

Education Omnibus Bill

Senate File 2369

Last Action:

Senate Floor

March 30, 2022

An Act relating to education, including establishing a Student First Scholarship Program, a Student First Operational Sharing Fund, and a process for investigating complaints against licensed practitioners, modifying provisions related to supplementary weighting, the rights of students enrolled in school districts or charter schools, the rights of parents and guardians of those students, social studies instruction, open enrollment, competent private instruction, special education, practitioner preparation programs, mandatory reporters, and the responsibilities of the Department of Education, school districts, charter schools, accredited nonpublic schools, and the Board of Educational Examiners, and including notice, effective date, applicability, and retroactive applicability provisions.

Fiscal Services Division
Legislative Services Agency

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis

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FUNDING SUMMARY

FY 2023

Student First Scholarships will require an estimated State General Fund annual appropriation of \$55.2 million beginning with FY 2023. This estimate assumes 10,000 scholarships are awarded and each pupil has a weighting of 1.00.

FY 2024

This Bill will have no net impact to the State General Fund for FY 2024. The changes include the following:

- A decrease of \$79.1 million to the State General Fund standing unlimited appropriation for State Foundation School Aid due to the 10,000 students no longer being counted in the public school enrollment. Fiscal year 2024 State Foundation Aid is based on October 2022 certified enrollment and would reflect the reduced number of students now attending nonpublic schools.
- Maintains the estimated FY 2023 State General Fund appropriation of \$55.2 million for the Student First Scholarships.
- An increase of \$23.9 million for a new standing unlimited State General Fund appropriation for the Student First Operational Sharing Fund .

Student First Operational Sharing Fund: The annual expenditures from the Student First Operational Sharing Fund are estimated to be as follows, beginning with FY 2024:

- Each school district will receive an additional weighting of two students, based on the district's cost per pupil, if the School Budget Review Committee approves the school resource officer additional weighting after examining the need for the position. If all districts are granted the additional weighting, beginning with FY 2024, when the cap on operational sharing is increased, the cost is estimated to be \$4.9 million from all funds.
- Increasing the operational sharing cap from 21 additional pupils to 24 additional pupils beginning with FY 2024 is estimated to cost a total of \$960,000 from all funds.
- The total net fiscal impact after eliminating the overlap of the two operations is estimated to be \$5.1 million from all funds.

FY 2026

Extending allowable weighting past FY 2025 through FY 2035 will have an estimated cost of \$32.0 million from all funds beginning with FY 2026 and ending with FY 2035.

MAJOR INCREASES/DECREASES/TRANSFERS OF EXISTING PROGRAMS

FISCAL IMPACTS

DIVISION II: Student First Scholarship Program

Page 5, Line 28

Shared Operational Functions Extension: Extending allowable weighting past FY 2025 through FY 2035 will have an estimated cost of \$32.0 million from all funds, including \$24.4 million from the State General Fund, \$4.6 million from the Student First Operational Sharing Fund, and \$3.0 million from local property tax beginning with FY 2026 and ending with FY 2035.

Page 6, Line 2

School Resource Officer Additional Weighting: Each school district will receive an additional weighting of 2.0 students, based on the district's cost per pupil, if the School Budget Review Committee approves the school resource officer additional weighting after examining the need for the position. If all districts are granted the additional weighting, beginning with FY 2024, when the cap on operational sharing is increased, the cost is estimated to be \$4.9 million from all funds, including \$4.4 million from the Student First Operational Sharing Fund and \$459,000 from local property tax.

Page 6, Line 7

Shared Operational Functions Extension: Increasing the operational sharing cap from 21 additional pupils to 24 additional pupils beginning with FY 2024 is estimated to cost a total of \$960,000 from all funds, including \$868,000 from the Student First Operational Sharing Fund and \$92,000 from local property tax. The increase in the operational sharing cap will be used by an estimated 69 school districts. Approximately \$737,000 from all funds, including \$666,000 from the Student First Operational Sharing Fund and \$71,000 from local property tax, is related to the cost related to the school resource officer weighting. Increasing the weighting cap will cost an estimated \$223,000 from all funds, including \$202,000 from the Student First Operational Sharing Fund and \$21,000 from local property tax, for operational sharing for the 30 school districts that would exceed the current weighting cap of 21 beyond the additional weighting for a school resource officer.

Page 8, Line 14

Student First Scholarship Program: A weighting of 1.00 would result in a Student First Scholarship equal to an estimated \$5,521 annually. While the number of Scholarships is limited to 10,000, a pupil may have a weighting above 1.00 if the pupil receives additional weighting.

Page 11, Line 20

Student First Scholarship Fund Appropriation: Student First Scholarships would require an estimated State General Fund annual appropriation of \$55.2 million beginning with FY 2023. This estimate assumes 10,000 scholarships are awarded and each pupil has a weighting of 1.00.

Page 12, Line 7

Student First Operational Sharing Fund: The Student First Operational Sharing Fund will receive a State General Fund appropriation of an estimated \$23.9 million if 10,000 scholarships are awarded and each pupil has a weighting of 1.00.

Page 18, Line 5

DIVISION III: Social Studies Instruction

Page 21, Line 3

There is no fiscal impact to the State; however, there may be a fiscal impact to local school districts. It is unclear whether this Bill would allow for sufficient accommodations to meet the needs of all special education students, allowing those students to graduate. There may be additional costs to school districts, as multiple test taking opportunities may require staff time to proctor the test to ensure completion of the test and graduation of students. Costs to local school districts cannot be estimated.

SIGNIFICANT CODE CHANGES

DIVISION I: PARENT OR GUARDIAN BILL OF RIGHTS

Page 1, Line 1

Requires the Department of Education (DE) to include compliance with the Bill's requirements in annual Phase I monitoring of school districts. Requires charter schools to comply with the requirements of the Bill in the same manner as a school district.

Establishes a Parent or Guardian Bill of Rights, including the following:

- Unless prohibited by State or federal law, requires school districts to adopt policies to ensure all parental rights detailed in the Bill are reserved to the parent or guardian of a minor child without the obstruction or interference from the school in which the minor child is enrolled.
- Establishes a parental or guardian's right to know what the school in which the minor child is enrolled is teaching the minor child, including the textbooks, books, articles, outlines, handouts, presentations, videos, and other similar materials used for student instruction.
- Requires a school to provide a parent or guardian the right to access and review information related to who is teaching the minor child, including guest lecturers and outside presenters.
- Requires a school to provide to a parent or guardian the right to access and review information related to persons who contract with or otherwise receive moneys from the school.
- Requires a school to provide to a parent or guardian the right to access the minor child while the minor child is in school.
- Requires a school to provide a parent or guardian the right to access and review all school records relating to the minor child. Exemptions to this right are provided in the Bill.
- Requires a school to provide to a parent or guardian the right to access and review information related

to the collection and transmission of information related to the minor child, including assessment information, documents created by the minor child, and teacher evaluations of the minor child.

- Requires a school in which the minor child is enrolled to provide to a parent or guardian the right to access and review information necessary to ensure accountability and transparency of the school board or charter governing board.
- Requires a school to provide to a parent or guardian the right to access and review information related to the minor child's safety at school.
- Prohibits a school to require any student to engage in any activity as detailed in the Bill that involves sexually explicit material without the express prior written consent of the student's parent or guardian.
- Requires a school to make every effort to prohibit a minor child from accessing sexually explicit material in the classroom on a device or through a computer network that is owned or otherwise provided by the school.
- Requires parental or guardian access to what materials are available in the school library and establishes a no-check-out policy for library materials at the request of a parent or guardian of a minor child enrolled in the school.
- Requires the written consent of the parent or guardian before a school may require a student to take part in activities detailed in the Bill.
- Establishes that the rights provided for in the Bill are not a comprehensive list of all rights reserved to parents or guardians of a minor child. The establishment of the rights contained in the Bill is not to be construed to limit the rights reserved to parents or guardians of a minor child.
- Requires the school to publish a copy of the Parent or Guardian Bill of Rights in the student handbook and on the school's Internet site.

DIVISION II: Student First Scholarship Program

Page 5, Line 28

Adds "school resource officer" to the list of operational functions that are eligible for additional weighting.

Page 6, Line 7

Extends the allowable weighting for shared operational functions reduction for functions that are assigned a weighting of 5.0 down to 4.0 and those assigned a weighting of 3.0 down to 2.0 past FY 2025 through FY 2035.

Page 7, Line 31

Extends the allowable weighting for shared operational functions past FY 2025 through FY 2035 and increases the maximum amount of additional weighting for a school district from 21 additional pupils to 24 additional pupils.

Page 8, Line 14

Repeals shared operational functions additional weighting effective July 1, 2035.

Page 9, Line 9

Establishes the Student First Scholarship Program beginning July 1, 2022 (FY 2023).	Page 9, Line 10
Limits the number of Student First Scholarships to no more than 10,000 in each school year.	Page 10, Line 11
Provides the manner in which a Student First Scholarship may be requested.	Page 10, Line 15
Specifies the calculation of a Student First Scholarship.	Page 11, Line 20
Creates a Student First Scholarship Fund in the State Treasury under the control of the DE and appropriates from the State General Fund to the DE for deposit in the Fund the amount necessary to pay all Student First Scholarships approved for that fiscal year.	Page 12, Line 7
Requires the DE to establish an account in the Student First Scholarship Fund for each pupil approved for a scholarship and certified as enrolled in a nonpublic school.	Page 12, Line 34
Requires moneys remaining in a pupil's account upon the conclusion of the fiscal year to remain in the pupil's account in the Student First Scholarship Fund for the payment of qualified educational expenses in future fiscal years during which the pupil participates in the Program until the pupil becomes ineligible or until the remaining amounts are required to be transferred to the State General Fund under specified conditions.	Page 13, Line 13
Specifies that the DE must transfer any funds remaining in the account of a pupil who has withdrawn from nonpublic school due to a change of residence who does not enroll in a different nonpublic school to the State General Fund.	Page 16, Line 12
Specifies that for each pupil with a positive balance in the pupil's account in the Student First Scholarship Fund upon graduation from high school or reaching 21 years of age, whichever occurs first, the DE is required to transfer the remaining moneys for deposit in the State General Fund.	Page 16, Line 25
Establishes a Student First Operational Sharing Fund under the control of the Department of Management (DOM).	Page 17, Line 35
Specifies the calculation of the annual amount to be appropriated from the State General Fund to the DOM for deposit in the Student First Operational Sharing Fund.	Page 18, Line 5
Requires moneys available in the Student First Operational Sharing Fund to be used to increase the	Page 18, Line 16

maximum amount of additional weighting for shared operational functions from 21 additional pupils up to 24 additional pupils. Requires the approved additional weighting to be paid as foundation aid if the moneys in the Student First Operational Sharing fund are insufficient.

DIVISION III: Social Studies Instruction

Page 21, Line 3

Requires a specified assessment of student knowledge be included in the currently required United States government class and requires an achieved minimum 70.0% score on the United States Citizenship and Immigration Services civics test as a requirement of graduation. Requires each school district and accredited nonpublic school to report the assessment results to the DE on or before June 30 of each year.

DIVISION IV: Private Instruction — Special Education

Page 22, Line 6

Specifies that a child of compulsory attendance age who is identified as requiring special education is eligible for placement under competent private instruction without prior approval of the placement by the director of special education of an Area Education Agency (AEA).

Page 22, Line 8

Specifies that a parent, guardian, or legal custodian of a child who is identified as requiring special education may request dual enrollment. The appropriate special education services for the child must be determined pursuant to Iowa Code chapter [256B](#) (Special Education).

Page 22, Line 16

DIVISION V: Open Enrollment

Page 22, Line 24

Specifies that a right of appeal under Iowa Code section [290.1](#) is also available to the sibling or stepsibling of a student seeking open enrollment under Iowa Code section [282.18\(5\)](#) who is denied an open enrollment application by either the school board of the district of which the student is a resident of or a decision of the school board of the receiving district to deny an open enrollment application.

Page 22, Line 26

Authorizes the sibling or stepsibling of a student who open enrolls under Iowa Code section [282.18\(5\)](#) to be eligible for immediate participation in a varsity interscholastic sport if the sibling or stepsibling open enrolls as well.

