

Senate File 2369 - Introduced

SENATE FILE 2369

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2349)

(SUCCESSOR TO SSB 3080)

A BILL FOR

1 An Act relating to education, including establishing a
2 student first scholarship program and a student first
3 enrollment supplement fund, requiring the boards of
4 directors of school districts to publish certain specified
5 information, modifying provisions related to required social
6 studies instruction, open enrollment, teacher librarian
7 endorsements, competent private instruction, and special
8 education, making appropriations, providing penalties, and
9 including effective date, applicability, and retroactive
10 applicability provisions.
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

SCHOOL DISTRICT TRANSPARENCY

1
2
3 Section 1. Section 257.17, Code 2022, is amended to read as
4 follows:

5 **257.17 Aid reduction for early school starts.**

6 1. State aid payments made pursuant to [section 257.16](#) for
7 a fiscal year shall be reduced by one one-hundred-eightieth
8 for each day of that fiscal year for which the school district
9 begins school before the earliest school start date specified
10 in [section 279.10, subsection 1](#).

11 2. ~~This section does~~ Subsection 1 shall not apply to a
12 school district attendance center that has received approval
13 from the department of education under [section 279.10,](#)
14 [subsection 2,](#) to maintain a year-round school calendar
15 that commences classes in advance of the school start date
16 established in [section 279.10, subsection 1](#). The department of
17 management shall prorate the reduction made pursuant to ~~this~~
18 ~~section~~ subsection 1 to account for an attendance center in
19 a school district that is approved to maintain a year-round
20 school calendar under [section 279.10, subsection 2](#).

21 3. State aid payments made pursuant to section 257.16 for
22 a fiscal year shall be reduced by the department of education
23 for each day of that fiscal year for which the school district
24 has been found to have intentionally violated a provision of
25 section 279.76. The department of education shall reduce
26 the state aid payments made pursuant to section 257.16 for a
27 fiscal year in an amount the department of education determines
28 is in proportion to the actual damages caused by the school
29 district's violation of section 279.76.

30 **Sec. 2. NEW SECTION. 279.76 Transparency and state**
31 **standards.**

32 1. The board of directors of each school district shall
33 publish all of the following information related to the current
34 school year prominently on the school district's internet site:
35 a. A course syllabus or written summary of what material

1 will be taught in each class in the school district, sortable
2 by subject area, grade level, and teacher.

3 *b.* How each class in the school district meets or exceeds
4 the educational standards established pursuant to section
5 256.11, sortable by subject area, grade level, and teacher.

6 *c.* The titles of all textbooks, books, articles, videos,
7 and other educational materials used for student instruction
8 in each class in the school district, or links to the internet
9 sites containing such textbooks, books, articles, or other
10 educational materials.

11 *d.* The procedures or policies in effect for the
12 documentation, review, and approval of all textbooks, books,
13 articles, outlines, handouts, presentations, videos, and other
14 educational materials used for student instruction. This shall
15 include the procedures or policies applicable to the board of
16 directors of the school district, principals, administrators,
17 teachers, and any committee created by the board of directors,
18 an administrator, or a principal.

19 *e.* A comprehensive list of all books available to students
20 in libraries operated by the school district.

21 *f.* A flowchart developed by the department of education
22 showing the procedures or polices in effect for the parent
23 or guardian of a student enrolled in the school district to
24 request the removal of a book that is available to students in
25 a library operated by the school district.

26 2. *a.* The board of directors of each school district shall
27 update the information required to be published pursuant to
28 subsection 1 on or before August 23 and on or before January 15
29 of each school year.

30 *b.* The board of directors of each school district shall
31 notify parents and guardians that the information required
32 to be published pursuant to subsection 1 has been updated by
33 publishing notice on the school district's internet site and
34 providing notice in a newsletter or other written communication
35 that is distributed to parents and guardians.

1 3. The board of directors of each school district shall
2 maintain the information required to be published pursuant to
3 subsection 1 for at least five years on the school district's
4 internet site in a manner that is accessible to the public.

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

7 a. Reproduce educational materials that were not created by
8 a teacher employed by the board of directors.

9 b. Distribute any educational materials in a manner that
10 would infringe on the intellectual property rights of any
11 person.

12 5. For purposes of this section, unless the context
13 otherwise requires, "*used for student instruction*" means
14 that a textbook, book, article, syllabus, outline, handout,
15 presentation, video, or other educational material meets any of
16 the following criteria:

17 a. Is or will be assigned, distributed, or otherwise
18 presented to students in a class required pursuant to section
19 256.11.

20 b. Is or will be assigned, distributed, or otherwise
21 presented to students as required by the board of directors of
22 the school district.

23 c. Is or will be created by the board of directors of the
24 school district or a teacher employed by the board.

25 **Sec. 3. NEW SECTION. 279.77 Protocols for the selection,
26 review, reconsideration, and removal of materials from libraries.**

27 The board of directors of a school district shall adopt
28 protocols for the selection, review, reconsideration, and
29 removal of materials from libraries operated by the school
30 district. The protocols shall require all of the following:

31 1. A process for the selection, reconsideration, and
32 removal of materials from libraries operated by the school
33 district.

