

Senate File 438 - Reprinted

SENATE FILE 438
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1190)

(As Amended and Passed by the Senate March 20, 2019)

A BILL FOR

1 An Act relating to the responsibilities and authority of school
2 districts or school corporations, accredited nonpublic
3 schools, area education agencies, community colleges, and
4 board of regents institutions, and including effective date
5 provisions.

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

DIVISION I

RESPONSIBILITIES AND REQUIREMENTS RELATING TO HEALTH

Section 1. Section 8A.318, subsections 1 and 3, Code 2019, are amended to read as follows:

1. *Findings and intent.* The general assembly finds that human beings are vulnerable to and may be severely affected by exposure to chemicals, hazardous waste, and other environmental hazards. The federal environmental protection agency estimates that human exposure to indoor air pollutants can be two to five times, and up to one hundred times, higher than outdoor levels. ~~Children, teachers, janitors, and other staff members spend a significant amount of time inside school buildings.~~ Likewise, state employees and citizens of this state spend a significant amount of time inside state buildings. These individuals are continuously exposed to chemicals from cleaners, waxes, deodorizers, and other maintenance products.

3. *Use of environmentally preferable cleaning and maintenance products.*

a. ~~All school districts in this state, community colleges, institutions under the control of the state board of regents, and state agencies utilizing state buildings,~~ are encouraged to conform to an environmentally preferable cleaning policy designed to facilitate the purchase and use of environmentally preferable cleaning and maintenance products for purposes of ~~public school, community college, regents institution, and state building cleaning and maintenance.~~

b. ~~Each school district, community college, institution under the control of the state board of regents, or state agency utilizing public buildings shall conduct an evaluation and assessment regarding implementation of an environmentally preferable cleaning policy pursuant to this section. On or after July 1, 2012, all~~ All state agencies, ~~and all school districts, community colleges, and institutions under the control of the state board of regents which have not opted out of compliance pursuant to paragraph "c",~~ shall purchase

1 only cleaning and maintenance products identified by the
2 department or that meet nationally recognized standards.
3 ~~School districts, community colleges, institutions under the~~
4 ~~control of the state board of regents, and state~~ State agencies
5 procuring supplies for ~~schools and~~ state buildings may deplete
6 their existing cleaning and maintenance supply stocks and
7 implement the new requirements in the procurement cycle for
8 the following year. **This section** shall not be interpreted
9 in a manner that prohibits the use of disinfectants,
10 disinfecting cleaners, sanitizers, or any other antimicrobial
11 product regulated by the federal Insecticide, Fungicide,
12 and Rodenticide Act, 7 U.S.C. §136 et seq., when necessary
13 to protect public health and provided that the use of these
14 products is in accordance with responsible cleaning procedure
15 requirements.

16 ~~e. A school district, community college, or institution~~
17 ~~under the control of the state board of regents may, based upon~~
18 ~~the evaluation and assessment conducted pursuant to paragraph~~
19 ~~"b", opt out of compliance with the requirements of this section~~
20 ~~upon the affirmative vote of a majority of the members of the~~
21 ~~board of directors of the school district or a determination by~~
22 ~~the president of the community college or by the president or~~
23 ~~administrative officer of the regents institution. A school~~
24 ~~district, community college, or regents institution opting~~
25 ~~out of compliance pursuant to this paragraph shall notify the~~
26 ~~department of education, the state board of education, or the~~
27 ~~state board of regents, as appropriate, of this decision.~~

28 Sec. 2. Section 135.11, Code 2019, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 30. Collect and maintain information
31 submitted relating to dental screenings in accordance with
32 section 135.17, subsection 1, paragraph "b", vision screenings
33 in accordance with section 135.39D, subsection 1, and blood
34 lead testing in accordance with section 135.105D, subsection 2,
35 paragraph "a". Upon request of a school district or accredited

1 nonpublic school, and if the parent or guardian of a student
2 provides written consent authorizing the department to send
3 such information collected on the student pursuant to this
4 subsection, the department shall provide to the school district
5 or accredited nonpublic school a list of children enrolled
6 in the school district or accredited nonpublic school, as
7 appropriate, who have had dental and vision screenings and
8 blood lead testing.