Page 23, Line 19

DIVISION VI: Practitioner Preparation Programs

Page 23, Line 26

Eliminates requirement for practitioner preparation programs to report preprofessional skills test results to the DE. Eliminates the requirement of a student in a practitioner preparation program to take defined assessments to demonstrate successful completion of the program. Changes pre-student teaching field

experience requirements. Requires all higher education institutions providing practitioner programs to notify students who failed to achieve the previously required minimum passing scores on the previously required assessment before the effective date of this Division if this Bill is passed. The notification will include the allowance of a student who met all other requirements other than the passing of the previously required assessment to apply for an initial license from the Board of Educational Examiners (BOEE).

DIVISION VII: Incidents Related to Licensed Practitioners

Page 25, Line 29

Provides for the following in relation to incidents related to licensed practitioners:

- Requires mandatory reporting requirements of incidents pertaining to child abuse to be applicable to children under the age of 18 years.
- Requires all full-time employees of a school who are 18 years of age or older to be mandatory reporters.
- Requires a mandatory report that involves a licensed school employee who is the person responsible for the injury to include the name of the licensed school employee.
- Requires the DE to develop and implement a process for reporting and investigation of educator misconduct for identified actions. The process is to include prohibited actions by a school district or an accredited nonpublic school as detailed in the Bill. Provides for BOEE fines for failing to follow the DE established processes.
- Applies the requirements of the Bill to charter schools in the same manner as a school district.
- Directs the BOEE to disqualify an applicant for a license or revoke the license of a person based on a preponderance of evidence rather than being based on a plea of guilty or the applicant having been found guilty of detailed offenses.
- Directs the BOEE to adopt rules as detailed in the Bill.
- Requires a school district to view the BOEE public license information to determine if the individual has a case pending with a finding of probable cause or any license sanction. The BOEE is not required to disclose unfounded closed investigations.
- Requires a school district and accredited nonpublic school to follow the process created by the DE related to reporting and investigation involving the possible commission of a felony by any person who has been issued a license, endorsement, certification, authorization, or statement of recognition by the BOEE.

DIVISION VIII: Board of Educational Examiners — Renewal Credits

Page 30, Line 23

Requires the BOEE to develop administrative rules to allow holders of a master educator teaching license, professional service license, or professional administrator license who are employed by a school district, charter school, or accredited nonpublic school to earn all renewal credits, except evaluator training and

mandatory reporter training, through professional development activities verified by the supervising licensed evaluator.

EFFECTIVE DATE

Specifies that the following provisions of this Bill take effect on enactment:	Page 20, Line 12
<ul style="list-style-type: none">• Provisions specifying that the duties of the Director of the DE include the adoption of administrative rules related to the administration of, and applications for, the Student First Scholarship Program.• The enactment of the Student First Scholarship Program.• Student First Scholarship Program application deadlines.• The authority of the DE to adopt emergency administrative rules related to this Bill.	
Specifies that the Section of this Bill enacting the Student First Scholarship Program applies to school budget years and fiscal years beginning on or after July 1, 2022 (FY 2023).	Page 20, Line 23
Specifies that the Section of this Bill enacting the Student First Operational Sharing Fund applies to school budget years and fiscal years beginning on or after July 1, 2023 (FY 2024).	Page 20, Line 28
Specifies that the provision making a Student First Scholarship received by a taxpayer not taxable income for purposes of State individual income taxation is applicable retroactively to tax years beginning on or after January 1, 2022 (TY 2022).	Page 20, Line 33
Specifies that the section of Division VI eliminating the requirement of the successful completion of a defined assessment to be allowed to apply for an initial educator license from the BOEE is effective upon enactment. Specifies that the section of Division VI eliminating the requirement of the successful completion of a defined assessment for a student to be allowed to apply for an initial educator license from the BOEE applies to students who attended or are attending practitioner preparation programs before, on, or after the effective date of this Bill.	Page 25, Line 23

Senate File 2369 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
1	3	1	Add	256.11.10.a.(1).(0e)
1	8	2	Add	256E.7.2.0i
1	13	3	New	279.76
5	30	4	Add	256.9.65
6	2	5	Amend	257.11.5
9	10	6	New	257.11B
17	33	7	New	257.16E
19	4	8	Amend	257.31.16
19	8	9	Add	422.7.51
21	5	16	Amend	256.11.5.b
22	8	17	Amend	299A.9.1
22	16	18	Add	299A.9.3
22	26	19	Amend	282.18.5
23	19	20	Add	282.18.11.a.(08)
23	28	21	Amend	256.7.3.b
23	35	22	Strike	256.16.1.a
24	2	23	Amend	256.16.1.d
24	23	24	Amend	256.16.2
24	33	25	Strike	256.16.3
24	35	26	Amend	272.2.14.b.(5)
25	8	27	Strike	272.2.22
25	31	31	Amend	232.69.1
26	9	32	Amend	232.69.1.b.(4)
26	15	33	Add	232.70.6.0f
26	22	34	Add	256.9.66
28	17	35	Add	256E.7.2.0i
28	22	36	Amend	272.2.14.b.(1)
28	29	37	Amend	272.2.15
30	2	38	Add	279.69.1A
30	13	39	New	280.32
30	25	40	Amend	272.2.1.c

<p>1 1</p> <p>1 2</p> <p>1 3</p> <p>1 4</p> <p>1 5</p> <p>1 6</p> <p>1 7</p> <p>1 8</p> <p>1 9</p> <p>1 10</p> <p>1 11</p> <p>1 12</p> <p>1 13</p> <p>1 14</p> <p>1 15</p> <p>1 16</p> <p>1 17</p> <p>1 18</p> <p>1 19</p> <p>1 20</p> <p>1 21</p> <p>1 22</p> <p>1 23</p> <p>1 24</p> <p>1 25</p> <p>1 26</p> <p>1 27</p> <p>1 28</p> <p>1 29</p> <p>1 30</p>	<p style="text-align: center;">DIVISION I</p> <p style="text-align: center;">PARENT OR GUARDIAN BILL OF RIGHTS</p> <p>Section 1. Section 256.11, subsection 10, paragraph a, subparagraph (1), Code 2022, is amended by adding the following new subparagraph division:</p> <p>NEW SUBPARAGRAPH DIVISION (0e) The requirements of section 279.76.</p> <p>Sec. 2. Section 256E.7, subsection 2, Code 2022, is amended by adding the following new paragraph:</p> <p>NEW PARAGRAPH 0i. Be subject to and comply with the requirements of section 279.76 in the same manner as a school district.</p> <p>Sec. 3. NEW SECTION 279.76 PARENT OR GUARDIAN BILL OF RIGHTS.</p> <p>1. Unless otherwise prohibited by state or federal law, the board of directors of a school district shall adopt policies to ensure that all of the following parental rights are reserved to the parent or guardian of a minor child without obstruction or interference from the school district in which the minor child is enrolled:</p> <p>a. The right to know what the school district in which the minor child is enrolled is teaching the minor child, including the textbooks, books, articles, outlines, handouts, presentations, videos, and any other similar materials the school district uses for student instruction. By July 1, 2025, the school district shall grant access through the internet to the curriculum used for student instruction of a minor child enrolled in the school district to the parent or guardian of the minor child.</p> <p>b. The right to access and review information related to</p>	<p>DIVISION I: Parent or Guardian Bill of Rights</p> <p>CODE: Requires the Department of Education (DE) to include compliance with the Bill's requirements in annual Phase I monitoring of school districts as detailed in Iowa Code section 256.11.</p> <p>DETAIL: The DE will administer the requirements of the Bill using existing operating resources if no appropriation for administration is provided.</p> <p>CODE: Requires charter schools as defined in Iowa Code section 256E.7 to comply with the requirements of new Iowa Code section 279.76, as established in this Bill, in the same manner as a school district.</p> <p>CODE: Establishes a Parent or Guardian Bill of Rights.</p> <p>CODE: Requires schools to adopt policies to ensure that all parental rights detailed in the Bill are reserved to the parent or guardian of a minor child without the obstruction or interference from the school in which the minor child is enrolled. An exception is provided if the policy would be prohibited by State or federal law.</p> <p>CODE: Requires a school to provide to a parent or guardian the right to know what the school in which the minor child is enrolled is teaching the minor child, including the textbooks, books, articles, outlines, handouts, presentations, videos, and other similar materials the school uses for student instruction. By July 1, 2025, the school will provide the parent or guardian of a minor-aged student enrolled in the school Internet access to the curriculum used for student instruction.</p> <p>DETAIL: "Curriculum" as defined in 281 IAC 12 means a plan that outlines what students shall be taught. "Curriculum" refers to all the courses offered, or all the courses offered in a particular area of study.</p> <p>CODE: Requires a school to provide to a parent or guardian the right</p>
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<p>1 31 who is teaching the minor child, including guest lecturers and 1 32 outside presenters.</p>	<p>to access and review information related to who is teaching the minor child, including guest lecturers and outside presenters.</p>
<p>1 33 c. The right to access and review information related to 1 34 persons who contract with or otherwise receive moneys from the 1 35 school district.</p>	<p>CODE: Requires a school to provide to a parent or guardian the right to access and review information related to persons who contract with or otherwise receive moneys from the school.</p>
<p>2 1 d. The right to access the minor child while the minor child 2 2 is in school that a reasonable person would deem necessary 2 3 to ensure the health and safety of the minor child, unless 2 4 otherwise prohibited by a court order.</p>	<p>CODE: Requires a school to provide to a parent or guardian the right to access the minor child while the minor child is in school. This right is limited to what a reasonable person would deem necessary to ensure the health and safety of the minor child, unless otherwise prohibited by a court order.</p>
<p>2 5 e. The right to access and review all school records 2 6 relating to the minor child; provided, however, that the school 2 7 district may prohibit access to and disclosure of school 2 8 records if any of the following apply: 2 9 (1) The school records are related to the minor child's 2 10 reporting of the parent's or guardian's violation of any law. 2 11 (2) The school district determines based on actual threats 2 12 to the health, safety, or welfare of a minor child, that 2 13 providing access to or disclosing the school records may result 2 14 in serious harm to the minor child. 2 15 (3) Chapter 232, subchapter III, part 2, prohibits the 2 16 school record from being disclosed.</p>	<p>CODE: Requires a school to provide to a parent or guardian the right to access and review all school records relating to the minor child. Exemptions to this right are provided in the Bill.</p>
<p>2 17 f. The right to access and review information related to the 2 18 collection and transmission of information related to the minor 2 19 child, including assessment information, documents created by 2 20 the minor child, and teacher evaluations of the minor child.</p>	<p>CODE: Requires a school to provide to a parent or guardian the right to access and review information related to the collection and transmission of information related to the minor child, including assessment information, documents created by the minor child, and teacher evaluations of the minor child.</p>
<p>2 21 g. Subject to section 22.7, the right to access and 2 22 review information necessary to ensure the accountability and 2 23 transparency of the board of directors of the school district 2 24 in which the minor child is enrolled.</p>	<p>CODE: Requires a school to provide to a parent or guardian in which the minor child is enrolled the right to access and review information necessary to ensure accountability and transparency of the school board or charter governing board. This right is subject to Iowa Code section 22.7.</p>
<p>2 25 h. The right to access and review information related to the 2 26 minor child's safety while at school.</p>	<p>CODE: Requires a school to provide to a parent or guardian the right to access and review information related to the minor child's safety</p>

	while at school.
<p>2 27 2. a. The school district shall not require any student 2 28 to engage in any activity, including instruction, or any 2 29 test, assessment, or other means of evaluation, that involves 2 30 sexually explicit material without the express prior written 2 31 consent of the student's parent or guardian, which may be 2 32 obtained by electronic means.</p>	<p>CODE: Prohibits a school to require any student to engage in any activity as detailed in the Bill that involves sexually explicit material without the express prior written consent of the student's parent or guardian. The written consent may be obtained by electronic means.</p>
<p>2 33 b. The school district shall make every effort to prohibit 2 34 a minor child from accessing sexually explicit material in the 2 35 classroom on a device or through a computer network that is 3 1 owned or otherwise provided by the school district.</p>	<p>CODE: Requires a school to make every effort to prohibit a minor child from accessing sexually explicit material in the classroom on a device or through a computer network that is owned or otherwise provided by the school.</p>
<p>3 2 c. (1) A school district that maintains in electronic form 3 3 a catalog of library materials shall grant access through the 3 4 internet or other suitable means to the catalog of library 3 5 materials to the parent or guardian of any student enrolled in 3 6 the school district. School districts that maintain a catalog 3 7 of library materials in other than electronic form shall 3 8 grant physical access to the catalog of library materials to 3 9 the parent or guardian of any student enrolled in the school 3 10 district at the school where the student attends class and at 3 11 times that are convenient for the parent or guardian. 3 12 (2) The parent or guardian of a minor child enrolled in 3 13 the school district may provide notice to the school district 3 14 indicating the materials that the minor child shall not be 3 15 allowed to check out from a library operated by the school 3 16 district, and the school district shall not allow the minor 3 17 child to check out the materials described in the notice. 3 18 (3) If a school district does not maintain in electronic 3 19 form a catalog of library materials, the school district shall 3 20 not allow a minor child to check out sexually explicit material 3 21 from a library operated by the school district without the 3 22 express prior written consent of the minor child's parent or 3 23 guardian, which may be obtained by electronic means.</p>	<p>CODE: Requires a school that maintains an electronic library catalog to provide to the parent or guardian of a student enrolled in the school Internet access to the catalog of library materials. Requires a school that does not maintain an electronic library catalog to provide to the parent or guardian of a student enrolled in the school physical access to the catalog of the library materials at times that are convenient for the parent or guardian.</p> <p>Establishes a no-check-out policy for library materials at the request of a parent or guardian of a minor child enrolled in the school.</p>
<p>3 24 3. The school district must receive the prior written 3 25 consent of a student's parent or guardian before requiring a 3 26 student to take part in any of the following activities: 3 27 a. An activity that involves the collection, disclosure,</p>	<p>CODE: Requires the written consent of the parent or guardian before a school may require a student to take part in activities detailed in the Bill.</p>

