

Senate File 159 - Introduced

SENATE FILE 159

BY SALMON

A BILL FOR

1 An Act relating to education, including modifying the
2 responsibilities of the state board of education and
3 school districts, prohibiting instruction related to
4 gender identity or sexual orientation in school districts
5 and charter schools in kindergarten through grade eight,
6 modifying provisions associated with the human growth and
7 development instruction and health screenings provided in
8 school districts, charter schools, and innovation zone
9 schools, and providing civil penalties.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 35. Adopt rules establishing standards for
4 training programs related to student support services that are
5 provided by school districts to school district employees or
6 contractors.

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

9 2. The kindergarten program shall include experiences
10 designed to develop healthy emotional and social habits and
11 growth in the language arts and communication skills, as well
12 as a capacity for the completion of individual tasks, and
13 protect and increase physical well-being with attention given
14 to experiences relating to the development of life skills and,
15 subject to section 279.78, age-appropriate and research-based
16 human growth and development. A kindergarten teacher shall be
17 licensed to teach in kindergarten. An accredited nonpublic
18 school must meet the requirements of **this subsection** only if
19 the nonpublic school offers a kindergarten program.

20 3. The following areas shall be taught in grades one through
21 six: English-language arts, social studies, mathematics,
22 science, health, ~~age-appropriate and research-based~~
23 ~~human growth and development~~, physical education, traffic
24 safety, music, and visual art, and, subject to section
25 279.78, age-appropriate and research-based human growth and
26 development. Computer science instruction incorporating
27 the standards established under section 256.7, subsection
28 26, paragraph "a", subparagraph (4), shall be offered in
29 at least one grade level commencing with the school year
30 beginning July 1, 2023. The health curriculum shall include
31 the characteristics of communicable diseases including acquired
32 immune deficiency syndrome. The state board as part of
33 accreditation standards shall adopt curriculum definitions for
34 implementing the elementary program.

35 4. The following shall be taught in grades seven and

1 eight: English-language arts; social studies; mathematics;
 2 science; health; subject to section 279.78, age-appropriate and
 3 research-based human growth and development; career exploration
 4 and development; physical education; music; and visual art.
 5 Computer science instruction incorporating the standards
 6 established under section 256.7, subsection 26, paragraph "a",
 7 subparagraph (4), shall be offered in at least one grade level
 8 commencing with the school year beginning July 1, 2023. Career
 9 exploration and development shall be designed so that students
 10 are appropriately prepared to create an individual career
 11 and academic plan pursuant to section 279.61, incorporate
 12 foundational career and technical education concepts aligned
 13 with the six career and technical education service areas
 14 as defined in subsection 5, paragraph "h", and incorporate
 15 relevant twenty-first century skills. The health curriculum
 16 shall include age-appropriate and research-based information
 17 regarding the characteristics of sexually transmitted diseases,
 18 including HPV and the availability of a vaccine to prevent
 19 HPV, and acquired immune deficiency syndrome. The state board
 20 as part of accreditation standards shall adopt curriculum
 21 definitions for implementing the program in grades seven
 22 and eight. However, this subsection shall not apply to the
 23 teaching of career exploration and development in nonpublic
 24 schools. For purposes of this section, "age-appropriate",
 25 "HPV", and "research-based" mean the same as defined in section
 26 279.50.

27 Sec. 3. Section 256E.7, subsection 2, Code 2023, is amended
 28 by adding the following new paragraphs:

29 NEW PARAGRAPH. *0j.* Be subject to and comply with
 30 the requirements of section 279.77 relating to parental
 31 notifications and parental consent related to certain screening
 32 forms in the same manner as a school district.

33 NEW PARAGRAPH. *00j.* Be subject to and comply with the
 34 requirements of section 279.78 relating to sexual orientation
 35 and gender identity instruction in kindergarten through grade

1 eight in the same manner as a school district.

2 Sec. 4. Section 279.50, subsections 1 and 2, Code 2023, are
3 amended to read as follows:

4 1. ~~Each~~ Subject to section 279.78, each school board shall
5 provide instruction in kindergarten which gives attention
6 to experiences relating to life skills and human growth and
7 development as required in [section 256.11](#). School districts
8 shall use research provided in [section 256.9, subsection 46](#),
9 paragraph "b", to evaluate and upgrade their instructional
10 materials and teaching strategies for human growth and
11 development.

12 2. Each school board shall provide age-appropriate and
13 research-based instruction in human growth and development
14 including instruction regarding human sexuality, self-esteem,
15 stress management, interpersonal relationships, domestic
16 abuse, HPV and the availability of a vaccine to prevent HPV,
17 and acquired immune deficiency syndrome as required in section
18 256.11, in grades ~~one~~ nine through twelve.

19 Sec. 5. Section 279.50, Code 2023, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 1A. Subject to section 279.78, each
22 school board shall provide age-appropriate and research-based
23 instruction in human growth and development including
24 instruction regarding human sexuality, self-esteem, stress
25 management, interpersonal relationships, domestic abuse, HPV
26 and the availability of a vaccine to prevent HPV, and acquired
27 immune deficiency syndrome as required in section 256.11, in
28 grades one through eight.

