

Senate File 2369 - Reprinted

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)

A BILL FOR

1 An Act relating to education, including establishing a student
2 first scholarship program, a student first operational
3 sharing fund, and a process for investigating complaints
4 against licensed practitioners, modifying provisions
5 related to supplementary weighting, the rights of students
6 enrolled in school districts or charter schools, the
7 rights of parents and guardians of those students, social
8 studies instruction, open enrollment, competent private
9 instruction, special education, practitioner preparation
10 programs, mandatory reporters, and the responsibilities
11 of the department of education, school districts, charter
12 schools, accredited nonpublic schools, and the board of
13 educational examiners, and including notice, effective date,
14 applicability, and retroactive applicability provisions.
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PARENT OR GUARDIAN BILL OF RIGHTS

1
2
3 Section 1. Section 256.11, subsection 10, paragraph a,
4 subparagraph (1), Code 2022, is amended by adding the following
5 new subparagraph division:

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

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

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

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

15 1. Unless otherwise prohibited by state or federal law, the
16 board of directors of a school district shall adopt policies to
17 ensure that all of the following parental rights are reserved
18 to the parent or guardian of a minor child without obstruction
19 or interference from the school district in which the minor
20 child is enrolled:

21 *a.* The right to know what the school district in which
22 the minor child is enrolled is teaching the minor child,
23 including the textbooks, books, articles, outlines, handouts,
24 presentations, videos, and any other similar materials the
25 school district uses for student instruction. By July 1, 2025,
26 the school district shall grant access through the internet to
27 the curriculum used for student instruction of a minor child
28 enrolled in the school district to the parent or guardian of
29 the minor child.

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

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

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

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

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

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

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

17 *f.* The right to access and review information related to the
18 collection and transmission of information related to the minor
19 child, including assessment information, documents created by
20 the minor child, and teacher evaluations of the minor child.

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

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

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

33 *b.* The school district shall make every effort to prohibit
34 a minor child from accessing sexually explicit material in the
35 classroom on a device or through a computer network that is

1 owned or otherwise provided by the school district.

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

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

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

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

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

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

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

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

1 student's family.

2 (3) Sex behavior or attitudes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 DIVISION II

29 STUDENT FIRST SCHOLARSHIP PROGRAM

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

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

1 required to be submitted by a parent or guardian.

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

4 5. *Shared operational functions — increased student*
5 *opportunities — budget years beginning in 2014 through 2024*
6 *2034.*

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

1 shall be assigned for each discrete operational function
2 shared. However, a school district may receive the additional
3 weighting under *this subsection* for sharing the services of an
4 individual with a political subdivision even if the type of
5 operational function performed by the individual for the school
6 district and the type of operational function performed by
7 the individual for the political subdivision are not the same
8 operational function, so long as both operational functions are
9 eligible for weighting under *this subsection*. In such case,
10 the school district shall be assigned the additional weighting
11 for the type of operational function that the individual
12 performs for the school district, and the school district
13 shall not receive additional weighting for any other function
14 performed by the individual. The operational function sharing
15 arrangement does not need to be a newly implemented sharing
16 arrangement to receive supplementary weighting under this
17 subsection.

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

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

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

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

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

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

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

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

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

28 e. Supplementary weighting pursuant to [this subsection](#) shall
29 be available to an area education agency during the period
30 commencing with the budget year beginning July 1, 2014, through
31 the budget year beginning July 1, ~~2024~~ 2034. The minimum
32 amount of additional funding for which an area education
33 agency shall be eligible in a budget year is thirty thousand
34 dollars, and the maximum amount of additional funding for which
35 an area education agency shall be eligible is two hundred

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

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

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

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

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

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

1 pupils pursuant to this subparagraph for the same school year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 e. The total area education agency teacher salary supplement

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

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

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

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

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

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

24 *c.* Contract with a private financial management firm to
25 manage the fund, in collaboration with the treasurer of state,
26 including providing for the disbursement of student first
27 scholarships in the form of an electronic debit card or checks
28 that are payable directly from the pupil's account within the
29 fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 10. *a.* This section shall not be construed to authorize
11 the state or any political subdivision of the state to exercise
12 authority over any nonpublic school or construed to require a
13 nonpublic school to modify its academic standards for admission
14 or educational program in order to receive payment from a
15 parent or guardian using funds from a pupil's account in the
16 student first scholarship fund.

17 *b.* This section shall not be construed to expand the
18 authority of the state or any political subdivision of the
19 state to impose regulations upon any nonpublic school that are
20 not necessary to implement this section.

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

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

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

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

35 1. A student first operational sharing fund is created as

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

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

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

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

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

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

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

6 16. The committee shall perform the duties assigned to it
7 under [sections 257.16E, 257.32, 257.40, and 260C.18B](#).

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

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

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

16 1. Notwithstanding the deadline in section 257.11B,
17 subsection 2, paragraph "a", as enacted in this division of
18 this Act, by May 1 preceding the school year beginning July
19 1, 2022, the parent or guardian of a pupil who is enrolled in
20 a school district or who is eligible to enroll in a school
21 district for kindergarten in the next school year, and who is
22 requesting a student first scholarship for the school year
23 beginning July 1, 2022, may request a student first scholarship
24 by submitting an application to the department of education,
25 on application forms developed by the department of education,
26 indicating that the parent or guardian intends to enroll the
27 pupil in a nonpublic school for the entirety of the school year
28 beginning July 1, 2022.

