

Senate File 496

1 Amend Senate File 496, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 SCHOOL BOARDS — DUTIES AND RESPONSIBILITIES

7 Section 1. NEW SECTION. **279.8C Board of directors — access**
8 **to information.**

9 1. The board of directors of a school district shall have
10 access to and may review any of the following:

11 a. The curriculum associated with any instruction provided
12 to students enrolled in the school district.

13 b. Materials located in a library operated by the school
14 district, including a library located in a classroom.

15 2. A school district shall not prohibit a member of the
16 board of directors of the school district from attending
17 classes taught by teachers employed by the school district
18 to observe classroom instruction, not for the purpose of
19 evaluation, if the member has provided reasonable prior notice
20 to the superintendent and principal of the attendance center
21 in which the classes are taught and to the teacher providing
22 the instruction.

23 3. a. A school district shall not prohibit a member of
24 the board of directors of the school district from accessing
25 materials used in a professional development program that
26 the school district, or an administrator employed by the
27 school district, requires employees of the school district to
28 attend. This paragraph shall not be construed to authorize
29 a member of the board of directors of the school district to
30 access an individual teacher professional development plan
31 developed pursuant to section 284.6 or any materials related
32 to an intensive assistance program a teacher is required to
33 participate in pursuant to section 284.8.

34 b. A school district, or an administrator employed by the
35 school district, shall provide copies of materials used in a

1 professional development program that the school district, or
2 an administrator employed by the school district, requires
3 employees of the school district to attend to a member of the
4 board of directors of the school district upon request. This
5 paragraph shall not be construed to require a school district,
6 or an administrator employed by the school district, to provide
7 copies of an individual teacher professional development plan
8 developed pursuant to section 284.6, or any materials related
9 to an intensive assistance program a teacher is required to
10 participate in pursuant to section 284.8, to a member of the
11 board of directors of the school district.

12 4. For purposes of this section, "*professional development*
13 *program*" means the same as defined in section 272.1.

14 DIVISION II

15 RESPONSIBILITIES AND REQUIREMENTS RELATED TO HEALTH

16 Sec. 2. DEPARTMENT OF EDUCATION — HEALTH CARE-RELATED
17 TRAINING FOR SCHOOL PERSONNEL WORK GROUP.

18 1. The department of education shall convene and provide
19 administrative support to a health care-related training
20 for school personnel work group. The work group shall
21 review and develop a plan to ensure Iowa educators have the
22 health care training necessary to perform their duties and
23 responsibilities, and shall consider and submit recommendations
24 for delivery and implementation of training required under
25 state law or rule.

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

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

33 (2) One member who is a staff member from the Iowa
34 department of health and human services.

35 b. Members who shall represent each of the following:

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

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

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

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

9 (5) One member representing the area education agencies.

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

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

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

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

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

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

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

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

31 a. Identify which trainings can be best provided over the
32 internet, and how such training can be rotated on a five-year
33 basis for school personnel.

34 b. Develop a plan for a regular cycle of health care-related
35 training for school personnel review, with the goal of removing

1 or modifying training or training programs that are no longer
2 relevant, and identifying less costly and more efficient
3 options that still provide the appropriate level of training to
4 school personnel.

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

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

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

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

20 6. If the work group recommends elimination or significant
21 modification of certain health care-related training for
22 school personnel, the department of education shall identify
23 stakeholders who would potentially be affected by such
24 change, and shall invite representatives from organizations
25 representing such stakeholders to submit comments before or
26 at an upcoming work group meeting before the work group makes
27 final recommendations.

28 7. The department of education shall compile the work
29 group's findings and recommendations and shall submit the
30 compilation, including any proposal for legislation, in a
31 report to the general assembly, the governor, and the state
32 board of education by December 1, 2023.

33 DIVISION III

34 MANDATORY REPORTERS

35 Sec. 3. Section 232.69, subsection 1, unnumbered paragraph

1 1, Code 2023, is amended to read as follows:

2 The classes of persons enumerated in this subsection shall
3 make a report within twenty-four hours and as provided in
4 section 232.70, of cases of child abuse. In addition, the
5 classes of persons enumerated in this subsection shall make a
6 report of abuse of a child ~~who is under twelve years of age and~~
7 ~~may make a report of abuse of a child who is twelve years of age~~
8 ~~or older~~, which would be defined as child abuse under section
9 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),
10 except that the abuse resulted from the acts or omissions of
11 a person other than a person responsible for the care of the
12 child.

13 Sec. 4. Section 232.69, subsection 1, paragraph b,
14 subparagraph (4), Code 2023, is amended to read as follows:

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

19 Sec. 5. Section 232.70, subsection 5, Code 2023, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *Of.* If the person making the report is a
22 licensed school employee who reasonably believes the person
23 responsible for the injury is also a licensed school employee,
24 the identity of the licensed school employee the person making
25 the report believes is responsible for the injury.

26 DIVISION IV

27 DEPARTMENT OF EDUCATION — REPORTING AND INVESTIGATION PROCESS

28 Sec. 6. Section 256.9, Code 2023, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 66. a. Develop and implement a process
31 for the reporting and investigation of any incident that arises
32 that may reasonably lead to the conclusion that any individual
33 who is employed by the board of directors of a school district,
34 the authorities in charge of an accredited nonpublic school,
35 or the governing board of a charter school, including an

1 individual with a license, endorsement, certification,
2 authorization, or statement of recognition issued by the
3 board of educational examiners, has committed a felony or,
4 in the case of an individual with a license, endorsement,
5 certification, authorization, or statement of recognition
6 issued by the board of educational examiners, has engaged in
7 conduct described in section 272.15, subsection 1, paragraph
8 "a", subparagraph (1), subparagraph divisions (a) through (d).

9 *b.* The process shall prohibit the board of directors of a
10 school district, the authorities in charge of an accredited
11 nonpublic school, and the governing board of a charter school
12 from entering into any of the following:

13 (1) A written or oral agreement that prohibits the board
14 of directors of the school district, the authorities in charge
15 of an accredited nonpublic school, the governing board of
16 a charter school, an employee of the school district, the
17 accredited nonpublic school, or the charter school, or a
18 contractor of the school district, the accredited nonpublic
19 school, or the charter school from discussing an incident, past
20 performance or actions, past allegations leading to discipline
21 or adverse employment action, or employee resignation with any
22 governmental agent, governmental officer, or any potential
23 employer.

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

30 *c.* The process shall require the board of directors of a
31 school district, the authorities in charge of an accredited
32 nonpublic school, and the governing board of a charter school
33 to finalize the investigation of the incident even if the
34 employee resigns or the employee's contract is terminated
35 during the investigation. The board of directors of a school

1 district, the authorities in charge of an accredited nonpublic
2 school, or the governing board of a charter school, as
3 applicable, shall provide the board of educational examiners
4 with the results of the investigation if the employee who
5 was investigated has a license, endorsement, certification,
6 authorization, or statement of recognition issued by the board
7 of educational examiners.

