



2021 Legislative Session Summary of Changes Affecting Schools

Overview

Dear Colleagues,

The General Assembly passed, and Governor Reynolds signed, several pieces of legislation from the 2021 legislative session that will impact Iowa's educational policy. Please find below a summary of these legislative changes.

I look forward to working with you to implement these new changes. Together, we will build on our successes, address our challenges and find new ways to keep us moving forward to ensure all Iowa students are future ready.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Lebo".

Dr. Ann Lebo
Director
Iowa Department of Education

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Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders or materials required by federal law or courts.

2021 Appropriations

The Department of Education (Department) and other state-funded agencies and educational programs are funded in appropriations bills.

[HF 868](#) Education Appropriations

General Administration

Appropriates \$5,975,526 to the Department for general administration of the agency, which is identical to last year's appropriation.

Career and Technical Education Secondary

Appropriates \$2,952,459, which will be distributed to the 15 Regional Planning Partnerships (RPPs) to be spent on allowable uses specified in statute pursuant to Iowa Code chapter 258. The partnership will determine how to allocate these funds between the allowable uses and include this information in the partnership's multi-year plan. The multi-year plan is voted on by the full membership, which includes a representative of each school district in the partnership's region.

Statewide Student Assessment

Appropriates \$3 million for school districts and \$300,000 for accredited nonpublic schools to reduce the cost associated with the Iowa Statewide Assessment for Student Progress (ISASP). The appropriation will be distributed by the Department to Iowa Testing Programs on behalf of school districts and accredited nonpublic schools. School districts and accredited nonpublic schools will pay any remaining costs for the state assessment.

Textbooks for Nonpublic School Students

Appropriates \$852,000, which provides reimbursement to public schools for the cost of textbooks provided to pupils attending accredited nonpublic schools. Funding is limited to \$30 per student and is not to exceed the comparable services offered to residents of public school districts. This is an increase of \$200,000 compared to last year's appropriation.

Student Achievement and Teacher Quality Program

Appropriates \$2,965,467 to support the following programs: National Board Certification, Iowa's Teacher of the Year Program, Career Development and Evaluator Training, Teacher Development Academies, Teacher Leadership and Compensation Technical Assistance and the Fine Arts Mentoring Program.

Statewide Clearinghouse to Expand Work-Based Learning

Appropriates \$300,000 for support costs associated with the creation of a statewide clearinghouse to expand work-based learning as part of the Future Ready Iowa initiative. The clearinghouse connects employers and educators in a virtual space to create work-based learning opportunities for K-12 students, as well as students in college and trade schools.

Postsecondary Summer Classes for High School Students

Appropriates \$600,000, as part of the Future Ready Iowa initiative, for resident high school students to attend community college-level classes in high demand fields taught by a community college-employed instructor during the summer through a contractual agreement between the community college and the school district. The bill adds non-reversion language to the appropriation allowing the Department to retain unspent funds for up to one additional fiscal year. The Department has posted guidance, which includes an overview of the summer college credit program, on the Department's [Senior Year Plus webpage](#).

Attendance Center Performance General Internet Site and Data System Support

Appropriates \$250,000 to the Department for the Attendance Center Ranking System and online reporting website that provides school performance information by district and attendance center.

Online State Job Posting System

Appropriates \$230,000 to the Department for the administration of the [Teachlowa.gov](#) online job posting system. The Department, as well as public school districts, charter schools and area education agencies (AEAs), are required to post all job openings on the system. Accredited nonpublic schools may participate at no charge.

Successful Progression of Early Readers

Continues the appropriation of \$7,824,782 to the Department for distribution to school districts to provide instructional services to students who require additional support in reading.

Early Warning System for Literacy

Appropriates \$1,915,000 for the Department to administer and distribute to school districts and accredited nonpublic schools an early warning system that allows teachers to screen and monitor student literacy skills from prekindergarten through sixth grade. The Department is permitted to charge school districts and accredited nonpublic schools a fee for the system, which is determined by dividing the actual remaining costs to purchase the statewide license for the school year by the number of pupils assessed under the system in the current fiscal year.

Iowa Reading Research Center (IRRC)

Appropriates \$1,550,176 to the IRRC, which is an increase of \$250,000 compared to FY 2021 and will be used for collaborating with the State Board of Education on the new Dyslexia Specialist Endorsement. This will include piloting coursework aligned to the rules for the endorsement and preparing to approve and oversee the endorsement being offered by other teacher preparation programs in the state. The remaining \$1,300,176 will be used for carrying out the IRRC's seven priorities in the areas of evidence-based literacy interventions, reading assessment, literacy professional development and intensive summer reading programs.

