SENATE FILE 2369
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2349)
(SUCCESSOR TO SSB 3080)

(As Amended and Passed by the Senate March 30, 2022)
ALL New Language by the Senate

A BILL FOR

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.

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

DIVISION I

PARENT OR GUARDIAN BILL OF RIGHTS

Section 1. Section 256.11, subsection 10, paragraph a, subparagraph (1), Code 2022, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0e) The requirements of section 279.76.

Sec. 2. Section 256E.7, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0i.* Be subject to and comply with the requirements of section 279.76 in the same manner as a school district.

Sec. 3. NEW SECTION. **279.76 Parent or guardian bill of rights.**

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:

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.

b. The right to access and review information related to who is teaching the minor child, including guest lecturers and outside presenters.

c. The right to access and review information related to persons who contract with or otherwise receive moneys from the school district.

d. The right to access the minor child while the minor child is in school that a reasonable person would deem necessary to ensure the health and safety of the minor child, unless otherwise prohibited by a court order.

e. The right to access and review all school records relating to the minor child; provided, however, that the school district may prohibit access to and disclosure of school records if any of the following apply:

(1) The school records are related to the minor child's reporting of the parent's or guardian's violation of any law.

(2) The school district determines based on actual threats to the health, safety, or welfare of a minor child, that providing access to or disclosing the school records may result in serious harm to the minor child.

(3) Chapter 232, subchapter III, part 2, prohibits the school record from being disclosed.

f. 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.

g. Subject to section 22.7, the right to access and review information necessary to ensure the accountability and transparency of the board of directors of the school district in which the minor child is enrolled.

h. The right to access and review information related to the minor child's safety while at school.

2. *a.* The school district shall not require any student to engage in any activity, including instruction, or any test, assessment, or other means of evaluation, that involves sexually explicit material without the express prior written consent of the student's parent or guardian, which may be obtained by electronic means.

b. The school district shall 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 district.

c. (1) A school district that maintains in electronic form a catalog of library materials shall grant access through the internet or other suitable means to the catalog of library materials to the parent or guardian of any student enrolled in the school district. School districts that maintain a catalog of library materials in other than electronic form shall grant physical access to the catalog of library materials to the parent or guardian of any student enrolled in the school district at the school where the student attends class and at times that are convenient for the parent or guardian.

(2) The parent or guardian of a minor child enrolled in the school district may provide notice to the school district indicating the materials that the minor child shall not be allowed to check out from a library operated by the school district, and the school district shall not allow the minor child to check out the materials described in the notice.

(3) If a school district does not maintain in electronic form a catalog of library materials, the school district shall not allow a minor child to check out sexually explicit material from a library operated by the school district without the express prior written consent of the minor child's parent or guardian, which may be obtained by electronic means.

3. The school district must receive the prior written consent of a student's parent or guardian before requiring a student to take part in any of the following activities:

a. An activity that involves the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling the information or providing the information to any other person for its marketing or sale.

b. A survey, analysis, or evaluation that reveals information concerning any of the following:

(1) The political affiliations or beliefs of the student or the student's parent or guardian.

(2) Mental or psychological problems of the student or the

student's family.

(3) Sex behavior or attitudes.

(4) Illegal, antisocial, self-incriminating, or demeaning behavior.

(5) Critical appraisals of other individuals with whom the student has close familial relationships.

(6) Legally recognized privileged or analogous relationships, such as those of attorneys, physicians, or ministers.

(7) Religious practices, affiliations, or beliefs of the student or the student's parent or guardian.

(8) Income, except when required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

c. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and is scheduled in advance, and that is not necessary to protect the immediate health and safety of the student or other students.

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

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

6. For purposes of this section, unless the context otherwise requires:

a. "*Material*" means the same as defined in section 728.1.

b. "*Minor child*" means an individual under eighteen years of age.

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

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

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

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

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

DIVISION II

STUDENT FIRST SCHOLARSHIP PROGRAM

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

NEW SUBSECTION. 65. Adopt rules relating to the administration of and applications for the student first scholarship program pursuant to section 257.11B, including but not limited to application processing timelines and information

required to be submitted by a parent or guardian.