8 *d.* The process shall require the board of directors of a
9 school district, the authorities in charge of an accredited
10 nonpublic school, and the governing board of a charter school
11 to take all of the following actions with respect to employees
12 who do not hold a license, endorsement, certification,
13 authorization, or statement of recognition issued by the board
14 of educational examiners:

15 (1) Collect and retain all complaints and reports related to
16 incidents reported under this subsection that are associated
17 with the employee and that relate to the health and safety of
18 students.

19 (2) Notify the school district, accredited nonpublic
20 school, or charter school that employs, or is seeking to
21 employ, the employee of the existence and nature of the
22 complaints and reports related to incidents reported under
23 this subsection that are associated with the employee and that
24 relate to the health and safety of students if contacted by
25 the school district, accredited nonpublic school, or charter
26 school. This subparagraph shall not be construed to require
27 the board of directors of a school district, the authorities
28 in charge of an accredited nonpublic school, or the governing
29 board of a charter school to disclose unfounded, closed
30 investigations.

31 *e.* The board of directors of a school district, the
32 authorities in charge of an accredited nonpublic school, or
33 the governing board of a charter school, and contractors of
34 the school district, the accredited nonpublic school, or the
35 charter school shall be immune from any civil liability arising

1 from discussing an incident, past performance or actions,
2 past allegations leading to discipline or adverse employment
3 action, or employee resignation with any governmental agent,
4 governmental officer, or any potential employer.

5 *f.* If the board of educational examiners finds that the
6 board of directors of a school district, the authorities in
7 charge of an accredited nonpublic school, or the governing
8 board of a charter school has intentionally failed to follow
9 the process established by this subsection regarding an
10 incident, or the reporting requirements established pursuant
11 to section 272.15, related to an employee who holds a license,
12 endorsement, certification, authorization, or statement of
13 recognition issued by the board of educational examiners, the
14 board of educational examiners shall assess a fine against
15 an administrator of the school district, the accredited
16 nonpublic school, or the charter school who intentionally
17 failed to ensure compliance with the process of not less than
18 five hundred dollars and not more than five thousand dollars.
19 Payments of the fine provided in this paragraph shall be
20 remitted to the treasurer of the state for deposit in the
21 general fund of the state.

22 *g.* If the department finds that the board of directors of
23 a school district, the authorities in charge of an accredited
24 nonpublic school, or the governing board of a charter school
25 has intentionally failed to follow the process established by
26 this subsection regarding an incident related to an employee
27 who does not hold a license, endorsement, certification,
28 authorization, or statement of recognition issued by the board
29 of educational examiners, the department shall assess a fine
30 against an administrator of the school district, the accredited
31 nonpublic school, or the charter school who intentionally
32 failed to ensure compliance with the process of not less than
33 five hundred dollars and not more than five thousand dollars.
34 Payments of the fine provided in this paragraph shall be
35 remitted to the treasurer of the state for deposit in the

1 general fund of the state.

2 *h.* If the board of educational examiners finds that the
3 board of directors of a school district, the authorities in
4 charge of an accredited nonpublic school, or the governing
5 board of a charter school has intentionally concealed, or
6 attempted to conceal from any governmental agent, governmental
7 officer, or potential employer a founded incident, or any
8 conduct required to be reported pursuant to section 272.15,
9 related to an employee who holds a license, endorsement,
10 certification, authorization, or statement of recognition
11 issued by the board of educational examiners, the board
12 of educational examiners shall assess a fine against an
13 administrator of the school district, the accredited nonpublic
14 school, or the charter school who intentionally assisted in the
15 concealment, or attempted concealment, of an incident, or any
16 conduct required to be reported pursuant to section 272.15,
17 of not more than ten thousand dollars. Payments of the fine
18 provided in this paragraph shall be remitted to the treasurer
19 of the state for deposit in the general fund of the state.

20 *i.* If the department finds that the board of directors of
21 a school district, the authorities in charge of an accredited
22 nonpublic school, or the governing board of a charter school
23 has intentionally concealed, or attempted to conceal from
24 any governmental agent, governmental officer, or potential
25 employer a founded incident related to an employee who does
26 not hold a license, endorsement, certification, authorization,
27 or statement of recognition issued by the board of educational
28 examiners, the department shall assess a fine against an
29 administrator of the school district, the accredited nonpublic
30 school, or the charter school who intentionally assisted in the
31 concealment, or attempted concealment, of an incident of not
32 more than ten thousand dollars. Payments of the fine provided
33 in this paragraph shall be remitted to the treasurer of the
34 state for deposit in the general fund of the state.

35

DIVISION V

1 EDUCATIONAL PROGRAM

2 Sec. 7. Section 256.11, unnumbered paragraph 1, Code 2023,
3 is amended to read as follows:

4 The state board shall adopt rules under chapter 17A and
5 a procedure for accrediting all public and nonpublic schools
6 in Iowa offering instruction at any or all levels from the
7 prekindergarten level through grade twelve. The rules of
8 the state board shall require that ~~a~~ an age-appropriate,
9 multicultural, and gender-fair approach is used by schools and
10 school districts. The educational program shall be taught from
11 ~~a~~ an age-appropriate, multicultural, and gender-fair approach.
12 Global perspectives shall be incorporated into all levels of
13 the educational program. The rules adopted by the state board
14 pursuant to section 256.17, Code Supplement 1987, to establish
15 new standards shall satisfy the requirements of this section to
16 adopt rules to implement the educational program contained in
17 this section. The educational program shall be as follows:

18 Sec. 8. Section 256.11, subsections 2, 3, 4, and 9, Code
19 2023, are amended to read as follows:

20 2. The kindergarten program shall include experiences
21 designed to develop healthy emotional and social habits and
22 growth in the language arts and communication skills, as well
23 as a capacity for the completion of individual tasks, and
24 protect and increase physical well-being with attention given
25 to experiences relating to the development of life skills and,
26 subject to section 279.80, age-appropriate and research-based
27 human growth and development. A kindergarten teacher shall be
28 licensed to teach in kindergarten. An accredited nonpublic
29 school must meet the requirements of this subsection only if
30 the nonpublic school offers a kindergarten program; provided,
31 however, that section 279.80 shall not apply to a nonpublic
32 school.