3 28 or use of personal information collected from students for the
 3 29 purpose of marketing or selling the information or providing
 3 30 the information to any other person for its marketing or sale.
 3 31 b. A survey, analysis, or evaluation that reveals
 3 32 information concerning any of the following:
 3 33 (1) The political affiliations or beliefs of the student or
 3 34 the student's parent or guardian.
 3 35 (2) Mental or psychological problems of the student or the
 4 1 student's family.
 4 2 (3) Sex behavior or attitudes.
 4 3 (4) Illegal, antisocial, self-incriminating, or demeaning
 4 4 behavior.
 4 5 (5) Critical appraisals of other individuals with whom the
 4 6 student has close familial relationships.
 4 7 (6) Legally recognized privileged or analogous
 4 8 relationships, such as those of attorneys, physicians, or
 4 9 ministers.
 4 10 (7) Religious practices, affiliations, or beliefs of the
 4 11 student or the student's parent or guardian.
 4 12 (8) Income, except when required by law to determine
 4 13 eligibility for participation in a program or for receiving
 4 14 financial assistance under such a program.
 4 15 c. Any nonemergency, invasive physical examination or
 4 16 screening that is required as a condition of attendance,
 4 17 administered by the school and is scheduled in advance, and
 4 18 that is not necessary to protect the immediate health and
 4 19 safety of the student or other students.

4 20 4. The rights guaranteed to parents and guardians by this
 4 21 section are not a comprehensive list of the rights reserved
 4 22 to parents or guardians of a minor child. The enumeration of
 4 23 the rights contained in this section shall not be construed to
 4 24 limit the rights reserved to parents or guardians of a minor
 4 25 child.

4 26 5. The school district shall publish a copy of this section
 4 27 in the student handbook and on the school district's internet
 4 28 site.

4 29 6. For purposes of this section, unless the context
 4 30 otherwise requires:
 4 31 a. "Material" means the same as defined in section 728.1.

CODE: Establishes that the rights provided for in the Bill are not a comprehensive list of all rights reserved to parents or guardians of a minor child. The establishment of the rights contained in the Bill is not to be construed to limit the rights reserved to parents or guardians of a minor child.

CODE: Requires a school to publish a copy of the Parent or Guardian Bill of Rights in the student handbook and on the school's Internet site.

CODE: Defines "material," "minor child," "sexually explicit material," and "visual depiction."

4 32 b. "Minor child" means an individual under eighteen years
4 33 of age.

4 34 c. "Sexually explicit material" means any material that
4 35 meets all of the following criteria:

5 1 (1) Taken as a whole with respect to minor children, the
5 2 material appeals to the prurient interest in nudity, sex, or
5 3 excretion.

5 4 (2) The material depicts, describes, or represents, in a
5 5 patently offensive way with respect to what is suitable for
5 6 minor children, a sex act or lewd exhibition of the genitals.
5 7 For purposes of this subparagraph, "lewd exhibition of the
5 8 genitals" includes any material depicting genitalia in which
5 9 the place or pose of the person in the depiction is sexually
5 10 suggestive, any visual depiction that suggests sexual coyness
5 11 or a willingness to engage in sexual activity, or any visual
5 12 depiction that is intended or designed to elicit a sexual
5 13 response from the viewer.

5 14 (3) Taken as a whole, the material lacks serious literary,
5 15 artistic, political, or scientific value as to minors. For
5 16 purposes of this subparagraph, material lacks serious literary,
5 17 artistic, political, or scientific value as to minor children
5 18 if the material contains material described in subparagraphs
5 19 (1) and (2) when substantially similar material is readily
5 20 available to minor children that does not contain material
5 21 described in subparagraphs (1) and (2) but that conveys a
5 22 substantially similar message or viewpoint.

5 23 d. "Visual depiction" includes any picture, slide,
5 24 photograph, digital or electronic image, negative image,
5 25 undeveloped film, motion picture, videotape, digital or
5 26 electronic recording, live transmission, or any other pictorial
5 27 or three-dimensional representation.

5 28 DIVISION II
5 29 STUDENT FIRST SCHOLARSHIP PROGRAM

DIVISION II: Student First Scholarship Program

5 30 Sec. 4. Section 256.9, Code 2022, is amended by adding the
5 31 following new subsection:

5 32 NEW SUBSECTION 65. Adopt rules relating to the
5 33 administration of and applications for the student first
5 34 scholarship program pursuant to section 257.11B, including but
5 35 not limited to application processing timelines and information
6 1 required to be submitted by a parent or guardian.

CODE: Specifies that the duties of the Director of the DE includes the adoption of rules related to the administration of, and applications for, the Student First Scholarship Program.

6 2 Sec. 5. Section 257.11, subsection 5, Code 2022, is amended
 6 3 to read as follows:
 6 4 5. SHARED OPERATIONAL FUNCTIONS — INCREASED STUDENT
 6 5 OPPORTUNITIES — BUDGET YEARS BEGINNING IN 2014 THROUGH ~~2024~~
 6 6 2034 .

6 7 a. (1) In order to provide additional funding to increase
 6 8 student opportunities and redirect more resources to student
 6 9 programming for school districts that share operational
 6 10 functions, a district that shares with a political subdivision
 6 11 one or more operational functions of a curriculum director,
 6 12 master social worker, independent social worker, work-based
 6 13 learning coordinator, special education director, mental health
 6 14 professional who holds a statement of recognition issued by the
 6 15 board of educational examiners, a school resource officer, or
 6 16 school counselor, or one or more operational functions in the
 6 17 areas of superintendent management, business management, human
 6 18 resources, transportation, or operation and maintenance for at
 6 19 least twenty percent of the school year shall be assigned a
 6 20 supplementary weighting for each shared operational function.
 6 21 A school district that shares an operational function in
 6 22 the area of superintendent management shall be assigned a
 6 23 supplementary weighting of eight pupils for the function. A
 6 24 school district that shares an operational function in the area
 6 25 of business management, human resources, transportation, or
 6 26 operation and maintenance shall be assigned a supplementary
 6 27 weighting of five pupils for the function. A school district
 6 28 that shares the operational functions of a curriculum director;
 6 29 a master social worker or an independent social worker licensed
 6 30 under chapters 147 and 154C; a work-based learning coordinator;
 6 31 a special education director; a mental health professional
 6 32 who holds a statement of recognition issued by the board
 6 33 of educational examiners; a school resource officer; or a
 6 34 school counselor shall be assigned a supplementary weighting
 6 35 of three pupils for the function. The additional weighting
 7 1 shall be assigned for each discrete operational function
 7 2 shared. However, a school district may receive the additional
 7 3 weighting under this subsection for sharing the services of an
 7 4 individual with a political subdivision even if the type of
 7 5 operational function performed by the individual for the school
 7 6 district and the type of operational function performed by

FISCAL IMPACT: Extending allowable weighting past FY 2025 through FY 2035 will have an estimated cost of \$31,989,152 from all funds, including \$24,355,685 from the State General Fund, \$4,602,014 from the Student First Operational Sharing Fund, and \$3,031,453 from local property tax beginning with FY 2026 and ending with FY 2035.

CODE: Adds "school resource officer" to the list of operational functions that are eligible for additional weighting. Permits each school district to receive an additional weighting of 2.00 students, based on the districts cost per pupil, if the School Budget Review Committee approves the school resource officer additional weighting after examining the need for the position.

FISCAL IMPACT: Each school district will receive an additional weighting of 2.00 students, based on the districts cost per pupil, if the School Budget Review Committee approves the school resource officer additional weighting after examining the need for the position. If all districts are granted the additional weighting, beginning with FY 2024, when the cap on operational sharing is increased, the cost is estimated to be \$4,858,700 from all funds, including \$4,400,171 from the Student First Operational Sharing Fund and \$458,529 from local property tax.

7 7 the individual for the political subdivision are not the same
 7 8 operational function, so long as both operational functions are
 7 9 eligible for weighting under this subsection. In such case,
 7 10 the school district shall be assigned the additional weighting
 7 11 for the type of operational function that the individual
 7 12 performs for the school district, and the school district
 7 13 shall not receive additional weighting for any other function
 7 14 performed by the individual. The operational function sharing
 7 15 arrangement does not need to be a newly implemented sharing
 7 16 arrangement to receive supplementary weighting under this
 7 17 subsection.

7 18 (2) For the purposes of this paragraph "a":

7 19 (a) "Political subdivision" means a city, township, county,
 7 20 school corporation, merged area, area education agency,
 7 21 institution governed by the state board of regents, or any
 7 22 other governmental subdivision.

7 23 (b) "School resource officer" means the same as defined in
 7 24 34 U.S.C. §10389.

7 25 ~~(b)~~ (c) "Work-based learning coordinator" means an
 7 26 appropriately trained individual responsible for facilitating
 7 27 authentic, engaging work-based learning experiences for
 7 28 learners and educators in partnership with employers and others
 7 29 to enhance learning by connecting the content and skills that
 7 30 are necessary for future careers.

7 31 b. (1) Notwithstanding paragraph "a", subparagraph (1),
 7 32 each operational function assigned a supplementary weighting
 7 33 of five pupils under paragraph "a", subparagraph (1), shall
 7 34 instead be assigned a supplementary weighting of four pupils
 7 35 for the school budget years beginning July 1, 2022, ~~July 1,~~
 8 1 ~~2023, and July 1, 2024~~ through July 1, 2034.

8 2 (2) Notwithstanding paragraph "a", subparagraph (1), each
 8 3 operational function assigned a supplementary weighting of
 8 4 three pupils under paragraph "a", subparagraph (1), shall
 8 5 instead be assigned a supplementary weighting of two pupils for
 8 6 the school budget years beginning July 1, 2022, ~~July 1, 2023,~~
 8 7 ~~and July 1, 2024~~ through July 1, 2034.

8 8 c. School districts that share operational functions with
 8 9 other school districts are not required to be contiguous school
 8 10 districts. If two or more districts sharing operational
 8 11 functions are not contiguous to each other, the districts
 8 12 separating those districts are not required to be a party to

CODE: Extends the allowable weighting for shared operational functions reduction for functions that are assigned a weighting of 5.00 down to 4.00 and those assigned a weighting of 3.00 down to 2.00 past FY 2025 through FY 2035.

8 13 the operational functions sharing arrangement.

8 14 d. Supplementary weighting pursuant to this subsection
 8 15 shall be available to a school district during the period
 8 16 commencing with the budget year beginning July 1, 2014,
 8 17 through the budget year beginning July 1, ~~2024~~ 2034. The
 8 18 maximum amount of additional weighting for which a school
 8 19 district shall be eligible in a budget year is twenty-one
 8 20 additional pupils; provided, however, that the maximum amount
 8 21 of additional weighting for which a school district shall be
 8 22 eligible in a budget year may be increased to up to twenty-four
 8 23 additional pupils if approved pursuant to section 257.16E.
 8 24 Criteria for determining the qualification of operational
 8 25 functions for supplementary weighting shall be determined by
 8 26 the department by rule, through consideration of increased
 8 27 student opportunities.