Sec. 5. Section 257.11, subsection 5, Code 2022, is amended to read as follows:

5. *Shared operational functions —— increased student opportunities —— budget years beginning in 2014 through ~~2024~~ 2034.*

a. (1) In order to provide additional funding to increase student opportunities and redirect more resources to student programming for school districts that share operational functions, a district that shares with a political subdivision one or more operational functions of a curriculum director, master social worker, independent social worker, work-based learning coordinator, special education director, mental health professional who holds a statement of recognition issued by the board of educational examiners, a school resource officer, or school counselor, or one or more operational functions in the areas of superintendent management, business management, human resources, transportation, or operation and maintenance for at least twenty percent of the school year shall be assigned a supplementary weighting for each shared operational function. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function. A school district that shares an operational function in the area of business management, human resources, transportation, or operation and maintenance shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director; a master social worker or an independent social worker licensed under chapters 147 and 154C; a work-based learning coordinator; a special education director; a mental health professional who holds a statement of recognition issued by the board of educational examiners; a school resource officer; or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The additional weighting

shall be assigned for each discrete operational function shared. However, a school district may receive the additional weighting under this subsection for sharing the services of an individual with a political subdivision even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting under this subsection. In such case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement to receive supplementary weighting under this subsection.

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

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

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

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

b. (1) Notwithstanding paragraph *"a"*, subparagraph (1), each operational function assigned a supplementary weighting of five pupils under paragraph *"a"*, subparagraph (1), shall instead be assigned a supplementary weighting of four pupils for the school budget years beginning July 1, 2022, ~~July 1,~~

~~2023, and July 1, 2024~~ through July 1, 2034.

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

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

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

e. Supplementary weighting pursuant to this subsection shall be available to an area education agency during the period commencing with the budget year beginning July 1, 2014, through the budget year beginning July 1, ~~2024~~ 2034. The minimum amount of additional funding for which an area education agency shall be eligible in a budget year is thirty thousand dollars, and the maximum amount of additional funding for which an area education agency shall be eligible is two hundred

thousand dollars. The department of management shall annually set a weighting for each area education agency to generate the approved operational sharing expense using the area education agency's special education cost per pupil amount and foundation level. Criteria for determining the qualification of operational functions for supplementary weighting shall be determined by the department by rule, through consideration of increased student opportunities.

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

Sec. 6. NEW SECTION. **257.11B Student first scholarship program.**

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

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

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

pupils pursuant to this subparagraph for the same school year.

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

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

c. No more than ten thousand student first scholarships shall be made available each school year.

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

2. *a.* By January 1 preceding the school year for which the student first scholarship is requested, all of the following individuals may request a student first scholarship by submitting an application to the department of education, on application forms developed by the department of education, indicating the individual intends to enroll the pupil in a nonpublic school for the entirety of the school year:

(1) The parent or guardian of a pupil currently enrolled in a school district who has been enrolled in that school district for the equivalent of at least two semesters immediately preceding the school year for which the student first scholarship is requested.

(2) The parent or guardian of a pupil who is eligible to enroll in a school district for kindergarten in the next school year.

(3) The parent or guardian of pupil enrolled in a nonpublic school who received a student first scholarship in the current school year.

b. By February 1 preceding the school year for which the student first scholarship is requested, the department of education shall determine the number of pupils in each school

district approved to receive a scholarship for the following school year and shall notify the parent or guardian of each pupil approved for the following school year to receive a scholarship and the amount of the scholarship for the pupil. The department of education shall approve pupils who received a student first scholarship for the immediately preceding school budget year who are eligible to enroll in grade one through grade twelve, who meet the requirements of subsection 1, paragraph *"a"*, subparagraph (1) or (2), and who are not otherwise ineligible under this section. The department of education shall approve the remaining pupils who did not receive a student first scholarship for the immediately preceding school budget year, subject to the limitation in subsection 1, paragraph *"c"*, on a first-come, first-served basis based on the date the parent or guardian submitted the application pursuant to paragraph *"a"*.