34 2. The lawful and ethical use of information resources,
35 including plagiarism and intellectual property rights.

1 3. A process that allows the parent or guardian of a student
2 enrolled in the school district to request the reconsideration
3 or removal of materials from a library operated by the school
4 district. The process shall require all of the following:

5 a. Within ten business days after a parent's or guardian's
6 submission of a request to reconsider or remove materials from
7 a library operated by the school district, or on or before a
8 later date, if the school district and the parent or guardian
9 agree in writing, the school district shall conduct a review
10 of the materials described in the request and respond to the
11 parent or guardian in writing with notice of the disposition of
12 the request for reconsideration or removal.

13 b. The parent or guardian may request that the board of
14 directors of the school district review the school district's
15 disposition of the request described in paragraph "a". The
16 board of directors of the school district shall act on the
17 request to review the school district's disposition of the
18 request described in paragraph "a" at the next regularly
19 scheduled meeting of the board of directors of the school
20 district but no later than twenty business days after the
21 board of directors of the school district receives the request
22 to review the disposition, or on or before a later date, if
23 the board of directors of the school district and the parent
24 or guardian agree in writing. The board of directors of the
25 school district shall respond to the parent or guardian's
26 request for review of the school district's disposition by
27 affirming or reversing the school district's decision.

28 c. The parent or guardian may appeal the decision of the
29 board of directors of the school district under paragraph "b" to
30 the state board of education pursuant to section 290.1.

31 d. If a school district or the board of directors of a
32 school district fails to act on a parent's or guardian's
33 request to reconsider or remove materials from a library
34 operated by the school district within the timelines provided
35 in this section, the parent or guardian may appeal the school

1 education approves for pupils pursuant to this subparagraph
2 shall not exceed five thousand in a school year. However, if
3 the number of student first scholarships received by pupils
4 pursuant to subparagraph (2) is less than the number of student
5 first scholarships reserved for pupils under subparagraph (2),
6 the department of education may approve the difference for
7 pupils pursuant to this subparagraph for the same school year.

8 (2) A pupil who has an individualized education program.
9 The total number of student first scholarships the department
10 of education approves for pupils pursuant to this subparagraph
11 shall not exceed five thousand in a school year. However, if
12 the number of student first scholarships received by pupils
13 pursuant to subparagraph (1) is less than the number of student
14 first scholarships reserved for pupils under subparagraph (1),
15 the department of education may approve the difference for
16 pupils pursuant to this subparagraph for the same school year.

17 (3) A pupil who received a student first scholarship
18 for the immediately preceding school budget year, who is
19 eligible to enroll in grade one through grade twelve, who meets
20 the requirements of subparagraph (1) or (2) and who is not
21 otherwise ineligible under this section.

22 *b.* Student first scholarships shall be made available to
23 parents and guardians in the manner authorized under subsection
24 4, paragraph "c", for the payment of qualified educational
25 expenses as provided in this section.

26 *c.* No more than ten thousand student first scholarships
27 shall be made available each school year.

28 *d.* For purposes of this subsection, "resident" means the
29 same as defined in section 282.1, subsection 2.

30 2. *a.* (1) By January 1 preceding the school year for
31 which the student first scholarship is requested, the parent or
32 guardian of a pupil enrolled in a school district, eligible to
33 enroll in a school district for kindergarten in the next school
34 year, or enrolled in a nonpublic school who received a student
35 first scholarship in the current school year, may request a

1 student first scholarship by submitting an application to the
2 department of education, on application forms developed by the
3 department of education, indicating that the parent or guardian
4 intends to enroll the pupil in a nonpublic school for the
5 entirety of the school year.

6 (2) In addition to such information deemed appropriate by
7 the department of education, the application shall require
8 certification from the nonpublic school of the pupil's
9 enrollment for the following school year.

10 b. By February 1 preceding the school year for which the
11 student first scholarship is requested, the department of
12 education shall determine the number of pupils in each school
13 district approved to receive a scholarship for the following
14 school year and shall notify the parent or guardian of each
15 pupil approved for the following school year to receive a
16 scholarship and the amount of the scholarship for the pupil.
17 The department of education shall approve pupils who received
18 a student first scholarship for the immediately preceding
19 school budget year who are eligible to enroll in grade one
20 through grade twelve, who meet the requirements of subsection
21 1, paragraph "a", subparagraph (1) or (2), and who are not
22 otherwise ineligible under this section. The department
23 of education shall approve the remaining pupils who did
24 not receive a student first scholarship for the immediately
25 preceding school budget year, subject to the limitation in
26 subsection 1, paragraph "c", on a first-come, first-served
27 basis based on the date the parent or guardian submitted
28 the application pursuant to subsection 2, paragraph "a",
29 subparagraph (1).

30 c. Student first scholarships shall only be approved for
31 one school year and applications must be submitted annually for
32 student first scholarships in subsequent school years.

33 3. The department of education shall assign each pupil a
34 student first scholarship in an amount equal to the sum of all
35 the following for the same school budget year:

1 *a.* The product of the pupil's weighted enrollment that
2 would otherwise be assigned to the pupil under this chapter if
3 the pupil was enrolled in the pupil's district of residence
4 multiplied by the difference between eighty-eight and
5 four-tenths percent of the regular program state cost per pupil
6 and the statewide average foundation property tax per pupil.