Computer Science Professional Development Incentive Fund

Appropriates \$500,000 for the Computer Science Professional Development Incentive Fund. A school district or accredited nonpublic school, or a collaborative of one or more school districts, accredited nonpublic schools, and AEAs, may apply to the Department to receive monies from the fund to provide professional development activities for Iowa teachers in the area of computer science education. A school district or accredited nonpublic school may apply to the Department to receive monies from the fund to provide tuition reimbursement for Iowa teachers seeking endorsements or authorizations for computer science. Additional details on applying for funds will be released as soon as possible.

Children’s Mental Health School-Based Training and Support

Appropriates \$3,183,936 for the continuance of school-based children’s mental health support, including mental health awareness training for educators. This includes an increase of \$1,083,936 compared to FY 2021 to be used by AEAs to provide mental health awareness training for educators and support mental health needs of students. Of the amount distributed to AEAs, \$83,936 is to be used to implement a children’s grief and loss rural pilot program to serve up to 375 Iowa children in up to seven rural school districts or accredited nonpublic schools. This pilot program is to be administered by, and the funds distributed to, an existing statewide not-for-profit healthcare organization that currently provides grief and loss services to children. The bill requires the Department, in collaboration with the statewide not-for-profit health-care organization receiving monies for the children’s grief and loss rural pilot program, to prepare a report detailing the expenditure of monies used for purposes of the program and its outcomes to the General Assembly by Sept. 30, 2022.

Best Buddies Iowa

Appropriates \$25,000 to create opportunities for one-to-one friendships, integrated employment, and leadership development for students with intellectual and developmental disabilities. The bill requires the Department to establish criteria for the distribution of the General Fund appropriation for Best Buddies Iowa and requires the organizations receiving a distribution to report annually to the Department student identifying data for students participating in the program.

Nonpublic School Concurrent Enrollment Payments to Community Colleges

Appropriates \$1 million to the Department for the nonpublic school concurrent enrollment program, which allows accredited nonpublic schools to contract directly with a community college to deliver courses through concurrent enrollment. The bill includes non-reversion language to the appropriation, allowing the Department to retain unspent funds from FY 2021 for use in FY 2022, as well as retain any unspent funds appropriated in FY 2022 for expenditure in FY 2023.

Accountability and Administrative Measures

Requires the Department to develop and make available on the Department’s website general guidance for parents, guardians and community members who have concerns about school districts or school governing boards. The Department is required to develop and distribute to school districts standards of practice for equity coordinators employed by school districts and a training program on free speech under the First Amendment to the Constitution of the United States to be used by school districts. The bill added accountability and administrative measures that reflect the current practices of the Department and allows for additional enforcement mechanisms regarding accreditation, monitoring and enforcement process for school districts and nonpublic schools seeking accreditation. This impacts the school year beginning on July 1, 2021, and each year thereafter.

The Department will provide additional guidance on divisions II, III, and IV.

SF 615 Standing Appropriations

The Department and other state-funded education agencies have certain programs that receive, by law, ongoing funding. In other words, funding for those programs continues from fiscal year to fiscal year unless the General Assembly enacts funding changes. The standing appropriations bill, which is considered annually by the General Assembly, is where changes to those standing appropriations are made.

Nonpublic School Transportation

Appropriates \$8,997,091 for payment of claims for nonpublic school transportation. If the total approved claims exceed the amount appropriated, the Department will prorate the amount for each claim.

Area Education Agencies

Reduces the state aid for AEAs by \$15 million and prorates the reduction based on the reduction that each agency received in the fiscal year beginning July 1, 2003.

Additional Education Legislation

The sections below cover additional legislation impacting preschool through 12th grade education.

SF160 School Instruction Time

Requires that a brick-and-mortar school district or accredited nonpublic school shall provide an opportunity for a parent or guardian of each student enrolled in the school district or accredited nonpublic school to select full-time in-person instruction for the parent's or guardian's student unless this requirement is explicitly waived in a proclamation of a public health disaster emergency issued by the governor pursuant to section 29C.6 and related to COVID-19. This is applicable to the 2020-21 school year through June 30, 2021.

