

Senate File 2223 - Introduced

SENATE FILE 2223

BY DONAHUE

A BILL FOR

1 An Act relating to children and students, including by
2 modifying provisions related to a parent's or guardian's
3 rights to make decisions affecting the parent's or
4 guardian's child, the educational program and human growth
5 and development curriculum provided to students enrolled
6 in school districts, charter schools, and innovation zone
7 schools, student health screenings, school district library
8 programs, special education, and other duties of school
9 districts and the governing boards of charter schools and
10 innovation zone schools.

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

1 Section 1. Section 256.11, subsections 2, 3, 4, 9, and 19,
2 Code 2024, are amended to read as follows:

3 2. The kindergarten program shall include experiences
4 designed to develop healthy emotional and social habits and
5 growth in the language arts and communication skills, as well
6 as a capacity for the completion of individual tasks, and
7 protect and increase physical well-being with attention given
8 to experiences relating to the development of life skills and,
9 ~~subject to section 279.80,~~ age-appropriate and research-based
10 human growth and development. A kindergarten teacher shall be
11 licensed to teach in kindergarten. An accredited nonpublic
12 school must meet the requirements of **this subsection** only if
13 the nonpublic school offers a kindergarten program; ~~provided,~~
14 ~~however, that section 279.80 shall not apply to a nonpublic~~
15 ~~school.~~

16 3. The following areas shall be taught in grades one through
17 six: English-language arts, social studies, mathematics,
18 science, health, physical education, traffic safety, music,
19 visual art, and, ~~subject to section 279.80,~~ age-appropriate and
20 research-based human growth and development. Computer science
21 instruction incorporating the standards established under
22 section 256.7, subsection 26, paragraph "a", subparagraph (4),
23 shall be offered in at least one grade level commencing with
24 the school year beginning July 1, 2023. The health curriculum
25 shall include the characteristics of communicable diseases
26 including acquired immune deficiency syndrome. The state board
27 as part of accreditation standards shall adopt curriculum
28 definitions for implementing the elementary program.

29 4. The following shall be taught in grades seven and
30 eight: English-language arts; social studies; mathematics;
31 science; health; age-appropriate and research-based human
32 growth and development; career exploration and development;
33 physical education; music; and visual art. Computer science
34 instruction incorporating the standards established under
35 section 256.7, subsection 26, paragraph "a", subparagraph (4),

1 shall be offered in at least one grade level commencing with
2 the school year beginning July 1, 2023. Career exploration
3 and development shall be designed so that students are
4 appropriately prepared to create an individual career
5 and academic plan pursuant to [section 279.61](#), incorporate
6 foundational career and technical education concepts aligned
7 with the six career and technical education service areas as
8 defined in [subsection 5](#), paragraph "h", incorporate relevant
9 twenty-first century skills to facilitate career readiness,
10 and introduce students to career opportunities within the
11 local community and across this state. The health curriculum
12 shall include age-appropriate and research-based information
13 regarding the characteristics of sexually transmitted diseases,
14 including human papilloma virus, as defined by the centers for
15 disease control and prevention of the United States department
16 of health and human services, and the availability of a
17 vaccine to prevent the human papilloma virus, and acquired
18 immune deficiency syndrome. The state board as part of
19 accreditation standards shall adopt curriculum definitions for
20 implementing the program in grades seven and eight. However,
21 this subsection shall not apply to the teaching of career
22 exploration and development in nonpublic schools.

23 9. a. ~~(1)~~ Beginning July 1, 2023, each school district
24 shall employ either a qualified teacher librarian licensed
25 by the board of educational examiners or a person previously
26 employed as a librarian by a public library. The board of
27 educational examiners shall not require an applicant for a
28 teacher librarian license to have a master's degree.