7 *b.* The total teacher salary supplement district cost per
8 pupil for the pupil's district of residence.

9 *c.* The total professional development supplement district
10 cost per pupil for the pupil's district of residence.

11 *d.* The total early intervention supplement district cost per
12 pupil for the pupil's district of residence.

13 *e.* The total area education agency teacher salary supplement
14 district cost per pupil for the pupil's district of residence.

15 *f.* The total area education agency professional development
16 supplement district cost per pupil for the pupil's district of
17 residence.

18 *g.* The total teacher leadership supplement district cost per
19 pupil for the pupil's district of residence.

20 4. A student first scholarship fund is created in the
21 state treasury under the control of the department of
22 education consisting of moneys appropriated to the department
23 of education for the purpose of providing student first
24 scholarships under this section. For the fiscal year
25 commencing July 1, 2022, and each succeeding fiscal year, there
26 is appropriated from the general fund of the state to the
27 department of education to be credited to the fund the amount
28 necessary to pay all student first scholarships approved for
29 that fiscal year. The director of the department of education
30 has all powers necessary to carry out and effectuate the
31 purposes, objectives, and provisions of this section pertaining
32 to the fund, including the power to do all of the following:

33 *a.* Make and enter into contracts necessary for the
34 administration of the fund.

35 *b.* Procure insurance against any loss in connection with the

1 assets of the fund or require a surety bond.

2 *c.* Contract with a private financial management firm to
3 manage the fund, in collaboration with the treasurer of state,
4 including providing for the disbursement of student first
5 scholarships in the form of an electronic debit card or checks
6 that are payable directly from the pupil's account within the
7 fund.

8 *d.* Conduct audits or other reviews necessary to properly
9 administer the program.

10 *e.* Adopt rules for the administration of the fund and
11 accounts within the fund.

12 5. *a.* For each pupil approved for a student first
13 scholarship, the department of education shall establish an
14 account for that pupil in the student first scholarship fund.
15 The amount of the pupil's student first scholarship shall be
16 deposited into the pupil's account on July 1, and such amount
17 shall be immediately available for the payment of qualified
18 educational expenses incurred by the parent or guardian for
19 the pupil during that fiscal year using the payment method
20 authorized under subsection 4, paragraph "c".

21 *b.* A nonpublic school that accepts payment from a parent
22 or guardian using funds from a pupil's account in the student
23 first scholarship fund shall not refund, rebate, or share any
24 portion of such payment with the parent, guardian, or pupil.

25 *c.* Moneys remaining in a pupil's account upon conclusion
26 of the fiscal year shall remain in the pupil's account in the
27 student first scholarship fund for the payment of qualified
28 educational expenses in future fiscal years during which the
29 pupil participates in the program until the pupil becomes
30 ineligible under the program or until the remaining amounts are
31 transferred to the state general fund under subsection 8.

32 6. *a.* For purposes of this section, "*qualified educational*
33 *expenses*" includes tuition and fees at a nonpublic school,
34 textbooks, fees or payments for educational therapies,
35 including tutoring or cognitive skills training, curriculum

1 fees, software, and materials for a course of study for a
2 specific subject matter or grade level, tuition or fees for
3 nonpublic online education programs, tuition for vocational and
4 life skills education approved by the department of education,
5 education materials and services for pupils with disabilities,
6 including the cost of paraprofessionals and assistants who are
7 trained in accordance with state law, standardized test fees,
8 advanced placement examinations or examinations related to
9 postsecondary education admission or credentialing, qualified
10 education expenses, as defined in section 12D.1, excluding
11 room and board expenses, and other expenses incurred by the
12 parent or guardian that are directly related to the education
13 of the pupil at a nonpublic school, including a nonpublic
14 school accredited by an independent accrediting agency approved
15 by the department of education. The cost of one computer or
16 other portable computing device shall be allowed as a qualified
17 educational expense for a pupil if the computer or portable
18 computing device is used primarily for the education of the
19 pupil and if such a purchase has not been made using funds from
20 that pupil's account in any of the three immediately preceding
21 fiscal years.

22 *b. "Qualified educational expenses"* does not include
23 transportation costs for the pupil, the cost of food or
24 refreshments consumed by the pupil, the cost of clothing for
25 the pupil, or the cost of disposable materials, including
26 but not limited to paper, notebooks, pencils, pens, and art
27 supplies.

28 7. *a.* A person who makes a false claim for the purpose
29 of obtaining a student first scholarship provided for in this
30 section or who knowingly receives the scholarship or makes a
31 payment from an account within the student first scholarship
32 fund without being legally entitled to do so is guilty of a
33 fraudulent practice under chapter 714. The false claim for a
34 student first scholarship or a payment from an account shall
35 be disallowed. The department of education shall also close

1 the pupil's account in the student first scholarship fund and
2 transfer any remaining moneys in the account for deposit in the
3 general fund of the state. If the improperly obtained amounts
4 from the scholarship have been disbursed from the applicable
5 account in the student first scholarship fund, the department
6 of education shall recover such amounts from the parent or
7 guardian, including by initiating legal proceedings to recover
8 such amounts, if necessary. A parent or guardian who commits
9 a fraudulent practice under this section is prohibited from
10 participating in the student first scholarship program in the
11 future.

