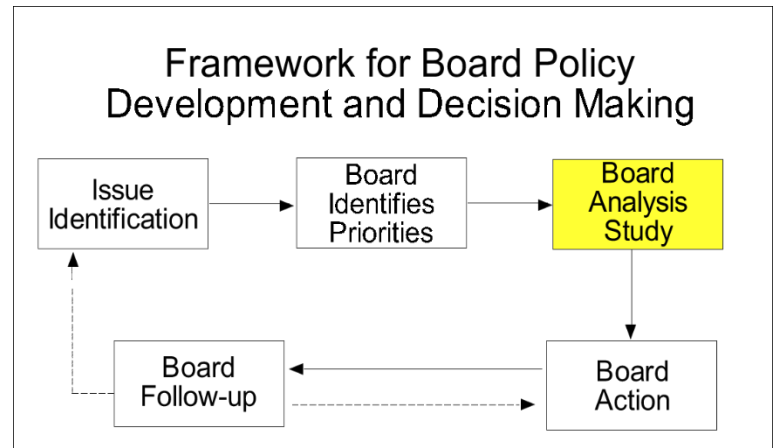


# Iowa State Board of Education

## Executive Summary

August 3, 2023



**Agenda Item:** Letter to the Field/Legislative Update

**State Board Priority:** All

**State Board Role/Authority:** Informational only.

**Presenter(s):** Eric St Clair

**Attachment(s):** One

**Recommendation:** It is recommended the State Board hear and discuss this information.

**Background:** The Department annually releases a letter to the field titled "Summary of Changes Affecting Schools" that provides an analysis of all legislation passed and signed into law during the previous legislative session.



## 2023 Legislative Session

### Summary of Changes Affecting Schools

#### Overview

Dear Colleagues,

The General Assembly passed and Governor Reynolds signed several pieces of legislation from the 2023 legislative session impacting K-12 education. Please find a summary of these legislative changes below.

The Department looks forward to continuing to partner with you to embrace high expectations for every child, engage families in their children's education, and support teachers in doing their best work. Thank you for all you do to ensure all children receive a great education that inspires and prepares them for the future.

Sincerely,

A handwritten signature in cursive script that reads "McKenzie Snow".

McKenzie Snow  
Director  
Iowa Department of Education

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# House Files (in numerical order)

## [House File 68](#) - Students First Act

### **Division II: establishes the Education Savings Account program.**

Modifies and increases the base enrollment for the calculation of the teacher salary supplement, professional development supplement, early intervention supplement, and teacher leadership supplement to include the number of resident pupils within the school district that received an education savings account payment in the prior school year.

Establishes the Education Savings Account program under Iowa Code section 257.11B, including:

- Program definitions,
- Initial and ongoing student eligibility criteria,
- Funding mechanisms, and
- Waste, fraud, and abuse prevention measures.

Additional information, including the State Board of Education adopted administrative rules, is available on the Department's [website](#).

### **Division III: modifications to school district categorical funding.**

Provides flexibility for the use of Teacher Leadership and Compensation funds for teacher salaries. The Department issued [guidance](#) in April 2023 regarding Teacher Leadership and Compensation choices.

Extends the supplementary funding weights for school districts with shared operational functions, which were set to expire June 30, 2024, through June 30, 2035. Maintains the current funding structure and weightings for such shared functions.

## [House File 256](#) - Minimum Age of Applicants for Licensure

Amends Iowa Code chapter 272 by striking a provision requiring the Board of Educational Examiners to disqualify an applicant for a license if the applicant is less than 21 years old.

## [House File 430](#) - Investigation of Complaints against School Employees

Modifies Iowa Code section 232.69 related to reporting of cases of child abuse.

- Requires any class of persons identified under the section to report abuse of a child, where a child is defined as a person under eighteen years of age.
- Adds to the class of persons required to report abuse of a child a school employee who is eighteen years of age or older, which is in addition to a licensed school employee, certified paraeducator, holder of a coaching authorization, or an instructor employed by a community college.

- Requires the identity of a licensed school employee believed to be responsible for the injury to the child to be included in an oral or written report of abuse of a child.

Establishes new Iowa Code section 256.9, subsection 66, including investigation and reporting procedures to be developed by the Department for any incident that arises that may reasonably lead to the conclusion that any school district, accredited nonpublic school, or charter school employee has committed a felony or any individual with a board of educational examiners license, endorsement, certification, authorization, or statement of recognition has engaged in conduct described in section 272.15, subsection 1, paragraph subparagraph (1), subparagraph divisions (a) through (d). The board of directors of a school district, authorities in charge of an accredited nonpublic school, and governing board of a charter school (subsequently referred to as specified institutions) shall follow the procedures established by the Department. The reporting and investigative procedures will cover any individual that is employed by a specified institution.