CODE: Extends the allowable weighting for shared operational functions past FY 2025 through FY 2035 and increases the maximum amount of additional weighting for a school district from 21 additional pupils to 24 additional pupils if approved pursuant to the Student First Operational Sharing Fund.

FISCAL IMPACT: Increasing the operational sharing cap from 21 additional pupils to 24 additional pupils beginning with FY 2024 is estimated to cost a total of \$960,089 from all funds, including \$867,924 from the Student First Operational Sharing Fund and \$92,165 from local property tax. The increase in the operational sharing cap will be used by an estimated 69 school districts. Approximately \$736,790 from all funds, including \$666,081 from the Student First Operational Sharing Fund and \$70,709 from local property tax, is related to the school resource officer weighting. Increasing the weighting cap will cost an estimated \$223,299 from all funds, including \$201,843 from the Student First Operational Sharing Fund and \$21,456 from local property tax, for operational sharing for the 30 school districts that would exceed the current weighting cap of 21 beyond the additional weighting for a school resource officer.

8 28 e. Supplementary weighting pursuant to this subsection shall
 8 29 be available to an area education agency during the period
 8 30 commencing with the budget year beginning July 1, 2014, through
 8 31 the budget year beginning July 1, ~~2024~~ 2034. The minimum
 8 32 amount of additional funding for which an area education
 8 33 agency shall be eligible in a budget year is thirty thousand
 8 34 dollars, and the maximum amount of additional funding for which
 8 35 an area education agency shall be eligible is two hundred
 9 1 thousand dollars. The department of management shall annually
 9 2 set a weighting for each area education agency to generate
 9 3 the approved operational sharing expense using the area
 9 4 education agency's special education cost per pupil amount and
 9 5 foundation level. Criteria for determining the qualification
 9 6 of operational functions for supplementary weighting shall be
 9 7 determined by the department by rule, through consideration of
 9 8 increased student opportunities.

CODE: Extends Area Education Agency (AEA) supplementary weighting past FY 2025 through FY 2035.

9 9 f. This subsection is repealed effective July 1, ~~2025~~ 2035.

CODE: Repeals shared operational functions additional weighting effective July 1, 2035.

9 10 Sec. 6.NEW SECTION 257.11B STUDENT FIRST SCHOLARSHIP
9 11 PROGRAM.

Student First Scholarship Program

9 12 1. a. For the school budget year beginning July 1, 2022,
9 13 and each succeeding school budget year, the following resident
9 14 pupils shall be eligible to receive a student first scholarship
9 15 in the manner provided in this section:

CODE: Requires the following pupils to be eligible to receive a Student First Scholarship:

9 16 (1) A pupil whose household has an annual income which
9 17 is less than or equal to four hundred percent of the most
9 18 recently revised poverty income guidelines published by the
9 19 United States department of health and human services. The
9 20 total number of student first scholarships the department of
9 21 education approves for pupils pursuant to this subparagraph
9 22 shall not exceed five thousand in a school year. However, if
9 23 the number of student first scholarships received by pupils
9 24 pursuant to subparagraph (2) is less than the number of student
9 25 first scholarships reserved for pupils under subparagraph (2),
9 26 the department of education may approve the difference for
9 27 pupils pursuant to this subparagraph for the same school year.

- A pupil whose household has an annual income which is less than or equal to 400.00% of the poverty income [guidelines](#).
- A pupil who has an Individualized Education Program ([IEP](#)).
- A pupil who received a Student First Scholarship for the immediately preceding school budget year and who is eligible to enroll in grade 1 through grade 12.

9 28 (2) A pupil who has an individualized education program.
9 29 The total number of student first scholarships the department
9 30 of education approves for pupils pursuant to this subparagraph
9 31 shall not exceed five thousand in a school year. However, if
9 32 the number of student first scholarships received by pupils
9 33 pursuant to subparagraph (1) is less than the number of student
9 34 first scholarships reserved for pupils under subparagraph (1),
9 35 the department of education may approve the difference for
10 1 pupils pursuant to this subparagraph for the same school year.

10 2 (3) A pupil who received a student first scholarship
10 3 for the immediately preceding school budget year, who is
10 4 eligible to enroll in grade one through grade twelve, who meets
10 5 the requirements of subparagraph (1) or (2) and who is not
10 6 otherwise ineligible under this section.

10 7 b. Student first scholarships shall be made available to
10 8 parents and guardians in the manner authorized under subsection
10 9 4, paragraph "c", for the payment of qualified educational
10 10 expenses as provided in this section.

Requires Student First Scholarships to be made available for the payment of qualified educational expenses in the form of an electronic debit card or checks that are payable directly from the pupil's account within the Fund that is managed by a private financial management firm.

10 11 c. No more than ten thousand student first scholarships

Limits the number of Student First Scholarships to no more than

10 12 shall be made available each school year.

10,000 in each school year.

DETAIL: While the number of Scholarships is limited to 10,000, a pupil may have a weighting above 1.00 if the pupil receives additional weighting.

10 13 d. For purposes of this subsection, "resident" means the
10 14 same as defined in section 282.1, subsection 2.

Defines "resident" to mean a child who meets either of the following requirements:

- Is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions: (1) Is in the district for the purpose of making a home and not solely for school purposes. (2) Meets the definitional requirements of the term "homeless individual" under [42 U.S.C. §11302](#)(a) and (c). (3) Lives in a juvenile detention center or residential facility in the district.
- Is domiciled with the child's parent or guardian who is on active duty in the military service of the United States and is stationed at and resides or is domiciled within a federal military installation located contiguous to a county in Iowa.

10 15 2. a. By January 1 preceding the school year for which the
10 16 student first scholarship is requested, all of the following
10 17 individuals may request a student first scholarship by
10 18 submitting an application to the department of education, on
10 19 application forms developed by the department of education,
10 20 indicating the individual intends to enroll the pupil in a
10 21 nonpublic school for the entirety of the school year:
10 22 (1) The parent or guardian of a pupil currently enrolled
10 23 in a school district who has been enrolled in that school
10 24 district for the equivalent of at least two semesters
10 25 immediately preceding the school year for which the student
10 26 first scholarship is requested.
10 27 (2) The parent or guardian of a pupil who is eligible to
10 28 enroll in a school district for kindergarten in the next school
10 29 year.
10 30 (3) The parent or guardian of pupil enrolled in a nonpublic
10 31 school who received a student first scholarship in the current
10 32 school year.

CODE: Provides that by January 1 preceding the school year for which the Student First Scholarship is requested, the parent or guardian of a pupil who has been enrolled in a school district for the equivalent of at least two semesters immediately preceding the school year for which the Student First Scholarship is requested, who is eligible to enroll in a school district for kindergarten in the next school year, or who is enrolled in a nonpublic school who received a Student First Scholarship in the current school year, may request a Student First Scholarship by submitting an application to the DE indicating that the parent or guardian intends to enroll the pupil in a nonpublic school for the entirety of the school year.

CODE: Requires that by February 1 preceding the school year for

10 33 b. By February 1 preceding the school year for which the
 10 34 student first scholarship is requested, the department of
 10 35 education shall determine the number of pupils in each school
 11 1 district approved to receive a scholarship for the following
 11 2 school year and shall notify the parent or guardian of each
 11 3 pupil approved for the following school year to receive a
 11 4 scholarship and the amount of the scholarship for the pupil.
 11 5 The department of education shall approve pupils who received
 11 6 a student first scholarship for the immediately preceding
 11 7 school budget year who are eligible to enroll in grade one
 11 8 through grade twelve, who meet the requirements of subsection
 11 9 1, paragraph "a", subparagraph (1) or (2), and who are not
 11 10 otherwise ineligible under this section. The department
 11 11 of education shall approve the remaining pupils who did
 11 12 not receive a student first scholarship for the immediately
 11 13 preceding school budget year, subject to the limitation in
 11 14 subsection 1, paragraph "c", on a first-come, first-served
 11 15 basis based on the date the parent or guardian submitted the
 11 16 application pursuant to paragraph "a".

which the Student First Scholarship is requested, the DE notify the parent or guardian of each pupil approved for the following school year to receive a Student First Scholarship and the amount of the scholarship for the pupil. The DE is required to approve Scholarship requests on a first-come, first-served basis.

11 17 c. Student first scholarships shall only be approved for
 11 18 one school year and applications must be submitted annually for
 11 19 student first scholarships in subsequent school years.

CODE: Specifies Student First Scholarships must be approved for each school year and applications must be submitted each year.

11 20 3. The department of education shall assign each pupil a
 11 21 student first scholarship in an amount equal to the sum of all
 11 22 the following for the same school budget year:

CODE: Requires the DE to assign a Student First Scholarship equal to the sum of the following:

11 23 a. The product of the pupil's weighted enrollment that
 11 24 would otherwise be assigned to the pupil under this chapter if
 11 25 the pupil was enrolled in the pupil's district of residence
 11 26 multiplied by the difference between eighty-eight and
 11 27 four-tenths percent of the regular program state cost per pupil
 11 28 and the statewide average foundation property tax per pupil.
 11 29 b. The total teacher salary supplement district cost per
 11 30 pupil for the pupil's district of residence.
 11 31 c. The total professional development supplement district
 11 32 cost per pupil for the pupil's district of residence.
 11 33 d. The total early intervention supplement district cost per
 11 34 pupil for the pupil's district of residence.
 11 35 e. The total area education agency teacher salary supplement
 12 1 district cost per pupil for the pupil's district of residence.
 12 2 f. The total area education agency professional development

- 88.40% (estimated \$6,553 for FY 2023) of the regular program State cost per pupil (estimated \$7,413 for FY 2023) less the statewide average foundation property tax per pupil (estimated \$2,213 for FY 2023) multiplied by the pupil's weighted enrollment if the pupil was enrolled in the pupil's district of residence.
- The total teacher salary supplement district cost per pupil for the pupil's district of residence (estimated \$635.61 for FY 2023).
- The total professional development supplement district cost per pupil for the pupil's district of residence (estimated \$71.99 for FY 2023).
- The total early intervention supplement district cost per pupil for the pupil's district of residence (estimated \$78.41 for FY 2023).
- The total AEA teacher salary supplement district cost per pupil for the pupil's district of residence (estimated \$33.26 for FY 2023).

12 3 supplement district cost per pupil for the pupil's district of
 12 4 residence.
 12 5 g. The total teacher leadership supplement district cost per
 12 6 pupil for the pupil's district of residence.

- The total AEA professional development supplement district cost per pupil for the pupil's district of residence (estimated \$3.88 for FY 2023).
- The total teacher leadership supplement district cost per pupil for the pupil's district of residence (estimated \$357.80 for FY 2023).

FISCAL IMPACT: A weighting of 1.00 pupil will result in Student First Scholarship equal to an estimated \$5,521 annually.

DETAIL: While the number of Scholarships is limited to 10,000, a pupil may have a weighting above 1.00 if the pupil receives additional weighting.

12 7 4. A student first scholarship fund is created in the
 12 8 state treasury under the control of the department of
 12 9 education consisting of moneys appropriated to the department
 12 10 of education for the purpose of providing student first
 12 11 scholarships under this section. For the fiscal year
 12 12 commencing July 1, 2022, and each succeeding fiscal year, there
 12 13 is appropriated from the general fund of the state to the
 12 14 department of education to be credited to the fund the amount
 12 15 necessary to pay all student first scholarships approved for
 12 16 that fiscal year. The director of the department of education
 12 17 has all powers necessary to carry out and effectuate the
 12 18 purposes, objectives, and provisions of this section pertaining
 12 19 to the fund, including the power to do all of the following:

CODE: Creates a Student First Scholarship Fund in the State Treasury, under the control of the DE, consisting of moneys appropriated to the DE for the purpose of providing Student First Scholarships. For the fiscal year commencing July 1, 2022 (FY 2023), and each succeeding fiscal year, this Bill appropriates from the State General Fund to the DE for deposit in the Fund the amount necessary to pay all Student First Scholarships approved for that fiscal year.

FISCAL IMPACT: The Student First Scholarship Fund will require an estimated State General Fund appropriation of \$55,207,744 if 10,000 scholarships are awarded and each pupil has a weighting of 1.00.