12 *b.* If, prior to the end of the required attendance
13 period of the school year, a pupil who receives a student
14 first scholarship withdraws from enrollment in the nonpublic
15 school or is expelled, the nonpublic school shall notify the
16 department of education in writing of the pupil's withdrawal
17 or expulsion, and the pupil's parent or guardian shall notify
18 the department of education of the pupil's withdrawal or
19 expulsion from the nonpublic school. A pupil's expulsion
20 from the nonpublic school prior to the end of the required
21 attendance period for the school year shall invalidate the
22 pupil's eligibility for the student first scholarship for the
23 school budget year. A pupil's withdrawal from a nonpublic
24 school prior to the end of the required attendance period of
25 the school year shall invalidate the pupil's eligibility for
26 the student first scholarship for the school budget year unless
27 the withdrawal is the result of a change in residence of the
28 pupil and the pupil, following written notice by the parent
29 or guardian and certification by the new nonpublic school to
30 the department of education, enrolls in a different nonpublic
31 school in this state for the remainder of the school year.

32 *c.* (1) Upon receipt of a notice of expulsion under
33 paragraph "b", the department of education shall close the
34 pupil's account in the student first scholarship fund and
35 transfer any remaining moneys in the account for deposit in

1 the general fund of the state. In addition, if amounts from
2 the scholarship for the school budget year during which the
3 pupil is expelled have been disbursed from the expelled pupil's
4 account in the student first scholarship fund, the department
5 of education shall recover such amounts from the parent or
6 guardian, including by initiating legal proceedings to recover
7 such amounts, if necessary.

8 (2) Upon receipt of a notice of withdrawal under paragraph
9 "b" and a determination that the pupil's withdrawal was
10 not the result of a change in residence, the department of
11 education shall cease disbursements of remaining moneys in
12 the pupil's account in the student first scholarship fund,
13 close the pupil's account, and transfer any moneys remaining
14 in the pupil's account for deposit in the general fund of
15 the state. In addition, if amounts from the scholarship for
16 the school budget year during which the withdrawal occurs
17 have been disbursed from the pupil's account in the student
18 first scholarship fund, the department of education shall
19 recover such amounts from the parent or guardian to the extent
20 the amount disbursed exceeds the amount of the scholarship
21 proportionate to the remaining portion of the school year
22 following the withdrawal, including by initiating legal
23 proceedings to recover such amounts, if necessary.

24 (3) Upon receipt of a notice of withdrawal under paragraph
25 "b" and a determination that the withdrawal was the result of
26 a change in residence but that the pupil did not enroll in
27 a different nonpublic school in this state for the remainder
28 of the school year, the department of education shall cease
29 disbursements of remaining moneys in the pupil's account in
30 the student first scholarship fund, close the pupil's account,
31 and transfer any moneys remaining in the pupil's account for
32 deposit in the general fund of the state.

33 (4) If a pupil's eligibility is invalidated under the
34 provisions of paragraph "b", the pupil shall be ineligible for a
35 student first scholarship for the following school budget year

1 under subsection 1, paragraph "a", subparagraphs (2) and (3).

2 8. Moneys remaining in a pupil's account when the pupil
3 graduates from high school or turns twenty-one years of age,
4 whichever occurs first, shall be transferred by the department
5 of education for deposit in the general fund of the state.

6 9. a. A parent may appeal to the state board of education
7 any administrative decision the department of education
8 makes pursuant to this section, including but not limited
9 to determinations of eligibility, allowable expenses, and
10 removal from the program. The department shall notify the
11 parent or guardian in writing of the appeal process at the same
12 time the department notifies the parent or guardian of the
13 administrative decision. The state board of education shall
14 establish the appeals process consistent with chapter 17A and
15 shall post such appeal process information on the state board
16 of education's internet site.

17 b. The state board of education shall refer cases of
18 substantial misuse of student first scholarship funds to the
19 attorney general for the purpose of collection or for the
20 purpose of a criminal investigation if the state board of
21 education obtains evidence of fraudulent use of an account.

22 10. a. This section shall not be construed to authorize
23 the state or any political subdivision of the state to exercise
24 authority over any nonpublic school or construed to require a
25 nonpublic school to modify its academic standards for admission
26 or educational program in order to receive payment from a
27 parent or guardian using funds from a pupil's account in the
28 student first scholarship fund.

29 b. This section shall not be construed to expand the
30 authority of the state or any political subdivision of the
31 state to impose regulations upon any nonpublic school that are
32 not necessary to implement this section.

33 c. A nonpublic school that accepts payment from a parent
34 or guardian using funds from a pupil's account in the student
35 first scholarship fund is not an agent of this state or of a

1 political subdivision of this state.

2 *d.* Rules adopted by the department of education to implement
3 this section that impose an undue burden on a nonpublic school
4 are invalid.

