

Senate File 496 - Introduced

SENATE FILE 496
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1145)

A BILL FOR

1 An Act relating to children and students, including
2 establishing a parent's or guardian's right to make
3 decisions affecting the parent's or guardian's child, and
4 modifying provisions related to student health screenings
5 and the curriculum in school districts, accredited nonpublic
6 schools, and charter schools, other duties of the state
7 board of education and school districts, competent private
8 instruction, and special education.
9 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 that require school
4 districts and charter schools to periodically review the
5 materials currently available in libraries operated by the
6 school district or charter school to determine if the materials
7 constitute or contain obscene material or sexually explicit
8 material. For purposes of this subsection, "*obscene material*"
9 and "*sexually explicit material*" mean the same as defined in
10 section 279.80.

11 Sec. 2. Section 256.9, Code 2023, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 66. Develop and make available on the
14 department's internet site a comprehensive list of all
15 notifications received pursuant to section 279.79, sortable
16 by the book's title and author and the school districts that
17 have removed the book from libraries operated by the school
18 district, classrooms, or any areas on school district property.
19 The department shall update the comprehensive list at least
20 once each month.

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

23 2. The kindergarten program shall include experiences
24 designed to develop healthy emotional and social habits and
25 growth in the language arts and communication skills, as well
26 as a capacity for the completion of individual tasks, and
27 protect and increase physical well-being with attention given
28 to experiences relating to the development of life skills and,
29 subject to section 279.77, age-appropriate and research-based
30 human growth and development. A kindergarten teacher shall be
31 licensed to teach in kindergarten. An accredited nonpublic
32 school must meet the requirements of **this subsection** only if
33 the nonpublic school offers a kindergarten program.

34 3. The following areas shall be taught in grades one through
35 six: English-language arts, social studies, mathematics,

1 science, health, ~~age-appropriate and research-based~~
 2 ~~human growth and development~~, physical education, traffic
 3 safety, music, and visual art, and, subject to section
 4 279.77, age-appropriate and research-based human growth and
 5 development. Computer science instruction incorporating
 6 the standards established under section 256.7, subsection
 7 26, paragraph "a", subparagraph (4), shall be offered in
 8 at least one grade level commencing with the school year
 9 beginning July 1, 2023. The health curriculum shall include
 10 the characteristics of communicable diseases ~~including acquired~~
 11 ~~immune deficiency syndrome~~. The state board as part of
 12 accreditation standards shall adopt curriculum definitions for
 13 implementing the elementary program.

14 4. The following shall be taught in grades seven and
 15 eight: English-language arts; social studies; mathematics;
 16 science; health; age-appropriate and research-based human
 17 growth and development; career exploration and development;
 18 physical education; music; and visual art. Computer science
 19 instruction incorporating the standards established under
 20 section 256.7, subsection 26, paragraph "a", subparagraph (4),
 21 shall be offered in at least one grade level commencing with
 22 the school year beginning July 1, 2023. Career exploration
 23 and development shall be designed so that students are
 24 appropriately prepared to create an individual career
 25 and academic plan pursuant to [section 279.61](#), incorporate
 26 foundational career and technical education concepts aligned
 27 with the six career and technical education service areas
 28 as defined in [subsection 5](#), paragraph "h", and incorporate
 29 relevant twenty-first century skills. The health curriculum
 30 shall include age-appropriate and research-based information
 31 regarding the characteristics of sexually transmitted diseases,
 32 ~~including HPV and the availability of a vaccine to prevent~~
 33 ~~HPV, and acquired immune deficiency syndrome~~. The state board
 34 as part of accreditation standards shall adopt curriculum
 35 definitions for implementing the program in grades seven

1 and eight. However, *this subsection* shall not apply to the
 2 teaching of career exploration and development in nonpublic
 3 schools. For purposes of *this section*, “*age-appropriate*”,
 4 ~~“HPV”~~, and “*research-based*” mean the same as defined in section
 5 279.50.

6 Sec. 4. Section 256.11, subsection 5, paragraph b, Code
 7 2023, is amended to read as follows:

8 *b. (1)* Five units of the social studies including
 9 instruction in voting statutes and procedures, voter
 10 registration requirements, the use of paper ballots and voting
 11 systems in the election process, and the method of acquiring
 12 and casting an absentee ballot. All students shall complete a
 13 minimum of one-half unit of United States government and one
 14 unit of United States history.