12 20 a. Make and enter into contracts necessary for the
 12 21 administration of the fund.
 12 22 b. Procure insurance against any loss in connection with the
 12 23 assets of the fund or require a surety bond.
 12 24 c. Contract with a private financial management firm to
 12 25 manage the fund, in collaboration with the treasurer of state,
 12 26 including providing for the disbursement of student first
 12 27 scholarships in the form of an electronic debit card or checks
 12 28 that are payable directly from the pupil's account within the
 12 29 fund.
 12 30 d. Conduct audits or other reviews necessary to properly
 12 31 administer the program.

CODE: Authorizes the Director of the DE to do the following:

- Make and enter into contracts necessary for the administration of the Student First Scholarship Fund.
- Procure insurance against any loss in connection with the assets of the Fund or require a surety bond.
- Contract with a private financial management firm to manage the Fund, in collaboration with the Treasurer of State, including providing for the disbursement of Student First Scholarships in the form of an electronic debit card or checks that are payable directly from the pupil's account within the Fund.
- Conduct audits or other reviews necessary to properly

12 32 e. Adopt rules for the administration of the fund and
12 33 accounts within the fund.

administer the Program.

- Adopt rules for the administration of the Fund and accounts within the Fund.

12 34 5. a. For each pupil approved for a student first
12 35 scholarship, the nonpublic school shall certify the pupil's
13 1 enrollment and the department of education shall establish an
13 2 account for that pupil in the student first scholarship fund.
13 3 The amount of the pupil's student first scholarship shall be
13 4 deposited into the pupil's account on July 1, and such amount
13 5 shall be immediately available for the payment of qualified
13 6 educational expenses incurred by the parent or guardian for
13 7 the pupil during that fiscal year using the payment method
13 8 authorized under subsection 4, paragraph "c".

CODE: Requires the DE to establish an account in the Student First Scholarship Fund for each pupil approved for a scholarship and certified as enrolled in a nonpublic school. The amount of the pupil's Student First Scholarship must be deposited into the pupil's account on July 1. The amount must be available for use by parents and guardians for the payment of qualified educational expenses, as defined in this Bill, incurred by the parent or guardian for the pupil during that fiscal year.

13 9 b. A nonpublic school that accepts payment from a parent
13 10 or guardian using funds from a pupil's account in the student
13 11 first scholarship fund shall not refund, rebate, or share any
13 12 portion of such payment with the parent, guardian, or pupil.

CODE: Prohibits nonpublic schools that accept a payment from sharing the payment with the parent, guardian, or pupil.

13 13 c. Moneys remaining in a pupil's account upon conclusion
13 14 of the fiscal year shall remain in the pupil's account in the
13 15 student first scholarship fund for the payment of qualified
13 16 educational expenses in future fiscal years during which the
13 17 pupil participates in the program until the pupil becomes
13 18 ineligible under the program or until the remaining amounts are
13 19 transferred to the state general fund under subsection 8.

CODE: Requires moneys remaining in a pupil's account upon the conclusion of the fiscal year to remain in the pupil's account in the Student First Scholarship Fund for the payment of qualified educational expenses in future fiscal years during which the pupil participates in the Program until the pupil becomes ineligible or until the remaining amounts are required to be transferred to the State General Fund under specified conditions.

13 20 6. a. For purposes of this section, "qualified educational
13 21 expenses" includes tuition and fees at a nonpublic school,
13 22 textbooks, fees or payments for educational therapies,
13 23 including tutoring or cognitive skills training, curriculum
13 24 fees, software, and materials for a course of study for a
13 25 specific subject matter or grade level, tuition or fees for
13 26 nonpublic online education programs, tuition for vocational and
13 27 life skills education approved by the department of education,
13 28 education materials and services for pupils with disabilities,
13 29 including the cost of paraprofessionals and assistants who are
13 30 trained in accordance with state law, standardized test fees,
13 31 advanced placement examinations or examinations related to
13 32 postsecondary education admission or credentialing, qualified

CODE: Defines "qualified educational expenses."

13 33 education expenses, as defined in section 12D.1, excluding
13 34 room and board expenses, and other expenses incurred by the
13 35 parent or guardian that are directly related to the education
14 1 of the pupil at a nonpublic school, including a nonpublic
14 2 school accredited by an independent accrediting agency approved
14 3 by the department of education. The cost of one computer or
14 4 other portable computing device shall be allowed as a qualified
14 5 educational expense for a pupil if the computer or portable
14 6 computing device is used primarily for the education of the
14 7 pupil and if such a purchase has not been made using funds from
14 8 that pupil's account in any of the three immediately preceding
14 9 fiscal years.
14 10 b. "Qualified educational expenses" does not include
14 11 transportation costs for the pupil, the cost of food or
14 12 refreshments consumed by the pupil, the cost of clothing for
14 13 the pupil, or the cost of disposable materials, including
14 14 but not limited to paper, notebooks, pencils, pens, and art
14 15 supplies.

14 16 7. a. A person who makes a false claim for the purpose
14 17 of obtaining a student first scholarship provided for in this
14 18 section or who knowingly receives the scholarship or makes a
14 19 payment from an account within the student first scholarship
14 20 fund without being legally entitled to do so is guilty of a
14 21 fraudulent practice under chapter 714. The false claim for a
14 22 student first scholarship or a payment from an account shall
14 23 be disallowed. The department of education shall also close
14 24 the pupil's account in the student first scholarship fund and
14 25 transfer any remaining moneys in the account for deposit in the
14 26 general fund of the state. If the improperly obtained amounts
14 27 from the scholarship have been disbursed from the applicable
14 28 account in the student first scholarship fund, the department
14 29 of education shall recover such amounts from the parent or
14 30 guardian, including by initiating legal proceedings to recover
14 31 such amounts, if necessary. A parent or guardian who commits
14 32 a fraudulent practice under this section is prohibited from
14 33 participating in the student first scholarship program in the
14 34 future.

14 35 b. If, prior to the end of the required attendance
15 1 period of the school year, a pupil who receives a student
15 2 first scholarship withdraws from enrollment in the nonpublic

CODE: Specifies that a person who makes a false claim for the purpose of obtaining a Student First Scholarship or who knowingly receives a scholarship or makes a payment from an account without being legally entitled to do so is guilty of a fraudulent practice under Iowa Code chapter [714](#).

CODE: Specifies the required actions to be taken by the nonpublic school, the pupil's parent or guardian, and the DE if a pupil withdraws from enrollment or is expelled. The withdrawal or expulsion invalidates

15 3 school or is expelled, the nonpublic school shall notify the
15 4 department of education in writing of the pupil's withdrawal
15 5 or expulsion, and the pupil's parent or guardian shall notify
15 6 the department of education of the pupil's withdrawal or
15 7 expulsion from the nonpublic school. A pupil's expulsion
15 8 from the nonpublic school prior to the end of the required
15 9 attendance period for the school year shall invalidate the
15 10 pupil's eligibility for the student first scholarship for the
15 11 school budget year. A pupil's withdrawal from a nonpublic
15 12 school prior to the end of the required attendance period of
15 13 the school year shall invalidate the pupil's eligibility for
15 14 the student first scholarship for the school budget year unless
15 15 the withdrawal is the result of a change in residence of the
15 16 pupil and the pupil, following written notice by the parent
15 17 or guardian and certification by the new nonpublic school to
15 18 the department of education, enrolls in a different nonpublic
15 19 school in this state for the remainder of the school year.

the scholarship for the school budget year unless an exception specified in this Bill applies.

15 20 c. (1) Upon receipt of a notice of expulsion under
15 21 paragraph "b", the department of education shall close the
15 22 pupil's account in the student first scholarship fund and
15 23 transfer any remaining moneys in the account for deposit in
15 24 the general fund of the state. In addition, if amounts from
15 25 the scholarship for the school budget year during which the
15 26 pupil is expelled have been disbursed from the expelled pupil's
15 27 account in the student first scholarship fund, the department
15 28 of education shall recover such amounts from the parent or
15 29 guardian, including by initiating legal proceedings to recover
15 30 such amounts, if necessary.

CODE: Specifies that funds disbursed from the account of a pupil who was expelled are subject to recovery.

15 31 (2) Upon receipt of a notice of withdrawal under paragraph
15 32 "b" and a determination that the pupil's withdrawal was
15 33 not the result of a change in residence, the department of
15 34 education shall cease disbursements of remaining moneys in
15 35 the pupil's account in the student first scholarship fund,
16 1 close the pupil's account, and transfer any moneys remaining
16 2 in the pupil's account for deposit in the general fund of
16 3 the state. In addition, if amounts from the scholarship for
16 4 the school budget year during which the withdrawal occurs
16 5 have been disbursed from the pupil's account in the student
16 6 first scholarship fund, the department of education shall
16 7 recover such amounts from the parent or guardian to the extent

CODE: Specifies that funds disbursed from the account of a pupil who withdraws from a nonpublic school, without the withdrawal being related to a change in residence, are subject to proportional recovery based on the portion of the school year remaining.

16 8 the amount disbursed exceeds the amount of the scholarship
 16 9 proportionate to the remaining portion of the school year
 16 10 following the withdrawal, including by initiating legal
 16 11 proceedings to recover such amounts, if necessary.

16 12 (3) Upon receipt of a notice of withdrawal under paragraph
 16 13 "b" and a determination that the withdrawal was the result of
 16 14 a change in residence but that the pupil did not enroll in
 16 15 a different nonpublic school in this state for the remainder
 16 16 of the school year, the department of education shall cease
 16 17 disbursements of remaining moneys in the pupil's account in
 16 18 the student first scholarship fund, close the pupil's account,
 16 19 and transfer any moneys remaining in the pupil's account for
 16 20 deposit in the general fund of the state.

16 21 (4) If a pupil's eligibility is invalidated under the
 16 22 provisions of paragraph "b", the pupil shall be ineligible for a
 16 23 student first scholarship for the following school budget year
 16 24 under subsection 1, paragraph "a", subparagraphs (2) and (3).

16 25 8. Moneys remaining in a pupil's account when the pupil
 16 26 graduates from high school or turns twenty-one years of age,
 16 27 whichever occurs first, shall be transferred by the department
 16 28 of education for deposit in the general fund of the state.

16 29 9. a. A parent may appeal to the state board of education
 16 30 any administrative decision the department of education
 16 31 makes pursuant to this section, including but not limited
 16 32 to determinations of eligibility, allowable expenses, and
 16 33 removal from the program. The department shall notify the
 16 34 parent or guardian in writing of the appeal process at the same
 16 35 time the department notifies the parent or guardian of the
 17 1 administrative decision. The state board of education shall
 17 2 establish the appeals process consistent with chapter 17A and
 17 3 shall post such appeal process information on the state board

CODE: Specifies that the DE must transfer any funds remaining in the account of a pupil who has withdrawn from nonpublic school due to a change of residence and who does not enroll in a different nonpublic school to the State General Fund.

CODE: Specifies that a pupil who withdraws or is expelled is ineligible for a Student First Scholarship for the following school budget year, unless an exception applies, if the eligibility is based on any of the following:

- A pupil who has an IEP.
- A pupil who received a Student First Scholarship for the immediately preceding school budget year and who is eligible to enroll in grade 1 through grade 12.

CODE: Specifies that for each pupil with a positive balance in the pupil's account in the Student First Scholarship Fund upon graduation from high school or reaching 21 years of age, whichever occurs first, the DE is required to transfer any remaining moneys to the State General Fund.

CODE: Specifies the procedures for a parent or guardian to appeal to the State Board of Education any administrative decision made by the DE related to the Program.