29 Sec. 6. Section 279.76, Code 2023, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 01. At the beginning of each school year,
32 each school district shall notify the parent or guardian of
33 each student enrolled in the school district of all invasive
34 physical examinations, and student health screenings that are
35 not required by state or federal law, that may be provided in

1 the student's attendance center during the school year.

2 Sec. 7. Section 279.76, Code 2023, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 1A. A parent or guardian providing written
5 consent pursuant to subsection 1 shall not be construed to do
6 any of the following:

7 a. Prohibit the parent or guardian from accessing any
8 educational records or health records related to the student
9 that are created, maintained, or used by the school district.

10 b. Prohibit an employee of the school district from
11 providing a notification required pursuant to section 279.77.

12 Sec. 8. NEW SECTION. **279.77 Student welfare — school**
13 **district responsibilities — parental consent required for**
14 **certain screening forms.**

15 1. a. The board of directors of a school district shall
16 adopt policies that require school district employees to
17 notify the parent or guardian of a student enrolled in the
18 school district if a change in the student's mental health or
19 well-being, emotional health or well-being, physical health or
20 well-being, or the school district's ability to provide a safe
21 and supportive learning environment for the student results in
22 the school district changing the services the school district
23 provides to the student or the school district's monitoring or
24 supervision of the student.

25 b. The policies the board of directors of a school district
26 adopts pursuant to paragraph "a" shall do all of the following:

27 (1) Reinforce the fundamental right of parents and
28 guardians to make decisions related to the upbringing and
29 control of the parent's or guardian's children.

30 (2) Require employees of the school district to encourage
31 the student to discuss issues relating to the student's mental
32 health or well-being, emotional health or well-being, physical
33 health or well-being, or the learning environment within the
34 school district with the student's parent or guardian, or to
35 facilitate such discussion.

1 c. The policies the board of directors of a school district
2 adopts pursuant to paragraph "a" shall not do any of the
3 following:

4 (1) Prohibit parents or guardians from accessing any
5 educational records or health records related to the student
6 that are created, maintained, or used by the school district.

7 (2) Encourage, or have the effect of encouraging, a student
8 to withhold information from the student's parent or guardian.

9 (3) Prohibit or discourage an employee of the school
10 district from contacting the student's parent or guardian
11 regarding critical decisions affecting the student's mental
12 health or well-being, emotional health or well-being, or
13 physical health or well-being.

14 (4) Require an employee of the school district to provide
15 information to the parent or guardian of a student if a
16 reasonably prudent person would determine that providing such
17 information will likely result in child abuse or abuse as
18 defined in section 232.68.

19 2. Before administering any screening form, survey, or
20 questionnaire to a student enrolled in kindergarten through
21 grade eight that is related to the student's health or
22 well-being, a school district must provide a copy of the
23 screening form, survey, or questionnaire to the student's
24 parent or guardian and obtain the written consent of the
25 parent or guardian to administer the screening form, survey,
26 or questionnaire.

27 **Sec. 9. NEW SECTION. 279.78 Sexual orientation and gender**
28 **identity — prohibited instruction.**

29 1. As used in this section:

30 a. "*Gender identity*" means the same as defined in section
31 216.2.

32 b. "*Sexual orientation*" means the same as defined in section
33 216.2.

34 2. A school district shall not provide any program,
35 curriculum, material, test, survey, questionnaire, activity,

1 announcement, promotion, or instruction of any kind relating
2 to gender identity or sexual orientation to students in
3 kindergarten through grade eight.

4 Sec. 10. NEW SECTION. **279.79 Process for potential**
5 **violations — human growth and development instruction, student**
6 **welfare, and prohibition on sexual orientation and gender**
7 **identity instruction.**

8 1. A parent or guardian of a student enrolled in a school
9 district who alleges a potential violation of section 279.50,
10 subsection 1 or 1A, section 279.77, or section 279.78 by an
11 employee or contractor of the school district may notify the
12 board of directors of the school district of the potential
13 violation.

14 2. A board of directors of a school district that receives
15 a notification pursuant to subsection 1 shall consult with
16 the parent or guardian and, if the board of directors agrees
17 a potential violation of section 279.50, subsection 1 or 1A,
18 section 279.77, or section 279.78 may have occurred, remedy the
19 violation within thirty days after receipt of the notification
20 pursuant to subsection 1.

21 3. If, thirty days or more after providing the notification
22 pursuant to subsection 1, the parent or guardian reasonably
23 believes that the board of directors of the school district
24 has not remedied the potential violation of section 279.50,
25 subsection 1 or 1A, section 279.77, or section 279.78, the
26 parent or guardian may take any of the following actions:

27 a. Request that the state board of education appoint an
28 administrative law judge to provide a recommendation for a
29 resolution of the dispute. Within thirty days after receipt
30 of the request, the state board of education shall appoint an
31 administrative law judge who shall consider the information
32 provided by the school district and the parent or guardian,
33 determine the facts related to the potential violation, and
34 provide a recommendation for a resolution of the dispute to the
35 state board of education. Within thirty days after receipt of

1 the administrative law judge's recommendation, the state board
2 of education shall either approve or reject the recommendation.
3 The decision of the state board of education shall be final.
4 The school district is responsible for all costs associated
5 with the administrative proceeding described in this paragraph.