15 *(2)* The one-half unit of United States government shall
 16 include ~~the~~ all of the following:

17 *(a)* The voting procedure as described in this lettered
 18 paragraph and section 280.9A. ~~The government instruction shall~~
 19 ~~also include a~~

20 *(b)* A study of the Constitution of the United States and the
 21 Bill of Rights contained in the Constitution and an assessment
 22 of a student’s knowledge of the Constitution and the Bill of
 23 Rights.

24 *(c) (i)* An assessment of the student’s knowledge of
 25 United States government and civics that includes the nature,
 26 purpose, structure, function, and history of the United States
 27 government, the rights and responsibilities of citizens of
 28 the United States, and important United States government and
 29 civic leaders. The most recent version of the civics test
 30 developed by the United States citizenship and immigration
 31 services shall be used as the assessment required by this
 32 subparagraph division. On or before June 30 of each year, each
 33 school district and accredited nonpublic school shall submit
 34 the results of the assessment required by this subparagraph
 35 division to the department.

1 (ii) The school district or accredited nonpublic school
 2 may modify the civics test developed by the United States
 3 citizenship and immigration services for a student who has an
 4 individualized education program.

5 (iii) A student shall answer at least seventy percent of
 6 the questions on the civics test developed by the United States
 7 citizenship and immigration services correctly as a condition
 8 of graduation. A student who fails to answer at least seventy
 9 percent of the questions on the civics test correctly may
 10 retake the civics test as many times as necessary.

11 Sec. 5. Section 256.11, subsection 5, paragraph j,
 12 subparagraph (1), Code 2023, is amended to read as follows:

13 (1) One unit of health education which shall include
 14 personal health; food and nutrition; environmental health;
 15 safety and survival skills; consumer health; family life;
 16 age-appropriate and research-based human growth and
 17 development; substance abuse and nonuse; emotional and
 18 social health; health resources; and prevention and control
 19 of disease, including age-appropriate and research-based
 20 information regarding sexually transmitted diseases, ~~including~~
 21 ~~HPV and the availability of a vaccine to prevent HPV, and~~
 22 ~~acquired immune deficiency syndrome.~~

23 Sec. 6. Section 256E.7, subsection 2, paragraph i, Code
 24 2023, is amended to read as follows:

25 i. Be subject to and comply with [section 279.76](#) relating
 26 to physical examinations, ~~and health screenings, and formal~~
 27 examinations or surveys designed to assess a student's mental,
 28 emotional, or physical health in the same manner as a school
 29 district.

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

32 NEW PARAGRAPH. *0j.* Be subject to and comply with the
 33 requirements of section 279.77 relating to gender identity and
 34 sexual activity instruction in kindergarten through grade six
 35 in the same manner as a school district.

1 NEW PARAGRAPH. *00j.* Be subject to and comply with the
2 requirements of section 279.81 relating to student, employee,
3 and contractor participation in surveys, analyses, activities,
4 or evaluations in the same manner as a school district.

5 NEW PARAGRAPH. *000j.* Be subject to and comply with
6 the requirements of section 279.82 relating to minor
7 students serving on committees that determine, or provide
8 recommendations related to, whether a material in a school
9 library should be removed because the material may constitute
10 or contain obscene material or sexually explicit material in
11 the same manner as a school district.

12 NEW PARAGRAPH. *0000j.* Be subject to and comply with the
13 requirements of section 279.83 relating to the addition of
14 materials to a school library in the same manner as a school
15 district.

16 Sec. 8. Section 256F.4, subsection 2, paragraph k, Code
17 2023, is amended to read as follows:

18 *k.* Be subject to and comply with [section 279.76](#) relating
19 to physical examinations, and health screenings, and formal
20 examinations or surveys designed to assess a student's mental,
21 emotional, or physical health in the same manner as a school
22 district.

23 Sec. 9. Section 256F.4, subsection 2, Code 2023, is amended
24 by adding the following new paragraphs:

25 NEW PARAGRAPH. *l.* Be subject to and comply with the
26 requirements of section 279.77 relating to gender identity and
27 sexual activity instruction in kindergarten through grade six
28 in the same manner as a school district.

29 NEW PARAGRAPH. *m.* Be subject to and comply with the
30 requirements of section 279.81 relating to student, employee,
31 and contractor participation in surveys, analyses, activities,
32 or evaluations in the same manner as a school district.