17 4 of education's internet site.	
17 5 b. The state board of education shall refer cases of 17 6 substantial misuse of student first scholarship funds to the 17 7 attorney general for the purpose of collection or for the 17 8 purpose of a criminal investigation if the state board of 17 9 education obtains evidence of fraudulent use of an account.	CODE: Requires the State Board of Education to refer cases of substantial misuse of scholarship funds to the Attorney General for collection and criminal investigation if the Board has evidence of fraudulent use of an account.
17 10 10. a. This section shall not be construed to authorize 17 11 the state or any political subdivision of the state to exercise 17 12 authority over any nonpublic school or construed to require a 17 13 nonpublic school to modify its academic standards for admission 17 14 or educational program in order to receive payment from a 17 15 parent or guardian using funds from a pupil's account in the 17 16 student first scholarship fund.	CODE: Specifies that the Program must not be construed to authorize the State or any political subdivision of the State to exercise authority over any nonpublic school or construed to require a nonpublic school to modify its academic standards for admission or educational program in order to receive payment from a parent or guardian using funds from a pupil's account in the Student First Scholarship Fund.
17 17 b. This section shall not be construed to expand the 17 18 authority of the state or any political subdivision of the 17 19 state to impose regulations upon any nonpublic school that are 17 20 not necessary to implement this section.	CODE: Specifies that the Program must not be construed to expand the authority of the State or any political subdivision of the State to impose regulations upon any nonpublic school that are not necessary to implement the Program.
17 21 c. A nonpublic school that accepts payment from a parent 17 22 or guardian using funds from a pupil's account in the student 17 23 first scholarship fund is not an agent of this state or of a 17 24 political subdivision of this state.	CODE: Specifies a nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account is not an agent of the State or of a political subdivision of the State.
17 25 d. Rules adopted by the department of education to implement 17 26 this section that impose an undue burden on a nonpublic school 17 27 are invalid.	CODE: Specifies that rules adopted by the DE to implement the Program that impose an undue burden on a nonpublic school are invalid.
17 28 e. A nonpublic school that accepts payment from a parent 17 29 or guardian using funds from a pupil's account in the student 17 30 first scholarship fund shall be given the maximum freedom 17 31 possible to provide for the educational needs of the school's 17 32 students, consistent with state and federal law.	CODE: Specifies that a nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account must be given the maximum freedom possible to provide for the educational needs of the school's students, consistent with State and federal law.
17 33 Sec. 7.NEW SECTION 257.16E STUDENT FIRST OPERATIONAL 17 34 SHARING FUND.	Student First Operational Sharing Fund
17 35 1. A student first operational sharing fund is created as 18 1 a separate and distinct fund in the state treasury under the	CODE: Establishes a Student First Operational Sharing Fund under the control of the Department of Management (DOM).

18 2 control of the department of management. Moneys in the fund
 18 3 include revenues credited to the fund, appropriations made to
 18 4 the fund, and other moneys deposited into the fund.

18 5 2. a. For each fiscal year beginning on or after July 1,
 18 6 2023, there is appropriated annually from the general fund of
 18 7 the state to the department of management for deposit in the
 18 8 student first operational sharing fund an amount equal to the
 18 9 product of the number of student first scholarships approved
 18 10 under section 257.11B for the base year multiplied by the sum
 18 11 of the statewide average foundation property tax per pupil plus
 18 12 the difference between the amount determined under section
 18 13 257.16B, subsection 2, paragraph "c", subparagraph (2), and
 18 14 the amount determined under section 257.16B, subsection 2,
 18 15 paragraph "c", subparagraph (1).

CODE: Specifies that for each fiscal year beginning on or after July 1, 2023 (FY 2024), there is appropriated annually from the State General Fund to the DOM for deposit in the Student First Operational Sharing Fund an amount equal to the product of the number of Student First Scholarships approved for the base year multiplied by the sum of the statewide average foundation property tax per pupil (estimated \$2,213 for FY 2023) plus the difference between the amounts determined under Iowa Code section [257.16B](#)(2)(c)(1) and (2), for the calculation of school district property tax replacement payments (PTRP) (estimated \$175 for FY 2023).

FISCAL IMPACT: The Student First Operational Sharing Fund will receive a State General Fund appropriation of an estimated \$23,882,676 if 10,000 scholarships are awarded and each pupil has a weighting of 1.00.

18 16 b. The moneys available in a fiscal year in the student
 18 17 first operational sharing fund shall be used to increase the
 18 18 maximum amount of additional weighting established pursuant to
 18 19 section 257.11, subsection 5, paragraph "d", from twenty-one
 18 20 additional pupils up to twenty-four additional pupils if the
 18 21 school district requests the additional weighting from the
 18 22 school budget review committee, and the school budget review
 18 23 committee approves the additional weighting after examining
 18 24 the need for the position requested. If the moneys in the
 18 25 student first operational sharing fund are insufficient to make
 18 26 the payments required by section 257.11, subsection 5, the
 18 27 remainder shall be paid as foundation aid pursuant to section
 18 28 257.16.

CODE: Requires moneys available in the Student First Operational Sharing Fund to be used to increase the maximum amount of additional weighting for shared operational functions from 21 additional pupils up to 24 additional pupils if the School Budget Review Committee approves a school district's request for additional weighting after examining the need for the position. Requires the approved additional weighting to be paid as foundation aid if the moneys in the Student First Operational Sharing fund are insufficient.

18 29 3. Payments to school districts under this section shall
 18 30 be paid at the same time and in the same manner as foundation
 18 31 aid is paid under section 257.16, and may be included in the
 18 32 monthly payment of state aid under section 257.16, subsection
 18 33 2.

CODE: Requires payments to school districts from the Student First Operational Sharing Fund to be made by the DOM in the same manner as foundation aid and permits them to be included in the monthly payment of State aid.

18 34 4. Notwithstanding section 8.33, any moneys remaining

CODE: Allows any unexpended funds remaining in the Student First

<p>18 35 in the student first operational sharing fund at the end of 19 1 a fiscal year shall not revert to any other fund but shall 19 2 remain in the student first operational sharing fund for use as 19 3 provided in this section for the following fiscal year.</p>	<p>Operational Sharing Fund at the end of a fiscal year to remain available for expenditure in the following fiscal year.</p>
<p>19 4 Sec. 8. Section 257.31, subsection 16, Code 2022, is amended 19 5 to read as follows: 19 6 16. The committee shall perform the duties assigned to it 19 7 under sections <u>257.16E</u>, 257.32, 257.40, and 260C.18B.</p>	<p>CODE: Adds the Student First Operational Sharing Fund to the list of responsibilities of the School Budget Review Committee.</p>
<p>19 8 Sec. 9. Section 422.7, Code 2022, is amended by adding the 19 9 following new subsection: 19 10 NEW SUBSECTION 51. Subtract, to the extent included, the 19 11 amount of a student first scholarship under section 257.11B 19 12 received by the taxpayer for payment of qualified educational 19 13 expenses.</p>	<p>CODE: Specifies that a Student First Scholarship received by a taxpayer is not taxable income for purposes of State individual income taxation.</p>
<p>19 14 Sec. 10. STUDENT FIRST SCHOLARSHIP PROGRAM APPLICATIONS FOR 19 15 THE SCHOOL YEAR BEGINNING JULY 1, 2022.</p>	
<p>19 16 1. Notwithstanding the deadline in section 257.11B, 19 17 subsection 2, paragraph "a", as enacted in this division of 19 18 this Act, by May 1 preceding the school year beginning July 19 19 1, 2022, the parent or guardian of a pupil who is enrolled in 19 20 a school district or who is eligible to enroll in a school 19 21 district for kindergarten in the next school year, and who is 19 22 requesting a student first scholarship for the school year 19 23 beginning July 1, 2022, may request a student first scholarship 19 24 by submitting an application to the department of education, 19 25 on application forms developed by the department of education, 19 26 indicating that the parent or guardian intends to enroll the 19 27 pupil in a nonpublic school for the entirety of the school year 19 28 beginning July 1, 2022.</p>	<p>CODE: Specifies that the January 1 deadline to request a Student First Scholarship does not apply to applications for the 2022-2023 school year beginning July 1, 2022, and instead the application deadline is May 1, 2022.</p>
<p>19 29 2. Notwithstanding the deadline in section 257.11B, 19 30 subsection 2, paragraph "b", as enacted in this division of 19 31 this Act, by June 1 preceding the school year beginning July 19 32 1, 2022, the department of education shall determine the 19 33 number of pupils in each school district approved to receive 19 34 a scholarship for the following school year and shall notify 19 35 the parent or guardian of each pupil approved for the following 20 1 school year to receive a scholarship and the amount of the</p>	<p>CODE: Specifies that the February 1 deadline for the DE to notify the parent or guardian of each pupil approved for a Student First Scholarship and the amount of the scholarship does not apply to applications for the 2022-2023 school year beginning July 1, 2022, and instead the notification deadline is June 1, 2022.</p>

20 2 scholarship for the pupil.	
<p>20 3 Sec. 11. EMERGENCY RULES. The department of education</p> <p>20 4 may adopt emergency rules under section 17A.4, subsection 3,</p> <p>20 5 and section 17A.5, subsection 2, paragraph “b”, to implement</p> <p>20 6 the provisions of the section of this division of this Act</p> <p>20 7 enacting section 256.9, subsection 65, and section 257.11B, and</p> <p>20 8 the rules shall be effective immediately upon filing unless</p> <p>20 9 a later date is specified in the rules. Any rules adopted</p> <p>20 10 in accordance with this section shall also be published as a</p> <p>20 11 notice of intended action as provided in section 17A.4.</p>	<p>Authorizes the DE to enact emergency rules related to the Student First Scholarship Program.</p>
<p>20 12 Sec. 12. EFFECTIVE DATE. The following, being deemed of</p> <p>20 13 immediate importance, take effect upon enactment:</p> <p>20 14 1. The section of this division of this Act enacting section</p> <p>20 15 256.9, subsection 65.</p> <p>20 16 2. The section of this division of this Act enacting section</p> <p>20 17 257.11B.</p> <p>20 18 3. The section of this division of this Act establishing</p> <p>20 19 deadlines for the applications for the student first</p> <p>20 20 scholarship program for the school year beginning July 1, 2022.</p> <p>20 21 4. The section of this division of this Act authorizing the</p> <p>20 22 department of education to engage in emergency rulemaking.</p>	<p>Specifies that the following provisions of this Bill take effect on enactment:</p> <ul style="list-style-type: none"> • Provisions specifying that the duties of the Director of the DE include the adoption of administrative rules related to the administration of, and applications for, the Student First Scholarship Program. • The enactment of the Student First Scholarship Program. • Student First Scholarship Program application deadlines. • The authority of the DE to adopt emergency administrative rules related to this Bill.
<p>20 23 Sec. 13. APPLICABILITY. The following applies to school</p> <p>20 24 budget years and fiscal years beginning on or after July 1,</p> <p>20 25 2022:</p> <p>20 26 The section of this division of this Act enacting section</p> <p>20 27 257.11B.</p>	<p>Specifies that the Section of this Bill enacting the Student First Scholarship Program applies to school budget years and fiscal years beginning on or after July 1, 2022 (FY 2023).</p>
<p>20 28 Sec. 14. APPLICABILITY. The following applies to school</p> <p>20 29 budget years and fiscal years beginning on or after July 1,</p> <p>20 30 2023:</p> <p>20 31 The section of this division of this Act enacting section</p> <p>20 32 257.16E.</p>	<p>Specifies that the Section of this Bill enacting the Student First Operational Sharing Fund applies to school budget years and fiscal years beginning on or after July 1, 2023 (FY 2024).</p>
<p>20 33 Sec. 15. RETROACTIVE APPLICABILITY. The following applies</p> <p>20 34 retroactively to tax years beginning on or after January 1,</p> <p>20 35 2022:</p> <p>21 1 The section of this division of this Act enacting section</p> <p>21 2 422.7, subsection 51.</p>	<p>Specifies that the provision making a Student First Scholarship received by a taxpayer not taxable income for purposes of State individual income taxation is applicable retroactively to tax years beginning on or after January 1, 2022 (TY 2022).</p>

21 3 DIVISION III
21 4 SOCIAL STUDIES INSTRUCTION

21 5 Sec. 16. Section 256.11, subsection 5, paragraph b, Code
21 6 2022, is amended to read as follows:

21 7 b. (1) Five units of the social studies including
21 8 instruction in voting statutes and procedures, voter
21 9 registration requirements, the use of paper ballots and voting
21 10 systems in the election process, and the method of acquiring
21 11 and casting an absentee ballot. All students shall complete a
21 12 minimum of one-half unit of United States government and one
21 13 unit of United States history.

21 14 (2) The one-half unit of United States government shall
21 15 include ~~the~~ all of the following:

21 16 (a) The voting procedure as described in this lettered
21 17 paragraph and section 280.9A. ~~The government instruction shall~~
21 18 ~~also include a~~

21 19 (b) Astudy of the Constitution of the United States and the
21 20 Bill of Rights contained in the Constitution and an assessment
21 21 of a student's knowledge of the Constitution and the Bill of
21 22 Rights.