29 ~~(2)~~ ~~Each school district shall establish a kindergarten~~
30 ~~through grade twelve library program that is consistent with~~
31 ~~[section 280.6](#) and with the educational standards established~~
32 ~~in this section, contains only age-appropriate materials, and~~
33 ~~supports the student achievement goals of the total school~~
34 ~~curriculum.~~

35 ~~(3)~~ ~~If, after investigation, the department determines~~

1 ~~that a school district or an employee of a school district has~~
2 ~~violated the provisions of subparagraph (2) related to library~~
3 ~~programs containing only age-appropriate materials, beginning~~
4 ~~January 1, 2024, the school district or employee of the school~~
5 ~~district, as applicable, shall be subject to the following:~~

6 ~~(a) For the first violation of subparagraph (2), the~~
7 ~~department shall issue a written warning to the board~~
8 ~~of directors of the school district or the employee, as~~
9 ~~applicable.~~

10 ~~(b) (i) For a second or subsequent violation of~~
11 ~~subparagraph (2), if the department finds that a school~~
12 ~~district knowingly violated subparagraph (2), the~~
13 ~~superintendent of the school district shall be subject to~~
14 ~~a hearing conducted by the board of educational examiners~~
15 ~~pursuant to [section 256.146, subsection 13](#), which may result~~
16 ~~in disciplinary action.~~

17 ~~(ii) For a second or subsequent violation of subparagraph~~
18 ~~(2), if the department finds that an employee of the school~~
19 ~~district who holds a license, certificate, authorization, or~~
20 ~~statement of recognition issued by the board of educational~~
21 ~~examiners knowingly violated subparagraph (2), the employee~~
22 ~~shall be subject to a hearing conducted by the board of~~
23 ~~educational examiners pursuant to [section 256.146, subsection](#)~~
24 ~~13, which may result in disciplinary action.~~

25 ~~b. The state board shall establish in rule standards for~~
26 ~~school district library programs, which shall be designed to~~
27 ~~provide for methods to improve library collections to meet~~
28 ~~student needs, include a current and diverse collection of~~
29 ~~fiction and nonfiction materials in a variety of formats~~
30 ~~to support student curricular needs, and include a plan~~
31 ~~for annually updating and replacing library materials and~~
32 ~~equipment.~~

33 ~~c. The state board shall establish in rule a definition~~
34 ~~of and standards for an articulated sequential kindergarten~~
35 ~~through grade twelve media program.~~

1 d. A school district that entered into a contract with an
2 individual for employment as a media specialist or librarian
3 prior to June 1, 2006, shall be considered to be in compliance
4 with [this subsection](#) until June 30, 2011, if the individual
5 is making annual progress toward meeting the requirements
6 for a teacher librarian endorsement issued by the board of
7 educational examiners.

8 19. For purposes of [this section](#):

9 a. ~~(1) "Age-appropriate" means topics, messages, and~~
10 ~~teaching methods suitable to particular ages or age groups~~
11 ~~of children and adolescents, based on developing cognitive,~~
12 ~~emotional, and behavioral capacity typical for the age or age~~
13 ~~group. "Age-appropriate" does not include any material with~~
14 ~~descriptions or visual depictions of a sex act as defined in~~
15 ~~[section 702.17.](#)~~

16 ~~(2) Notwithstanding subparagraph (1), for purposes of the~~
17 ~~human growth and development curriculum, "age-appropriate" means~~
18 ~~the same as defined in [section 279.50.](#)~~

19 b. "Research-based" means the same as defined in section
20 279.50.

21 Sec. 2. Section 256.11, subsection 5, paragraph j,
22 subparagraph (1), Code 2024, is amended to read as follows:

23 (1) One unit of health education which may include personal
24 health; food and nutrition; environmental health; safety and
25 survival skills; consumer health; family life; age-appropriate
26 and research-based human growth and development; substance
27 use disorder and nonuse; emotional and social health; health
28 resources; cardiopulmonary resuscitation; and prevention
29 and control of disease, including age-appropriate and
30 research-based information regarding sexually transmitted
31 diseases, including human papilloma virus, as defined by the
32 centers for disease control and prevention of the United States
33 department of health and human services, and the availability
34 of a vaccine to prevent the human papilloma virus, and acquired
35 immune deficiency syndrome.