33 NEW PARAGRAPH. *n.* Be subject to and comply with
34 the requirements of section 279.82 relating to minor
35 students serving on committees that determine, or provide

1 recommendations related to, whether a material in a school
2 library should be removed because the material may constitute
3 or contain obscene material or sexually explicit material in
4 the same manner as a school district.

5 NEW PARAGRAPH. o. Be subject to and comply with the
6 requirements of section 279.83 relating to the addition of
7 materials to a school library in the same manner as a school
8 district.

9 Sec. 10. Section 279.50, subsections 1 and 2, Code 2023, are
10 amended to read as follows:

11 1. ~~Each~~ Subject to section 279.77, each school board shall
12 provide instruction in kindergarten which gives attention
13 to experiences relating to life skills and human growth and
14 development as required in [section 256.11](#). School districts
15 shall use research provided in [section 256.9, subsection 46](#),
16 paragraph "b", to evaluate and upgrade their instructional
17 materials and teaching strategies for human growth and
18 development.

19 2. Each school board shall provide age-appropriate and
20 research-based instruction in human growth and development
21 including instruction regarding human sexuality, self-esteem,
22 stress management, interpersonal relationships, domestic
23 ~~abuse, HPV and the availability of a vaccine to prevent HPV,~~
24 ~~and acquired immune deficiency syndrome~~ and the prevention and
25 control of disease, including sexually transmitted diseases as
26 required in [section 256.11](#), in grades ~~one~~ seven through twelve.

27 Sec. 11. Section 279.50, Code 2023, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 1A. Subject to section 279.77, each
30 school board shall provide age-appropriate and research-based
31 instruction in human growth and development including
32 instruction regarding self-esteem, stress management,
33 interpersonal relationships, and domestic abuse in grades one
34 through six.

35 Sec. 12. Section 279.50, subsection 9, paragraphs b and c,

1 Code 2023, are amended by striking the paragraphs.

2 Sec. 13. Section 279.76, Code 2023, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 1A. a. Each school district is prohibited
5 from administering or conducting a formal examination or survey
6 of a student that is designed to assess the student's mental,
7 emotional, or physical health that is not required by state or
8 federal law without first acquiring the written consent of the
9 student's parent or guardian.

10 b. Each school district shall give written notice to a
11 student's parent or guardian of an examination or survey of
12 the student required by state or federal law that is designed
13 to assess the student's mental, emotional, or physical health
14 not less than seven days prior to the examination or survey.
15 The notice shall include a copy of the examination or survey
16 or a link to an internet site where the parent or guardian may
17 access the examination or survey.

18 c. This subsection shall not apply to a hearing or vision
19 examination.

20 Sec. 14. NEW SECTION. 279.77 Gender identity and sexual
21 activity — prohibited instruction.

22 1. As used in this section:

23 a. "*Gender identity*" means the same as defined in section
24 216.2.

25 b. "*Sexual activity*" means the same as defined in section
26 702.17.

27 2. A school district shall not provide any program,
28 curriculum, material, test, survey, questionnaire, activity,
29 announcement, promotion, or instruction of any kind relating to
30 gender identity or sexual activity to students in kindergarten
31 through grade five or to students in grade six when grade six
32 is taught in an elementary school.

33 Sec. 15. NEW SECTION. 279.78 Transparency — publication
34 of school district information.

35 1. Each school district shall publish all of the following

1 information related to the current school year on the school
2 district's internet site:

3 *a.* A list of all materials that will be used to teach
4 students in each class in the school district, sortable by
5 subject area, grade level, and teacher. The requirement to
6 publish a list of materials does not apply to the extent a
7 teacher is discussing or providing instruction related to
8 current events.

9 *b.* A comprehensive list of all persons in direct contact
10 with students enrolled in the school district who contract with
11 or otherwise receive moneys from the board of directors of the
12 school district.

13 *c.* A comprehensive list of all books available to students
14 in the classroom and in libraries operated by the school
15 district.

16 *d.* A detailed explanation of the procedures or policies
17 in effect for the parent or guardian of a student enrolled in
18 the school district to request the removal of a book, article,
19 outline, handout, video, or other educational material that is
20 available to students in the classroom or in a library operated
21 by the school district.

22 *e.* A detailed explanation of the procedures or policies in
23 effect to request the review of decisions made by the board
24 of directors of the school district, including the petition
25 process established pursuant to section 279.8B.

26 2. Each school district shall update the information
27 required to be published pursuant to subsection 1 at least
28 two times each semester or at the start of each trimester, as
29 applicable.