21 23 (c) (i) An assessment of the student's knowledge of
21 24 United States government and civics that includes the nature,
21 25 purpose, structure, function, and history of the United States
21 26 government, the rights and responsibilities of citizens of
21 27 the United States, and important United States government and
21 28 civic leaders. The most recent version of the civics test
21 29 developed by the United States citizenship and immigration
21 30 services shall be used as the assessment required by this
21 31 subparagraph division. On or before June 30 of each year, each
21 32 school district and nonpublic school shall submit the results
21 33 of the assessment required by this subparagraph division to the
21 34 department.

21 35 (ii) A student shall answer at least seventy percent of the
22 1 questions on the civics test developed by the United States
22 2 citizenship and immigration services correctly as a condition
22 3 of graduation. A student who fails to answer at least seventy
22 4 percent of the questions on the civics test correctly may
22 5 retake the civics test as many times as necessary.

22 6 DIVISION IV
22 7 PRIVATE INSTRUCTION — SPECIAL EDUCATION

DIVISION III: Social Studies Instruction

CODE: Requires a specified assessment of student knowledge be included in the currently required United States government class and requires an achieved minimum 70.00% score on the United States Citizenship and Immigration Services civics test as a requirement of graduation. Requires each school district and accredited nonpublic school to report the assessment results to the DE on or before June 30 of each year.

FISCAL IMPACT: There is no fiscal impact to the State; however, there may be a fiscal impact to local school districts. It is unclear whether this Bill would allow sufficient accommodations to meet the needs of all special education students, allowing those students to graduate. There may be additional costs to school districts, as multiple test taking opportunities may require staff time to proctor the test to ensure completion of the test and graduation of students. Costs to local school districts cannot be estimated.

DIVISION IV: Private Instruction — Special Education

22 8 Sec. 17. Section 299A.9, subsection 1, Code 2022, is amended
22 9 to read as follows:

22 10 1. A child of compulsory attendance age who is identified
22 11 as requiring special education under chapter 256B is eligible
22 12 for placement under competent private instruction ~~with prior~~
22 13 ~~approval of the placement by the director of special education~~
22 14 ~~of the area education agency of the child's district of~~
22 15 ~~residence.~~

CODE: Specifies that a child of compulsory attendance age who is identified as requiring special education is eligible for placement under competent private instruction without prior approval of the placement by the director of special education of an AEA.

22 16 Sec. 18. Section 299A.9, Code 2022, is amended by adding the
22 17 following new subsection:

22 18 NEW SUBSECTION 3. The parent, guardian, or legal custodian
22 19 of a child who is identified as requiring special education
22 20 may request dual enrollment pursuant to section 299A.8. The
22 21 appropriate special education services for the child shall be
22 22 determined pursuant to chapter 256B and rules adopted pursuant
22 23 to chapter 256B.

CODE: Specifies that a parent, guardian, or legal custodian of a child who is identified as requiring special education may request dual enrollment. The appropriate special education services for the child must be determined pursuant to Iowa Code chapter [256B](#) (Special Education).

22 24 DIVISION V
22 25 OPEN ENROLLMENT

DIVISION V: Open Enrollment

22 26 Sec. 19. Section 282.18, subsection 5, Code 2022, is amended
22 27 to read as follows:

22 28 5. a. Open enrollment applications filed after March 1
22 29 of the preceding school year that do not qualify for good
22 30 cause as provided in subsection 4 shall be subject to the
22 31 approval of the board of the resident district and the board
22 32 of the receiving district. The parent or guardian shall send
22 33 notification to the district of residence and the receiving
22 34 district that the parent or guardian seeks to enroll the
22 35 parent's or guardian's child in the receiving district.
23 1 b. A decision of either board to deny an application filed
23 2 under this subsection involving repeated acts of harassment
23 3 of the student that the resident district cannot adequately
23 4 address, a consistent failure of the resident district to
23 5 reasonably respond to a student's failure to meet basic
23 6 academic standards after notice provided by a parent or
23 7 guardian, or a serious health condition of the student that
23 8 the resident district cannot adequately address is subject to
23 9 appeal under section 290.1. A decision of either board to
23 10 deny an application filed under this subsection related to the

CODE: Specifies that a right of appeal under Iowa Code section [290.1](#) is also available to the sibling or stepsibling of a student seeking open enrollment under Iowa Code section [282.18](#)(5) who is denied an open enrollment application by either the school board of the district of which the student is a resident of or a decision of the school board of the receiving district to deny an open enrollment application.

DETAIL: Current law provides that the decision of the board of a resident school district of a student or a receiving school district to deny an open enrollment application filed after March 1 of the preceding school year that involves repeated acts of harassment of the student that the resident district cannot adequately address, a consistent failure of the resident district to reasonably respond to a student's failure to meet basic academic standards after notice provided by a parent or guardian, or a serious health condition of the student that the resident district cannot adequately address is subject to appeal under Iowa Code section 290.1.

23 11 sibling or stepsibling of a student described in this paragraph
 23 12 is also subject to appeal under section 290.1.
 23 13 c. The state board shall adopt by rule the criteria
 23 14 for determining a resident district's consistent failure
 23 15 to reasonably respond to a student's failure to meet basic
 23 16 academic standards and shall exercise broad discretion to
 23 17 achieve just and equitable results that are in the best
 23 18 interest of the affected child or children.

23 19 Sec. 20. Section 282.18, subsection 11, paragraph a, Code
 23 20 2022, is amended by adding the following new subparagraph:
 23 21 NEW SUBPARAGRAPH (08) If the pupil participates in
 23 22 open enrollment because the pupil's sibling or stepsibling
 23 23 participates in open enrollment as a result of the sibling
 23 24 or stepsibling's appeal under section 282.18, subsection 5,
 23 25 paragraph "b".

CODE: Authorizes the sibling or stepsibling of a student who open enrolls under Iowa Code section [282.18\(5\)](#) to be eligible for immediate participation in a varsity interscholastic sport if the sibling or stepsibling open enrolls as well.

23 26 DIVISION VI
 23 27 PRACTITIONER PREPARATION PROGRAMS

DIVISION VI: Practitioner Preparation Programs

23 28 Sec. 21. Section 256.7, subsection 3, paragraph b, Code
 23 29 2022, is amended to read as follows:
 23 30 b. Procedures provided for approval of programs shall
 23 31 include procedures for enforcement of the prescribed standards
 23 32 ~~and, except as provided in section 256.16, subsection 3,~~ shall
 23 33 not include a procedure for the waiving of any of the standards
 23 34 prescribed.

CODE: Technical correction.

23 35 Sec. 22. Section 256.16, subsection 1, paragraph a, Code
 24 1 2022, is amended by striking the paragraph.

CODE: Eliminates requirement for practitioner preparation programs to report pre-professional skills test results to the DE. Eliminates the requirement of a student in a practitioner preparation program to take defined assessments in Iowa Code section [256.16](#) to demonstrate successful completion of the program.

24 2 Sec. 23. Section 256.16, subsection 1, paragraph d, Code
 24 3 2022, is amended to read as follows:
 24 4 d. Require that each student admitted to an approved
 24 5 practitioner preparation program participate in pre-student
 24 6 teaching field experiences that include both observation and
 24 7 participation in teaching activities in a variety of school
 24 8 settings. ~~These~~ Pre-student teaching field experiences for
 24 9 students participating in an initial teacher preparation

CODE: Changes pre-student teaching field experience requirements.

24 10 program shall comprise a total of at least fifty eighty
 24 11 hours in duration, at least ten hours of which shall occur
 24 12 prior to a student's acceptance in an approved practitioner
 24 13 preparation program. Pre-student teaching field experiences
 24 14 for students participating in a teacher intern preparation
 24 15 program shall comprise a total of at least fifty hours in
 24 16 duration. The student teaching experience shall be a minimum
 24 17 of fourteen weeks in duration during the student's final year
 24 18 of the practitioner preparation program. The program shall
 24 19 make every reasonable effort to offer the student teaching
 24 20 experience prior to a student's last semester, or equivalent,
 24 21 in the program, and to expand the student's student teaching
 24 22 opportunities beyond one semester or the equivalent.

24 23 Sec. 24. Section 256.16, subsection 2, Code 2022, is amended
 24 24 to read as follows:

CODE: Technical correction.

24 25 2. A person initially applying for a license shall
 24 26 successfully complete a practitioner preparation program
 24 27 approved under section 256.7, subsection 3, and containing the
 24 28 subject matter specified in this section, before the initial
 24 29 action by the board of educational examiners under chapter
 24 30 272 takes place. ~~However, this subsection shall not apply to~~
 24 31 ~~a person who meets the requirements for an initial one-year~~
 24 32 ~~license in accordance with subsection 3.~~

24 33 Sec. 25. Section 256.16, subsection 3, Code 2022, is amended
 24 34 by striking the subsection.

CODE: Technical correction.

24 35 Sec. 26. Section 272.2, subsection 14, paragraph b,
 25 1 subparagraph (5), Code 2022, is amended to read as follows:

CODE: Technical correction.

25 2 (5) The applicant fails to meet board standards for
 25 3 application for an initial or renewed license. ~~However, this~~
 25 4 ~~subparagraph shall not apply to a person who applies for an~~
 25 5 ~~initial one-year license and submits to the board a waiver~~
 25 6 ~~issued by the director of the department of education in~~
 25 7 ~~accordance with section 256.16, subsection 3.~~

25 8 Sec. 27. Section 272.2, subsection 22, Code 2022, is amended
 25 9 by striking the subsection.

CODE: Technical correction.

25 10 Sec. 28. HIGHER EDUCATION INSTITUTIONS — NOTICE TO
 25 11 FORMER STUDENTS. All higher education institutions providing

CODE: Requires all higher education institutions providing practitioner programs to notify students who failed to achieve the previously

25 12 practitioner preparation shall notify students who failed to
 25 13 achieve the minimum passing scores set by the department of
 25 14 education on the assessments administered under section 256.16,
 25 15 subsection 1, paragraph "a", subparagraph (2), Code 2022,
 25 16 before the effective date of this division of this Act, of the
 25 17 changes related to the completion of a practitioner preparation
 25 18 program provided by this division of this Act, including the
 25 19 student's ability to apply for an initial license from the
 25 20 board of educational examiners if the student completed all
 25 21 other requirements of a practitioner preparation program
 25 22 approved under section 256.7, subsection 3.

required minimum passing scores on the previously required assessment before the effective date of this Division if this Bill is passed. The notification will include the allowance of a student who met all other requirements other than the passing of the previously required assessment to apply for an initial license from the BOEE.

25 23 Sec. 29. EFFECTIVE DATE. This division of this Act, being
 25 24 deemed of immediate importance, takes effect upon enactment.

Specifies that the section of this Division eliminating the requirement of the successful completion of a defined assessment for a student to be allowed to apply for an initial educator license from the BOEE is effective upon enactment.

25 25 Sec. 30. APPLICABILITY. This division of this Act applies
 25 26 to students who attended or are attending practitioner
 25 27 preparation programs before, on, or after the effective date
 25 28 of this division of this Act.

Specifies that the section of this Division eliminating the requirement of the successful completion of a defined assessment for a student to be allowed to apply for an initial educator license from the BOEE applies to students who attended or are attending practitioner preparation programs before, on, or after the effective date of this Bill.

25 29 DIVISION VII
 25 30 INCIDENTS RELATED TO LICENSED PRACTITIONERS

DIVISION VII: Incidents Related to Licensed Practitioners

25 31 Sec. 31. Section 232.69, subsection 1, unnumbered paragraph
 25 32 1, Code 2022, is amended to read as follows:
 25 33 The classes of persons enumerated in this subsection shall
 25 34 make a report within twenty-four hours and as provided in
 25 35 section 232.70, of cases of child abuse. In addition, the
 26 1 classes of persons enumerated in this subsection shall make a
 26 2 report of abuse of a child ~~who is under twelve years of age and~~
 26 3 ~~may make a report of abuse of a child who is twelve years of age~~
 26 4 ~~or older~~, which would be defined as child abuse under section
 26 5 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),
 26 6 except that the abuse resulted from the acts or omissions of
 26 7 a person other than a person responsible for the care of the
 26 8 child.

CODE: Requires mandatory reporting requirements of incidents pertaining to child abuse to be applicable to children under the age of 18 years.

