

Senate File 113 - Introduced

SENATE FILE 113

BY DONAHUE

A BILL FOR

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

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

1 Section 1. Section 256.11, subsections 2, 3, 4, 9, and 19,
2 Code 2025, are amended to read as follows:

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

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

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

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

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

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

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

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

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

~~9 (b) (i) For a second or subsequent violation of subparagraph
10 (2), if the department finds that a school district knowingly
11 violated subparagraph (2), the superintendent of the school
12 district shall be subject to a hearing conducted by the board of
13 educational examiners pursuant to section 256.146, subsection 13,
14 which may result in disciplinary action.~~

~~15 (ii) For a second or subsequent violation of subparagraph
16 (2), if the department finds that an employee of the school
17 district who holds a license, certificate, authorization, or
18 statement of recognition issued by the board of educational
19 examiners knowingly violated subparagraph (2), the employee shall
20 be subject to a hearing conducted by the board of educational
21 examiners pursuant to section 256.146, subsection 13, which may
22 result in disciplinary action.~~

~~23 b. The state board shall establish in rule standards for
24 school district library programs, which shall be designed to
25 provide for methods to improve library collections to meet
26 student needs, include a current and diverse collection of
27 fiction and nonfiction materials in a variety of formats to
28 support student curricular needs, and include a plan for annually
29 updating and replacing library materials and equipment.~~

~~30 c. The state board shall establish in rule a definition of
31 and standards for an articulated sequential kindergarten through
32 grade twelve media program.~~

~~33 d. A school district that entered into a contract with an
34 individual for employment as a media specialist or librarian
35 prior to June 1, 2006, shall be considered to be in compliance~~

1 with this subsection until June 30, 2011, if the individual is
2 making annual progress toward meeting the requirements for a
3 teacher librarian endorsement issued by the board of educational
4 examiners.

5 19. For purposes of this section:

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

13 ~~(2) Notwithstanding subparagraph (1), for purposes of the~~
14 ~~human growth and development curriculum, "age-appropriate" means~~
15 ~~the same as defined in section 279.50.~~

16 b. "Research-based" means the same as defined in section
17 279.50.

18 Sec. 2. Section 256.11, subsection 5, paragraph j,
19 subparagraph (1), Code 2025, is amended to read as follows:

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

33 Sec. 3. Section 256E.7, subsection 2, paragraphs n, o, and p,
34 Code 2025, are amended by striking the paragraphs.

35 Sec. 4. Section 256F.4, subsection 2, paragraphs l, m, and n,

1 Code 2025, are amended by striking the paragraphs.

2 Sec. 5. Section 279.50, subsections 1 and 2, Code 2025, are
3 amended to read as follows:

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

21 Sec. 6. Section 279.76, subsection 1, paragraph a, Code 2025,
22 is amended to read as follows:

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

34 Sec. 7. Section 299A.9, subsection 1, Code 2025, is amended
35 to read as follows:

1 1. A child of compulsory attendance age who is identified as
2 requiring special education under chapter 256B is eligible for
3 placement under competent private instruction with prior approval
4 of the placement by the director of special education of the area
5 education agency of the child's district of residence.

6 Sec. 8. REPEAL. Sections 279.77, 279.78, 279.79, 279.80, and
7 601.1, Code 2025, are repealed.

8 EXPLANATION

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

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

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

32 Current law requires that school district library programs
33 be consistent with Code section 280.6 (religious books) and
34 contain only age-appropriate materials. Current law establishes
35 enforcement mechanisms related to the requirements concerning

1 school district libraries containing only age-appropriate
2 materials. The bill strikes these provisions. Current law
3 requires the state board of education to establish in rule
4 standards for school district library programs, which standards
5 shall be designed to provide for methods to improve library
6 collections to meet student needs, include a current and diverse
7 collection of fiction and nonfiction materials in a variety
8 of formats to support student curricular needs, and include a
9 plan for annually updating and replacing library materials and
10 equipment. The bill strikes these provisions.

11 The bill modifies the definition of "age-appropriate" for
12 purposes of the educational program established under Code
13 section 256.11.

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

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

29 Current Code section 279.77 requires school districts to post
30 certain specified information on the school district's internet
31 site and adopt a policy describing the procedures for the parent
32 or guardian of a student enrolled in the school district, or
33 a resident of the school district, to review the instructional
34 materials used in classrooms in the school district. The bill
35 repeals Code section 279.77.

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

19 Current Code section 279.79 requires school districts, charter
20 schools, and innovation zone schools to receive the prior written
21 consent of a student's parent or guardian before requiring a
22 student to take part in any survey, analysis, activity, or
23 evaluation that reveals certain specified information. Current
24 Code section 279.79 provides that an employee or contractor
25 of a school district, charter school, or innovation zone
26 school is prohibited from answering any question pertaining to
27 any particular student enrolled in the school in any survey
28 related to the social or emotional abilities, competencies,
29 or characteristics of the student, unless the school satisfies
30 certain specified requirements. The bill repeals Code section
31 279.79.

32 Current Code section 279.80 prohibits school districts,
33 charter schools, and innovation zone schools from providing any
34 program, curriculum, test, survey, questionnaire, promotion, or
35 instruction relating to gender identity or sexual orientation to

1 students in kindergarten through grade six. The bill repeals
2 Code section 279.80 and makes conforming changes.

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

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