30 3. This section shall not be construed to require a school
31 district to do any of the following:

32 *a.* Reproduce educational materials that were not created by
33 a person employed by the board of directors.

34 *b.* Distribute any educational materials in a manner that
35 would infringe on the intellectual property rights of any

1 person.

2 Sec. 16. NEW SECTION. **279.79** **Notifications to department of**
3 **education regarding the removal of books from school library.**

4 1. As used in this section:

5 *a. "Obscene material"* means the same as defined in section
6 728.1.

7 *b. "Sexually explicit material"* means the same as defined
8 in section 279.80.

9 2. If the board of directors of a school district removes
10 a book from a library operated by the school district, a
11 classroom, or any area on school district property because the
12 board of directors determined the book constituted or contained
13 obscene material or sexually explicit material, then the board
14 of directors shall notify the department of education of the
15 removal within seven days. The notification shall contain the
16 book's title and author.

17 Sec. 17. NEW SECTION. **279.80** **Parental rights in education.**

18 1. As used in this section:

19 *a. "Gender identity"* means the same as defined in section
20 216.2.

21 *b. "Minor child"* means an individual under eighteen years
22 of age.

23 *c. "Obscene material"* means the same as defined in section
24 728.1.

25 *d. "Sexually explicit material"* means any material that
26 meets all of the following criteria:

27 (1) Taken as a whole with respect to minor children, the
28 material appeals to the prurient interest in nudity, sex, or
29 excretion.

30 (2) The material depicts, describes, or represents, in a
31 patently offensive way with respect to what is suitable for
32 minor children, a sex act, lewd exhibition of the genitals,
33 masturbation, excretory functions, bestiality, or oral, anal,
34 or vaginal intercourse, actual or simulated, involving humans.
35 For purposes of this subparagraph, "*lewd exhibition of the*

1 *genitals*" includes any material depicting genitalia in which
2 the place or pose of the person in the depiction is sexually
3 suggestive, any visual depiction that suggests sexual coyness
4 or a willingness to engage in sexual activity, or any visual
5 depiction that is intended or designed to elicit a sexual
6 response from the viewer.

7 (3) Taken as a whole, the material lacks serious literary,
8 artistic, political, or scientific value as to the youngest
9 minor child with reasonable access to the material. For
10 purposes of this subparagraph, material lacks serious literary,
11 artistic, political, or scientific value as to minor children
12 if the material contains material described in subparagraphs
13 (1) and (2) when substantially similar material is readily
14 available to minor children that does not contain material
15 described in subparagraphs (1) and (2) but that conveys a
16 substantially similar message or viewpoint.

17 e. "*Visual depiction*" includes any picture, slide,
18 photograph, digital or electronic image, negative image,
19 undeveloped film, motion picture, videotape, digital or
20 electronic recording, live transmission, or any other pictorial
21 or three-dimensional representation.

22 2. a. Each school district shall immediately notify the
23 parent or guardian of a minor child enrolled in the school
24 district if any employee of the school district reasonably
25 believes that the minor child has expressed a gender identity
26 that is different than the biological sex listed on the minor
27 child's official birth certificate or certificate issued upon
28 adoption if the certificate was issued at or near the time of
29 the minor child's birth.

30 b. Notwithstanding paragraph "a", if a school district
31 determines based on actual threats to the health, safety, or
32 welfare of a minor child enrolled in the school district that
33 notifying the parent or guardian of the minor child pursuant
34 to paragraph "a" may result in serious harm to the minor child,
35 the school district shall not notify the parent or guardian and

1 shall instead immediately report the school district's safety
2 concerns to the department of health and human services so that
3 the department may determine whether the minor child is a child
4 in need of assistance under chapter 232.

5 3. The parent or guardian of a minor child enrolled in
6 a school district may access and review all school records
7 related to the minor child, including teacher evaluations of
8 the minor child and associated notes, evaluation information,
9 and documents created by the minor child, unless chapter
10 232, subchapter III, part 2, prohibits the record from being
11 disclosed.

12 4. A school district must receive the prior written consent
13 of a minor child's parent or guardian before allowing a minor
14 child enrolled in the school district to check out or access
15 any book that is on the list maintained by the department of
16 education pursuant to section 256.9, subsection 66.