5 *e.* A nonpublic school that accepts payment from a parent
6 or guardian using funds from a pupil's account in the student
7 first scholarship fund shall be given the maximum freedom
8 possible to provide for the educational needs of the school's
9 students, consistent with state and federal law.

10 Sec. 7. NEW SECTION. **257.16E Student first enrollment**
11 **supplement fund.**

12 1. A student first enrollment supplement fund is created as
13 a separate and distinct fund in the state treasury under the
14 control of the department of management. Moneys in the fund
15 include revenues credited to the fund, appropriations made to
16 the fund, and other moneys deposited into the fund.

17 2. *a.* For each fiscal year beginning on or after July 1,
18 2023, there is appropriated annually from the general fund
19 of the state to the department of management for deposit in
20 the student first enrollment supplement fund an amount equal
21 to the product of the number of student first scholarships
22 approved under section 257.11B for the base year multiplied by
23 the sum of the statewide average foundation property tax per
24 pupil plus the difference between the amount determined under
25 section 257.16B, subsection 2, paragraph "c", subparagraph (2),
26 and the amount determined under section 257.16B, subsection 2,
27 paragraph "c", subparagraph (1).

28 *b.* The moneys available in a fiscal year in the student
29 first enrollment supplement fund shall be distributed by the
30 department of management in equal amounts as student first
31 enrollment supplement payments to school districts with a
32 budget enrollment of five hundred students or less for the
33 budget year.

34 3. *a.* Payments to school districts under this section shall
35 be paid at the same time and in the same manner as foundation

1 aid is paid under section 257.16, and may be included in the
2 monthly payment of state aid under section 257.16, subsection
3 2.

4 *b.* Student first enrollment supplement payments received
5 under this section are miscellaneous income and shall be
6 deposited in the general fund of the school district. However,
7 the payment amount shall not be included in district cost and
8 shall not affect the receipt or amount of a budget adjustment
9 received under section 257.14.

10 4. Notwithstanding section 8.33, any moneys remaining in
11 the foundation base supplement fund at the end of a fiscal year
12 shall not revert to any other fund but shall remain in the
13 foundation base supplement fund for use as provided in this
14 section for the following fiscal year.

15 Sec. 8. Section 422.7, Code 2022, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 51. Subtract, to the extent included, the
18 amount of a student first scholarship under section 257.11B
19 received by the taxpayer for payment of qualified educational
20 expenses.

21 Sec. 9. STUDENT FIRST SCHOLARSHIP PROGRAM APPLICATIONS FOR
22 THE SCHOOL YEAR BEGINNING JULY 1, 2022.

23 1. Notwithstanding the deadline in section 257.11B,
24 subsection 2, paragraph "a", subparagraph (1), as enacted in
25 this division of this Act, by May 1 preceding the school year
26 beginning July 1, 2022, the parent or guardian of a pupil who
27 is enrolled in a school district or who is eligible to enroll
28 in a school district for kindergarten in the next school year,
29 and who is requesting a student first scholarship for the
30 school year beginning July 1, 2022, may request a student first
31 scholarship by submitting an application to the department of
32 education, on application forms developed by the department of
33 education, indicating that the parent or guardian intends to
34 enroll the pupil in a nonpublic school for the entirety of the
35 school year beginning July 1, 2022.

1 2. Notwithstanding the deadline in section 257.11B,
2 subsection 2, paragraph "b", as enacted in this division of
3 this Act, by June 1 preceding the school year beginning July
4 1, 2022, the department of education shall determine the
5 number of pupils in each school district approved to receive
6 a scholarship for the following school year and shall notify
7 the parent or guardian of each pupil approved for the following
8 school year to receive a scholarship and the amount of the
9 scholarship for the pupil.

10 Sec. 10. EMERGENCY RULES. The department of education
11 may adopt emergency rules under section 17A.4, subsection 3,
12 and section 17A.5, subsection 2, paragraph "b", to implement
13 the provisions of the section of this division of this Act
14 enacting section 256.9, subsection 65, and section 257.11B, and
15 the rules shall be effective immediately upon filing unless
16 a later date is specified in the rules. Any rules adopted
17 in accordance with this section shall also be published as a
18 notice of intended action as provided in section 17A.4.

19 Sec. 11. EFFECTIVE DATE. The following, being deemed of
20 immediate importance, take effect upon enactment:

21 1. The section of this division of this Act enacting section
22 256.9, subsection 65.

23 2. The section of this division of this Act enacting section
24 257.11B.

25 3. The section of this division of this Act establishing
26 deadlines for the applications for the student first
27 scholarship program for the school year beginning July 1, 2022.

28 4. The section of this division of this Act authorizing the
29 department of education to engage in emergency rulemaking.

