

House Study Bill 156 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY CHAIRPERSON
WHEELER)

A BILL FOR

1 An Act modifying provisions related to school district
2 requirements to publish information regarding the school
3 district's policies and procedures and educational materials
4 available to students in the school district.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 279.77, subsections 2 and 3, Code 2025,
2 are amended to read as follows:

3 2. a. The board of directors of each school district shall
4 adopt a policy describing the procedures for the parent or
5 guardian of a student enrolled in the school district or a
6 resident of the school district to review the instructional
7 materials used in classrooms in the school district. The
8 policy shall include a process for a student's parent or
9 guardian to request that the student not be provided with
10 certain instructional materials. The policy shall be prominently
11 displayed on the school district's internet site and the board
12 of directors of the school district shall, at least annually,
13 provide a written or electronic copy of the policy to the parent
14 or guardian of each student enrolled in the school district.

15 b. (1) For purposes of this section, "*instructional*
16 *materials*" means either all of the following:

17 (a) Either printed or electronic textbooks and related core
18 materials that are written and published primarily for use
19 in elementary school and secondary school instruction and are
20 required by a state educational agency or local educational
21 agency for use by students in the student's classes by the
22 teacher of record.

23 (b) Any book, article, audio or visual clip, internet site,
24 digital material, or instructional handout that is assigned,
25 distributed, or otherwise presented to students in any course for
26 which students receive academic credit.

27 (2) "*Instructional materials*" does not include lesson plans.

28 3. Each school district shall make available on the school
29 district's internet site a all of the following:

30 a. A comprehensive list of all books available to students in
31 libraries operated by the school district. However, for school
32 years beginning prior to July 1, 2025, if the school district
33 does not use an electronic catalog, the school district may
34 request a waiver from this requirement from the department of
35 education.

1 b. (1) (a) Commencing with the school year beginning July
2 1, 2025, a list of all instructional materials used at each
3 attendance center in the school district in the current school
4 year, organized by subject area, grade level, and teacher
5 utilizing the instructional material. The list must include
6 the title and author of the instructional material, or the
7 organization associated with the production of the instructional
8 material, and if the instructional material is accessed on the
9 internet, the internet address where the instructional material
10 may be accessed, including, if available, the specific internet
11 address associated with the instructional material that is used
12 for student instruction. If the instructional material is
13 a worksheet or a handout, only the worksheet's or handout's
14 title or internet address where the worksheet or handout may be
15 accessed must be included in the list.

16 (b) An instructional material must be included in the list
17 described in subparagraph division (a) within ten school days
18 after it is first used during classroom instructional time and
19 must be maintained on the list for at least two years.

20 (2) A school district may do any of the following with
21 respect to the list described in subparagraph (1):

22 (a) Post and update the list on an ongoing basis.

23 (b) Use a collaborative, internet-based document or
24 spreadsheet software, or an internet-based management system,
25 that allows multiple authorized users to update or add to the
26 list on an ongoing basis, if all of the following requirements
27 are satisfied:

28 (i) If updating or adding to the list using a collaborative,
29 internet-based document or spreadsheet software, the information
30 that is being updated or added is publicly accessible on the
31 school district's internet site.

32 (ii) If updating or adding to the list using an
33 internet-based management system, temporary login credentials
34 must be generated immediately upon request and must provide
35 access for the requested grade levels for not less than

1 seventy-two hours at least once per thirty-day period for each
2 request.

3 (3) A school district may satisfy the requirements imposed
4 under subparagraph (1) by doing any of the following:

5 (a) Making available on the school district's internet
6 site copies of the lesson plans submitted to a principal or
7 administrator by teachers employed by the school district for the
8 current school year.

9 (b) (i) Providing temporary login credentials that are
10 publicly accessible on the school district's internet site that
11 allow a person to access the school district's online learning
12 management system for any grade levels requested, if all of the
13 following requirements are satisfied:

14 (A) Any learning materials and activities that are used for
15 student instruction but are not recorded on a lesson plan or on
16 the online learning management system must be publicly accessible
17 on the school district's internet site.

18 (B) The temporary login credentials must be generated
19 immediately upon request and must provide access for the
20 requested grade levels for not less than seventy-two hours at
21 least once per thirty-day period for each request.

22 (ii) A school district may limit the access provided pursuant
23 to subparagraph subdivision (i) to the learning materials and
24 activities used for instruction. Subparagraph subdivision (i)
25 shall not be construed to require a school district to provide
26 access to academic assessments, answer keys, student-generated
27 content, student performance records, or any other information
28 that may identify an individual student.