17 5. A school district must receive the prior written consent
18 of the parent or guardian of a minor child enrolled in the
19 school district before allowing any employee of the school
20 district to address the minor child using a name or a pronoun
21 that does not correspond to the biological sex that is listed
22 on the minor child's official birth certificate or certificate
23 issued upon adoption if the certificate was issued at or near
24 the time of the minor child's birth.

25 6. A school district shall not require any minor child
26 enrolled in the school district to engage in any activity or
27 instruction provided by a guest lecturer or outside presenter,
28 or any activity or instruction that involves obscene material
29 or sexually explicit material, without providing the parent
30 or guardian of a minor child enrolled in the school district
31 with notice at least seven days prior to the activity or
32 instruction. A school district shall not allow a minor
33 child enrolled in the school district to engage in the
34 activity or instruction unless the minor child's parent or
35 guardian provides notice to the school district requesting

1 that the minor child be allowed to engage in the activity
2 or instruction. The notice shall describe how to request
3 that a minor child be allowed to engage in the activity or
4 instruction.

5 7. If, after investigation, the department of education
6 determines that a school district or an employee of a school
7 district has violated this section, the school district or
8 employee of the school district, as applicable, shall be
9 subject to the following:

10 a. For the first violation of this section, the department
11 of education shall issue a written warning to the board
12 of directors of the school district or the employee, as
13 applicable.

14 b. (1) For a second or subsequent violation of this
15 section, if the department of education finds that a school
16 district knowingly violated this section, the superintendent of
17 the school district shall be subject to a hearing conducted by
18 the board of educational examiners pursuant to section 272.2,
19 subsection 14, which may result in disciplinary action.

20 (2) For a second or subsequent violation of this section,
21 if the department of education finds that an employee of
22 the school district who holds a license, certificate,
23 authorization, or statement of recognition issued by the board
24 of educational examiners under chapter 272 knowingly violated
25 this section, the employee shall be subject to a hearing
26 conducted by the board of educational examiners pursuant to
27 section 272.2, subsection 14, which may result in disciplinary
28 action.

29 8. The state board of education shall adopt rules pursuant
30 to chapter 17A to administer this section.

31 Sec. 18. NEW SECTION. 279.81 Protection of student rights.

32 1. The board of directors of a school district must
33 receive the prior written consent of a student's parent or
34 guardian before requiring a student to take part in any survey,
35 analysis, activity, or evaluation that reveals information

1 concerning any of the following about the student or the
2 student's family, whether the information is personally
3 identifiable or not:

4 *a.* The political affiliations or beliefs of the student or
5 the student's parent or guardian.

6 *b.* Mental or psychological problems of the student or the
7 student's family.

8 *c.* Sexual behavior, orientation, or attitudes.

9 *d.* Illegal, antisocial, self-incriminating, or demeaning
10 behavior.

11 *e.* Critical appraisals of other individuals with whom the
12 student has close familial relationships.

13 *f.* Legally recognized privileged or analogous relationships,
14 such as those of attorneys, physicians, or ministers.

15 *g.* Religious practices, affiliations, or beliefs of the
16 student or the student's parent or guardian.

17 *h.* Income, except when required by law to determine
18 eligibility for participation in a program or for receiving
19 financial assistance under such a program.

20 2. An employee of a school district, or a contractor engaged
21 by a school district, shall not answer any question pertaining
22 to any particular student enrolled in the school district
23 in any survey related to the social or emotional abilities,
24 competencies, or characteristics of the student, unless the
25 board of directors of the school district satisfies all of the
26 following requirements:

27 *a.* The board of directors of the school district provides to
28 the parent or guardian of each student enrolled in the school
29 district detailed information related to the survey, including
30 the person who created the survey, the person who sponsors the
31 survey, how information generated by the survey is used, and
32 how information generated by the survey is stored.

33 *b.* The board of directors of the school district receives
34 the written consent from a student's parent or guardian
35 authorizing the employee or contractor to answer questions in

1 the survey pertaining to the student.

2 Sec. 19. NEW SECTION. 279.82 Library materials review
3 committee.

4 1. For purposes of this section:

5 a. "*Obscene material*" means the same as defined in section
6 728.1.

7 b. "*Sexually explicit material*" means the same as defined
8 in section 279.80.

9 2. The board of directors of a school district shall not
10 allow a minor student serving on any committee that determines,
11 or provides recommendations related to, whether a material in a
12 library operated by the school district should be removed to
13 view the material being considered for removal if the material
14 is being considered for removal because it may constitute
15 obscene material or sexually explicit material.