30 Sec. 12. APPLICABILITY. The following applies to school
31 budget years and fiscal years beginning on or after July 1,
32 2022:

33 The section of this division of this Act enacting section
34 257.11B.

35 Sec. 13. APPLICABILITY. The following applies to school

1 budget years and fiscal years beginning on or after July 1,
2 2023:

3 The section of this division of this Act enacting section
4 257.16E.

5 Sec. 14. RETROACTIVE APPLICABILITY. The following applies
6 retroactively to tax years beginning on or after January 1,
7 2022:

8 The section of this division of this Act enacting section
9 422.7, subsection 51.

10

DIVISION III

11

SOCIAL STUDIES INSTRUCTION

12 Sec. 15. Section 256.11, subsection 5, paragraph b, Code
13 2022, is amended to read as follows:

14 b. (1) Five units of the social studies including
15 instruction in voting statutes and procedures, voter
16 registration requirements, the use of paper ballots and voting
17 systems in the election process, and the method of acquiring
18 and casting an absentee ballot. All students shall complete a
19 minimum of one-half unit of United States government and one
20 unit of United States history.

21 (2) The one-half unit of United States government shall
22 include ~~the~~ all of the following:

23 (a) The voting procedure as described in this lettered
24 paragraph and section 280.9A. ~~The government instruction shall~~
25 ~~also include a~~

26 (b) A study of the Constitution of the United States and the
27 Bill of Rights contained in the Constitution and an assessment
28 of a student's knowledge of the Constitution and the Bill of
29 Rights.

30 (c) (i) An assessment of the student's knowledge of
31 United States government and civics that includes the nature,
32 purpose, structure, function, and history of the United States
33 government, the rights and responsibilities of citizens of
34 the United States, and important United States government and
35 civic leaders. The most recent version of the civics test

1 developed by the United States citizenship and immigration
2 services shall be used as the assessment required by this
3 subparagraph division. On or before June 30 of each year, each
4 school district and nonpublic school shall submit the results
5 of the assessment required by this subparagraph division to the
6 department.

7 (ii) The school district or nonpublic school may modify
8 the civics test developed by the United States citizenship and
9 immigration services for a student who has an individualized
10 education program.

11 (iii) A student shall answer at least seventy percent of
12 the questions on the civics test developed by the United States
13 citizenship and immigration services correctly as a condition
14 of graduation. A student who fails to answer at least seventy
15 percent of the questions on the civics test correctly may
16 retake the civics test as many times as necessary.

17 DIVISION IV

18 PRIVATE INSTRUCTION — SPECIAL EDUCATION

19 Sec. 16. Section 299A.9, subsection 1, Code 2022, is amended
20 to read as follows:

21 1. A child of compulsory attendance age who is identified
22 as requiring special education under [chapter 256B](#) is eligible
23 for placement under competent private instruction ~~with prior~~
24 ~~approval of the placement by the director of special education~~
25 ~~of the area education agency of the child's district of~~
26 ~~residence.~~

27 Sec. 17. Section 299A.9, Code 2022, is amended by adding the
28 following new subsection:

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

35 DIVISION V

OPEN ENROLLMENT

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Sec. 18. Section 282.18, subsection 5, Code 2022, is amended to read as follows:

5. a. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in [subsection 4](#) shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district.

b. A decision of either board to deny an application filed under [this subsection](#) involving repeated acts of harassment of the student that the resident district cannot adequately address, a consistent failure of the resident district to reasonably respond to a student's failure to meet basic academic standards after notice provided by a parent or guardian, or a serious health condition of the student that the resident district cannot adequately address is subject to appeal under [section 290.1](#). A decision of either board to deny an application filed under this subsection related to the sibling or stepsibling of a student described in this paragraph is also subject to appeal under section 290.1.

c. The state board shall adopt by rule the criteria for determining a resident district's consistent failure to reasonably respond to a student's failure to meet basic academic standards and shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

Sec. 19. Section 282.18, subsection 11, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (08) If the pupil participates in open enrollment because the pupil's sibling or stepsibling participates in open enrollment as a result of the sibling or stepsibling's appeal under section 282.18, subsection 5,

1 paragraph "b".

2 DIVISION VI
3 TEACHER LIBRARIANS

4 Sec. 20. Section 256.11, subsection 9, Code 2022, is amended
5 to read as follows:

6 9. Beginning July 1, 2006, each school district shall have a
7 qualified teacher librarian who shall be licensed by the board
8 of educational examiners under [chapter 272](#). Such license shall
9 not require the completion of a master's degree. The state
10 board shall establish in rule a definition of and standards for
11 an articulated sequential kindergarten through grade twelve
12 media program. A school district that entered into a contract
13 with an individual for employment as a media specialist or
14 librarian prior to June 1, 2006, shall be considered to be
15 in compliance with [this subsection](#) until June 30, 2011, if
16 the individual is making annual progress toward meeting the
17 requirements for a teacher librarian endorsement issued by the
18 board of educational examiners under [chapter 272](#). A school
19 district that entered into a contract with an individual for
20 employment as a media specialist or librarian who holds at
21 least a master's degree in library and information studies
22 shall be considered to be in compliance with [this subsection](#)
23 until the individual leaves the employ of the school district.

24 EXPLANATION

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

27 This bill relates to education, including establishing
28 a student first scholarship program and a student first
29 enrollment supplement fund, requiring the boards of directors
30 of school districts to publish certain specified information,
31 and modifying provisions related to required social studies
32 instruction, open enrollment, teacher librarian endorsements,
33 competent private instruction, and special education.

