SENATE FILE 2362
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3104)

(As Amended and Passed by the Senate February 23, 2022)

* = Language Stricken by the Senate

see page 8

A BILL FOR

An Act relating to entities supported in whole or in part by public moneys, including the sale of public bonds, the duties and responsibilities of school boards, school districts, the department of education, accredited nonpublic schools, charter schools, and children's residential facilities, and the membership and voting units of county and city conference boards.

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

DIVISION I

BOND SALES

Section 1. Section 75.2, Code 2022, is amended to read as follows:

75.2 Notice of sale.

When public bonds are offered for sale, the official in charge of the bond issue shall~~, by advertisement published at least once, the last one of which shall be not less than four nor more than twenty days before the sale in a newspaper located in the county or a county contiguous to the place of sale,~~ give notice of the ~~time and place of~~ sale of the bonds~~, the amount to be offered for sale, and any further information which the official deems pertinent~~ by publishing the time and place of sale of the bonds, the amount to be offered for sale, and any additional information the official deems pertinent to the bond issue not less than four nor more than twenty days before the sale in at least one electronic or written publication with nationwide circulation that is recognized for providing information regarding the sale of public bonds.

Sec. 2. Section 75.14, Code 2022, is amended to read as follows:

75.14 Electronic bidding.

Notwithstanding contrary provisions of this chapter, including section 75.3, a public body authorized to issue bonds, notes, or other obligations may elect to receive bids to purchase such bonds, notes, or other obligations by means of electronic, internet, or wireless communication; a proprietary bidding procedure or system; or by facsimile transmission to a location deemed appropriate by the governing body, in each instance as may be approved by the governing body and provided for in the notice of sale. An electronic bid shall be submitted in substantial conformity with the requirements of chapter 554D and any rules adopted pursuant to that chapter with respect to the acceptance of electronic records by a governmental agency. Additionally, before approving the use

of an electronic bidding procedure, the public body shall find and determine that the specific procedure to be used will provide reasonable security and maintain the integrity of the competitive bidding process, and facilitate the delivery of bids by interested parties under the circumstances of the particular sale.

DIVISION II

SCHOOL BOARD DUTIES AND RESPONSIBILITIES

Sec. 3. Section 279.6, subsection 1, paragraph a, Code 2022, is amended to read as follows:

a. Except as provided in paragraph *"b"* and subsection 2, vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified at the next regular school election, unless there is an intervening special election for the school district, in which event a successor shall be elected at the intervening special election, in accordance with section 69.12. To fill a vacancy occurring among the members of a school board, the board shall publish notice either on the board's internet site or in the manner prescribed by section 279.36, stating that the board intends to fill the vacancy by appointment but that the electors of the school district have the right to file a petition requiring that the vacancy be filled by a special election conducted pursuant to section 279.7. The board may publish notice in advance if a member of the board submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later.

Sec. 4. Section 279.6, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2022, are amended to read as follows:

(1) If within fourteen days after ~~publication of a~~ providing notice required pursuant to paragraph *"a"* for a vacancy that

occurs more than one hundred eighty days before the next regular school election, or after the filing period closes pursuant to section 277.4, subsection 1, for the next regular school election, there is filed with the secretary of the school board a petition requesting a special election to fill the vacancy, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the board shall call a special election pursuant to section 279.7, to fill the vacancy for the remaining balance of the unexpired term.

(2) If within fourteen days after ~~publication of a~~ providing notice required pursuant to paragraph "*a*" for a vacancy that occurs one hundred eighty days or less but more than forty days before the next regular school election there is filed with the secretary of the school board a petition requesting to fill the vacancy by election, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the school board shall require that the remaining balance of the unexpired term be filled at the next regular school election.

Sec. 5. Section 279.20, subsection 2, Code 2022, is amended to read as follows:

2. The board of directors of a school district may delegate the authority to hire support personnel and sign the support personnel employment contracts, if applicable, if the board adopts a policy authorizing the superintendent to perform such duties and specifying the positions the superintendent is authorized to fill. The board of directors of a school district and the superintendent, if authorized pursuant to this subsection, may use electronic signatures and electronic contracts pursuant to chapter 554D and facsimile signatures when entering into the contracts described in this subsection. For purposes of this subsection, the term "*support personnel*" includes~~,~~ but is not limited to~~,~~ bus drivers, custodians, educational associates, and clerical and food service employees.

Sec. 6. Section 280.5, subsection 2, Code 2022, is amended

to read as follows:

2. ~~The board of directors of each~~ Each public school district shall administer the pledge of allegiance in grades one through twelve each school day. Each classroom in which the pledge of allegiance is recited pursuant to this subsection shall display the United States flag during the recitation. A student shall not be compelled against the student's objections or those of the student's parent or guardian to recite the pledge.

Sec. 7. Section 291.1, Code 2022, is amended to read as follows:

291.1 President — duties.

The president of the board of directors shall preside at all of its meetings, sign all contracts made by the board, and appear on behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary. The president or the president's designee shall have the authority to enter into original contracts or electronic contracts pursuant to chapter 554D and sign, using an original, ~~or~~ facsimile, or electronic signature, as defined in section 554D.103, all school district payments drawn and authorize electronic funds transfers as provided by law. The board of directors, by resolution, may designate an individual, who shall not be the secretary, to sign payments or authorize electronic funds transfers on behalf of the president pursuant to this section.