16 Sec. 20. NEW SECTION. 279.83 Addition of materials to
17 school library.

18 1. As used in this section:

19 a. "*Obscene material*" means the same as defined in section
20 728.1.

21 b. "*Sexually explicit material*" means the same as defined
22 in section 279.80.

23 2. A school district shall not add new material to a library
24 operated by the school district unless the board of directors
25 of the school district has formally approved the material and
26 determined that the material does not constitute or contain
27 obscene material or sexually explicit material.

28 Sec. 21. Section 299A.9, subsection 1, Code 2023, is amended
29 to read as follows:

30 1. A child of compulsory attendance age who is identified
31 as requiring special education under [chapter 256B](#) is eligible
32 for placement under competent private instruction ~~with prior~~
33 ~~approval of the placement by the director of special education~~
34 ~~of the area education agency of the child's district of~~
35 ~~residence.~~

1 Sec. 22. Section 299A.9, Code 2023, is amended by adding the
2 following new subsection:

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

9 Sec. 23. NEW SECTION. 601.1 Parents and guardians —
10 rights.

11 1. For purposes of this section:

12 *a. "Emergent care situation"* means a sudden or unforeseen
13 occurrence or onset of a medical or behavioral condition that
14 could result in serious injury or harm to a minor child in the
15 event immediate medical attention is not provided.

16 *b. "Medical care"* means any care, treatment, service, or
17 procedure to prevent, diagnose, alleviate, treat, or cure a
18 minor child's physical or mental condition.

19 *c. "Minor child"* means an unmarried and unemancipated person
20 under the age of eighteen years.

21 2. A parent or guardian bears the ultimate responsibility,
22 and has the constitutionally protected right, to make decisions
23 affecting the parent's or guardian's minor child, including
24 decisions related to the minor child's medical care, moral
25 upbringing, religious upbringing, residence, education, and
26 extracurricular activities.

27 3. This section shall not be construed to prohibit a minor
28 child from receiving medical attention in an emergent care
29 situation.

30 4. This section shall not be construed to prohibit a person
31 from cooperating in a child abuse assessment commenced in
32 accordance with section 232.71B.

33 5. The rights guaranteed to parents and guardians by this
34 section are not a comprehensive list of the rights reserved
35 to parents or guardians of a minor child. The enumeration of

1 the rights contained in this section shall not be construed to
2 limit the rights reserved to parents or guardians of a minor
3 child.

4 Sec. 24. IMPLEMENTATION OF ACT. Section 25B.2, subsection
5 3, shall not apply to this Act.

6 EXPLANATION

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

9 This bill relates to children and students, including
10 establishing a parent's or guardian's right to make decisions
11 affecting the parent's or guardian's child and modifying
12 provisions related to student health screenings and the
13 curriculum in school districts, accredited nonpublic schools,
14 and charter schools, other duties of the state board of
15 education and school districts, competent private instruction,
16 and special education.

17 The bill requires the state board of education to adopt
18 rules that require school districts and charter schools to
19 periodically review the materials available in school libraries
20 to determine if the materials constitute or contain obscene
21 material or sexually explicit material.

22 The bill prohibits instruction related to gender identity
23 and sexual activity in school districts, accredited nonpublic
24 schools, charter schools, and innovation zone schools in
25 kindergarten through grade five and to students in grade six
26 when grade six is taught in an elementary school. The bill
27 makes conforming changes to Code sections 256.11 (educational
28 standards) and 279.50 (human growth and development
29 instruction) and provides that human growth and development
30 instruction provided to students in kindergarten through grade
31 five, and grade six when sixth grade is taught in an elementary
32 school, shall not include any program, curriculum, material,
33 test, survey, questionnaire, activity, announcement, promotion,
34 or instruction of any kind relating to gender identity or
35 sexual activity.

1 The bill strikes the requirement that the health curriculum
2 provided in school districts, accredited nonpublic schools,
3 and charter schools in grades 1 through 12 include instruction
4 related to the characteristics of acquired immune deficiency
5 syndrome and makes conforming changes to Code section 279.50
6 (human growth and development instruction). The bill also
7 strikes the requirement that the health curriculum provided in
8 school districts, accredited nonpublic schools, and charter
9 schools in grades 7 through 12 include instruction related to
10 human papilloma virus (HPV) and the availability of a vaccine
11 to prevent HPV and makes conforming changes to Code section
12 279.50. The bill makes conforming changes.