33 3. The following areas shall be taught in grades one through
34 six: English-language arts, social studies, mathematics,
35 science, health, ~~age-appropriate and research-based~~

1 ~~human growth and development~~, physical education, traffic
2 safety, music, and visual art, and, subject to section
3 279.80, age-appropriate and research-based human growth and
4 development. Computer science instruction incorporating
5 the standards established under section 256.7, subsection
6 26, paragraph "a", subparagraph (4), shall be offered in
7 at least one grade level commencing with the school year
8 beginning July 1, 2023. The health curriculum shall include
9 the characteristics of communicable diseases ~~including acquired~~
10 ~~immune deficiency syndrome~~. The state board as part of
11 accreditation standards shall adopt curriculum definitions for
12 implementing the elementary program.

13 4. The following shall be taught in grades seven and
14 eight: English-language arts; social studies; mathematics;
15 science; health; age-appropriate and research-based human
16 growth and development; career exploration and development;
17 physical education; music; and visual art. Computer science
18 instruction incorporating the standards established under
19 section 256.7, subsection 26, paragraph "a", subparagraph (4),
20 shall be offered in at least one grade level commencing with
21 the school year beginning July 1, 2023. Career exploration
22 and development shall be designed so that students are
23 appropriately prepared to create an individual career
24 and academic plan pursuant to section 279.61, incorporate
25 foundational career and technical education concepts aligned
26 with the six career and technical education service areas
27 as defined in subsection 5, paragraph "h", and incorporate
28 relevant twenty-first century skills. The health curriculum
29 shall include age-appropriate and research-based information
30 regarding the characteristics of sexually transmitted diseases,
31 ~~including HPV and the availability of a vaccine to prevent~~
32 ~~HPV, and acquired immune deficiency syndrome~~. The state board
33 as part of accreditation standards shall adopt curriculum
34 definitions for implementing the program in grades seven
35 and eight. However, this subsection shall not apply to the

1 teaching of career exploration and development in nonpublic
2 schools. ~~For purposes of this section, "age-appropriate",~~
3 ~~"HPV", and "research-based" mean the same as defined in section~~
4 ~~279.50.~~

5 9. a. Beginning July 1, 2006, each school district shall
6 have a qualified teacher librarian who shall be licensed by
7 the board of educational examiners under chapter 272. Each
8 school district shall establish a kindergarten through grade
9 twelve library program that is consistent with the educational
10 standards established in this section, contains only
11 age-appropriate materials, and supports the student achievement
12 goals of the total school curriculum.

13 b. The state board shall establish in rule a definition
14 of and standards for an articulated sequential kindergarten
15 through grade twelve media program.

16 c. A school district that entered into a contract with an
17 individual for employment as a media specialist or librarian
18 prior to June 1, 2006, shall be considered to be in compliance
19 with this subsection until June 30, 2011, if the individual
20 is making annual progress toward meeting the requirements
21 for a teacher librarian endorsement issued by the board of
22 educational examiners under chapter 272. A school district
23 that entered into a contract with an individual for employment
24 as a media specialist or librarian who holds at least a
25 master's degree in library and information studies shall be
26 considered to be in compliance with this subsection until the
27 individual leaves the employ of the school district.

28 Sec. 9. Section 256.11, subsection 5, paragraph j,
29 subparagraph (1), Code 2023, is amended to read as follows:

30 (1) One unit of health education which shall include
31 personal health; food and nutrition; environmental health;
32 safety and survival skills; consumer health; family life;
33 age-appropriate and research-based human growth and
34 development; substance abuse and nonuse; emotional and
35 social health; health resources; and prevention and control

1 of disease, including age-appropriate and research-based
2 information regarding sexually transmitted diseases, ~~including~~
3 ~~HPV and the availability of a vaccine to prevent HPV, and~~
4 ~~acquired immune deficiency syndrome.~~

5 Sec. 10. Section 256.11, Code 2023, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 19. For purposes of this section:

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

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

18 *b.* "*Research-based*" means the same as defined in section
19 279.50.

20 DIVISION VI

21 BOARD OF EDUCATIONAL EXAMINERS — LICENSES

22 Sec. 11. Section 256.16, subsection 1, Code 2023, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. *m.* If a higher education institution
25 providing practitioner preparation offers a program that is
26 designed to assist students in attaining a teacher intern
27 license from the board of educational examiners, the program
28 shall require participants to satisfy all of the following
29 requirements before completing the program:

30 (1) A participant in the program must have graduated from
31 an accredited or state-approved college or university and must
32 meet the requirements for an endorsement area approved by the
33 board of educational examiners for a teacher intern license.

34 (2) A participant in the program must submit with the
35 application to the program a copy of an offer of employment

1 from a school.

2 (3) A participant in the program must complete the required
3 pedagogy training.

4 (4) A participant in the program must work under the
5 supervision of a teacher leader assigned by the school district
6 or accredited nonpublic school, including during co-teaching
7 and planning time.

8 Sec. 12. NEW SECTION. **256.161A Temporary initial license**
9 **for applicants who complete an alternative teacher certification**
10 **program.**

11 1. The board shall grant a temporary initial teaching
12 license to an applicant who meets all of the following
13 requirements:

14 a. The applicant shall hold a bachelor's degree from an
15 accredited college or university.

16 b. The applicant shall successfully complete an alternative
17 teacher certification program that includes all of the
18 following:

19 (1) The required content training in the area in which the
20 applicant seeks to be licensed.

21 (2) Pedagogy training, including an examination, that
22 teaches effective instructional delivery, classroom management
23 and organization, assessment, instructional design, and
24 professional learning and leadership.

25 2. To be considered an alternative teacher certification
26 program for purposes of this section, an alternative teacher
27 certification program shall meet all of the following
28 requirements:

29 a. The alternative teacher certification program must
30 operate in at least five states.

31 b. The alternative teacher certification program must have
32 been in operation for at least ten years.

33 3. An individual who successfully completes an alternative
34 teacher certification program and who is granted a temporary
35 initial teaching license by the board under this section is

1 authorized to teach the subjects and grade levels that the
2 individual successfully completed during the alternative
3 teacher certification program.

4 4. An individual who successfully completes an alternative
5 teacher certification program and who is granted a temporary
6 initial teaching license by the board under this section shall
7 not provide instruction to students who are eligible for
8 services under chapter 256B until the individual successfully
9 completes a practicum relating to providing instruction to
10 such students that includes short-term field experiences in
11 educational settings that are connected to specific coursework.

12 5. The board shall treat an individual who successfully
13 completes an alternative teacher certification program and who
14 is granted a temporary initial teaching license by the board
15 under this section in the same manner as an individual who
16 completes a traditional teacher preparation program and who
17 receives an initial teaching license, including during the
18 process of converting the temporary initial teaching license
19 to a standard teaching license.