SF260 Reimbursements for Special Education Services

Requires a receiving school district to send the paperwork necessary for Medicaid reimbursement to the district of residence when a student with special education needs transfers to the receiving district.

SF546 Homeschooling Provisions

Changes assessment and reporting deadlines for competent private instruction to include private instruction by a parent, guardian or legal custodian.

Removes independent private instruction students from eligibility to use Department or AEA online learning platforms.

Changes the reporting date of the annual evaluation of a student under competent private instruction from June 30 to Aug. 1, changes the date to complete the annual assessment of a student under competent private instruction from May 1 to May 31, and aligns assessment requirements with those of the statewide assessment.

Eliminates or reduces various requirements for driver education courses administered by teaching parents, making them easier to complete.

SF532 Statement of Professional Recognition

Requires the Board of Educational Examiners (BoEE) to adopt rules by Aug. 1, 2021, developed in consultation with the Department, establishing a statement of professional recognition for behavior analysts licensed under Iowa Code chapter 154D. The bill authorizes the BoEE to carry out emergency rulemaking to implement the bill.

HF228 Diversity Plans

Eliminates implementation of a voluntary diversity plan as a reason to deny open enrollment. March 1 deadlines shall not apply to an application submitted by a parent or guardian for purposes of enrolling the child in a school district for the school year beginning July 1, 2021, and ending June 30, 2022, if a voluntary diversity plan was in effect in the school district of residence during the school year beginning July 1, 2020, and ending June 30, 2021.

The Department has provided [guidance](#) regarding open enrollment for HF228 and division III of HF847.

HF308 Senior Year Plus

Provides an alternative option for students to demonstrate their proficiency who are unable to meet the proficiency requirement of the Senior Year Plus program that must otherwise be met prior to enrollment in a postsecondary course through college sharing or concurrent enrollment programs. The bill took effect upon enactment.

The Department has provided [guidance](#) for measures of readiness of Senior Year Plus programs.

HF315 At-Risk Program

Allows AEAs to provide technical assistance to Shared Visions grantees that are not school districts. Currently, they are limited to serving only districts.

HF317 Funding for Special Programs

Aligns the method of calculation to the current automated calculation process used by the Department. Prior statute included an outdated method, which required a manual calculation by districts.

HF386 Nonprofit School Organization Report to the Department

Removes the requirement, pursuant to Iowa Code section 279.62, that districts report to the Department revenues, expenditures, and activities of tax-exempt entities or organizations established by the school district under IRS section 501(c)(3) that solely benefit the school district. Districts have to seek out this information from other entities, as this information is not typically maintained by the districts.

HF602 School Activity Accounts

Authorizes the board of directors of a school district through resolution to, for the school budget years beginning on July 1, 2020, July 1, 2021, and July 1, 2022, transfer money from their general fund to the student activity fund in an amount, as recommended by the superintendent, necessary to fund co-curricular and extracurricular activities provided by the district for which monies from student-related activities fail to meet the financial needs of the activities as a result of restrictions placed on the activity related to the COVID-19 pandemic. The bill took effect upon enactment and will be repealed on July 1, 2023.

HF605 Supplementary Weighting for Limited-English Proficient Students

Defines “fully English proficient” and “limited English proficient” and divides limited English proficiency into intensive and intermediate categories. “Intensive student” is defined as a limited-English-proficient student that, even with support, is not proficient under the state’s English language proficiency standards. “Intermediate student” is defined as a limited-English-proficient student that, either with or without support, approaches being proficient under the state’s English language proficiency standards. The bill changes the supplementary weighting for both categories (to 0.26 and 0.21, respectively), took effect upon enactment, and applies to school budget years beginning on or after July 1, 2021.

HF675 Substitute Teachers

Requires the BoEE to issue a substitute authorization that allows an individual to substitute in grades prekindergarten through 12 for no more than 10 consecutive days in a 30-day period in one job assignment for a regularly assigned teacher who is absent, except in the driver’s education classroom.

Allows a school district administrator to file a written request with the BoEE for an extension of the 10-day limit in one job assignment in a 30-day period on the basis of documented need and benefit to the instructional program. Requires the executive director or appointee to review the request and provide a written decision.

Requires a substitute teacher authorization to have not less than the successful completion of an associate degree or not less than 60 undergraduate semester hours, or the equivalent, from a college or university accredited by the accrediting agency recognized by the United States Department of Education.