13 The bill requires the human growth and development
14 instruction provided in the kindergarten program to be both
15 age-appropriate and research-based.

16 Under current law, the educational program established
17 pursuant to Code section 256.11 is required to include, in
18 grades 9 through 12, five units of social studies, one-half
19 unit of which is to consist of instruction in United States
20 government. The bill provides that this one-half unit of
21 United States government shall include an assessment of the
22 student's knowledge of United States government and civics.
23 The bill provides that the most recent version of the civics
24 test developed by the United States citizenship and immigration
25 services shall be used as the assessment. The bill requires
26 each school district and accredited nonpublic school to submit
27 the results of the civics test to the department of education
28 by June 30 of each year. The bill authorizes a school district
29 or accredited nonpublic school to modify the civics test for
30 a student who has an individualized education program. The
31 bill provides that a student must answer at least 70 percent
32 of the questions correctly on the civics test as a condition
33 of graduation. The bill authorizes a student who fails to
34 answer at least 70 percent of the questions on the civics test
35 correctly to retake the civics test.

1 The bill prohibits school districts, charter schools, and
2 innovation zone schools from administering or conducting a
3 formal examination or survey of a student that is designed to
4 assess the student's mental, emotional, or physical health
5 that is not required by state or federal law, without first
6 acquiring the written consent of the student's parent or
7 guardian. This provision applies only to a minor child in the
8 direct care of a parent or guardian, and does not apply to
9 an emancipated minor or a minor who is not residing with the
10 parent or guardian. The bill provides that this provision does
11 not apply to a hearing or vision examination.

12 The bill requires school districts, charter schools, and
13 innovation zone schools to give written notice to a student's
14 parent or guardian of an examination or survey of the student
15 required by state or federal law that is designed to assess
16 the student's mental, emotional, or physical health not less
17 than seven days prior to the examination or survey. The bill
18 requires the notice to contain a copy of the examination
19 or survey. This provision applies only to the parents or
20 guardians of a minor child who is in the direct care of
21 the parent or guardian, and does not apply to the parents
22 or guardians of an emancipated minor or a minor who is not
23 residing with the parent or guardian. The bill provides
24 that this provision does not apply to a hearing or vision
25 examination.

26 The bill requires each school district to publish all of the
27 following information related to the current school year on
28 the school district's internet site: a list of all materials
29 that will be used to teach students in each class in the school
30 district; a list of all persons in direct contact with students
31 enrolled in the school district who contract with or otherwise
32 receive moneys from the board of directors of the school
33 district; a list of all books available to students in the
34 classroom and in libraries operated by the school district; a
35 detailed explanation of the procedures in effect for the parent

1 or guardian of a student enrolled in the school district to
2 request the removal of educational material that is available
3 to students in the classroom or in a library operated by the
4 school district; and a detailed explanation of the procedures
5 in effect to request the review of decisions made by the board
6 of directors of the school district. The bill also requires
7 each school district to update this information at least two
8 times each semester or at the start of each trimester, as
9 applicable.

10 The bill requires each school district to notify the
11 department of education that the board of directors of the
12 school district has removed a book from a library operated
13 by the school district, a classroom, or any area on school
14 district property within seven days after removal if the book
15 was removed because the board determined the book constituted
16 or contained obscene material or sexually explicit material.
17 The bill also requires the department to make available on
18 the department's internet site, and update at least monthly,
19 a comprehensive list (removal list) of all of these notices,
20 sortable by the book's title and author and the school
21 districts that have removed the book from libraries operated
22 by the school district, classrooms, or any areas on school
23 property.

24 The bill enacts new Code section 279.80, which requires a
25 school district to immediately notify the parent or guardian
26 of a minor child enrolled in the school district if any
27 employee of the school district reasonably believes the
28 minor child has expressed a gender identity that is different
29 than the biological sex listed on the minor child's official
30 birth certificate or certificate issued upon adoption if the
31 certificate was issued at or near the time of the minor child's
32 birth. The bill provides that, notwithstanding this provision,
33 if a school district determines based on actual threats to
34 safety of the minor child that notifying the parent or guardian
35 may result in serious harm to the minor child, the school

1 district shall not notify the parent or guardian and shall
2 immediately report the school district's safety concerns to the
3 department of health and human services so that the department
4 may determine whether the minor child is a child in need of
5 assistance under Code chapter 232 (juvenile justice).