20 Sec. 13. Section 272.2, subsection 13, Code 2023, is amended
21 to read as follows:

22 13. Adopt rules to provide for nontraditional preparation
23 options for licensing persons who hold a bachelor's degree
24 or higher from an accredited or state-approved college or
25 university, who do not meet other requirements for licensure.
26 The rules shall, at a minimum, require the board to do all of
27 the following:

28 a. Issue a teacher intern license to an applicant who has
29 enrolled in a program established pursuant to section 256.16,
30 subsection 1, paragraph "m".

31 b. Allow a licensee who has attained a teacher intern
32 license pursuant to paragraph "a" to apply for an initial
33 teaching license if the school that employed the licensee
34 during the licensee's completion of the program established
35 pursuant to section 256.16, subsection 1, paragraph "m", and

1 the higher education institution that operated the program,
2 recommend that the licensee be allowed to apply for an initial
3 teaching license.

4 Sec. 14. Section 272.28, Code 2023, is amended to read as
5 follows:

6 **272.28 Licensure beyond a temporary initial license or an**
7 **initial license.**

8 1. Requirements for teacher licensure beyond a temporary
9 initial license or an initial license shall include successful
10 completion of a beginning teacher mentoring and induction
11 program approved by the state board of education pursuant to
12 section 284.5; or two years of successful teaching experience
13 in a school district with an approved career paths, leadership
14 roles, and compensation framework or approved comparable system
15 as provided in section 284.15; or evidence of not less than
16 three years of successful teaching experience at any of the
17 following:

18 a. An accredited nonpublic school in this state.

19 b. A preschool program approved by the United States
20 department of health and human services.

21 c. Preschool programs at school districts approved to
22 participate in the preschool program under chapter 256C.

23 d. Shared visions programs receiving grants from the child
24 development coordinating council under section 256A.3.

25 e. Preschool programs receiving moneys from the school
26 ready children grants account of the early childhood Iowa fund
27 created in section 256I.11.

28 2. A teacher from an accredited nonpublic school or another
29 state or country is exempt from the requirement of subsection 1
30 if the teacher can document three years of successful teaching
31 experience and meet or exceed the requirements contained in
32 rules adopted under this chapter for endorsement and licensure.

33 DIVISION VII

34 SCHOOL RESPONSIBILITIES

35 Sec. 15. Section 256E.7, subsection 2, paragraph i, Code

1 2023, is amended to read as follows:

2 *i.* Be subject to and comply with section 279.76 relating
3 to physical examinations, ~~and~~ health screenings, and formal
4 examinations or surveys designed to assess a student's mental,
5 emotional, or physical health in the same manner as a school
6 district.

7 Sec. 16. Section 256E.7, subsection 2, Code 2023, is amended
8 by adding the following new paragraphs:

9 NEW PARAGRAPH. *0j.* Be subject to and comply with the
10 requirements of section 279.78 relating to prohibitions and
11 requirements related to the gender identity of students in the
12 same manner as a school district.

13 NEW PARAGRAPH. *00j.* Be subject to and comply with the
14 requirements of section 279.79 relating to student, employee,
15 and contractor participation in surveys, analyses, activities,
16 or evaluations in the same manner as a school district.

17 NEW PARAGRAPH. *000j.* Be subject to and comply with the
18 requirements of section 279.80 relating to sexual orientation
19 and gender identity instruction in kindergarten through grade
20 six in the same manner as a school district.

21 NEW PARAGRAPH. *0000j.* Be subject to and comply with the
22 requirements of section 279.81 relating to prohibiting students
23 from serving on any committees that determine, or provide
24 recommendations related to, whether a material in a school
25 library should be removed.

26 NEW PARAGRAPH. *00000j.* Be subject to and comply with the
27 requirements of section 280.33 relating to the reporting and
28 investigation of an incident involving the possible commission
29 of a felony by any person who has been issued a license,
30 endorsement, certification, authorization, or statement of
31 recognition by the board of educational examiners in the same
32 manner as a school district.

33 NEW PARAGRAPH. *000000j.* Be subject to and comply with the
34 requirements of section 280.34 relating to the requirement
35 to view the board of educational examiners' public license

1 information prior to hiring an individual who has been issued
2 a license, endorsement, certification, authorization, or
3 statement of recognition by the board of educational examiners
4 in the same manner as a school district.

5 **Sec. 17. NEW SECTION. 256E.13 Extracurricular athletic**
6 **activities.**

7 1. If a charter school established pursuant to this chapter
8 does not offer a particular extracurricular athletic activity,
9 a student enrolled in the charter school may participate in the
10 extracurricular athletic activity provided by the student's
11 school district of residence as a member of a team from the
12 student's school district of residence.

13 2. If a student participates in an extracurricular athletic
14 activity provided by the student's school district of residence
15 pursuant to this section, the student shall be included in the
16 school district's basic enrollment under section 257.6 and
17 shall be counted as one-tenth of one pupil for purposes of
18 section 257.6.

19 3. The state board may adopt rules pursuant to chapter 17A
20 to administer this section.

21 **Sec. 18. Section 256F.4, subsection 2, paragraph k, Code**
22 **2023, is amended to read as follows:**

23 *k.* Be subject to and comply with section 279.76 relating
24 to physical examinations, and health screenings, and formal
25 examinations or surveys designed to assess a student's mental,
26 emotional, or physical health in the same manner as a school
27 district.

28 **Sec. 19. Section 256F.4, subsection 2, Code 2023, is amended**
29 **by adding the following new paragraphs:**

30 **NEW PARAGRAPH. 1.** Be subject to and comply with the
31 requirements of section 279.78 relating to prohibitions and
32 requirements related to the gender identity of students in the
33 same manner as a school district.

34 **NEW PARAGRAPH. m.** Be subject to and comply with the
35 requirements of section 279.79 relating to student, employee,

1 and contractor participation in surveys, analyses, activities,
2 or evaluations in the same manner as a school district.

3 NEW PARAGRAPH. *n.* Be subject to and comply with the
4 requirements of section 279.80 relating to sexual orientation
5 and gender identity instruction in kindergarten through grade
6 six in the same manner as a school district.

7 NEW PARAGRAPH. *o.* Be subject to and comply with the
8 requirements of section 279.81 relating to prohibiting students
9 from serving on any committees that determine, or provide
10 recommendations related to, whether a material in a school
11 library should be removed.

12 NEW PARAGRAPH. *p.* Be subject to and comply with the
13 requirements of section 280.33 relating to the reporting and
14 investigation of an incident involving the possible commission
15 of a felony by any person who has been issued a license,
16 endorsement, certification, authorization, or statement of
17 recognition by the board of educational examiners in the same
18 manner as a school district.

19 NEW PARAGRAPH. *q.* Be subject to and comply with the
20 requirements of section 280.34 relating to the requirement
21 to view the board of educational examiners' public license
22 information prior to hiring an individual who has been issued
23 a license, endorsement, certification, authorization, or
24 statement of recognition by the board of educational examiners
25 in the same manner as a school district.

