accredited nonpublic school, the director may, for a period
14 not to exceed three years, grant the applicable board of
15 directors or the authority in charge of the nonpublic school
16 the ability to use the flexible student and school support
17 program to implement evidence-based practices in innovative
18 ways to enhance student learning, well-being, and postsecondary
19 success. Approval to participate in the flexible student
20 and school support program shall exempt the school district
21 or nonpublic school from one or more requirements of the
22 educational program specified in the bill or the minimum
23 school calendar requirements in Code section 279.10. An
24 exemption shall be granted only if the director deems that the
25 request made is an essential part of an educational program
26 to support student learning, well-being, and postsecondary
27 success; is necessary for the success of the program; and
28 is broadly consistent with the intent of the requirements
29 of the educational program or the minimum school calendar
30 requirements.

31 Approval to participate in the flexible student and school
32 support program also includes the authority for a school
33 district to use funds from the school district's flexibility
34 account under Code section 298A.2(2) to implement all or part
35 of the flexible student and school support program. The bill

1 also establishes requirements relating to program applications,
2 renewal of participation in the program, and revocation of
3 participation in the program.

4 Division I of the bill also authorizes school districts to
5 transfer unexpended and unobligated teacher salary supplement
6 funding under Code section 257.10(9) and teacher leadership
7 salary supplement funding under Code section 257.10(12) to
8 the school district's flexibility account under Code section
9 298A.2(2).

10 Division II of the bill relates to educational tax credits
11 and deductions against the individual income tax. Currently,
12 a taxpayer receives the tuition and textbook tax credit for
13 each dependent of the taxpayer attending an accredited private
14 elementary or secondary school equal to 25 percent of the first
15 \$1,000 which the taxpayer has paid to others for the tuition
16 and textbooks of each dependent in attendance at such a school.

17 Division II of the bill strikes certain current law
18 provisions and enacts new Code section 422.12D to allow a
19 taxpayer to receive the tuition and textbook tax credit for
20 the tuition and textbooks of each dependent of the taxpayer
21 receiving private instruction, in addition to dependents
22 attending an elementary or secondary school situated in Iowa.
23 The bill defines "private instruction" to mean a student
24 receiving independent private instruction as defined in Code
25 section 299A.1(2)(b), competent private instruction under Code
26 section 299A.2, or private instruction provided to a resident
27 of this state by a nonlicensed person under Code section
28 299A.3.

29 The bill also increases the tuition and textbook tax credit
30 to equal 50 percent of the first \$2,000 for the tuition and
31 textbooks of each dependent receiving private instruction or in
32 attendance in grades kindergarten through 12. The bill makes
33 the tax credit refundable.

34 Division II also provides that a taxpayer that is an eligible
35 educator is allowed to take the deduction for certain expenses

1 of elementary and secondary school teachers allowed under
2 section 62(a)(2)(D) of the Internal Revenue Code in computing
3 net income for state tax purposes in excess of the amount of
4 the taxpayer's deduction for such expenses for federal tax
5 purposes, but not to exceed \$500.

6 Division II of the bill takes effect upon enactment and,
7 except as provided in division II of the bill, applies
8 retroactively to January 1, 2021, for tax years beginning on
9 or after that date.

10 Division III of the bill requires the department of
11 education to convene a school district enrollment working
12 group to review the methodology and timing of determinations
13 of school district enrollment, including examination of the
14 current on-time funding authorized under Code section 257.13,
15 the budget adjustment authorized under Code section 257.14,
16 the types and amounts of funding paid for students open
17 enrolled under Code section 282.18, and alternative methods for
18 determining school district enrollments. The bill specifies
19 the voting members and ex officio members of the working group.
20 The working group is required to submit its findings and
21 recommendations to the general assembly not later than December
22 1, 2021.

23 Division III of the bill takes effect upon enactment.

24 Division IV modifies several provisions relating to
25 Iowa's open enrollment law under Code section 282.18 and
26 provisions relating to participation in certain extracurricular
27 interscholastic contests and competitions.

28 Under current law, good cause must be shown for failing to
29 file an open enrollment request after the statutory deadline.
30 The bill adds the determination that the child's assigned
31 attendance center in the district of residence is identified
32 as in significant need for improvement, as defined in the
33 bill, to the definition of "good cause". The bill also amends
34 the definition of "good cause" for purposes of consideration
35 and approval of open enrollment requests that fail to meet

1 statutory deadlines to include a change in a child's residence
2 from the residence of one parent or guardian to the residence
3 of a different parent or guardian and the initial placement
4 of a prekindergarten student in a special education program
5 requiring specially designed instruction.

6 Division IV also makes corresponding changes to other
7 provisions of Code section 282.18 to reflect the amendment to
8 the definition of good cause.