26 9 Sec. 32. Section 232.69, subsection 1, paragraph b,

CODE: Requires all full-time employees of a school who are 18 years

26 10 subparagraph (4), Code 2022, is amended to read as follows:
 26 11 (4) A licensed school employee, certified para-educator,
 26 12 holder of a coaching authorization issued under section 272.31,
 26 13 full-time school employee who is eighteen years of age or
 26 14 older, or an instructor employed by a community college.

of age or older to be mandatory reporters.

26 15 Sec. 33. Section 232.70, subsection 6, Code 2022, is amended
 26 16 by adding the following new paragraph:
 26 17 NEW PARAGRAPH 0f. If the person making the report is a
 26 18 licensed school employee who reasonably believes the person
 26 19 responsible for the injury is a licensed school employee, the
 26 20 identity of the licensed school employee the person making the
 26 21 report believes is responsible for the injury.

CODE: Requires a mandatory report that involves a licensed school employee who is responsible for the injury to include the name of the licensed school employee.

26 22 Sec. 34. Section 256.9, Code 2022, is amended by adding the
 26 23 following new subsection:

26 24 NEW SUBSECTION 66. a. Develop and implement a process
 26 25 for the reporting and investigation of any incident that arises
 26 26 that may reasonably lead to the conclusion that an individual
 26 27 with a license, endorsement, certification, authorization, or
 26 28 statement of recognition issued by the board of educational
 26 29 examiners who is employed by the board of directors of a
 26 30 school district or the authorities in charge of an accredited
 26 31 nonpublic school has committed a felony or has engaged in
 26 32 conduct described in section 272.15, subsection 1, paragraph
 26 33 "a", subparagraph (1), subparagraph divisions (a) through (d).

CODE: Requires the DE to develop and implement a process for reporting and investigation of educator misconduct for actions identified in Iowa Code section [272.15](#) or actions attributable to a felony. The process is required to include prohibited actions by a school district or an accredited nonpublic school as detailed in the Bill. Provides for BOEE fines for failing to follow the DE established process.

26 34 b. The process shall prohibit the boards of directors of a
 26 35 school district and the authorities in charge of an accredited
 27 1 nonpublic school from entering into any of the following:
 27 2 (1) A written or oral agreement that prohibits the board of
 27 3 directors of the school district or the authorities in charge
 27 4 of an accredited nonpublic school, an employee of the school
 27 5 district or the accredited nonpublic school, or a contractor
 27 6 of the school district or the accredited nonpublic school
 27 7 from discussing an incident, past performance or actions,
 27 8 past allegations leading to discipline or adverse employment
 27 9 action, or employee resignation with any governmental agent,
 27 10 governmental officer, or any potential employer.

DETAIL: The fine imposed on the administrator of a school district or accredited nonpublic school for failure of compliance with the process will be a minimum of \$500 and a maximum of \$5,000. The fine imposed on the administrator of a school district or accredited nonpublic school for assisting in the concealment or attempted concealment of an incident, or any conduct required to be reported in Iowa Code section 272.15 will be a maximum of \$10,000. Payments of these fines will be remitted to the Treasurer of the State for deposit in the General Fund.

27 11 (2) A written or oral agreement that waives the liability
 27 12 of an individual with a license, endorsement, certification,
 27 13 authorization, or statement of recognition issued by the
 27 14 board of educational examiners related to or arising from an

27 15 incident, past performance or action, or past allegations of
27 16 wrongdoing.

27 17 c. The board of directors of a school district or the
27 18 authorities in charge of an accredited nonpublic school and
27 19 contractors of the school district or the accredited nonpublic
27 20 school shall be immune from any civil liability arising
27 21 from discussing an incident, past performance or actions,
27 22 past allegations leading to discipline or adverse employment
27 23 action, or employee resignation with any governmental agent,
27 24 governmental officer, or any potential employer.

27 25 d. If the board of educational examiners finds that
27 26 the board of directors of a school district or the
27 27 authorities in charge of an accredited nonpublic school
27 28 has intentionally failed to follow the process established
27 29 by this subsection regarding an incident, or the reporting
27 30 requirements established pursuant to section 272.15, the
27 31 board of educational examiners shall assess a fine against
27 32 an administrator of the school district or the accredited
27 33 nonpublic school who failed to ensure compliance with the
27 34 process of not less than five hundred dollars and not more than
27 35 five thousand dollars. Payments of the fine provided in this
28 1 paragraph shall be remitted to the treasurer of the state for
28 2 deposit in the general fund of the state.

28 3 e. If the board of educational examiners finds that the
28 4 board of directors of a school district or the authorities in
28 5 charge of an accredited nonpublic school has intentionally
28 6 concealed, or attempted to conceal from any governmental
28 7 agent, governmental officer, or potential employer a founded
28 8 incident, or any conduct required to be reported pursuant to
28 9 section 272.15, the board of educational examiners shall assess
28 10 a fine against an administrator of the school district or the
28 11 accredited nonpublic school who assisted in the concealment, or
28 12 attempted concealment, of an incident, or any conduct required
28 13 to be reported pursuant to section 272.15, of not more than
28 14 ten thousand dollars. Payments of the fine provided in this
28 15 paragraph shall be remitted to the treasurer of the state for
28 16 deposit in the general fund of the state.

28 17 Sec. 35. Section 256E.7, subsection 2, Code 2022, is amended
28 18 by adding the following new paragraph:
28 19 NEW PARAGRAPH 0i. Be subject to and comply with the
28 20 requirements of section 280.32 in the same manner as a school

CODE: Applies the requirements of the Bill to charter schools in the same manner as a school district.

28 21 district.

28 22 Sec. 36. Section 272.2, subsection 14, paragraph b,
28 23 subparagraph (1), unnumbered paragraph 1, Code 2022, is amended
28 24 to read as follows:
28 25 The person entered a plea of guilty to, ~~or~~ has been found
28 26 guilty of, or the board has found by a preponderance of the
28 27 evidence that the person committed, any of the following
28 28 offenses, whether or not a sentence is imposed:

CODE: Directs the BOEE to disqualify an applicant for a license or revoke the license of a person based on a preponderance of evidence rather than being based on a plea of guilty or the applicant having been found guilty of offenses as detailed in Iowa Code section [272.2](#).

28 29 Sec. 37. Section 272.2, subsection 15, Code 2022, is amended
28 30 to read as follows:

CODE: Directs the BOEE to adopt administrative rules as detailed in the Bill.

28 31 15. a. Adopt rules that require specificity in written
28 32 complaints that are filed by individuals who have personal
28 33 knowledge of an alleged violation and which are accepted by
28 34 the board, provide that the jurisdictional requirements as set
28 35 by the board in administrative rule are met on the face of the
29 1 complaint before initiating an investigation of allegations,
29 2 provide that any investigation be limited to the allegations
29 3 contained on the face of the complaint, provide for an adequate
29 4 interval between the receipt of a complaint and public notice
29 5 of the complaint, permit parties to a complaint to mutually
29 6 agree to a resolution of the complaint filed with the board,
29 7 allow the respondent the right to review any investigative
29 8 report upon a finding of probable cause for further action by
29 9 the board, require that the conduct providing the basis for
29 10 the complaint occurred within three years of discovery of the
29 11 event by the complainant unless good cause can be shown for
29 12 an extension of this limitation, and require complaints to be
29 13 resolved within one hundred eighty days unless good cause can
29 14 be shown for an extension of this limitation.

29 15 b. Adopt rules that require the collection and retention of
29 16 written complaints that are filed. If the board determines a
29 17 written complaint is not founded, the complaint and all records
29 18 related to the complaint shall be kept confidential and are not
29 19 subject to chapter 22.

29 20 c. Adopt rules that require the board to notify the public
29 21 when a licensed practitioner who is the subject of an ongoing
29 22 investigation initiated under paragraph "a" has a case pending
29 23 with a finding of probable cause. This paragraph shall not be
29 24 construed to require the board to disclose unfounded, closed
29 25 investigations initiated under paragraph "a".

29 26 d. Adopt rules that require the evaluation of complaints
 29 27 that did not result in any discipline or sanction if similar
 29 28 complaints are filed against the same licensed practitioner.
 29 29 e. Adopt rules that require the board to investigate an
 29 30 administrator who is employed by the school that employs a
 29 31 licensed practitioner who is the subject of an investigation
 29 32 initiated under paragraph "a". The rules shall require
 29 33 the board to investigate whether the administrator filed a
 29 34 written complaint pursuant to this subsection and whether the
 29 35 administrator was required to report to the board pursuant to
 30 1 section 272.15.

30 2 Sec. 38. Section 279.69, Code 2022, is amended by adding the
 30 3 following new subsection:
 30 4 NEW SUBSECTION 1A. Prior to hiring an individual who
 30 5 has been issued a license, endorsement, certification,
 30 6 authorization, or statement of recognition by the board
 30 7 of educational examiners, a school district shall view the
 30 8 board of educational examiner's public license information to
 30 9 determine if the individual has a case pending with a finding
 30 10 of probable cause or any licensure sanction. This subsection
 30 11 shall not be construed to require the board of educational
 30 12 examiners to disclose unfounded, closed investigations.

30 13 Sec. 39. NEW SECTION 280.32 INCIDENTS RELATED TO LICENSED
 30 14 PRACTITIONERS — REPORTING AND INVESTIGATION.
 30 15 The board of directors of a school district and the
 30 16 authorities in charge of each accredited nonpublic school shall
 30 17 follow the process created by the department of education
 30 18 pursuant to section 256.9, subsection 66, related to the
 30 19 reporting and investigation of an incident involving the
 30 20 possible commission of a felony by any person who has been
 30 21 issued a license, endorsement, certification, authorization, or
 30 22 statement of recognition by the board of educational examiners.

30 23 DIVISION VIII
 30 24 BOARD OF EDUCATIONAL EXAMINERS — RENEWAL CREDITS

30 25 Sec. 40. Section 272.2, subsection 1, paragraph c, Code
 30 26 2022, is amended to read as follows:
 30 27 c. Rules adopted pursuant to this subsection establishing
 30 28 licensure renewal requirements shall provide that up to half

CODE: Requires a school district to view the BOEE public license information prior to hiring an individual to determine whether the individual has a case pending with a finding of probable cause or any licensure sanction. The BOEE is not required to disclose unfounded closed investigations.

CODE: Requires a school district and accredited nonpublic school to follow the process created by the DE related to the reporting and investigation involving the possible commission of a felony by any person who has been issued a license, endorsement, certification, authorization, or statement of recognition by the BOEE.

DIVISION VIII: Board of Educational Examiners — Renewal Credits

CODE: Requires the BOEE to develop administrative rules to allow holders of a master educator teaching license, professional service license, or professional administrator license who are employed by a school district, charter school, or accredited nonpublic school to earn

30 29 of the units needed for licensure renewal may be earned upon
30 30 the successful completion of an individualized professional
30 31 development plan as verified by the supervising licensed
30 32 evaluator, or by successful completion of professional
30 33 development courses or programs offered by a professional
30 34 development program licensed by the board, or by a practitioner
30 35 preparation institution or area education agency approved by
31 1 the state board of education. The rules shall require that
31 2 holders of a master educator teaching license, professional
31 3 service license, or professional administrator license who are
31 4 employed by a school district described in chapter 274, charter
31 5 school, or accredited nonpublic school may earn all renewal
31 6 credits, except for the evaluator training required by section
31 7 284.10 and the mandatory reporter training required by section
31 8 232.69, through professional development activities as verified
31 9 by the supervising licensed evaluator.

all renewal credits, except evaluator training and mandatory reporter training, through professional development activities verified by the supervising licensed evaluator.

Unassigned Standings

General Fund

	<u>Estimated FY 2022 (1)</u>	<u>Senate Action FY 2023 (2)</u>	<u>Senate Fir Yr2 FY 2024 (3)</u>
<u>Education, Department of</u>			
Education, Dept. of			
State Foundation School Aid Reduction	\$ 0	\$ 0	\$ -79,090,420
Student First Scholarship Fund	<u>0</u>	<u>55,207,744</u>	<u>55,207,744</u>
Total Education, Department of	<u>\$ 0</u>	<u>\$ 55,207,744</u>	<u>\$ -23,882,676</u>
<u>Management, Department of</u>			
Management, Dept. of			
Student First Operational Sharing Fund	\$ 0	\$ 0	\$ 23,882,676
Total Management, Department of	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 23,882,676</u>
Total Unassigned Standings	<u>\$ 0</u>	<u>\$ 55,207,744</u>	<u>\$ 0</u>