26 Sec. 20. Section 257.6, subsection 1, paragraph a, Code
27 2023, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (10) In addition to subparagraph (9),
29 resident pupils enrolled in a charter school under chapter 256E
30 who participate in extracurricular athletic activities pursuant
31 to section 256E.13 shall be counted as one-tenth of one pupil.

32 Sec. 21. Section 279.50, subsections 1 and 2, Code 2023, are
33 amended to read as follows:

34 1. ~~Each~~ Subject to section 279.80, each school board shall
35 provide instruction in kindergarten which gives attention

1 to experiences relating to life skills and human growth and
2 development as required in section 256.11. School districts
3 shall use research provided in section 256.9, subsection 46,
4 paragraph "b", to evaluate and upgrade their instructional
5 materials and teaching strategies for human growth and
6 development.

7 2. Each school board shall provide age-appropriate and
8 research-based instruction in human growth and development
9 including instruction regarding human sexuality, self-esteem,
10 stress management, interpersonal relationships, domestic
11 abuse, ~~HPV and the availability of a vaccine to prevent HPV,~~
12 ~~and acquired immune deficiency syndrome~~ and the prevention and
13 control of disease, including sexually transmitted diseases as
14 required in section 256.11, in grades ~~one~~ seven through twelve.

15 Sec. 22. Section 279.50, Code 2023, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 1A. Subject to section 279.80, each
18 school board shall provide age-appropriate and research-based
19 instruction in human growth and development including
20 instruction regarding self-esteem, stress management,
21 interpersonal relationships, and domestic abuse in grades one
22 through six.

23 Sec. 23. Section 279.50, subsection 9, paragraphs b and c,
24 Code 2023, are amended by striking the paragraphs.

25 Sec. 24. Section 279.76, subsection 1, Code 2023, is amended
26 to read as follows:

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

1 to an emancipated minor or a minor who is not residing with the
2 parent or guardian.

3 b. Each school district shall give written notice to a
4 student's parent or guardian of an examination or survey of
5 the student required by state or federal law that is designed
6 to assess the student's mental, emotional, or physical health
7 not less than seven days prior to the examination or survey.
8 The notice shall include a copy of the examination or survey
9 or a link to an internet site where the parent or guardian may
10 access the examination or survey.

11 c. This subsection shall not apply to a hearing or vision
12 examination.

13 **Sec. 25. NEW SECTION. 279.77 Transparency — publication**
14 **of school district information.**

15 1. Each school district shall publish all of the following
16 information related to the current school year on the school
17 district's internet site:

18 a. A detailed explanation of the procedures or policies
19 in effect for the parent or guardian of a student enrolled in
20 the school district to request the removal of a book, article,
21 outline, handout, video, or other educational material that is
22 available to students in the classroom or in a library operated
23 by the school district. Each school district shall prominently
24 display the detailed explanation on the school district's
25 internet site.

26 b. A detailed explanation of the procedures or policies in
27 effect to request the review of decisions made by the board
28 of directors of the school district, including the petition
29 process established pursuant to section 279.8B.

30 2. The board of directors of each school district shall
31 adopt a policy describing the procedures for a resident of
32 the district to review the instructional materials used in
33 classrooms in the school district. The policy shall include
34 a process for a student's parent or guardian to request
35 that the student not be provided with certain instructional

1 materials. The policy shall be prominently displayed on the
2 school district's internet site and the board of directors of
3 the school district shall, at least annually, provide a written
4 or electronic copy of the policy to the parent or guardian of
5 each student enrolled in the school district. For purposes of
6 this section, "*instructional materials*" means either printed
7 or electronic textbooks and related core materials that are
8 written and published primarily for use in elementary school
9 and secondary school instruction and are required by a state
10 educational agency or local educational agency for use by
11 students in the student's classes by the teacher of record.
12 "*Instructional materials*" does not include lesson plans.

13 3. Each school district shall make available on the school
14 district's internet site a comprehensive list of all books
15 available to students in libraries operated by the school
16 district. However, for school years beginning prior to July
17 1, 2025, if the school district does not use an electronic
18 catalog, the school district may request a waiver from this
19 requirement from the department of education.

20 4. The identity of a parent or guardian who requests the
21 removal of a book, article, outline, handout, video, or other
22 educational material that is available to students in the
23 classroom or in a library operated by the school district
24 pursuant to subsection 1, paragraph "a", shall be confidential
25 and shall not be a public record subject to disclosure under
26 chapter 22.

27 5. This section shall not be construed to require a school
28 district to do any of the following:

29 a. Reproduce educational materials that were not created by
30 a person employed by the board of directors.

31 b. Distribute any educational materials in a manner that
32 would infringe on the intellectual property rights of any
33 person.

34 **Sec. 26. NEW SECTION. 279.78 Parental rights in education.**

35 1. As used in this section:

1 *c.* Sexual behavior, orientation, or attitudes.
2 *d.* Illegal, antisocial, self-incriminating, or demeaning
3 behavior.
4 *e.* Critical appraisals of other individuals with whom the
5 student has close familial relationships.
6 *f.* Legally recognized privileged or analogous relationships,
7 such as those of attorneys, physicians, or ministers.
8 *g.* Religious practices, affiliations, or beliefs of the
9 student or the student's parent or guardian.
10 *h.* Income, except when required by law to determine
11 eligibility for participation in a program or for receiving
12 financial assistance under such a program.
13 2. An employee of a school district, or a contractor engaged
14 by a school district, shall not answer any question pertaining
15 to any particular student enrolled in the school district
16 in any survey related to the social or emotional abilities,
17 competencies, or characteristics of the student, unless the
18 board of directors of the school district satisfies all of the
19 following requirements:
20 *a.* The board of directors of the school district provides to
21 the parent or guardian of each student enrolled in the school
22 district detailed information related to the survey, including
23 the person who created the survey, the person who sponsors the
24 survey, how information generated by the survey is used, and
25 how information generated by the survey is stored.
26 *b.* The board of directors of the school district receives
27 the written consent from a student's parent or guardian
28 authorizing the employee or contractor to answer questions in
29 the survey pertaining to the student.
30 3. Subsection 2 shall not be construed to prohibit an
31 employee of a school district, or a contractor engaged by a
32 school district, from answering questions pertaining to any
33 particular student enrolled in the school district as part of
34 the process of developing or implementing an individualized
35 education program for such student.

1 Sec. 28. NEW SECTION. **279.80 Sexual orientation and gender**
2 **identity — prohibited instruction.**

3 1. As used in this section:

4 *a.* “*Gender identity*” means the same as defined in section
5 216.2.