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

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

a. The product of the pupil's weighted enrollment that would otherwise be assigned to the pupil under this chapter if the pupil was enrolled in the pupil's district of residence multiplied by the difference between eighty-eight and four-tenths percent of the regular program state cost per pupil and the statewide average foundation property tax per pupil.

b. The total teacher salary supplement district cost per pupil for the pupil's district of residence.

c. The total professional development supplement district cost per pupil for the pupil's district of residence.

d. The total early intervention supplement district cost per pupil for the pupil's district of residence.

e. The total area education agency teacher salary supplement

district cost per pupil for the pupil's district of residence.

f. The total area education agency professional development supplement district cost per pupil for the pupil's district of residence.

g. The total teacher leadership supplement district cost per pupil for the pupil's district of residence.

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

a. Make and enter into contracts necessary for the administration of the fund.

b. Procure insurance against any loss in connection with the assets of the fund or require a surety bond.

c. 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.

d. Conduct audits or other reviews necessary to properly administer the program.

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

5. *a.* For each pupil approved for a student first scholarship, the nonpublic school shall certify the pupil's

enrollment and the department of education shall establish an account for that pupil in the student first scholarship fund. The amount of the pupil's student first scholarship shall be deposited into the pupil's account on July 1, and such amount shall be immediately available for the payment of qualified educational expenses incurred by the parent or guardian for the pupil during that fiscal year using the payment method authorized under subsection 4, paragraph "*c*".

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

c. Moneys remaining in a pupil's account upon conclusion of the fiscal year shall 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 under the program or until the remaining amounts are transferred to the state general fund under subsection 8.

6. *a.* For purposes of this section, "*qualified educational expenses*" includes tuition and fees at a nonpublic school, textbooks, fees or payments for educational therapies, including tutoring or cognitive skills training, curriculum fees, software, and materials for a course of study for a specific subject matter or grade level, tuition or fees for nonpublic online education programs, tuition for vocational and life skills education approved by the department of education, education materials and services for pupils with disabilities, including the cost of paraprofessionals and assistants who are trained in accordance with state law, standardized test fees, advanced placement examinations or examinations related to postsecondary education admission or credentialing, qualified education expenses, as defined in section 12D.1, excluding room and board expenses, and other expenses incurred by the parent or guardian that are directly related to the education

of the pupil at a nonpublic school, including a nonpublic school accredited by an independent accrediting agency approved by the department of education. The cost of one computer or other portable computing device shall be allowed as a qualified educational expense for a pupil if the computer or portable computing device is used primarily for the education of the pupil and if such a purchase has not been made using funds from that pupil's account in any of the three immediately preceding fiscal years.

b. "Qualified educational expenses" does not include transportation costs for the pupil, the cost of food or refreshments consumed by the pupil, the cost of clothing for the pupil, or the cost of disposable materials, including but not limited to paper, notebooks, pencils, pens, and art supplies.

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

b. If, prior to the end of the required attendance

period of the school year, a pupil who receives a student first scholarship withdraws from enrollment in the nonpublic school or is expelled, the nonpublic school shall notify the department of education in writing of the pupil's withdrawal or expulsion, and the pupil's parent or guardian shall notify the department of education of the pupil's withdrawal or expulsion from the nonpublic school. A pupil's expulsion from the nonpublic school prior to the end of the required attendance period for the school year shall invalidate the pupil's eligibility for the student first scholarship for the school budget year. A pupil's withdrawal from a nonpublic school prior to the end of the required attendance period of the school year shall invalidate the pupil's eligibility for the student first scholarship for the school budget year unless the withdrawal is the result of a change in residence of the pupil and the pupil, following written notice by the parent or guardian and certification by the new nonpublic school to the department of education, enrolls in a different nonpublic school in this state for the remainder of the school year.

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

(2) Upon receipt of a notice of withdrawal under paragraph *"b"* and a determination that the pupil's withdrawal was not the result of a change in residence, the department of education shall cease disbursements of remaining moneys in the pupil's account in the student first scholarship fund,

close the pupil's account, and transfer any moneys remaining in the pupil's account for deposit in the general fund of the state. In addition, if amounts from the scholarship for the school budget year during which the withdrawal occurs have been disbursed from the pupil's account in the student first scholarship fund, the department of education shall recover such amounts from the parent or guardian to the extent the amount disbursed exceeds the amount of the scholarship proportionate to the remaining portion of the school year following the withdrawal, including by initiating legal proceedings to recover such amounts, if necessary.