6 New Code section 279.80 authorizes the parent or guardian
7 of a minor child enrolled in a school district to access
8 and review all school records related to the minor child
9 unless Code chapter 232, subchapter III, part 2 (child abuse
10 reporting, assessment, and rehabilitation), prohibits the
11 record from being disclosed.

12 New Code section 279.80 provides that a school district must
13 receive the prior written consent of a minor child's parent or
14 guardian before allowing a minor child enrolled in the school
15 district to check out or access any book that is on the removal
16 list.

17 New Code section 279.80 provides that a school district must
18 receive the prior written consent of the parent or guardian of
19 a minor child enrolled in the school district before allowing
20 any employee of the school district to address the minor child
21 using a name or a pronoun that does not correspond to the
22 biological sex that is listed on the minor child's official
23 birth certificate or certificate issued upon adoption if the
24 certificate was issued at or near the time of the minor child's
25 birth.

26 New Code section 279.80 prohibits a school district from
27 requiring any minor child enrolled in the school district to
28 engage in any activity or instruction provided by a guest
29 lecturer or outside presenter, or any activity or instruction
30 that involves obscene material or sexually explicit material,
31 without providing the minor child's parent or guardian
32 with notice at least seven days prior to the activity or
33 instruction. New Code section 279.80 also prohibits a
34 school district from allowing a minor child to engage in the
35 activity or instruction unless the minor child's parent or

1 guardian provides notice to the school district requesting
2 that the minor child be allowed to engage in the activity or
3 instruction.

4 The bill establishes enforcement mechanisms applicable
5 to school districts and school district employees in the
6 event of a violation of new Code section 279.80, including
7 written warnings and hearings before the board of educational
8 examiners.

9 The bill requires the state board of education to adopt rules
10 to administer new Code section 279.80.

11 The bill requires school districts, charter schools, and
12 innovation zone schools to receive the prior written consent
13 of a student's parent or guardian before requiring a student
14 to take part in any survey, analysis, activity, or evaluation
15 that reveals information related to political affiliations
16 of the student or student's parent or guardian; mental or
17 psychological problems of the student or the student's
18 family; sexual behavior, orientation, or attitudes; illegal,
19 antisocial, self-incriminating, or demeaning behavior; critical
20 appraisals of individuals with whom the student has close
21 familial relationships; legally recognized privileged or
22 analogous relationships; religious practices, affiliations,
23 or beliefs of the student or student's parent or guardian; or
24 income, except as required by law to determine eligibility
25 for a program. The requirement applies whether or not the
26 information is personally identifiable.

27 The bill prohibits an employee or contractor of a school
28 district, charter school, or innovation zone school, from
29 answering any question pertaining to any particular student
30 enrolled in the school district, charter school, or innovation
31 zone school in any survey related to the social or emotional
32 abilities, competencies, or characteristics of the student,
33 unless the school district, charter school, or innovation zone
34 school provides to the parent or guardian of each student
35 detailed information related to the survey and receives the

1 written consent from a student's parent or guardian authorizing
2 the employee or contractor to answer questions in the survey
3 pertaining to the student.

4 The bill prohibits school districts, charter schools, and
5 innovation zone schools from allowing a minor to serve on any
6 committee that determines, or provides recommendations related
7 to, whether a material in a library operated by the school
8 should be removed to view the material being considered for
9 removal if the material is being considered for removal because
10 it may constitute or contain obscene material or sexually
11 explicit material.

12 The bill prohibits school districts, charter schools,
13 and innovation zone schools from adding new material to a
14 library operated by the school unless the board of directors
15 or governing board has formally approved the material and
16 determined that the material does not constitute or contain
17 obscene material or sexually explicit material.

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

27 The bill enacts new Code section 601.1, which provides that
28 a parent or guardian bears the ultimate responsibility to make
29 decisions affecting the parent's or guardian's minor child,
30 including decisions related to the minor child's medical care,
31 moral upbringing, religious upbringing, residence, education,
32 and extracurricular activities.

33 The bill provides that new Code section 601.1 shall not be
34 construed to prohibit a minor child from receiving medical
35 attention in an emergent care situation or to prohibit a person

1 from cooperating in a child abuse assessment.

2 The bill may include a state mandate as defined in Code
3 section 25B.3. The bill makes inapplicable Code section 25B.2,
4 subsection 3, which would relieve a political subdivision from
5 complying with a state mandate if funding for the cost of
6 the state mandate is not provided or specified. Therefore,
7 political subdivisions are required to comply with any state
8 mandate included in the bill.