

Senate Study Bill 1145 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BILL)

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,
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 school
7 districts, competent private instruction, and special
8 education, making appropriations, and providing civil
9 penalties.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 66. Develop and make available on the
4 department's internet site a comprehensive list of all
5 notifications received pursuant to section 279.79, sortable
6 by the book's title and author and the school districts that
7 have removed the book from libraries operated by the school
8 district, classrooms, or any areas on school district property.
9 The department shall update the comprehensive list at least
10 once each month.

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

13 2. The kindergarten program shall include experiences
14 designed to develop healthy emotional and social habits and
15 growth in the language arts and communication skills, as well
16 as a capacity for the completion of individual tasks, and
17 protect and increase physical well-being with attention given
18 to experiences relating to the development of life skills and,
19 subject to section 279.77, age-appropriate and research-based
20 human growth and development. A kindergarten teacher shall be
21 licensed to teach in kindergarten. An accredited nonpublic
22 school must meet the requirements of **this subsection** only if
23 the nonpublic school offers a kindergarten program.

24 3. The following areas shall be taught in grades one through
25 six: English-language arts, social studies, mathematics,
26 science, health, ~~age-appropriate and research-based~~
27 ~~human growth and development~~, physical education, traffic
28 safety, music, and visual art, and, subject to section
29 279.77, age-appropriate and research-based human growth and
30 development. Computer science instruction incorporating
31 the standards established under section 256.7, subsection
32 26, paragraph "a", subparagraph (4), shall be offered in
33 at least one grade level commencing with the school year
34 beginning July 1, 2023. The health curriculum shall include
35 the characteristics of communicable diseases ~~including acquired~~

1 ~~immune deficiency syndrome~~. The state board as part of
2 accreditation standards shall adopt curriculum definitions for
3 implementing the elementary program.

4 4. The following shall be taught in grades seven and
5 eight: English-language arts; social studies; mathematics;
6 science; health; age-appropriate and research-based human
7 growth and development; career exploration and development;
8 physical education; music; and visual art. Computer science
9 instruction incorporating the standards established under
10 section 256.7, subsection 26, paragraph "a", subparagraph (4),
11 shall be offered in at least one grade level commencing with
12 the school year beginning July 1, 2023. Career exploration
13 and development shall be designed so that students are
14 appropriately prepared to create an individual career
15 and academic plan pursuant to [section 279.61](#), incorporate
16 foundational career and technical education concepts aligned
17 with the six career and technical education service areas
18 as defined in [subsection 5](#), paragraph "h", and incorporate
19 relevant twenty-first century skills. The health curriculum
20 shall include age-appropriate and research-based information
21 regarding the characteristics of sexually transmitted diseases,
22 ~~including HPV and the availability of a vaccine to prevent~~
23 ~~HPV, and acquired immune deficiency syndrome~~. The state board
24 as part of accreditation standards shall adopt curriculum
25 definitions for implementing the program in grades seven
26 and eight. However, [this subsection](#) shall not apply to the
27 teaching of career exploration and development in nonpublic
28 schools. For purposes of [this section](#), "age-appropriate",
29 ~~"HPV"~~, and "research-based" mean the same as defined in section
30 279.50.

31 Sec. 3. Section 256.11, subsection 5, paragraph b, Code
32 2023, is amended to read as follows:

33 b. (1) Five units of the social studies including
34 instruction in voting statutes and procedures, voter
35 registration requirements, the use of paper ballots and voting

1 systems in the election process, and the method of acquiring
2 and casting an absentee ballot. All students shall complete a
3 minimum of one-half unit of United States government and one
4 unit of United States history.

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

7 (a) The voting procedure as described in this lettered
8 paragraph and section 280.9A. ~~The government instruction shall~~
9 also include a

10 (b) A study of the Constitution of the United States and the
11 Bill of Rights contained in the Constitution and an assessment
12 of a student's knowledge of the Constitution and the Bill of
13 Rights.