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

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

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

9. *a.* A parent may appeal to the state board of education any administrative decision the department of education makes pursuant to this section, including but not limited to determinations of eligibility, allowable expenses, and removal from the program. The department shall notify the parent or guardian in writing of the appeal process at the same time the department notifies the parent or guardian of the

administrative decision. The state board of education shall establish the appeals process consistent with chapter 17A and shall post such appeal process information on the state board of education's internet site.

b. The state board of education shall refer cases of substantial misuse of student first scholarship funds to the attorney general for the purpose of collection or for the purpose of a criminal investigation if the state board of education obtains evidence of fraudulent use of an account.

10. *a.* This section shall 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.

b. This section shall 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 this section.

c. A nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account in the student first scholarship fund is not an agent of this state or of a political subdivision of this state.

d. Rules adopted by the department of education to implement this section that impose an undue burden on a nonpublic school are invalid.

e. A nonpublic school that accepts payment from a parent or guardian using funds from a pupil's account in the student first scholarship fund shall be given the maximum freedom possible to provide for the educational needs of the school's students, consistent with state and federal law.

Sec. 7. NEW SECTION. **257.16E Student first operational sharing fund.**

1. A student first operational sharing fund is created as

a separate and distinct fund in the state treasury under the control of the department of management. Moneys in the fund include revenues credited to the fund, appropriations made to the fund, and other moneys deposited into the fund.

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

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

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

4. Notwithstanding section 8.33, any moneys remaining in the student first operational sharing fund at the end of

a fiscal year shall not revert to any other fund but shall remain in the student first operational sharing fund for use as provided in this section for the following fiscal year.

Sec. 8. Section 257.31, subsection 16, Code 2022, is amended to read as follows:

16. The committee shall perform the duties assigned to it under sections 257.16E, 257.32, 257.40, and 260C.18B.

Sec. 9. Section 422.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 51. Subtract, to the extent included, the amount of a student first scholarship under section 257.11B received by the taxpayer for payment of qualified educational expenses.

Sec. 10. STUDENT FIRST SCHOLARSHIP PROGRAM APPLICATIONS FOR THE SCHOOL YEAR BEGINNING JULY 1, 2022.

1. Notwithstanding the deadline in section 257.11B, subsection 2, paragraph "a", as enacted in this division of this Act, by May 1 preceding the school year beginning July 1, 2022, the parent or guardian of a pupil who is enrolled in a school district or who is eligible to enroll in a school district for kindergarten in the next school year, and who is requesting a student first scholarship for the school year beginning July 1, 2022, may request a student first scholarship by submitting an application to the department of education, on application forms developed by the department of education, indicating that the parent or guardian intends to enroll the pupil in a nonpublic school for the entirety of the school year beginning July 1, 2022.

2. Notwithstanding the deadline in section 257.11B, subsection 2, paragraph "b", as enacted in this division of this Act, by June 1 preceding the school year beginning July 1, 2022, the department of education shall determine the number of pupils in each school district approved to receive a scholarship for the following school year and shall notify the parent or guardian of each pupil approved for the following

school year to receive a scholarship and the amount of the scholarship for the pupil.

Sec. 11. EMERGENCY RULES. The department of education may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of the section of this division of this Act enacting section 256.9, subsection 65, and section 257.11B, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 12. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act enacting section 256.9, subsection 65.

2. The section of this division of this Act enacting section 257.11B.

3. The section of this division of this Act establishing deadlines for the applications for the student first scholarship program for the school year beginning July 1, 2022.

4. The section of this division of this Act authorizing the department of education to engage in emergency rulemaking.

Sec. 13. APPLICABILITY. The following applies to school budget years and fiscal years beginning on or after July 1, 2022:

The section of this division of this Act enacting section 257.11B.

Sec. 14. APPLICABILITY. The following applies to school budget years and fiscal years beginning on or after July 1, 2023:

The section of this division of this Act enacting section 257.16E.

Sec. 15. RETROACTIVE APPLICABILITY. The following applies retroactively to tax years beginning on or after January 1, 2022:

The section of this division of this Act enacting section 422.7, subsection 51.

DIVISION III

SOCIAL STUDIES INSTRUCTION

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

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

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

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

(b) A study of the Constitution of the United States and the Bill of Rights contained in the Constitution and an assessment of a student's knowledge of the Constitution and the Bill of Rights.