9 Sec. 3. Section 135.17, subsection 1, paragraphs a and b,
10 Code 2019, are amended to read as follows:

11 a. Except as provided in paragraphs "c" and "d", the parent
12 or guardian of a child enrolled in a public or accredited
13 nonpublic elementary school shall ~~provide evidence to the~~
14 ~~school district or accredited nonpublic elementary school in~~
15 ~~which the child is enrolled of~~ ensure that the child ~~having~~
16 has, no earlier than three years of age but no later than four
17 months after enrollment, at a minimum, a dental screening
18 performed by a licensed physician, a licensed nurse, a licensed
19 physician assistant, or a licensed dental hygienist or dentist.
20 Except as provided in paragraphs "c" and "d", the parent
21 or guardian of a child enrolled in a public or accredited
22 nonpublic high school shall ~~provide evidence to the school~~
23 ~~district or accredited nonpublic high school in which the child~~
24 ~~is enrolled of~~ ensure that the child ~~having~~ has, at a minimum,
25 a dental screening performed no earlier than one year prior
26 to enrollment and not later than four months after enrollment
27 by a licensed dental hygienist or dentist. A school district
28 or accredited nonpublic school ~~shall~~ may provide access to a
29 process to complete the screenings described in this paragraph
30 as appropriate.

31 b. A person authorized to perform a dental screening
32 required by this section shall record that the screening was
33 completed, and such additional information required by the
34 department, on uniform forms developed by the department in
35 cooperation with the department of education, and shall submit

1 the completed form to the department of public health in
2 written or electronic form. The form shall include a space for
3 the person to summarize any condition that may indicate a need
4 for special services.

5 Sec. 4. Section 135.17, subsection 2, Code 2019, is amended
6 to read as follows:

7 2. Each public and nonpublic school shall, in collaboration
8 with the department, ~~do the following:~~

9 ~~a. Ensure~~ ensure that the parent or guardian of a student
10 enrolled in kindergarten or grade nine in the school has
11 ~~complied with~~ received information about the dental screening
12 requirements of subsection 1 and about any resources available
13 to satisfy the requirements.

14 ~~b. Provide, if a student has not had a dental screening~~
15 ~~performed in accordance with subsection 1, the parent or~~
16 ~~guardian of the student with community dental screening~~
17 ~~referral resources, including contact information for the~~
18 ~~is smile coordinator, department, or dental society.~~

19 Sec. 5. Section 135.17, subsection 3, Code 2019, is amended
20 by striking the subsection.

21 Sec. 6. Section 135.39D, subsections 1 and 5, Code 2019, are
22 amended to read as follows:

23 1. The parent or guardian of a child to be enrolled in a
24 public or accredited nonpublic elementary school shall ensure
25 that the child is screened for vision impairment at least once
26 before enrollment in kindergarten and again before enrollment
27 in grade three. ~~The parent or guardian of the child shall~~
28 ~~ensure that evidence of the vision screening is provided to the~~
29 ~~school district or accredited nonpublic school in which the~~
30 ~~child is enrolled.~~ Evidence of the vision screening may shall
31 be provided either directly from the parent or guardian or from
32 to the department in either written or electronic form by a
33 vision screening provider referred to in subsection 2, and may
34 ~~be provided in either written or electronic form.~~

35 5. Each public and accredited nonpublic elementary school

1 shall, in collaboration with the department, ~~do the following:~~

2 ~~a. Provide~~ provide the parents or guardians of students with
3 vision screening referral resources.