14 (c) (i) An assessment of the student's knowledge of
15 United States government and civics that includes the nature,
16 purpose, structure, function, and history of the United States
17 government, the rights and responsibilities of citizens of
18 the United States, and important United States government and
19 civic leaders. The most recent version of the civics test
20 developed by the United States citizenship and immigration
21 services shall be used as the assessment required by this
22 subparagraph division. On or before June 30 of each year, each
23 school district and accredited nonpublic school shall submit
24 the results of the assessment required by this subparagraph
25 division to the department.

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

30 (iii) A student shall answer at least seventy percent of
31 the questions on the civics test developed by the United States
32 citizenship and immigration services correctly as a condition
33 of graduation. A student who fails to answer at least seventy
34 percent of the questions on the civics test correctly may
35 retake the civics test as many times as necessary.

1 Sec. 4. Section 256.11, subsection 5, paragraph j,
2 subparagraph (1), Code 2023, is amended to read as follows:

3 (1) One unit of health education which shall include
4 personal health; food and nutrition; environmental health;
5 safety and survival skills; consumer health; family life;
6 age-appropriate and research-based human growth and
7 development; substance abuse and nonuse; emotional and
8 social health; health resources; and prevention and control
9 of disease, including age-appropriate and research-based
10 information regarding sexually transmitted diseases, ~~including~~
11 ~~HPV and the availability of a vaccine to prevent HPV, and~~
12 ~~acquired immune deficiency syndrome.~~

13 Sec. 5. Section 256E.7, subsection 2, paragraph i, Code
14 2023, is amended to read as follows:

15 *i.* Be subject to and comply with [section 279.76](#) relating to
16 physical examinations, and health screenings, and examinations
17 designed to assess a student's mental, emotional, or physical
18 health in the same manner as a school district.

19 Sec. 6. Section 256E.7, subsection 2, Code 2023, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *oj.* Be subject to and comply with the
22 requirements of section 279.77 relating to gender identity and
23 sexual activity instruction in kindergarten through grade three
24 in the same manner as a school district.

25 Sec. 7. Section 256F.4, subsection 2, paragraph k, Code
26 2023, is amended to read as follows:

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

31 Sec. 8. Section 256F.4, subsection 2, Code 2023, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *l.* Be subject to and comply with the
34 requirements of section 279.77 relating to gender identity and
35 sexual activity instruction in kindergarten through grade three

1 in the same manner as a school district.

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

4 1. ~~Each~~ Subject to section 279.77, 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~~ and the prevention and
18 control of disease, including sexually transmitted diseases as
19 required in [section 256.11](#), in grades ~~one~~ four through twelve.

20 Sec. 10. Section 279.50, Code 2023, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 1A. Subject to section 279.77, each
23 school board shall provide age-appropriate and research-based
24 instruction in human growth and development including
25 instruction regarding self-esteem, stress management,
26 interpersonal relationships, and domestic abuse in grades one
27 through three.

28 Sec. 11. Section 279.50, subsection 9, paragraphs b and c,
29 Code 2023, are amended by striking the paragraphs.

30 Sec. 12. Section 279.76, Code 2023, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 1A. a. Each school district is prohibited
33 from administering or conducting an examination or survey of
34 a student that is designed to assess the student's mental,
35 emotional, or physical health that is not required by state or

1 federal law without first acquiring the written consent of the
2 student's parent or guardian.

3 *b.* Each school district shall give written notice to a
4 student's parent or guardian of an examination or survey of the
5 student required by state or federal law that is designed to
6 assess the student's mental, emotional, or physical health not
7 less than seven days prior to the examination or survey.

8 *c.* This subsection shall not apply to a hearing or vision
9 examination.

10 Sec. 13. NEW SECTION. **279.77 Gender identity and sexual**
11 **activity — prohibited instruction.**

12 1. As used in this section:

13 *a.* "*Gender identity*" means the same as defined in section
14 216.2.

15 *b.* "*Sexual activity*" means the same as defined in section
16 702.17.