9 Code section 282.18(2) establishes a deadline for requests
10 to open enroll as September 1 of the current school year for
11 students entering kindergarten. The bill adds prekindergarten
12 students enrolled in special education programs to the group of
13 students subject to the September 1 deadline.

14 Under Code section 282.18(5), open enrollment applications
15 filed after March 1 of the preceding school year that do not
16 qualify for good cause are subject to the approval of the
17 board of the resident district and the board of the receiving
18 district. The bill provides that a district's denial of an
19 application that involves a consistent failure of the resident
20 district to reasonably respond to a student's failure to meet
21 basic academic standards is subject to appeal to the state
22 board of education under Code section 290.1. The bill also
23 requires the state board of education to adopt by rule the
24 criteria for determining a consistent failure to respond to a
25 student's failure to meet basic academic standards.

26 Division IV of the bill also relates to the determination
27 of a student's district of residence for purposes of open
28 enrollment payments when the parent or guardian of an
29 open-enrolled student moves to a different school district
30 during the course of either district's academic year. Under
31 the bill, the child's district of residence as determined on
32 the date of the basic enrollment count for school districts,
33 rather than the child's first district of residence, shall
34 be responsible for payment of the applicable costs to the
35 receiving district.

1 Under Code section 282.18(10)(b), if a pupil meets the
2 economic eligibility requirements established by the department
3 of education and state board of education, the sending district
4 is responsible for providing transportation or paying the
5 pro rata cost of the transportation to a parent or guardian
6 for transporting the pupil to and from a point on a regular
7 school bus route of a contiguous receiving district unless the
8 cost of providing transportation or the pro rata cost of the
9 transportation to a parent or guardian exceeds the average
10 transportation cost per pupil transported for the previous
11 school year in the district. If the cost exceeds the average
12 transportation cost per pupil transported for the previous
13 school year, the sending district shall only be responsible for
14 that average per pupil amount. The bill establishes minimum
15 standards for the economic eligibility requirements established
16 by the department and state board of education.

17 Code section 282.18(11)(a) generally provides that a
18 pupil who participates in open enrollment for purposes
19 of attending a grade in grades 9 through 12 in a school
20 district other than the district of residence is ineligible
21 to participate in varsity interscholastic athletic contests
22 and athletic competitions during the pupil's first 90 school
23 days of enrollment in the district. However, a pupil may
24 participate immediately in a varsity interscholastic sport if
25 certain circumstances exist. The bill adds to the list of
26 circumstances (1) if the pupil participates in open enrollment
27 because of circumstances that meet the definition of good
28 cause under Code section 282.18, as amended in the bill;
29 and (2) if the board of directors or superintendent of the
30 pupil's district of residence issues or implements a decision
31 that results in the discontinuance or suspension of varsity
32 interscholastic sports activities in the district of residence.

33 The bill also provides that if a pupil is declared ineligible
34 for interscholastic athletic contests and athletic competitions
35 in the pupil's district of residence due to the pupil's

1 academic performance, upon participating in open enrollment,
2 in addition to any other applicable period of ineligibility,
3 the pupil shall be ineligible in the receiving district for the
4 remaining period of ineligibility declared by the district of
5 residence.

6 Code section 256.46 requires the state board of education
7 to adopt rules relating to the ability of a child who does
8 not meet the residence requirements to participate in certain
9 extracurricular interscholastic contests or competitions.
10 The bill adds to the list of circumstances that allow
11 participation by the child, if the child's former school or
12 school district, if located in this state, was unable to
13 participate in varsity interscholastic sports as a result of a
14 decision or implementation of a decision of the school board
15 or superintendent.

16 The sections of division V of the bill enacting Code
17 section 256.46(1)(i) and Code section 282.18(11)(a)(9) apply
18 retroactively to July 1, 2020.

19 Division V amends Code section 279.1 to specify that a school
20 corporation is entrusted with public funds for the purpose
21 of improving student outcomes, including but not limited to
22 student academic achievement and skill proficiency, and the
23 board of directors of the school corporation is responsible for
24 overseeing such improvement.

25 Code section 257.11(5) provides supplementary weighting
26 for school districts and area education agencies that share
27 specified operational functions for at least 20 percent of the
28 school year. Supplementary weighting under this provision is
29 available for school budget years beginning on or after July 1,
30 2014, through the budget year beginning July 1, 2024.

31 Division VI of the bill adds a work-based learning
32 coordinator to the list of eligible operational functions and
33 positions eligible for a supplementary weighting of three
34 pupils. The bill defines "work-based learning coordinator"
35 to mean an appropriately trained individual responsible

1 for facilitating authentic, engaging work-based learning
2 experiences for learners and educators in partnership with
3 employers and others to enhance learning by connecting the
4 content and skills that are necessary for future careers.

5 Division VI of the bill applies to school budget years
6 beginning on or after July 1, 2021, subject to the school
7 budget year limitations of Code section 257.11(5).