4 ~~b. Arrange for evidence of vision screenings provided~~
5 ~~pursuant to subsection 1 to be forwarded to the department.~~

6 Sec. 7. Section 135.102, subsection 7, Code 2019, is amended
7 to read as follows:

8 7. Implementation of ~~a requirement that~~ requirements
9 established under section 135.105D relating to blood lead
10 testing of children receive a blood lead test prior to the age
11 of six and ~~before enrolling in any elementary school in Iowa in~~
12 ~~accordance with section 135.105D.~~

13 Sec. 8. Section 135.105D, subsection 2, paragraphs a and b,
14 Code 2019, are amended to read as follows:

15 a. A parent or guardian of a child under the age of two
16 is strongly encouraged to have the child tested for elevated
17 blood lead levels by the age of two. Except as provided in
18 ~~paragraph "b" and~~ subsection 4, a parent or guardian shall
19 ~~provide evidence to the school district elementary attendance~~
20 ~~center or the accredited nonpublic elementary school in which~~
21 ~~the parent's or guardian's child is enrolled~~ ensure that the
22 child was tested for elevated blood lead levels by the age of
23 six according to recommendations provided by the department.
24 The provider authorized by the parent or guardian to test the
25 child for elevated blood lead levels shall record that the
26 testing was completed, and such additional information required
27 by the department on uniform forms developed by the department
28 in cooperation with the department of education, and shall
29 submit the completed form to the department of public health in
30 written or electronic form. The form shall include a space for
31 the person to summarize any condition that may indicate a need
32 for special services.

33 b. The board of directors of each school district and
34 the authorities in charge of each nonpublic school shall, in
35 collaboration with the department, ~~do the following:~~

1 ~~(1) Ensure~~ ensure that the parent or guardian of a student
2 enrolled in the school ~~has complied with the requirements of~~
3 ~~paragraph "a".~~

4 ~~(2) Provide, if the parent or guardian cannot provide~~
5 ~~evidence that the child received a blood lead test in~~
6 ~~accordance with paragraph "a", the parent or guardian with~~
7 received community blood lead testing program information,
8 including contact information for the department.

9 Sec. 9. Section 135.105D, subsection 3, Code 2019, is
10 amended to read as follows:

11 ~~3. The board of directors of each school district and the~~
12 ~~authorities in charge of each nonpublic school shall furnish~~
13 ~~the department, in the format specified by the department,~~
14 ~~within sixty days after the start of the school calendar, a~~
15 ~~list of the children enrolled in kindergarten. The department~~
16 ~~shall notify the school districts and nonpublic schools of the~~
17 ~~children who have not met the blood lead testing requirements~~
18 ~~set forth in [this section](#) and shall work with the school~~
19 ~~districts, nonpublic schools, and the local childhood lead~~
20 ~~poisoning prevention programs to assure that these children are~~
21 ~~tested as required by in accordance with [this section](#).~~

22 Sec. 10. Section 256.11, subsection 9B, Code 2019, is
23 amended to read as follows:

24 ~~9B. Beginning July 1, 2007, each A school district shall~~
25 ~~have a school nurse to provide health services to its students.~~
26 ~~Each school district shall work toward the goal of having one~~
27 ~~school nurse for every seven hundred fifty students enrolled in~~
28 ~~the school district. For purposes of [this subsection](#), "school~~
29 ~~nurse" means a person who holds an endorsement or a statement of~~
30 ~~professional recognition for school nurses issued by the board~~
31 ~~of educational examiners under [chapter 272](#).~~