DIVISION III

DEPARTMENT OF EDUCATION WORK GROUP

Sec. 8. DEPARTMENT OF EDUCATION — HEALTH CARE-RELATED TRAINING FOR SCHOOL PERSONNEL WORK GROUP.

1. The department of education shall convene and provide administrative support to a health care-related training for school personnel work group. The work group shall review and develop a plan to ensure Iowa educators have the health care training necessary to perform their duties and

responsibilities, and shall consider and submit recommendations for delivery and implementation of training required under state law or rule.

2. The work group shall include all of the following:

a. (1) Two members who are staff members from the department of education, one of whom shall be an administrative consultant in the bureau of nutrition and health services. A member appointed under this subparagraph shall coordinate the work group and act as chairperson for the organizational meeting.

(2) One member who is a staff member from the Iowa department of public health.

b. Members who shall represent each of the following:

(1) One member from a statewide organization representing teachers.

(2) One member from a statewide organization representing school board members.

(3) One member from a statewide organization representing school administrators.

(4) One member from a statewide organization representing authorities in charge of accredited nonpublic schools.

(5) One member representing the area education agencies.

(6) One member from a statewide organization representing physicians.

(7) One member from a statewide organization representing athletic trainers.

(8) One member from a statewide organization representing emergency management services.

(9) One member from a statewide organization representing health care organizations.

(10) One member from a statewide organization representing school nurses.

3. Any expenses incurred by a member of the work group shall be the responsibility of the individual member or the respective entity represented by the member.

4. The director of the department of education or the director's designee shall compile and provide to the work group a list of, and the purposes for, the health care training programs that school personnel are required to complete, as well as any requirements school personnel must meet following such training, in order be in compliance with state law or administrative rule.

5. The work group shall do all of the following:

a. Identify which trainings can be best provided online, and how such training can be rotated on a five-year basis for school personnel.

b. Develop a plan for a regular cycle of health care-related training for school personnel review, with the goal of removing or modifying training or training programs that are no longer relevant, and identifying less costly and more efficient options that still provide the appropriate level of training to school personnel.

c. Standardize the process of establishing new training requirements in state law or rule to manage stakeholder expectations relating to the timeline for establishing the requirements.

d. Create an ongoing review process to find efficiencies, identify training options that better utilize time and financial resources, and offer a continuous improvement model for the system moving forward.

e. Study and make any recommended changes on rules adopted by the state board of education under 281 IAC ch. 14, relating to individual health plans prepared for students with various health conditions.

f. Ensure a public comment process for patient advocacy groups and parents to provide input on the recommendations of the work group.

6. If the work group recommends elimination or significant modification of certain health care-related training for school personnel, the department of education shall identify

stakeholders who would potentially be affected by such change, and shall invite representatives from organizations representing such stakeholders to submit comments before or at an upcoming work group meeting before the work group makes final recommendations.

7. The department of education shall compile the work group's findings and recommendations and shall submit the compilation, including any proposal for legislation, in a report to the general assembly, the governor, and the state board of education by December 1, 2022.

DIVISION IV

STATEWIDE SCHOOL INFRASTRUCTURE FUNDING

Sec. 9. Section 423F.4, subsection 2, paragraph a, Code 2022, is amended to read as follows:

a. Bonds issued on or after July 1, 2019, shall not be sold at public sale as provided in chapter 75, or at a private sale, without notice and hearing. Notice of the time and place of the public hearing shall be published not less than ten nor more than twenty days before the public hearing in a newspaper which is a newspaper of general circulation in the school district. This paragraph does not apply to the refinancing of bonds.

DIVISION V

COUNTY CONFERENCE BOARD

Sec. 10. Section 441.2, Code 2022, is amended to read as follows:

441.2 Conference board.

In each county and each city having an assessor there shall be established a conference board. In counties the conference board shall consist of the mayors or a designated member of a city council of all incorporated cities in the county whose property is assessed by the county assessor, one representative from the board of directors of each high school district of the county, who is a resident of the county, ~~said board of directors appointing said representative for a one-year term~~

~~and notifying the clerk of the conference board as to their representative,~~ and members of the board of supervisors. In cities having an assessor the conference board shall consist of the members of the city council, ~~school board~~ the board of directors of each high school district in the city, and county board of supervisors. In the counties the chairperson of the board of supervisors shall act as chairperson of the conference board, in cities having an assessor the mayor of the city council shall act as chairperson of the conference board. In any action taken by the conference board, the mayors of all incorporated cities in the county whose property is assessed by the county assessor shall constitute one voting unit, the members of the ~~city board of education~~ board of directors of each high school district in the city or one representative from the board of directors of each high school district of the county shall constitute one voting unit, the members of the city council shall constitute one voting unit, and the county board of supervisors shall constitute one voting unit, each unit having a single vote and no action shall be valid except by the vote of not less than two out of the three units. In any action taken by the conference board, if a city or a county contains only one high school district, the members of or the representative of the board of directors of the high school district, as applicable, shall constitute one voting unit. The majority vote of the members present of each unit shall determine the vote of the unit. The assessor shall be clerk of the conference board.

DIVISION VI

CHILDREN'S RESIDENTIAL FACILITIES

Sec. 11. Section 282.34, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For children requiring admission to a residential treatment facility, the residential treatment facility shall complete and provide to the district of residence the documentation necessary to seek Medicaid

reimbursement for eligible services.