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

(ii) A student shall answer at least seventy percent of the

questions on the civics test developed by the United States citizenship and immigration services correctly as a condition of graduation. A student who fails to answer at least seventy percent of the questions on the civics test correctly may retake the civics test as many times as necessary.

DIVISION IV

PRIVATE INSTRUCTION —— SPECIAL EDUCATION

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

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

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

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

DIVISION V

OPEN ENROLLMENT

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

5. *a.* Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district.

b. A decision of either board to deny an application filed under this subsection involving 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 section 290.1. A decision of either board to deny an application filed under this subsection related to the sibling or stepsibling of a student described in this paragraph is also subject to appeal under section 290.1.

c. The state board shall adopt by rule the criteria for determining a resident district's consistent failure to reasonably respond to a student's failure to meet basic academic standards and shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

Sec. 20. Section 282.18, subsection 11, paragraph a, Code 2022, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (08) If the pupil participates in open enrollment because the pupil's sibling or stepsibling participates in open enrollment as a result of the sibling or stepsibling's appeal under section 282.18, subsection 5, paragraph *"b"*.

DIVISION VI

PRACTITIONER PREPARATION PROGRAMS

Sec. 21. Section 256.7, subsection 3, paragraph b, Code 2022, is amended to read as follows:

b. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and~~, except as provided in section 256.16, subsection 3,~~ shall not include a procedure for the waiving of any of the standards prescribed.

Sec. 22. Section 256.16, subsection 1, paragraph a, Code

2022, is amended by striking the paragraph.

Sec. 23. Section 256.16, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. Require that each student admitted to an approved practitioner preparation program participate in pre-student teaching field experiences that include both observation and participation in teaching activities in a variety of school settings. ~~These~~ Pre-student teaching field experiences for students participating in an initial teacher preparation program shall comprise a total of at least ~~fifty~~ eighty hours in duration, at least ten hours of which shall occur prior to a student's acceptance in an approved practitioner preparation program. Pre-student teaching field experiences for students participating in a teacher intern preparation program shall comprise a total of at least fifty hours in duration. The student teaching experience shall be a minimum of fourteen weeks in duration during the student's final year of the practitioner preparation program. The program shall make every reasonable effort to offer the student teaching experience prior to a student's last semester, or equivalent, in the program, and to expand the student's student teaching opportunities beyond one semester or the equivalent.

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

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

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

Sec. 26. Section 272.2, subsection 14, paragraph b,

subparagraph (5), Code 2022, is amended to read as follows:

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

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

Sec. 28. HIGHER EDUCATION INSTITUTIONS —— NOTICE TO FORMER STUDENTS. All higher education institutions providing practitioner preparation shall notify students who failed to achieve the minimum passing scores set by the department of education on the assessments administered under section 256.16, subsection 1, paragraph "a", subparagraph (2), Code 2022, before the effective date of this division of this Act, of the changes related to the completion of a practitioner preparation program provided by this division of this Act, including the student's ability to apply for an initial license from the board of educational examiners if the student completed all other requirements of a practitioner preparation program approved under section 256.7, subsection 3.

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

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

DIVISION VII

INCIDENTS RELATED TO LICENSED PRACTITIONERS

Sec. 31. Section 232.69, subsection 1, unnumbered paragraph 1, Code 2022, is amended to read as follows:

The classes of persons enumerated in this subsection shall make a report within twenty-four hours and as provided in section 232.70, of cases of child abuse. In addition, the

classes of persons enumerated in this subsection shall make a report of abuse of a child ~~who is under twelve years of age and may make a report of abuse of a child who is twelve years of age or older,~~ which would be defined as child abuse under section 232.68, subsection 2, paragraph *"a"*, subparagraph (3) or (5), except that the abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child.

Sec. 32. Section 232.69, subsection 1, paragraph b, subparagraph (4), Code 2022, is amended to read as follows:

(4) A licensed school employee, certified para-educator, holder of a coaching authorization issued under section 272.31, full-time school employee who is eighteen years of age or older, or an instructor employed by a community college.

Sec. 33. Section 232.70, subsection 6, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0f.* If the person making the report is a licensed school employee who reasonably believes the person responsible for the injury is a licensed school employee, the identity of the licensed school employee the person making the report believes is responsible for the injury.