34 DIVISION I — SCHOOL DISTRICT TRANSPARENCY. The bill
35 creates new Code section 279.76, which requires the board of

1 directors of each school district to publish on the school
2 district's internet site a syllabus or written summary of what
3 material will be taught in each class in the school district,
4 how each class in the school district meets or exceeds the
5 educational standards established pursuant to Code section
6 256.11, information related to all educational materials used
7 for student instruction in each class in the school district,
8 the procedures for the review and approval of all educational
9 materials used for student instruction, a list of all books
10 available to students in libraries operated by the school
11 district, and a flowchart developed by the department of
12 education showing the procedures for the parent or guardian
13 of a student enrolled in the school district to request the
14 removal of a book that is available to students in a library
15 operated by the school district. The bill also requires the
16 board of directors to update this information periodically and
17 notify parents and guardians that the information has been
18 updated. The bill provides that the board of directors shall
19 maintain this information for at least five years on the school
20 district's internet site.

21 The bill provides that state aid payments made pursuant
22 to Code section 257.16 for a fiscal year shall be reduced in
23 an amount determined by the department of education for each
24 day of that fiscal year for which the school district has been
25 found to have intentionally violated a provision of new Code
26 section 279.76. The bill provides that the department shall
27 make the reduction in an amount the department determines
28 is in proportion to the actual damages caused by the school
29 district's violation of new Code section 279.76.

30 The bill requires the board of directors of a school district
31 to adopt protocols for the selection, review, reconsideration,
32 and removal of materials from libraries operated by the
33 school district. The bill establishes what the protocols
34 shall require, which includes a process for the selection,
35 reconsideration, and removal of materials from libraries

1 operated by the school district, the lawful and ethical use of
2 information resources, including plagiarism and intellectual
3 property rights, and a process that allows the parent or
4 guardian of a student enrolled in the school district to
5 request the reconsideration or removal of materials from a
6 library operated by the school district.

7 DIVISION II — STUDENT FIRST SCHOLARSHIP PROGRAM. Under the
8 bill, for the school year beginning July 1, 2022, the following
9 pupils who attend a nonpublic school are eligible to receive
10 a student first scholarship: (1) a pupil whose household has
11 an annual income which is less than or equal to 400 percent
12 of the poverty income guidelines; (2) a pupil who has an
13 individualized education program; and (3) a pupil who received
14 a student first scholarship for the immediately preceding
15 school budget year and who is eligible to enroll in grade 1
16 through grade 12. The bill limits the number of student first
17 scholarships to no more than 10,000 in each school year. By
18 January 1 preceding the school year for which the student first
19 scholarship is requested, the parent or guardian of a pupil
20 enrolled in a school district, eligible to enroll in a school
21 district for kindergarten in the next school year, or enrolled
22 in a nonpublic school who received a student first scholarship
23 in the current school year, may request a student first
24 scholarship by submitting an application to the department of
25 education indicating that the parent or guardian intends to
26 enroll the pupil in a nonpublic school for the entirety of the
27 school year.

28 The bill requires that by February 1 preceding the school
29 year for which the student first scholarship is requested, the
30 department of education must notify the parent or guardian of
31 each pupil approved for the following school year to receive a
32 student first scholarship and the amount of the student first
33 scholarship for the pupil, as specified in the bill. Student
34 first scholarships must be approved for each school year and
35 applications must be submitted each year. The bill specifies

1 how the department is to choose which applications to approve.

2 The bill creates a student first scholarship fund in
3 the state treasury under the control of the department of
4 education consisting of moneys appropriated to the department
5 of education for the purpose of providing student first
6 scholarships. For the fiscal year commencing July 1, 2022, and
7 each succeeding fiscal year, the bill appropriates from the
8 general fund of the state to the department of education for
9 deposit in the fund the amount necessary to pay all student
10 first scholarships approved for that fiscal year. For each
11 pupil approved for a student first scholarship, the department
12 of education must establish an account for that pupil in the
13 student first scholarship fund. The amount of the pupil's
14 student first scholarship is deposited into the pupil's account
15 on July 1 and such amount is available for use by parents and
16 guardians for the payment of qualified educational expenses, as
17 defined in the bill, incurred by the parent or guardian for the
18 pupil during that fiscal year.

19 The bill authorizes the department of education to contract
20 with a private financial management firm to manage the student
21 first scholarship fund, in collaboration with the treasurer
22 of state, including providing for the disbursement of student
23 first scholarships in the form of an electronic debit card
24 or checks that are payable directly from the pupil's account
25 within the fund.

26 The bill provides that moneys remaining in a pupil's account
27 upon the conclusion of the fiscal year shall remain in the
28 pupil's account in the student first scholarship fund for the
29 payment of qualified educational expenses in future fiscal
30 years during which the pupil participates in the program until
31 the pupil becomes ineligible or until the remaining amounts are
32 required to be transferred to the general fund of the state
33 under the bill.

34 Under the bill, for each pupil with a positive balance
35 in the pupil's account in the student first scholarship fund

1 upon graduation from high school or reaching 21 years of age,
2 whichever occurs first, the department of education is required
3 to transfer such remaining moneys for deposit in the general
4 fund of the state.