17 2. A school district shall not provide any program,
18 curriculum, material, test, survey, questionnaire, activity,
19 announcement, promotion, or instruction of any kind relating to
20 gender identity or sexual activity to students in kindergarten
21 through grade three.

22 Sec. 14. NEW SECTION. **279.78 Transparency — publication**
23 **of school district information.**

24 1. Each school district shall publish all of the following
25 information related to the current school year on the school
26 district's internet site:

27 *a.* A list of all materials that will be used to teach
28 students in each class in the school district, sortable by
29 subject area, grade level, and teacher.

30 *b.* A comprehensive list of all persons in direct contact
31 with students enrolled in the school district who contract with
32 or otherwise receive moneys from the board of directors of the
33 school district.

34 *c.* A comprehensive list of all books available to students
35 in the classroom and in libraries operated by the school

1 district.

2 *d.* A detailed explanation of the procedures or policies
3 in effect for the parent or guardian of a student enrolled in
4 the school district to request the removal of a book, article,
5 outline, handout, video, or other educational material that is
6 available to students in the classroom or in a library operated
7 by the school district.

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

12 2. Each school district shall update the information
13 required to be published pursuant to subsection 1 at least
14 two times each semester or at the start of each trimester, as
15 applicable.

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

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

20 *b.* Distribute any educational materials in a manner that
21 would infringe on the intellectual property rights of any
22 person.

23 **Sec. 15. NEW SECTION. 279.79 Notifications to department of**
24 **education regarding the removal of books from school library.**

25 Each school district shall notify the department of
26 education that the board of directors of the school district
27 has removed a book from a library operated by the school
28 district, a classroom, or any area on school district property
29 within seven days after removal. The notification shall
30 contain the book's title and author.

31 **Sec. 16. NEW SECTION. 279.80 Parental rights in education.**

32 1. As used in this section:

33 *a.* "Gender identity" means the same as defined in section
34 216.2.

35 *b.* "Minor child" means an individual under eighteen years

1 of age.

2 *c.* "*Obscene material*" means the same as defined in section
3 728.1.

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

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

9 (2) The material depicts, describes, or represents, in a
10 patently offensive way with respect to what is suitable for
11 minor children, a sex act or lewd exhibition of the genitals.
12 For purposes of this subparagraph, "*lewd exhibition of the*
13 *genitals*" includes any material depicting genitalia in which
14 the place or pose of the person in the depiction is sexually
15 suggestive, any visual depiction that suggests sexual coyness
16 or a willingness to engage in sexual activity, or any visual
17 depiction that is intended or designed to elicit a sexual
18 response from the viewer.

19 (3) Taken as a whole, the material lacks serious literary,
20 artistic, political, or scientific value as to minors. For
21 purposes of this subparagraph, material lacks serious literary,
22 artistic, political, or scientific value as to minor children
23 if the material contains material described in subparagraphs
24 (1) and (2) when substantially similar material is readily
25 available to minor children that does not contain material
26 described in subparagraphs (1) and (2) but that conveys a
27 substantially similar message or viewpoint.

28 *e.* "*Visual depiction*" includes any picture, slide,
29 photograph, digital or electronic image, negative image,
30 undeveloped film, motion picture, videotape, digital or
31 electronic recording, live transmission, or any other pictorial
32 or three-dimensional representation.

33 2. *a.* Each school district shall immediately notify the
34 parent or guardian of a minor child enrolled in the school
35 district if any employee of the school district reasonably

1 believes that the minor child has expressed a gender identity
2 that is different than the biological sex listed on the minor
3 child's official birth certificate or certificate issued upon
4 adoption if the certificate was issued at or near the time of
5 the minor child's birth.

6 *b.* Notwithstanding paragraph "a", if a school district
7 determines that notifying the parent or guardian of a minor
8 child enrolled in the school district pursuant to paragraph
9 "a" is likely to lead to a case of child abuse as defined in
10 section 232.68, the school district shall not notify the parent
11 or guardian and shall instead immediately report the school
12 district's safety concerns to the department of health and
13 human services so that the department may determine whether the
14 minor child is a child in need of assistance under chapter 232.