Please contact the BoEE for additional information.

HF744 Free Speech

Requires school districts to protect the intellectual freedom of the school district’s students and practitioners and to establish and publicize policies that protect students and faculty from discrimination based on speech.

The Department will provide additional guidance.

HF793 Physical Education

Provides that a student who is enrolled in Junior Reserve Officers' Training Corps (JROTC) is not required to participate in physical education or physical activities under the state's educational standards, but shall receive one-eighth unit of physical education credit for each semester (or the equivalent) the student is enrolled in JROTC.

HF813 Charter Schools

Establishes a new charter school program, defines the purpose of a charter school and gives the Department the duty to monitor the effectiveness of charter schools to implement this program.

Creates two potential models for establishing a charter school: 1) the School Board-State Board model, which allows a school board to create a founding group to apply to the Iowa State Board of Education (State Board) to establish and operate a charter school within and as part of a school district; and 2) the Founding Group-State Board model, which allows a founding group to apply to the State Board for approval to establish and operate a charter school that operates as a new attendance center independently from a public school district and having no boundary lines within the State.

Establishes a charter school contract between the founding group and the State Board setting the academic and operational performance expectations and measures by which the charter school will be evaluated and other rights and duties. Additionally, sets out the operating powers and duties of a charter school.

Specifies how charter schools shall be funded, including that a student enrolled in the charter school shall be counted for state school foundation purposes in the student's district of residence.

Requires the State Board to adopt a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the evaluation of the charter school by the State Board. Addresses oversight, corrective action, contract renewal and contract revocation and outlines the procedures for the closure of a charter school.

Requires that each charter school prepare and file an annual report with the Department. The State Board is also required to prepare and file with the General Assembly a comprehensive report with findings and recommendations relating to the charter school program and whether the charter school program is meeting the goals and purposes of the program.

The Department will provide additional guidance.

HF847 Education Practices

Requires the State Board to establish a flexible student and school support program to be administered by the Department, allows for unexpended and unobligated teacher leadership supplement funds to be eligible for use within the school district flexibility account, and directs school districts and AEAs to pay to eligible employees any unexpended and unobligated teacher salary supplement funds remaining at the conclusion of FY 2022 that exceed five percent of the amount received by the school district in FY 2022.

Adds additional "good cause" provisions for missing the open enrollment deadline and adds several circumstances where a student athlete is eligible to participate immediately in interscholastic athletic competition after participating in open enrollment.

Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders or materials required by federal law or courts.

Specifies that a school corporation is entrusted with public funds for the purpose of improving student outcomes.

Adds work-based learning coordinator and special education director to the list of positions for which supplementary weighting is available for shared operational functions. Defines “work-based learning coordinator” for purposes of operational function sharing. Reduces the weighting for all positions generating a weighting of five to four, and reduces the weighting for all positions generating a weighting of three to two for the budget years beginning July 1, 2022, through July 1, 2024.

Requires the school board of each public school district to administer the Pledge of Allegiance in grades one through 12 each school day and to display the United States flag in each classroom where the pledge is recited. A student will not be required to recite the pledge over the student’s objections or those of the student’s parent or guardian.

Prohibits implementation of policies requiring facial covering except in certain situations.

Requires charter schools to abide by Iowa Code chapter 22 relating to the examination of public records. Requires the chief administrator of a charter, who is not licensed as an administrator or a teacher, to have BoEE authorization under Iowa Code chapter 272. This authorization will be developed by the BoEE by Dec. 31, 2021.

Requires that the charter school must notify the district of residence of the student by March 1 of the school year preceding the year of enrollment of an eligible student.

The Department has provided [guidance](#) regarding open enrollment for HF228 and division III of HF847. Guidance will be provided on the Flexible Student Support Program (division I) and work-based learning (division II).

HF802 Racism or Sexism Training

Prohibits all agencies, governmental entities, governmental subdivisions, and contractors hired by these agencies from giving training, or using contractors that give training, that teaches, advocates and acts upon “specific stereotyping and scapegoating toward others on the basis of demographic group membership or identity” or other specified concepts.

Requires the superintendent of each school district to ensure that any curriculum or mandatory staff or student training does not teach, advocate, act upon or promote specific defined concepts as outlined in the bill. Provides that discrimination is prohibited and clarifies that the bill should not be construed to violate first amendment rights.

The Department will provide additional guidance.