29 (4) A school district shall not include the full name of a
30 teacher or staff member in the list described in subparagraph (1)
31 upon the request of the teacher or staff member. In such case,
32 the school district shall include the job title of the teacher
33 or staff member and the first initial of the teacher's or staff
34 member's last name.

35 Sec. 2. Section 279.77, Code 2025, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 4A. a. Subject to paragraph "b", only the
3 following persons may bring a civil action against the board of
4 directors of a school district to compel the school district to
5 comply with this section:

6 (1) The director of the department of education.

7 (2) The attorney general.

8 (3) The county attorney of the county in which an alleged
9 violation of this section occurred.

10 (4) A student enrolled in the school district, if the student
11 is eighteen years of age or older or an emancipated minor.

12 (5) The parent or guardian of a student enrolled in the
13 school district, if the student is less than eighteen years of
14 age and not an emancipated minor.

15 b. A person described in paragraph "a" shall not bring a
16 civil action against the board of directors of a school district
17 to compel the school district to comply with this section unless
18 all of the following requirements are satisfied:

19 (1) The person has submitted a written complaint to the
20 applicable principal employed by the school district. The person
21 shall not submit more than one written complaint pursuant to this
22 subparagraph in any thirty-day period.

23 (2) The principal described in subparagraph (1) has
24 investigated the written complaint submitted pursuant to
25 subparagraph (1) and, within fifteen school days after receipt
26 of the complaint, submitted a written response to the person who
27 submitted the complaint containing a description of any actions
28 the principal took to resolve the complaint.

29 (3) The person who submitted the written complaint to the
30 principal determined that the actions taken by the principal
31 to resolve the complaint were not sufficient, and the person
32 subsequently submitted a written complaint to the board of
33 directors of the school district, or an administrator designated
34 by the board of directors of the school district, describing the
35 specific facts related to the alleged violation of this section.

1 (4) The board of directors of the school district, or an
2 administrator designated by the board of directors of the school
3 district, has investigated the written complaint submitted to the
4 board of directors or the administrator pursuant to subparagraph
5 (3) and, within twenty-five school days after receipt of the
6 complaint, submitted a written response to the person who
7 submitted the complaint containing a description of any actions
8 the board of directors or the administrator took to resolve the
9 complaint.

10 (5) The person who submitted the written complaint to the
11 board of directors of the school district, or an administrator
12 designated by the board of directors of the school district,
13 determined that the actions taken by the board of directors or
14 the administrator to resolve the complaint were not sufficient.

15 c. (1) If a person described in paragraph "a" has satisfied
16 all of the requirements established in paragraph "b", the person
17 may bring a civil action against the board of directors of a
18 school district to compel the school district to comply with this
19 section, including a civil action for a writ of mandamus. If the
20 person described in paragraph "a" is the prevailing party in the
21 civil action, the court shall award reasonable court costs and
22 attorney fees to the person.

23 (2) The board of directors of a school district's failure to
24 obey orders of the court issued pursuant to this section renders
25 the board members who fail to obey the orders of the court in
26 contempt of the court and subject to penalties provided for that
27 offense.

28 NEW SUBSECTION. 4B. An attorney employed or retained by the
29 board of directors of a school district may request a formal
30 opinion of the attorney general or county attorney of the county
31 in which an alleged violation of this section occurred related
32 to whether the actions taken by the school district are in
33 compliance with this section.

34 Sec. 3. Section 279.77, subsection 5, paragraphs a and b,
35 Code 2025, are amended to read as follows:

1 a. Reproduce Physically or digitally reproduce educational
2 materials that were not created by a person employed by the board
3 of directors.

4 b. Distribute or disclose any educational materials in a
5 manner that would infringe on the intellectual property rights of
6 any person.

7 Sec. 4. Section 279.77, subsection 5, Code 2025, is amended
8 by adding the following new paragraphs:

9 NEW PARAGRAPH. c. Separately include the individual
10 components of textbooks or other instructional materials that are
11 produced as a single volume in any list required under subsection
12 3.

13 NEW PARAGRAPH. d. Include in any list required under
14 subsection 3 any instructional materials that are used at an
15 attendance center that is utilized by less than thirty students
16 who are enrolled in the school district.

17 NEW PARAGRAPH. e. Include in any list required under
18 subsection 3 any instructional materials that are used only
19 for individualized special education instruction as part of a
20 student's individualized education program.

21 NEW PARAGRAPH. f. Include in any list required under
22 subsection 3 any instructional materials that are used only for
23 the instruction of a student who has a plan under section 504 of
24 the federal Rehabilitation Act, 29 U.S.C. §794.