1 Sec. 3. Section 256E.7, subsection 2, paragraphs n, o, and
2 p, Code 2024, are amended by striking the paragraphs.

3 Sec. 4. Section 256F.4, subsection 2, paragraphs l, m, and
4 n, Code 2024, are amended by striking the paragraphs.

5 Sec. 5. Section 279.50, subsections 1 and 2, Code 2024, are
6 amended to read as follows:

7 1. ~~Subject to section 279.80, each~~ Each school board shall
8 provide instruction in kindergarten which gives attention
9 to experiences relating to life skills and human growth and
10 development as required in section 256.11. School districts
11 shall use research provided in section 256.9, subsection 46,
12 paragraph "b", to evaluate and upgrade their instructional
13 materials and teaching strategies for human growth and
14 development.

15 2. ~~Subject to section 279.80, each~~ Each school board shall
16 provide age-appropriate and research-based instruction in
17 human growth and development including instruction regarding
18 self-esteem, stress management, interpersonal relationships,
19 and domestic abuse, the human papilloma virus, as defined by
20 the centers for disease control and prevention of the United
21 States department of health and human services, and the
22 availability of a vaccine to prevent the human papilloma virus,
23 and acquired immune deficiency syndrome, in grades one through
24 six.

25 Sec. 6. Section 279.76, subsection 1, paragraph a, Code
26 2024, is amended to read as follows:

27 a. Each school district is prohibited from administering
28 or conducting an invasive physical examination of a student,
29 a student health screening that is not required by state or
30 federal law, ~~or a formal examination or survey of a student~~
31 ~~that is designed to assess the student's mental, emotional, or~~
32 ~~physical health that is not required by state or federal law,~~
33 without first acquiring the written consent of the student's
34 parent or guardian. This section applies only to a minor child
35 in the direct care of a parent or guardian, and does not apply

1 to an emancipated minor or a minor who is not residing with the
2 parent or guardian.

3 Sec. 7. Section 299A.9, subsection 1, Code 2024, is amended
4 to read as follows:

5 1. A child of compulsory attendance age who is identified
6 as requiring special education under [chapter 256B](#) is eligible
7 for placement under competent private instruction with prior
8 approval of the placement by the director of special education
9 of the area education agency of the child's district of
10 residence.

11 Sec. 8. REPEAL. Sections 279.77, 279.78, 279.79, 279.80,
12 and 601.1, Code 2024, are repealed.

13 EXPLANATION

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

16 This bill relates to children and students, including by
17 modifying provisions related to a parent's or guardian's rights
18 to make decisions affecting the parent's or guardian's child,
19 the educational program and human growth and development
20 curriculum provided to students enrolled in school districts,
21 charter schools, and innovation zone schools, student
22 health screenings, school district library programs, special
23 education, and other duties of school districts and the
24 governing boards of charter schools and innovation zone
25 schools.

26 The bill requires the health curriculum provided to students
27 enrolled in grades one through six in school districts and
28 accredited nonpublic schools to include instruction related to
29 the characteristics of acquired immune deficiency syndrome.
30 The bill requires the human growth and development instruction
31 provided to students enrolled in grades 7 through 12 in
32 school districts and accredited nonpublic schools to include
33 instruction related to the human papilloma virus, as defined
34 by the centers for disease control and prevention of the
35 United States department of health and human services, and the

1 availability of a vaccine to prevent the human papilloma virus,
2 and acquired immune deficiency syndrome.