6 *b.* “*Sexual orientation*” means the same as defined in section
7 216.2.

8 2. A school district shall not provide any program,
9 curriculum, test, survey, questionnaire, promotion, or
10 instruction relating to gender identity or sexual orientation
11 to students in kindergarten through grade six.

12 Sec. 29. NEW SECTION. **279.81 Library materials review**
13 **committee.**

14 The board of directors of a school district shall not allow a
15 student to serve on any committee that determines, or provides
16 recommendations related to, whether a material in a library
17 operated by the school district should be removed.

18 Sec. 30. NEW SECTION. **279.82 Intra-district enrollment.**

19 1. A parent or guardian of a student enrolled in a
20 school district may enroll the student in another attendance
21 center within the same school district that offers classes
22 at the student’s grade level in the manner provided in this
23 section if, as a result of viewing a recording created by a
24 video surveillance system or a report from a school district
25 employee, the board of directors of the school district
26 determines that any student enrolled in the school district
27 has harassed or bullied the student. For purposes of this
28 subsection, “*harassment*” and “*bullying*” mean the same as defined
29 in section 280.28.

30 2. *a.* A parent or guardian shall send notification to the
31 board of directors of the school district, on forms prescribed
32 by the department of education, that the parent or guardian
33 intends to enroll the student in another attendance center
34 within the same school district that offers classes at the
35 student’s grade level.

1 **b.** The board of directors of the school district shall
2 enroll the student in another attendance center within the same
3 school district unless the attendance center has insufficient
4 classroom space for the student. The board of directors of a
5 school district may adopt a policy granting the superintendent
6 of the school district authority to approve requests submitted
7 pursuant to this section. If the request is granted, the board
8 of directors of the school district shall transmit a copy of
9 the form to the parent or guardian within five days after board
10 action. The parent or guardian may withdraw the request at any
11 time prior to the board of directors' action on the request.
12 A denial of a request by the board of directors is not subject
13 to appeal.

14 **c.** Each school district shall adopt a policy that defines
15 the term "*insufficient classroom space*" for that district.

16 3. A request under this section is for a period of not
17 less than one year. A student who attends school in another
18 attendance center pursuant to this section may return to the
19 original attendance center and enroll at any time, once the
20 parent or guardian has notified the board of directors of
21 the school district in writing of the decision to enroll the
22 student in the original attendance center.

23 4. If a request filed under this section is for a student
24 requiring special education under chapter 256B, the request to
25 transfer to another attendance center shall only be granted if
26 all of the following conditions are met:

27 **a.** The attendance center maintains a special education
28 instructional program that is appropriate to meet the student's
29 educational needs and the enrollment of the student in the
30 attendance center would not cause the size of the class or
31 caseload in that special education instructional program in the
32 attendance center to exceed the maximum class size or caseload
33 established pursuant to rules adopted by the state board of
34 education.

35 **b.** If the student would be assigned to a general education

1 class, there is sufficient classroom space for the general
2 education class to which the student would be assigned.

3 5. If a student, for whom a request to transfer has been
4 filed with the board of directors of a school district, has
5 been suspended or expelled in the school district, the student
6 shall not be permitted to transfer until the student has been
7 reinstated. Once the student has been reinstated, however, the
8 student shall be permitted to transfer in the same manner as if
9 the student had not been suspended or expelled. If a student,
10 for whom a request to transfer has been filed with the board
11 of directors of a school district, is expelled in the school
12 district, the student shall be permitted to transfer under this
13 section if the student applies for and is reinstated. However,
14 if the student applies for reinstatement but is not reinstated
15 in the school district, the board of directors of the school
16 district may deny the request to transfer. The decision of
17 the board of directors of the school district is not subject
18 to appeal.

19 6. A student who is enrolled in another attendance center
20 within the same school district pursuant to this section is
21 eligible to participate immediately in varsity interscholastic
22 athletic contests and athletic competitions as a member of a
23 team from the receiving attendance center.

24 7. This section shall not be construed to prohibit a
25 school district from allowing the parent or guardian of a
26 student enrolled in the school district to enroll the student
27 in another attendance center within the same school district
28 that offers classes at the student's grade level pursuant to a
29 policy adopted by the board of directors of the school district
30 that allows for transfers for reasons in addition to those
31 allowed pursuant to this section.

32 8. The state board of education shall adopt rules pursuant
33 to chapter 17A to administer this section.

34 Sec. 31. NEW SECTION. 279.83 Notice to parents or guardians
35 related to physical injuries, harassment, or bullying.

1 An employee of a school district shall notify the parents
2 or guardians of a student enrolled in the school district in
3 writing or by electronic mail within twenty-four hours after
4 the employee witnesses, either directly or indirectly by
5 viewing a recording created by a video surveillance system, any
6 of the following:

7 1. Any student enrolled in the school district physically
8 injuring the student.

9 2. Any student enrolled in the school district harassing
10 or bullying the student. For purposes of this subsection,
11 "*harassment*" and "*bullying*" mean the same as defined in section
12 280.28.

13 **Sec. 32. NEW SECTION. 280.13D Seizure action plan and**
14 **training requirements.**

15 1. For the purposes of this section, unless the context
16 otherwise requires:

17 *a. "Individual health plan"* means the confidential, written,
18 preplanned, and ongoing special health service developed for a
19 student who requires such service to be incorporated with the
20 student's educational program.

21 *b. "School nurse"* means a registered nurse holding current
22 licensure recognized by the board of nursing who practices in
23 the school setting to promote and protect the health of the
24 school population by using knowledge from the nursing, social,
25 and public health sciences.

26 *c. "School personnel"* means principals, guidance counselors,
27 teachers, and other relevant employees who have direct contact
28 with and supervise children, including school bus drivers and
29 paraeducators.

30 *d. "Seizure action plan"* means a written set of instructions
31 designed to direct caregivers and staff to intervene in the
32 event of a seizure occurrence and is considered a plan for
33 emergencies as a part of an individual health plan.

34 2. *a.* Starting with the school year beginning July 1,
35 2024, the board of directors of each school district and the

1 authorities in charge of each accredited nonpublic school shall
2 have at least one school employee at each school who has met
3 the training requirements necessary to administer or assist
4 with the self-administration of all of the following:

5 (1) A medication approved by the United States food and
6 drug administration to treat seizure disorder symptoms or
7 a medication approved by the United States food and drug
8 administration as a seizure rescue medication.

9 (2) A manual dose of prescribed electrical stimulation
10 using a vagus nerve stimulator magnet approved by the United
11 States food and drug administration.

12 *b.* The presence of a school nurse employed full-time by
13 a school district or accredited nonpublic school who assumes
14 responsibility for the administration of seizure medications
15 and the administration oversight of vagus nerve stimulation
16 shall fulfill the requirements of paragraph "a". This section
17 shall not be construed to require school personnel, other than
18 a school nurse, to administer a suppository to a student.