5 The bill establishes procedures for parent or guardian
6 appeals to the state board of education and provides that a
7 person who makes a false claim for the purpose of obtaining
8 a student first scholarship or who knowingly receives the
9 scholarship or makes a payment from an account in the student
10 first scholarship fund without being legally entitled to do
11 so is guilty of a fraudulent practice and is subject to a
12 criminal penalty. The bill directs the department of education
13 to recover scholarships and amounts improperly awarded or
14 paid and requires the closure of the pupil's account and
15 transfer of all remaining moneys to the general fund of the
16 state. The bill also establishes requirements and procedures
17 for parents or guardians and for the department of education
18 when a pupil receiving a student first scholarship withdraws
19 or is expelled from the nonpublic school prior to the end of
20 the required attendance period of the school year, including
21 requirements for disposition of the pupil's account within the
22 student first scholarship fund and recovery of scholarship
23 funds. The section of the bill enacting the student first
24 scholarship program takes effect upon enactment and applies
25 to school budget years and fiscal years beginning on or after
26 July 1, 2022. The bill contains provisions extending certain
27 application and notification deadlines related to the student
28 first scholarship program for the school year beginning July
29 1, 2022, which take effect upon enactment. The bill also
30 authorizes the department of education to adopt emergency rules
31 to implement the student first scholarship program.

32 The bill provides that a student first scholarship received
33 by a taxpayer is not taxable income for purposes of state
34 individual income taxation. This provision of the bill applies
35 retroactively to tax years beginning on or after January 1,

1 2022.

2 The bill establishes a student first enrollment supplement
3 fund under the control of the department of management. For
4 each fiscal year beginning on or after July 1, 2023, the bill
5 appropriates annually from the general fund of the state to
6 the department of management for deposit in the student first
7 enrollment supplement fund an amount equal to the product of
8 the number of student first scholarships approved for the base
9 year multiplied by the sum of the statewide average foundation
10 property tax per pupil plus the difference between the amounts
11 determined under Code section 257.16B, subsection 2, paragraph
12 "c", subparagraphs (1) and (2), for the calculation of school
13 district property tax replacement payments. Moneys available
14 in a fiscal year in the student first enrollment supplement
15 fund shall be distributed in equal amounts as student first
16 enrollment supplement payments to school districts with a
17 budget enrollment of 500 students or less for the budget
18 year. Student first enrollment supplement payments shall be
19 miscellaneous income and shall be deposited in the general fund
20 of the school district. However, the payment amount shall not
21 be included in district cost and shall not affect the receipt
22 or amount of a budget adjustment received under Code section
23 257.14. The section of the bill enacting the student first
24 enrollment supplement fund applies to school budget years and
25 fiscal years beginning on or after July 1, 2023.

26 DIVISION III — SOCIAL STUDIES INSTRUCTION. Under current
27 law, the educational program established pursuant to Code
28 section 256.11 is required to include, in grades 9 through 12,
29 five units of social studies, one-half unit of which is to
30 consist of instruction in United States government. The bill
31 provides that this one-half unit of United States government
32 shall include an assessment of the student's knowledge of
33 United States government and civics. The bill provides that
34 the most recent version of the civics test developed by the
35 United States citizenship and immigration services shall be

1 used as the assessment. The bill requires each school district
2 and nonpublic school to submit the results of the civics test
3 to the department of education by June 30 of each year. The
4 bill authorizes a school district or nonpublic school to
5 modify the civics test for a student who has an individualized
6 education program. The bill provides that a student must
7 answer at least 70 percent of the questions correctly on the
8 civics test as a condition of graduation. The bill authorizes
9 a student who fails to answer at least 70 percent of the
10 questions on the civics test correctly to retake the civics
11 test.

12 DIVISION IV — PRIVATE INSTRUCTION — SPECIAL EDUCATION.

13 The bill provides that a child of compulsory attendance age who
14 is identified as requiring special education is eligible for
15 placement under competent private instruction without prior
16 approval of the placement by the director of special education
17 of an area education agency. The bill also provides that a
18 child who is identified as requiring special education may
19 request dual enrollment and the appropriate special education
20 services for the child shall be determined pursuant to Code
21 chapter 256B (special education).

22 DIVISION V — OPEN ENROLLMENT. Current law provides that
23 the decision of the board of a resident school district
24 or receiving school district to deny an open enrollment
25 application filed after March 1 of the preceding school year
26 that involves repeated acts of harassment of the student that
27 the resident district cannot adequately address, a consistent
28 failure of the resident district to reasonably respond to a
29 student's failure to meet basic academic standards after notice
30 provided by a parent or guardian, or a serious health condition
31 of the student that the resident district cannot adequately
32 address is subject to appeal under Code section 290.1. The
33 bill provides that this right of appeal also applies to a
34 decision of either board to deny an open enrollment application
35 related to the sibling or stepsibling of such a student.

1 Additionally, the bill authorizes the sibling or stepsibling of
2 such a student, attending a grade in grades 9 through 12, who
3 does participate in open enrollment to participate immediately
4 in a varsity interscholastic sport.

5 DIVISION VI — TEACHER LIBRARIANS. The bill removes the
6 requirement that the holder of a teacher librarian endorsement
7 have a master's degree.