6 *b.* Bring a civil action for injunctive relief, declaratory
7 relief, or damages against the school district. If the
8 parent or guardian is the prevailing party in a civil action
9 instituted pursuant to this paragraph, the court shall award
10 reasonable court costs and attorney fees to the parent or
11 guardian and shall assess a civil penalty against the school
12 district in an amount not less than ten thousand dollars and
13 not more than fifty thousand dollars. The court may award
14 compensatory damages for injury and loss to the parent or
15 guardian.

16 4. Each school district shall annually provide to the parent
17 or guardian of any student enrolled in the school district with
18 information related to the procedure for resolving potential
19 violations of section 279.50, subsection 1 or 1A, section
20 279.77, and section 279.78, provided in this section.

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

23

EXPLANATION

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

26 This bill relates to education, including modifying the
27 responsibilities of the state board of education and school
28 districts, prohibiting instruction related to gender identity
29 or sexual orientation in school districts and charter schools
30 in kindergarten through grade eight, and modifying provisions
31 associated with the human growth and development instruction
32 and health screenings provided in school districts, charter
33 schools, and innovation zone schools.

34 The bill requires the state board of education to adopt
35 rules establishing standards for training programs related to

1 student support services that are provided by school districts
2 to school district employees or contractors.

3 The bill enacts new Code section 279.78, which prohibits
4 instruction related to gender identity or sexual orientation
5 in school districts and charter schools in kindergarten
6 through grade eight. The bill makes conforming changes to
7 Code sections 256.11 (educational standards) and 279.50 (human
8 growth and development instruction) to provide that the human
9 growth and development instruction provided to students in
10 kindergarten through grade eight shall not include any program,
11 curriculum, material, test, survey, questionnaire, activity,
12 announcement, promotion, or instruction of any kind relating
13 to gender identity or sexual orientation. The bill defines
14 "gender identity" and "sexual orientation". The bill requires
15 the human growth and development instruction provided in
16 kindergarten to be both age-appropriate and research-based.

17 The bill requires each school district, charter school, and
18 innovation zone school, at the beginning of each school year,
19 to notify the parent or guardian of each student enrolled in
20 the school district of all invasive physical examinations, and
21 student health screenings that are not required by state or
22 federal law, that may be provided in the student's attendance
23 center during the school year.

24 The bill enacts new Code section 279.77, which requires
25 the board of directors of a school district to adopt policies
26 that require school district employees to notify the parent
27 or guardian of a student enrolled in the school district if a
28 change in the student's mental health or well-being, emotional
29 health or well-being, physical health or well-being, or the
30 school district's ability to provide a safe and supportive
31 learning environment for the student results in the school
32 district changing the services the school district provides to
33 the student or the school district's monitoring or supervision
34 of the student. New Code section 279.77 establishes that these
35 policies shall reinforce the fundamental right of parents and

1 guardians to make decisions related to the upbringing and
2 control of the parent's or guardian's children and require
3 employees of the school district to encourage the student
4 to discuss issues relating to the student's mental health
5 or well-being, emotional health or well-being, physical
6 health or well-being or the learning environment within the
7 school district with the student's parent or guardian, or
8 facilitate such discussion. New Code section 279.77 provides
9 that, before administering any screening form to a student
10 enrolled in kindergarten through grade eight that is related
11 to the student's health or well-being, a school district must
12 provide a copy of the screening form to the student's parent
13 or guardian and obtain the written consent of the parent or
14 guardian to administer the screening form.

15 The bill establishes that the parent or guardian of a student
16 enrolled in a school district who alleges a violation of the
17 bill's provisions related to the human growth and development
18 instruction, new Code section 279.77, or new Code section
19 279.78 by an employee or contractor of the school district
20 may notify the board of directors of the school district of
21 the potential violation. The bill provides that a board of
22 directors that receives such a notification shall consult
23 with the parent or guardian and, if the board of directors
24 agrees a potential violation may have occurred, remedy the
25 violation within 30 days after receipt of the notification.
26 The bill establishes that, if 30 days or more after providing
27 the notification the parent or guardian reasonably believes
28 that the board of directors has not remedied the potential
29 violation, the parent or guardian may require the state board
30 of education to appoint an administrative law judge to provide
31 a recommendation for a resolution of the dispute or bring a
32 civil action for injunctive relief, declaratory relief, or
33 damages against the school district. The bill provides that
34 if the parent or guardian is the prevailing party in the civil
35 action, the court shall assess a civil penalty against the

1 school district in an amount not less than \$10,000 and not
2 more than \$50,000. The bill requires each school district
3 to annually provide to the parent or guardian of any student
4 enrolled in the school district with information related to the
5 procedure for resolving potential violations provided in this
6 provision. The bill also requires the state board to adopt
7 rules to administer this provision.