19 3. *a.* On or before December 31, 2025, each public school
20 and each accredited nonpublic school shall provide training to
21 all school personnel on how to recognize the signs and symptoms
22 of seizures and the appropriate steps for seizure first aid.

23 *b.* Each public school and each accredited nonpublic school
24 shall require school personnel responsible for the supervision
25 or care of students to undergo seizure recognition and first
26 aid training on a biennial basis.

27 4. Any training programs or guidelines adopted by a state
28 agency for the training of school personnel in the health care
29 needs of students diagnosed with a seizure disorder shall be
30 consistent with training programs and guidelines developed
31 by the epilepsy foundation of America or any successor
32 organization.

33 5. This section shall not be construed to limit the
34 authority of a school district, an accredited nonpublic school,
35 or the department of education to require additional seizure

1 disorder training.

2 6. *a.* Prior to school personnel administering medication
3 prescribed to treat a student's seizure disorder symptoms, a
4 school or accredited nonpublic school shall obtain a signed and
5 dated authorization from the student's parent or guardian that
6 authorizes a person who meets the requirements of subsection 2
7 to administer medication in accordance with the school's policy
8 and procedures.

9 *b.* Authorizations required pursuant to paragraph "a" shall
10 be effective for the school year in which the authorization is
11 granted and must be renewed each school year.

12 7. Upon the request of a student's parent or guardian,
13 a school district or accredited nonpublic school shall
14 collaborate with the parent or guardian and relevant licensed
15 health care professionals, including the school nurse or
16 education team, in the development of an individual health
17 plan, and a seizure action plan if appropriate, consistent
18 with rules adopted by the state board of education. The
19 individual health plan or seizure action plan shall be based
20 on the student's needs and may include but is not limited
21 to assessment, nursing diagnosis, outcomes, planning,
22 interventions, student goals, and a plan for emergencies to
23 provide direction in managing the student's health needs. The
24 plan shall be updated consistent with timelines for individual
25 health plans and with rules adopted by the state board of
26 education.

27 8. *a.* Each school district and each accredited nonpublic
28 school shall maintain all authorizations pursuant to subsection
29 6, individual health plans, and seizure action plans for
30 enrolled students on file in the office of the school nurse or
31 school administrator.

32 *b.* Each school district and each accredited nonpublic
33 school shall distribute information regarding a student's
34 seizure action plan to any school personnel responsible for the
35 supervision or care of the student.

1 9. The requirements of subsections 6, 7, and 8 shall only
2 apply to a school district or accredited nonpublic school that
3 has either of the following:

4 a. An enrolled student with a known diagnosis of epilepsy or
5 seizure disorder.

6 b. An enrolled student who is known to currently be taking
7 medication prescribed by a health care provider as that term
8 is defined in section 135.61, and approved by the United
9 States food and drug administration to treat seizure disorder
10 symptoms.

11 10. The state board of education shall adopt rules to
12 establish a seizure education program for the purpose of
13 providing school districts and accredited nonpublic schools an
14 age-appropriate program on seizures and seizure disorders. The
15 seizure education program shall be consistent with guidelines
16 published by the epilepsy foundation of America or any
17 successor organization, and participation in the program shall
18 be optional.

19 11. A school district or accredited nonpublic school, an
20 employee of a school district or accredited nonpublic school,
21 or an agent of a school district or accredited nonpublic
22 school acting in good faith and in compliance with a student's
23 individual health plan and seizure action plan shall not be
24 liable for any claim for injuries or damages arising from
25 actions taken to assist a student with the student's needs
26 related to epilepsy or a seizure disorder.

27 **Sec. 33. NEW SECTION. 280.33 Incidents related to licensed**
28 **practitioners — reporting and investigation.**

29 The board of directors of a school district and the
30 authorities in charge of each accredited nonpublic school shall
31 follow the process created by the department of education
32 pursuant to section 256.9, subsection 66, related to the
33 reporting and investigation of an incident involving the
34 possible commission of a felony by any employee of the board of
35 directors of the school district or the authorities in charge

1 of the accredited nonpublic school.

2 Sec. 34. NEW SECTION. 280.34 Requirement to view public
3 license information.

4 Prior to hiring an individual who has been issued a license,
5 endorsement, certification, authorization, or statement of
6 recognition by the board of educational examiners, a school
7 district or an accredited nonpublic school, as applicable,
8 shall view the board of educational examiners' public license
9 information to determine if the individual has a case pending
10 with a finding of probable cause or any licensure sanction.
11 This section shall not be construed to require the board
12 of educational examiners to disclose unfounded, closed
13 investigations.

14 Sec. 35. EFFECTIVE DATE. The following, being deemed of
15 immediate importance, take effect upon enactment:

16 1. The section of this division of this Act enacting section
17 279.82.

18 2. The section of this division of this Act enacting section
19 279.83.

20 DIVISION VIII

21 BOARD OF EDUCATIONAL EXAMINERS — MEMBERSHIP AND MISCELLANEOUS
22 RESPONSIBILITIES

23 Sec. 36. Section 272.2, subsection 14, paragraph b,
24 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
25 to read as follows:

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

30 Sec. 37. Section 272.2, subsection 15, Code 2023, is amended
31 to read as follows:

32 15. a. Adopt rules that require specificity in written
33 complaints that are filed by individuals who have personal
34 knowledge of an alleged violation and which are accepted by
35 the board, provide that the jurisdictional requirements as set

1 by the board in administrative rule are met on the face of the
2 complaint before initiating an investigation of allegations,
3 provide that any investigation be limited to the allegations
4 contained on the face of the complaint, provide for an adequate
5 interval between the receipt of a complaint and public notice
6 of the complaint, permit parties to a complaint to mutually
7 agree to a resolution of the complaint filed with the board,
8 allow the respondent the right to review any investigative
9 report upon a finding of probable cause for further action by
10 the board, require that the conduct providing the basis for
11 the complaint occurred within three years of discovery of the
12 event by the complainant unless good cause can be shown for
13 an extension of this limitation, ~~and~~ require complaints to be
14 resolved within one hundred eighty days unless good cause can
15 be shown for an extension of this limitation, and require the
16 board to finalize the investigation of the written complaint
17 even if the licensed practitioner resigns or surrenders the
18 licensed practitioner's license, certificate, authorization, or
19 statement of recognition during the investigation.

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

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

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

34 e. Adopt rules that require the board to investigate an
35 administrator who is employed by the school that employs a

1 licensed practitioner who is the subject of an investigation
2 initiated under paragraph "a". The rules shall require
3 the board to investigate whether the administrator filed a
4 written complaint pursuant to this subsection and whether the
5 administrator was required to report to the board pursuant to
6 section 272.15.