32 Sec. 11. Section 280.7A, subsection 1, Code 2019, is amended
33 by striking the subsection.

34 Sec. 12. Section 299.4, subsection 1, Code 2019, is amended
35 to read as follows:

1 1. The parent, guardian, or legal custodian of a child
2 who is of compulsory attendance age, who places the child
3 under competent private instruction under [section 299A.2](#), not
4 in an accredited school or a home school assistance program
5 operated by a school district or accredited nonpublic school,
6 shall furnish a report in duplicate on forms provided by the
7 public school district, to the district by September 1 of the
8 school year in which the child will be under competent private
9 instruction. The secretary shall retain and file one copy
10 and forward the other copy to the district's area education
11 agency. The report shall state the name and age of the child,
12 the period of time during which the child has been or will be
13 under competent private instruction for the year, an outline
14 of the course of study, texts used, and the name and address
15 of the instructor. The parent, guardian, or legal custodian
16 of a child, who is placing the child under competent private
17 instruction for the first time, shall also provide the district
18 with evidence that the child has had the immunizations required
19 under [section 139A.8](#), and, if the child is elementary school
20 age, a shall ensure that the child was tested for elevated
21 blood lead test levels in accordance with [section 135.105D](#).
22 The term "*outline of course of study*" shall include subjects
23 covered, lesson plans, and time spent on the areas of study.

24 Sec. 13. EFFECTIVE DATE. The following take effect July 1,
25 2020:

26 1. The section of this division of this Act striking section
27 135.17, subsection 3.

28 2. The section of this division of this Act amending section
29 135.39D, subsections 1 and 5.

30 3. The section of this division of this Act amending section
31 135.105D, subsection 2, paragraphs "a" and "b".

32 4. The section of this division of this Act amending section
33 135.105D, subsection 3.

34

DIVISION II

35 AREA EDUCATION AGENCY BOARDS — POSTING OF NOTICE OF PROPOSED

1

BUDGET

2 Sec. 14. Section 273.3, subsection 12, Code 2019, is amended
3 to read as follows:

4 12. Prepare an annual budget estimating income and
5 expenditures for programs and services as provided in sections
6 273.1, 273.2, this section, sections 273.4 to 273.9, and
7 chapter 256B within the limits of funds provided under section
8 256B.9 and chapter 257. The board shall give post notice
9 of a public hearing on the proposed budget ~~by publication in~~
10 ~~an official county newspaper in each county in the territory~~
11 ~~of the area education agency in which the principal place~~
12 ~~of business of a school district that is a part of the area~~
13 ~~education agency is located~~ on the area education agency's
14 internet site. The notice shall specify the date, which
15 shall be not later than March 1 of each year, the time, and
16 the location of the public hearing. The proposed budget as
17 approved by the board shall then be submitted to the state
18 board of education, on forms provided by the department,
19 no later than March 15 preceding the next fiscal year for
20 approval. The state board shall review the proposed budget of
21 each area education agency and shall before May 1, either grant
22 approval or return the budget without approval with comments
23 of the state board included. An unapproved budget shall be
24 resubmitted to the state board for final approval not later
25 than May 15. The state board shall give final approval only to
26 budgets submitted by area education agencies accredited by the
27 state board or that have been given conditional accreditation
28 by the state board.

29

DIVISION III

30

SCHOOL DISTRICTS — MISCELLANEOUS PROVISIONS

31 Sec. 15. Section 256.11, subsection 9, Code 2019, is amended
32 to read as follows:

33 9. ~~Beginning July 1, 2006, each~~ A school district shall
34 have a qualified teacher librarian who shall be licensed by the
35 board of educational examiners under chapter 272. The state

1 board shall establish in rule a definition of and standards for
2 an articulated sequential kindergarten through grade twelve
3 media program. ~~A school district that entered into a contract
4 with an individual for employment as a media specialist or
5 librarian prior to June 1, 2006, shall be considered to be
6 in compliance with this subsection until June 30, 2011, if
7 the individual is making annual progress toward meeting the
8 requirements for a teacher librarian endorsement issued by the
9 board of educational examiners under chapter 272.~~ A school
10 district that entered into a contract with an individual for
11 employment as a media specialist or librarian who holds at
12 least a master's degree in library and information studies
13 shall be considered to be in compliance with this subsection
14 until the individual leaves the employ of the school district.

