

House File 870 - Introduced

HOUSE FILE 870
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 218)

A BILL FOR

1 An Act relating to students who attend a course in religious
2 instruction that is provided by a private organization,
3 including by modifying provisions related to compulsory
4 education and chronic absenteeism and allowing school
5 districts, charter schools, and innovation zone schools to
6 adopt policies related to awarding academic credit for the
7 completion of a course in religious instruction.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256E.7, subsection 2, Code 2025, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Or. Be subject to and comply with the
4 requirements of section 279.87 related to the adoption of
5 policies related to awarding students academic credit for the
6 completion of a course in religious instruction in the same
7 manner as a school district.

8 Sec. 2. Section 256F.4, subsection 2, Code 2025, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. r. Be subject to and comply with the
11 requirements of section 279.87 related to the adoption of
12 policies related to awarding students academic credit for the
13 completion of a course in religious instruction in the same
14 manner as a school district.

15 Sec. 3. NEW SECTION. **279.87 Academic credit for completion**
16 **of courses in religious instruction.**

17 1. The board of directors of a school district may adopt
18 a policy related to awarding students academic credit for the
19 completion of a course in religious instruction that is provided
20 by a private organization pursuant to section 299.1D.

21 2. a. A policy adopted by the board of directors of a
22 school district pursuant to subsection 1 must prohibit the
23 school district from considering the religious content included
24 in the course in religious instruction, and the denominational
25 affiliation of the course in religious instruction, when
26 determining whether the course in religious instruction meets
27 the education program requirement pertaining to any unit under
28 section 256.11, subsection 5.

29 b. A policy adopted by the board of directors of a
30 school district pursuant to subsection 1 must require the
31 school district to do all of the following when determining
32 whether the course in religious instruction meets the education
33 program requirement pertaining to any unit under section 256.11,
34 subsection 5:

35 (1) Consider the number of hours of classroom instruction

1 time provided to the student under the course in religious
2 instruction, the methods of assessment used in the course
3 in religious instruction, and the qualifications of the
4 instructor who provided instruction under the course in religious
5 instruction.

6 (2) Review the syllabus associated with the course in
7 religious instruction and any materials provided to the student
8 as part of the course in religious instruction.

9 Sec. 4. Section 299.1, subsection 4, paragraph b, Code 2025,
10 is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (7) While attending a course in religious
12 instruction pursuant to section 299.1D.

13 Sec. 5. NEW SECTION. **299.1D Absences related to courses in**
14 **religious instruction.**

15 1. Section 299.1 shall not apply to a child while the child
16 is attending a course in religious instruction that is provided
17 by a private organization if all of the following requirements
18 are satisfied:

19 a. The child's parent, guardian, or legal or actual custodian
20 of the child, if the child is not an emancipated minor, or
21 the child, if the child is an emancipated minor, must submit a
22 notification to the public school or accredited nonpublic school
23 informing the school that the child will attend a course in
24 religious instruction during the school day.

25 b. The course in religious instruction must not require the
26 child to be absent from school for more than five hours per week.

27 c. The private organization that provides the course in
28 religious instruction must maintain attendance records and must
29 make the attendance records available to the school district or
30 accredited nonpublic school to verify when the child is attending
31 a course in religious instruction.

32 d. Transportation related to the course in religious
33 instruction must be provided by the private organization, the
34 child's parent, guardian, or legal or actual custodian, or the
35 child.

1 e. The private organization must make provisions for and
2 assume liability for the child while the child is attending the
3 course in religious instruction.

4 f. The school district or accredited nonpublic school
5 must not expend any moneys related to the course in
6 religious instruction, not including de minimis administrative
7 costs associated with processing notifications received under
8 subsection 1 and tracking the child's attendance to ensure
9 compliance with this section.

10 g. The course in religious instruction must not be held
11 on school district property unless authorized by the board of
12 directors of the school district pursuant to section 297.9.

13 h. The child must agree to make up any school work that the
14 child does not complete while attending the course in religious
15 instruction.