7 Sec. 38. Section 272.2, Code 2023, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 26. Adopt rules pursuant to chapter
10 17A that allow an individual seeking a career and technical
11 secondary authorization to apply, and if eligible, be issued
12 the secondary authorization prior to accepting an offer of
13 employment with a school.

14 Sec. 39. Section 272.3, Code 2023, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **272.3 Membership.**

17 1. The board of educational examiners shall consist of
18 eleven members, subject to the following requirements:

19 a. Five members shall be the parent or guardian of a student
20 who is either currently enrolled or has been enrolled within
21 the seven years immediately prior to the member's appointment
22 in a school district, nonpublic school, or charter school
23 located in this state and shall not currently hold any elective
24 office, shall not be an employee or contractor of a school
25 district, nonpublic school, or charter school, and shall not
26 have been an employee or contractor of a school district,
27 nonpublic school, or charter school within the ten years
28 immediately prior to the member's appointment.

29 b. Five members shall be licensed practitioners. One of
30 the members appointed pursuant to this paragraph shall be an
31 administrator and one shall be a special education teacher.

32 c. One member shall be a member of the board of directors of
33 a school district.

34 2. The membership of the board shall comply with the
35 requirements of sections 69.16 and 69.16A. A quorum of the

1 board shall consist of six members. Members shall elect a
2 chairperson of the board. Members shall be appointed by the
3 governor subject to confirmation by the senate.

4 Sec. 40. Section 272.4, subsection 1, Code 2023, is amended
5 to read as follows:

6 1. ~~Members, except for the director of the department of~~
7 ~~education or the director's designee,~~ shall be appointed to
8 serve staggered terms of four years. A member shall not serve
9 more than two consecutive terms, ~~except for the director of the~~
10 ~~department of education or the director's designee, who shall~~
11 ~~serve until the director's term of office expires.~~ A member of
12 the board, ~~except for the two public members and the director~~
13 ~~of the department of education or the director's designee, who~~
14 is a licensed practitioner appointed pursuant to section 272.3,
15 subsection 1, paragraph "b", shall hold a valid practitioner's
16 license during the member's term of office. A vacancy exists
17 when any of the following occur:

18 a. ~~A nonpublic member's license~~ The license of a licensed
19 practitioner appointed pursuant to section 272.3, subsection 1,
20 paragraph "b", expires, is suspended, or is revoked.

21 b. ~~A nonpublic member~~ licensed practitioner appointed
22 pursuant to section 272.3, subsection 1, paragraph "b", retires
23 or terminates employment as a practitioner.

24 c. A member dies, resigns, is removed from office, or is
25 otherwise physically unable to perform the duties of office.

26 d. A member's term of office expires.

27 Sec. 41. BOARD OF EDUCATIONAL EXAMINERS MEMBERSHIP —
28 TRANSITION.

29 1. The terms of office associated with the members of the
30 board of educational examiners shall, as of the effective
31 date of this division of this Act, be deemed to have expired,
32 notwithstanding the terms of office associated with the members
33 under section 272.3.

34 2. For the members of the board of educational examiners
35 first appointed by the governor on or after the effective date

1 of this division of this Act, five shall serve an initial term
2 of two years and six shall serve an initial term of four years.
3 When the governor appoints such members, the governor shall
4 indicate whether the appointee's term shall be for two years or
5 for four years. For purposes of the limitation on consecutive
6 terms a member may serve under section 272.4, subsection 1, a
7 term of two years shall be considered a full term.

8 DIVISION IX

9 PRIVATE INSTRUCTION AND SPECIAL EDUCATION

10 Sec. 42. Section 299A.9, subsection 1, Code 2023, is amended
11 to read as follows:

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

18 Sec. 43. Section 299A.9, Code 2023, is amended by adding the
19 following new subsection:

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

26 DIVISION X

27 PARENTS AND GUARDIANS RIGHTS

28 Sec. 44. NEW SECTION. 601.1 Parents and guardians —
29 rights.

30 1. For purposes of this section:

31 a. "*Emergent care situation*" means a sudden or unforeseen
32 occurrence or onset of a medical or behavioral condition that
33 could result in serious injury or harm to a minor child in the
34 event immediate medical attention is not provided.

35 b. "*Medical care*" means any care, treatment, service, or

1 procedure to prevent, diagnose, alleviate, treat, or cure a
2 minor child's physical or mental condition.

3 *c. "Minor child"* means an unmarried and unemancipated person
4 under the age of eighteen years.

5 2. Subject to section 147.164, as enacted by 2023 Iowa
6 Acts, Senate File 538, a parent or guardian bears the ultimate
7 responsibility, and has the fundamental, constitutionally
8 protected right, to make decisions affecting the parent's
9 or guardian's minor child, including decisions related to
10 the minor child's medical care, moral upbringing, religious
11 upbringing, residence, education, and extracurricular
12 activities. Any and all restrictions of this right shall be
13 subject to strict scrutiny.

14 3. This section shall not be construed to prohibit any of
15 the following:

16 *a.* A minor child from receiving medical attention in an
17 emergent care situation.

18 *b.* A person from cooperating in a child abuse assessment
19 commenced in accordance with section 232.71B.

20 *c.* A court, law enforcement officer, or an employee of a
21 governmental entity that is responsible for child welfare from
22 acting in the court's, law enforcement officer's, or employee's
23 official capacity and scope of authority.

24 *d.* A court from issuing an order that is otherwise permitted
25 by law.

26 4. This section shall not be construed to authorize a parent
27 or guardian to engage in conduct that is unlawful or to abuse
28 or neglect a minor child in violation of the laws of this
29 state.

30 5. The rights guaranteed to parents and guardians by this
31 section are not a comprehensive list of the rights reserved
32 to parents or guardians of a minor child. The enumeration of
33 the rights contained in this section shall not be construed to
34 limit the rights reserved to parents or guardians of a minor
35 child.

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DIVISION XI

IMPLEMENTATION OF ACT

Sec. 45. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.>

2. Title page, line 3, after <child,> by inserting <authorizing the parent or guardian of a student enrolled in a school district to enroll the student in another attendance center within the same school district in certain specified circumstances, modifying the membership of the board of educational examiners, establishing a temporary initial teaching license to be issued by the board of educational examiners to applicants who complete an alternative teacher certification program,>

3. Title page, line 8, after <screenings,> by inserting <mandatory reporters,>

4. Title page, line 11, by striking <districts> and inserting <districts, accredited nonpublic schools, the department of education, the board of educational examiners,>

5. Title page, line 13, after <education> by inserting <, and including effective date provisions>

PROPOSED COMMITTEE AMENDMENT