15 Sec. 16. Section 279.8, subsection 1, Code 2019, is amended
16 to read as follows:

17 1. The board shall make rules for its own government and
18 that of the directors, officers, employees, teachers and
19 pupils, and for the care of the schoolhouse, grounds, and
20 property of the school corporation, and shall aid in the
21 enforcement of the rules, and require the performance of duties
22 imposed by law and the rules. ~~The board shall include in its
23 rules provisions regulating the loading and unloading of pupils
24 from a school bus stopped on the highway during a period of
25 reduced highway visibility caused by fog, snow or other weather
26 conditions.~~ The board shall have the authority to include in
27 its rules provisions allowing school corporation employees to
28 use school credit cards to pay for the actual and necessary
29 expenses incurred in the performance of work-related duties.

30 Sec. 17. Section 279.41, Code 2019, is amended to read as
31 follows:

32 **279.41 Schoolhouses and sites sold — funds.**

33 1. Moneys received from the condemnation, sale, or other
34 disposition for public purposes of schoolhouses, school sites,
35 or both schoolhouses and school sites, shall be deposited in

1 the physical plant and equipment levy fund and may without a
2 vote of the electorate be used for purposes authorized under
3 section 298.3, as ordered by the board of directors of the
4 school ~~district~~ corporation.

5 2. Notwithstanding subsection 1, the board of directors of a
6 school corporation organized under chapter 274 may take action
7 to deposit moneys received pursuant to subsection 1 in any
8 proposed account of the school corporation. However, the board
9 shall hold a public hearing on the proposal prior to taking
10 action to deposit the funds in accordance with this subsection.
11 The board shall publish notice of the time and the place of the
12 public hearing in the same manner as required in section 24.9.

13 Sec. 18. Section 279.48, subsection 3, Code 2019, is amended
14 by striking the subsection.

15 Sec. 19. Section 279.60, subsection 2, Code 2019, is amended
16 to read as follows:

17 2. The school district shall also collect information from
18 each parent, guardian, or legal custodian of a kindergarten
19 student enrolled in the district, ~~including but not limited~~
20 ~~to~~ about whether the student attended preschool, ~~factors~~
21 ~~identified by the early childhood Iowa office pursuant~~
22 ~~to section 256I.5, and other demographic factors.~~ Each
23 school district shall report the results of ~~the community~~
24 ~~strategies employed during the prior school year pursuant to~~
25 ~~section 279.68, subsection 3, paragraph "a",~~ the assessment
26 administered pursuant to subsection 1, and the preschool
27 information collected to the department of education in the
28 manner prescribed by the department not later than January
29 1 of that school year. The early childhood Iowa office in
30 the department of management shall have access to the raw
31 data. The department shall review the information submitted
32 pursuant to this section and shall submit its findings and
33 recommendations annually in a report to the governor, the
34 general assembly, the early childhood Iowa state board, and the
35 early childhood Iowa area boards.

1 Sec. 20. Section 279.69, subsection 1, Code 2019, is amended
2 to read as follows:

3 1. Prior to hiring an applicant for a school employee
4 position, a school district shall have access to and shall
5 review the information in the Iowa court information system
6 available to the general public, the sex offender registry
7 information under [section 692A.121](#) available to the general
8 public, the central registry for child abuse information
9 established under [section 235A.14](#), and the central registry for
10 dependent adult abuse information established under section
11 235B.5 for information regarding the applicant. ~~A school~~
12 ~~district shall follow the same procedure by June 30, 2014, for~~
13 ~~each school employee employed by the school district as of July~~
14 ~~1, 2013.~~ A school district shall implement a consistent policy
15 to follow the same procedure for each school employee employed
16 by the school district ~~on or after July 1, 2013,~~ at least every
17 five years after the school employee's initial date of hire. A
18 school district ~~shall not~~ may charge an employee for the cost
19 of the registry checks conducted pursuant to [this subsection](#),
20 not to exceed the actual cost of the registry checks. A school
21 district shall maintain documentation demonstrating compliance
22 with [this subsection](#).

23 Sec. 21. REPEAL. Section 279.44, Code 2019, is repealed.