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

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

b. The process shall prohibit the boards of directors of a school district and the authorities in charge of an accredited

nonpublic school from entering into any of the following:

(1) A written or oral agreement that prohibits the board of directors of the school district or the authorities in charge of an accredited nonpublic school, an employee of the school district or the accredited nonpublic school, or a contractor of the school district or the accredited nonpublic school from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

(2) A written or oral agreement that waives the liability of an individual with a license, endorsement, certification, authorization, or statement of recognition issued by the board of educational examiners related to or arising from an incident, past performance or action, or past allegations of wrongdoing.

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

d. If the board of educational examiners finds that the board of directors of a school district or the authorities in charge of an accredited nonpublic school has intentionally failed to follow the process established by this subsection regarding an incident, or the reporting requirements established pursuant to section 272.15, the board of educational examiners shall assess a fine against an administrator of the school district or the accredited nonpublic school who failed to ensure compliance with the process of not less than five hundred dollars and not more than five thousand dollars. Payments of the fine provided in this

paragraph shall be remitted to the treasurer of the state for deposit in the general fund of the state.

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

Sec. 35. Section 256E.7, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0i.* Be subject to and comply with the requirements of section 280.32 in the same manner as a school district.

Sec. 36. Section 272.2, subsection 14, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2022, is amended to read as follows:

The person entered a plea of guilty to, ~~or~~ has been found guilty of, or the board has found by a preponderance of the evidence that the person committed, any of the following offenses, whether or not a sentence is imposed:

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

15. *a.* Adopt rules that require specificity in written complaints that are filed by individuals who have personal knowledge of an alleged violation and which are accepted by the board, provide that the jurisdictional requirements as set by the board in administrative rule are met on the face of the

complaint before initiating an investigation of allegations, provide that any investigation be limited to the allegations contained on the face of the complaint, provide for an adequate interval between the receipt of a complaint and public notice of the complaint, permit parties to a complaint to mutually agree to a resolution of the complaint filed with the board, allow the respondent the right to review any investigative report upon a finding of probable cause for further action by the board, require that the conduct providing the basis for the complaint occurred within three years of discovery of the event by the complainant unless good cause can be shown for an extension of this limitation, and require complaints to be resolved within one hundred eighty days unless good cause can be shown for an extension of this limitation.

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

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

d. Adopt rules that require the evaluation of complaints that did not result in any discipline or sanction if similar complaints are filed against the same licensed practitioner.

e. Adopt rules that require the board to investigate an administrator who is employed by the school that employs a licensed practitioner who is the subject of an investigation initiated under paragraph *"a"*. The rules shall require the board to investigate whether the administrator filed a written complaint pursuant to this subsection and whether the administrator was required to report to the board pursuant to

section 272.15.

Sec. 38. Section 279.69, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Prior to hiring an individual who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners, a school district shall view the board of educational examiner's public license information to determine if the individual has a case pending with a finding of probable cause or any licensure sanction. This subsection shall not be construed to require the board of educational examiners to disclose unfounded, closed investigations.

Sec. 39. NEW SECTION. **280.32 Incidents related to licensed practitioners —— reporting and investigation.**

The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall follow the process created by the department of education pursuant to section 256.9, subsection 66, related to the reporting and investigation of an incident 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 board of educational examiners.

DIVISION VIII

BOARD OF EDUCATIONAL EXAMINERS —— RENEWAL CREDITS

Sec. 40. Section 272.2, subsection 1, paragraph c, Code 2022, is amended to read as follows:

c. Rules adopted pursuant to this subsection establishing licensure renewal requirements shall provide that up to half of the units needed for licensure renewal may be earned upon the successful completion of an individualized professional development plan as verified by the supervising licensed evaluator, or by successful completion of professional development courses or programs offered by a professional development program licensed by the board, or by a practitioner preparation institution or area education agency approved by

the state board of education. The rules shall require that holders of a master educator teaching license, professional service license, or professional administrator license who are employed by a school district described in chapter 274, charter school, or accredited nonpublic school may earn all renewal credits, except for the evaluator training required by section 284.10 and the mandatory reporter training required by section 232.69, through professional development activities as verified by the supervising licensed evaluator.