25 NEW PARAGRAPH. g. Update any list required under subsection
26 3 when the internet address where an instructional material may
27 be accessed no longer functions.

28 NEW PARAGRAPH. h. Update any list required under subsection
29 3 to account for people retiring or otherwise discontinuing
30 employment at the school district.

31 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance with
32 section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this Act shall
34 be paid by a school district from state school foundation aid
35 received by the school district under section 257.16. This

1 specification of the payment of the state cost shall be deemed
2 to meet all of the state funding-related requirements of section
3 25B.2, subsection 3, and no additional state funding shall
4 be necessary for the full implementation of this Act by and
5 enforcement of this Act against all affected school districts.

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 modifies provisions related to school district
10 requirements to publish information regarding the school
11 district's policies and procedures and educational materials
12 available to students in the school district.

13 Current Code section 279.77 requires school districts to adopt
14 a policy describing the procedures for the parent or guardian
15 of a student, or a resident of the school district, to review
16 the instructional materials used in classrooms in the school
17 district. Current Code section 279.77 defines "instructional
18 materials" to mean either printed or electronic textbooks and
19 related core materials that are written and published primarily
20 for use in elementary school and secondary school instruction
21 and are required by a state educational agency or local
22 educational agency for use by students in the student's classes
23 by the teacher of record. The bill modifies the definition of
24 "instructional materials" to include any book, article, audio or
25 visual clip, internet site, digital material, or instructional
26 handout that is assigned, distributed, or otherwise presented
27 to students in any course for which students receive academic
28 credit.

29 Current Code section 279.77 requires school districts to make
30 available on the school district's internet site a comprehensive
31 list of all books available to students in libraries operated by
32 the school district. The bill provides this provision to require
33 school districts to also make available on the school district's
34 internet site a list of all instructional materials used at
35 each attendance center in the school district in the current

1 school year, organized by subject area, grade level, and teacher
2 utilizing the instructional material. The list must include
3 the title and author of the instructional material, or the
4 organization associated with the production of the instructional
5 material, and if the instructional material is accessed on the
6 internet, the internet address where the instructional material
7 may be accessed. The bill establishes other requirements related
8 to this list and alternative ways in which a school district may
9 comply with these requirements.

10 The bill provides that only the director of the department of
11 education, the attorney general, a county attorney, a student,
12 or a student's parent or guardian may bring a civil action
13 against the board of directors of a school district to compel
14 the school district to comply with the provisions of Code section
15 279.77. The bill establishes a process such persons must follow
16 before bringing such a civil action that includes the submission
17 of written complaints, opportunities for the school district to
18 remedy potential violations of Code section 279.77, and written
19 responses from the school district describing actions taken. If
20 a person has satisfied all of the requirements associated with
21 the process, the person may bring a civil action, including an
22 action for a writ of mandamus, and if the person prevails, the
23 court is required to award reasonable court costs and attorney
24 fees to the person. The bill provides that the board of
25 directors of a school district's failure to obey orders of the
26 court issued pursuant to Code section 279.77 renders the board
27 members who fail to obey the orders of the court in contempt of
28 the court and subject to penalties provided for that offense.

29 The bill authorizes an attorney employed or retained by the
30 board of directors of a school district to request a formal
31 opinion of the attorney general or a county attorney related
32 to whether the actions taken by the school district are in
33 compliance with Code section 279.77.

34 The bill provides that Code section 279.77 shall not be
35 construed to require a school district to separately include

1 the individual components of textbooks or other instructional
2 materials that are produced as a single volume in any required
3 list; include in any required list instructional materials that
4 are used at an attendance center that is utilized by less
5 than 30 students, instructional materials that are used only
6 for individualized special education instruction as part of
7 a student's individualized education program, or instructional
8 materials that are used only for the instruction of a student who
9 has a plan under section 504 of the federal Rehabilitation Act;
10 or update any required list when the internet address where an
11 instructional material may be accessed no longer functions or to
12 account for people retiring or otherwise discontinuing employment
13 at the school district.

14 The bill may include a state mandate as defined in Code
15 section 25B.3. The bill requires that the state cost of
16 any state mandate included in the bill be paid by a school
17 district from state school foundation aid received by the
18 school district under Code section 257.16. The specification
19 is deemed to constitute state compliance with any state
20 mandate funding-related requirements of Code section 25B.2. The
21 inclusion of this specification is intended to reinstate the
22 requirement of political subdivisions to comply with any state
23 mandates included in the bill.