29 2. Notwithstanding the deadline in section 257.11B,
30 subsection 2, paragraph "b", as enacted in this division of
31 this Act, by June 1 preceding the school year beginning July
32 1, 2022, the department of education shall determine the
33 number of pupils in each school district approved to receive
34 a scholarship for the following school year and shall notify
35 the parent or guardian of each pupil approved for the following

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

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

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

14 1. The section of this division of this Act enacting section
15 256.9, subsection 65.

16 2. The section of this division of this Act enacting section
17 257.11B.

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

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

23 Sec. 13. APPLICABILITY. The following applies to school
24 budget years and fiscal years beginning on or after July 1,
25 2022:

26 The section of this division of this Act enacting section
27 257.11B.

28 Sec. 14. APPLICABILITY. The following applies to school
29 budget years and fiscal years beginning on or after July 1,
30 2023:

31 The section of this division of this Act enacting section
32 257.16E.

33 Sec. 15. RETROACTIVE APPLICABILITY. The following applies
34 retroactively to tax years beginning on or after January 1,
35 2022:

1 The section of this division of this Act enacting section
2 422.7, subsection 51.

3 DIVISION III

4 SOCIAL STUDIES INSTRUCTION

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

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

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

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

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

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

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

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

6 DIVISION IV

7 PRIVATE INSTRUCTION — SPECIAL EDUCATION

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

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

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

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

24 DIVISION V

25 OPEN ENROLLMENT

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

28 5. a. Open enrollment applications filed after March 1
29 of the preceding school year that do not qualify for good
30 cause as provided in [subsection 4](#) shall be subject to the
31 approval of the board of the resident district and the board
32 of the receiving district. The parent or guardian shall send
33 notification to the district of residence and the receiving
34 district that the parent or guardian seeks to enroll the
35 parent's or guardian's child in the receiving district.

1 2022, is amended by striking the paragraph.

2 Sec. 23. Section 256.16, subsection 1, paragraph d, Code
3 2022, is amended to read as follows:

4 *d.* Require that each student admitted to an approved
5 practitioner preparation program participate in pre-student
6 teaching field experiences that include both observation and
7 participation in teaching activities in a variety of school
8 settings. These Pre-student teaching field experiences for
9 students participating in an initial teacher preparation
10 program shall comprise a total of at least fifty eighty
11 hours in duration, at least ten hours of which shall occur
12 prior to a student's acceptance in an approved practitioner
13 preparation program. Pre-student teaching field experiences
14 for students participating in a teacher intern preparation
15 program shall comprise a total of at least fifty hours in
16 duration. The student teaching experience shall be a minimum
17 of fourteen weeks in duration during the student's final year
18 of the practitioner preparation program. The program shall
19 make every reasonable effort to offer the student teaching
20 experience prior to a student's last semester, or equivalent,
21 in the program, and to expand the student's student teaching
22 opportunities beyond one semester or the equivalent.

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

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

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

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

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

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

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

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

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

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

29 DIVISION VII

30 INCIDENTS RELATED TO LICENSED PRACTITIONERS

31 Sec. 31. Section 232.69, subsection 1, unnumbered paragraph
32 1, Code 2022, is amended to read as follows:

33 The classes of persons enumerated in [this subsection](#) shall
34 make a report within twenty-four hours and as provided in
35 section 232.70, of cases of child abuse. In addition, the

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

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

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

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

17 NEW PARAGRAPH. *Of.* If the person making the report is a
18 licensed school employee who reasonably believes the person
19 responsible for the injury is a licensed school employee, the
20 identity of the licensed school employee the person making the
21 report believes is responsible for the injury.

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

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

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

1 nonpublic school from entering into any of the following:

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

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

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

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

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

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

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

19 NEW PARAGRAPH. *Oi.* Be subject to and comply with the
20 requirements of section 280.32 in the same manner as a school
21 district.

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

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

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

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

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

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

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

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

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

1 section 272.15.

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

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

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

15 The board of directors of a school district and the
16 authorities in charge of each accredited nonpublic school shall
17 follow the process created by the department of education
18 pursuant to section 256.9, subsection 66, related to the
19 reporting and investigation of an incident involving the
20 possible commission of a felony by any person who has been
21 issued a license, endorsement, certification, authorization, or
22 statement of recognition by the board of educational examiners.

23 DIVISION VIII

24 BOARD OF EDUCATIONAL EXAMINERS — RENEWAL CREDITS

25 Sec. 40. Section 272.2, subsection 1, paragraph c, Code
26 2022, is amended to read as follows:

27 c. Rules adopted pursuant to [this subsection](#) establishing
28 licensure renewal requirements shall provide that up to half
29 of the units needed for licensure renewal may be earned upon
30 the successful completion of an individualized professional
31 development plan as verified by the supervising licensed
32 evaluator, or by successful completion of professional
33 development courses or programs offered by a professional
34 development program licensed by the board, or by a practitioner
35 preparation institution or area education agency approved by

1 the state board of education. The rules shall require that
2 holders of a master educator teaching license, professional
3 service license, or professional administrator license who are
4 employed by a school district described in chapter 274, charter
5 school, or accredited nonpublic school may earn all renewal
6 credits, except for the evaluator training required by section
7 284.10 and the mandatory reporter training required by section
8 232.69, through professional development activities as verified
9 by the supervising licensed evaluator.