15 3. The parent or guardian of a minor child enrolled in
16 a school district may access and review all school records
17 related to the minor child, including teacher evaluations of
18 the minor child and associated notes, evaluation information,
19 and documents created by the minor child, unless chapter
20 232, subchapter III, part 2, prohibits the record from being
21 disclosed.

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

27 5. A school district must receive the prior written consent
28 of the parent or guardian of a minor child enrolled in the
29 school district before allowing any employee of the school
30 district to address the minor child using a nickname or a
31 pronoun that does not correspond to the biological sex that
32 is listed on the minor child's official birth certificate or
33 certificate issued upon adoption if the certificate was issued
34 at or near the time of the minor child's birth.

35 6. A school district shall not require any minor child

1 enrolled in the school district to engage in any activity or
2 instruction provided by a guest lecturer or outside presenter,
3 or any activity or instruction that involves obscene material
4 or sexually explicit material, without providing the parent
5 or guardian of a minor child enrolled in the school district
6 with notice at least forty-eight hours prior to the activity
7 or instruction. The notice shall describe how to request that
8 a minor child be excused from the activity or instruction. A
9 school district shall not allow a minor child enrolled in the
10 school district to engage in the activity or instruction if the
11 minor child's parent or guardian provides notice to the school
12 district requesting that the minor child be excused from the
13 activity or instruction.

14 7. a. If, after investigation, the department of education
15 determines that a school district has violated this section,
16 the school district shall be subject to the following:

17 (1) For the first violation of this section, the department
18 of education shall issue a written warning to the board of
19 directors of the school district.

20 (2) For a second or subsequent violation of this section,
21 the department shall assess a civil penalty against the school
22 district not to exceed five thousand dollars.

23 b. Revenue from the civil penalty provided in this
24 subsection is appropriated to the department of education for
25 purposes of training the employees of school districts that
26 have violated this section on the requirements of this section.

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

29 Sec. 17. Section 299A.9, subsection 1, Code 2023, is amended
30 to read as follows:

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

1 ~~residence.~~

2 Sec. 18. Section 299A.9, Code 2023, is amended by adding the
3 following new subsection:

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

10 Sec. 19. NEW SECTION. **601.1 Parents and guardians —**
11 **rights.**

12 1. For purposes of this section:

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

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

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

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

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

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

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

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

5 Sec. 20. IMPLEMENTATION OF ACT. Section 25B.2, subsection
6 3, shall not apply to this Act.

7 EXPLANATION

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

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

17 The bill prohibits instruction related to gender identity
18 and sexual activity in school districts, accredited nonpublic
19 schools, charter schools, and innovation zone schools in
20 kindergarten through grade three. The bill makes conforming
21 changes to Code sections 256.11 (educational standards) and
22 279.50 (human growth and development instruction) to provide
23 that human growth and development instruction provided to
24 students in kindergarten through grade three shall not include
25 any program, curriculum, material, test, survey, questionnaire,
26 activity, announcement, promotion, or instruction of any kind
27 relating to gender identity or sexual activity. Current Code
28 section 279.50 requires that the human growth and development
29 instruction provided in school districts to students enrolled
30 in grades 1 through 12 shall include instruction regarding
31 human sexuality. The bill strikes this requirement for grades
32 one through three.

33 The bill strikes the requirement that the health curriculum
34 provided in school districts, accredited nonpublic schools,
35 and charter schools in grades 1 through 12 include instruction

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

10 The bill requires the human growth and development
11 instruction provided in the kindergarten program to be both
12 age-appropriate and research-based.

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

33 The bill prohibits school districts, charter schools, and
34 innovation zone schools from administering or conducting an
35 examination or survey of a student that is designed to assess

1 the student's mental, emotional, or physical health that is
2 not required by state or federal law, without first acquiring
3 the written consent of the student's parent or guardian. This
4 provision applies only to a minor child in the direct care of a
5 parent or guardian, and does not apply to an emancipated minor
6 or a minor who is not residing with the parent or guardian. The
7 bill provides that this provision does not apply to a hearing
8 or vision examination.