3 Current law requires that school district library programs
4 be consistent with Code section 280.6 (religious books)
5 and contain only age-appropriate materials. Current law
6 establishes enforcement mechanisms related to the requirements
7 concerning school district libraries containing only
8 age-appropriate materials. The bill strikes these provisions.
9 Current law requires the state board of education to establish
10 in rule standards for school district library programs, which
11 standards shall be designed to provide for methods to improve
12 library collections to meet student needs, include a current
13 and diverse collection of fiction and nonfiction materials
14 in a variety of formats to support student curricular needs,
15 and include a plan for annually updating and replacing library
16 materials and equipment. The bill strikes these provisions.

17 The bill modifies the definition of "age-appropriate" for
18 purposes of the educational program established under Code
19 section 256.11.

20 Current law prohibits school districts, charter schools,
21 and innovation zone schools from administering or conducting a
22 formal examination or survey of a student that is designed to
23 assess the student's mental, emotional, or physical health that
24 is not required by state or federal law without acquiring the
25 written consent of the student's parent or guardian. The bill
26 strikes this provision.

27 Current law provides that a child of compulsory attendance
28 age who is identified as requiring special education under Code
29 chapter 256B is eligible for placement under competent private
30 instruction. The bill modifies this provision to provide
31 that such a child is eligible for placement under competent
32 private instruction with prior approval of the placement by the
33 director of special education of the area education agency of
34 the child's district of residence.

35 Current Code section 279.77 requires school districts to

1 post certain specified information on the school district's
2 internet site and adopt a policy describing the procedures for
3 the parent or guardian of a student enrolled in the school
4 district, or a resident of the school district, to review
5 the instructional materials used in classrooms in the school
6 district. The bill repeals Code section 279.77.

7 Current Code section 279.78 prohibits school districts,
8 charter schools, and innovation zone schools from knowingly
9 giving false or misleading information to the parent or
10 guardian of a student regarding the student's gender identity
11 or intention to transition to a gender that is different than
12 the sex listed on a student's official birth certificate
13 or certificate issued upon adoption. Current Code section
14 279.78 provides that if a student enrolled in a school
15 district, charter school, or innovation zone school requests an
16 accommodation that is intended to affirm the student's gender
17 identity from a licensed practitioner employed by the school,
18 including a request that the licensed practitioner address the
19 student using a name or pronoun that is different than the name
20 or pronoun assigned to the student in the school's registration
21 forms or records, the licensed practitioner is required to
22 report the student's request to an administrator employed by
23 the school, and the administrator is required to report the
24 student's request to the student's parent or guardian. The
25 bill repeals Code section 279.78.

26 Current Code section 279.79 requires school districts,
27 charter schools, and innovation zone schools to receive the
28 prior written consent of a student's parent or guardian before
29 requiring a student to take part in any survey, analysis,
30 activity, or evaluation that reveals certain specified
31 information. Current Code section 279.79 provides that an
32 employee or contractor of a school district, charter school,
33 or innovation zone school is prohibited from answering any
34 question pertaining to any particular student enrolled in
35 the school in any survey related to the social or emotional

1 abilities, competencies, or characteristics of the student,
2 unless the school satisfies certain specified requirements.
3 The bill repeals Code section 279.79.

4 Current Code section 279.80 prohibits school districts,
5 charter schools, and innovation zone schools from providing any
6 program, curriculum, test, survey, questionnaire, promotion, or
7 instruction relating to gender identity or sexual orientation
8 to students in kindergarten through grade six. The bill
9 repeals Code section 279.80 and makes conforming changes.

10 Current Code section 601.1 provides that, except as provided
11 in Code section 147.164 (gender transition procedure — related
12 activities — minors — prohibitions), a parent or guardian
13 bears the ultimate responsibility, and has the fundamental,
14 constitutionally protected right, to make decisions affecting
15 the parent's or guardian's minor child, including decisions
16 related to the minor child's medical care, moral upbringing,
17 religious upbringing, residence, education, and extracurricular
18 activities. The bill repeals Code section 601.1.