16 2. Each school district and each accredited nonpublic school
17 shall, upon the request of a child's parent, guardian, or legal
18 or actual custodian, if the child is not an emancipated minor,
19 or the child, if the child is an emancipated minor, excuse the
20 child from attendance for at least one hour per week, but for not
21 more than five hours per week, so that the child can attend a
22 course in religious instruction if all of the requirements under
23 subsection 1 are satisfied.

24 3. A child's parent, guardian, or legal or actual custodian
25 of the child, if the child is not an emancipated minor, or
26 the child, if the child is an emancipated minor, who alleges
27 that a school district has violated this section may bring a
28 civil action for injunctive relief and actual damages against
29 the school district. If the child's parent, guardian, or legal
30 or actual custodian, or the child, is the prevailing party in a
31 civil action instituted pursuant to this subsection, the court
32 shall award reasonable court costs and attorney fees to the
33 child's parent, guardian, or legal or actual custodian, or the
34 child, as applicable.

35 Sec. 6. Section 299.2, Code 2025, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 7. While attending a course in religious
3 instruction pursuant to section 299.1D.

4 Sec. 7. Section 299.12, subsection 1, paragraph a, Code 2025,
5 is amended to read as follows:

6 a. "*Chronically absent*" means any absence from school for
7 more than ten percent of the days or hours in the grading
8 period established by a public school; provided, however, that
9 an absence from school that is related to attending a course in
10 religious instruction pursuant to section 299.1D shall not count
11 toward this amount.

12 EXPLANATION

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

15 This bill relates to students who attend a course in
16 religious instruction that is provided by a private organization,
17 including by modifying provisions related to compulsory education
18 and chronic absenteeism and allowing school districts, charter
19 schools, and innovation zone schools to adopt policies related
20 to awarding academic credit for the completion of a course in
21 religious instruction.

22 Under current law, the parent, guardian, or legal or actual
23 custodian of a child who is of compulsory attendance age is
24 required to cause the child to attend some public school or an
25 accredited nonpublic school, or place the child under competent
26 private instruction or independent private instruction, during
27 a school year. Current law establishes certain exceptions to
28 this general rule. The bill adds to this list of exceptions
29 children who are attending a course in religious instruction
30 that is provided by a private organization and that satisfies
31 certain specified requirements, including requirements related
32 to notification, number of absences, maintenance of attendance
33 records, transportation, assumption of liability, expenditure
34 of moneys, location of instruction, and completion of school
35 work. The bill requires schools to, upon the request of the

1 child or the child's parent, guardian, or legal or actual
2 custodian, as applicable, excuse the child from attendance for
3 at least one hour per week, but for not more than five hours
4 per week, so that the child can attend a course in religious
5 instruction if all of the bill's requirements are satisfied. The
6 bill also requires schools to incorporate provisions related to
7 attending courses in religious instruction into policies related
8 to chronic absenteeism. Absences associated with attending a
9 course in religious instruction are not counted toward truancy or
10 enforcement mechanisms associated with chronic absenteeism.

11 The bill allows parents, guardians, legal or actual
12 custodians, and children who allege that a school district has
13 violated the bill's provisions to bring a civil action for
14 injunctive relief and actual damages against the school district.
15 If the child's parent, guardian, or legal or actual custodian,
16 or the child, is the prevailing party in such a civil action,
17 the court is required to award reasonable court costs and
18 attorney fees to the child's parent, guardian, or legal or actual
19 custodian, or the child, as applicable.

20 The bill allows school districts, charter schools, and
21 innovation zone schools to adopt policies related to awarding
22 students academic credit for the completion of a course in
23 religious instruction that is provided in accordance with
24 the bill's provisions. The bill establishes prohibitions and
25 requirements related to the school's practices under the policy,
26 if adopted, including prohibiting the school from considering the
27 religious content included in the course in religious instruction
28 when determining whether the course meets the education program
29 requirement pertaining to any unit under Code section 256.11(5)
30 (high school educational standards), and requiring the school
31 to consider the number of hours of classroom instruction time
32 provided to the student under the course, the methods of
33 assessment used in the course, and the qualifications of the
34 instructor who provided instruction under the course, and to
35 review the syllabus associated with the course, when determining

- 1 whether the course meets the education program requirement
- 2 pertaining to any unit under Code section 256.11(5).

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