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

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

1 of directors of the school district. The bill also requires
2 each school district to update this information at least two
3 times each semester or at the start of each trimester, as
4 applicable.

5 The bill requires each school district to notify the
6 department of education that the board of directors of the
7 school district has removed a book from a library operated
8 by the school district, a classroom, or any area on school
9 district property within seven days after removal. The
10 bill also requires the department to make available on the
11 department's internet site, and update at least monthly, a
12 comprehensive list (removal list) of all of these notices,
13 sortable by the book's title and author and the school
14 districts that have removed the book from libraries operated
15 by the school district, classrooms, or any areas on school
16 property.

17 The bill enacts new Code section 279.80, which requires a
18 school district to immediately notify the parent or guardian
19 of a minor child enrolled in the school district if any
20 employee of the school district reasonably believes the
21 minor child has expressed a gender identity that is different
22 than the biological sex 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. The bill provides that, notwithstanding this provision,
26 if a school district determines that notifying the parent or
27 guardian of a minor child enrolled in the school district is
28 likely to lead to a case of child abuse as defined in Code
29 section 232.68, the school district shall not notify the parent
30 or guardian and shall immediately report the school district's
31 safety concerns to the department of health and human services
32 so that the department may determine whether the minor child is
33 a child in need of assistance under Code chapter 232 (juvenile
34 justice).

35 New Code section 279.80 authorizes the parent or guardian

1 of a minor child enrolled in a school district to access
2 and review all school records related to the minor child
3 unless Code chapter 232, subchapter III, part 2 (child abuse
4 reporting, assessment, and rehabilitation), prohibits the
5 record from being disclosed.

6 New Code section 279.80 provides that a school district must
7 receive the prior written consent of a minor child's parent or
8 guardian before allowing a minor child enrolled in the school
9 district to check out or access any book that is on the removal
10 list.

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

20 New Code section 279.80 prohibits a school district from
21 requiring any minor child enrolled in the school district to
22 engage in any activity or instruction provided by a guest
23 lecturer or outside presenter, or any activity or instruction
24 that involves obscene material or sexually explicit material,
25 without providing the minor child's parent or guardian with
26 notice at least 48 hours prior to the activity or instruction.
27 New Code section 279.80 also prohibits a school district from
28 allowing a minor child to engage in the activity or instruction
29 if the minor child's parent or guardian provides notice to the
30 school district requesting that the minor child be excused from
31 the activity or instruction.

32 The bill provides that if the department of education
33 determines that a school district has violated the provisions
34 of new Code section 279.80, the school district shall be
35 subject to the following: for the first violation, the

1 department shall issue a written warning to the board of
2 directors, and for a second or subsequent violation, the
3 department shall assess a civil penalty against the school
4 district not to exceed \$5,000. The bill also provides that
5 revenue from this civil penalty shall be appropriated to the
6 department for purposes of training the employees of school
7 districts that have violated new Code section 279.80 on the
8 requirements of new Code section 279.80.

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

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

20 The bill enacts new Code section 601.1, which provides that
21 a parent or guardian bears the ultimate responsibility to make
22 decisions affecting the parent's or guardian's minor child,
23 including decisions related to the minor child's medical care,
24 moral upbringing, religious upbringing, residence, education,
25 and extracurricular activities.

26 The bill provides that new Code section 601.1 shall not be
27 construed to prohibit a minor child from receiving medical
28 attention in an emergent care situation or to prohibit a person
29 from cooperating in a child abuse assessment.

30 The bill may include a state mandate as defined in Code
31 section 25B.3. The bill makes inapplicable Code section 25B.2,
32 subsection 3, which would relieve a political subdivision from
33 complying with a state mandate if funding for the cost of
34 the state mandate is not provided or specified. Therefore,
35 political subdivisions are required to comply with any state

S.F. _____ H.F. _____

1 mandate included in the bill.