The process will prohibit the following practices:

- Written or oral agreements that prevent the specified institutions from discussing an incident, past performance or actions, allegations leading to discipline or adverse employment action, or employee resignation with government agents, officers, or potential employers.
- Written or oral agreements that waive liability for a licensed individual stemming from an incident, past performance or action, or past allegations of wrongdoing.

The process will require that the specified institutions:

- Provide all documentation and information related to such an incident involving a licensed practitioner to the Board of Educational Examiners for investigation, if the licensed practitioner resigns or the practitioner's contract is terminated during the course of the local investigation.
- Finalize such an investigation into an incident involving a non-licensed school employee, regardless of whether the employee resigns or the employee's contract is terminated during the course of the investigation.
- Conduct a review of the applicant's employment history prior to hiring an applicant for any position, including contacting previous employers specified on the employment application and reviewing publicly available information regarding pending cases before the Board of Educational Examiners with probable cause or sanctions determined by the Board of Educational Examiners. Specified institutions shall maintain, on forms prescribed by the Department, information on employees of the school district that must be made available to a potential employer upon request. Specified institutions shall be immune from any civil liability arising from discussing an incident, past performance or actions, past allegations leading to discipline or adverse employment action, or employee resignation with any governmental agent, governmental officer, or any potential employer.

If the Department or Board of Educational Examiners discover that a specified institution intentionally failed to follow the investigation and reporting procedures, and/or intentionally concealed, or attempted to conceal a founded incident involving a school employee, the Board of Educational Examiners shall conduct a hearing following the investigative process involving any administrator who failed to insure compliance or assisted with concealing a founded incident.

The investigation and reporting procedures required by House File 430 are forthcoming from the Department.

## **House File 595 - Related to the Administration of Opioid Antagonists**

Division II. Authorizes the distribution and possession of an opioid antagonist by a school district or other secondary distributor, defined in Iowa Code section 135.190.

## **House File 602 - Student I.D. Cards**

Requires a school district that issues identification cards to students in grades 7 through 12 to include on the card the crisis hotline telephone number, text number, and website address for Your Life Iowa, or any successor program. The inclusion of this information is optional for identification cards issued to students in grades 5 and 6.

The information to include on the student I.D. cards is:

Telephone number: (855) 581-8111

Text number: (855) 895-8398

Website: [yourlifeiowa.org](http://yourlifeiowa.org)

A school district must include this information on identification cards issued after July 1, 2023.

More information and resources regarding Your Life Iowa is available at [yourlifeiowa.org](http://yourlifeiowa.org).

## **House File 604 - Student Behavior and Discipline**

Authorizes the [Office of the Ombudsman](#) to investigate, upon receipt of a complaint by a practitioner licensed by the Board of Educational Examiners, instances involving violence in the classroom or on school property. The school district board of directors may not take disciplinary action against an individual that submits a complaint or discloses information to any public official, including the Office of the Ombudsman, if the individual reasonably believes the information constitutes evidence of a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial or specific danger to public health and safety.

Expands the reporting requirements under Iowa Code section 279.51A requiring a classroom teacher to report any threat of violence or incident of violence made by a student that results in injury, property damage, or assault.

- The classroom teacher is required to report in these instances to the principal or lead administrator of the school, and may notify the parent or guardian of the student(s) involved in the threatened or perpetrated violence. Notification must be within 24 hours of the event.
- The principal or lead administrator of the school is required to notify the parent or guardian of the student(s) who threatened or perpetrated an act of violence, and the parent or guardian of the student(s) to whom the threatened or perpetrated violence occurred. Notification must be within 24 hours of receiving the report from the classroom teacher. A classroom teacher may notify a parent or guardian in addition to the principal or lead administrator.

New Iowa Code section 279.79 requires school districts and charter schools to adopt and publish grade-appropriate policies that detail how a student may be disciplined for threatening or perpetrating an act of violence that results in injury, property damage, or assault. The policies must address the following:

- Strategies intended to correct the student's behavior.
- Parent or guardian conferences, counseling sessions, or mental health counseling sessions, if appropriate.
- Compliance with special education law including the federal Individuals with Disabilities Education Act, federal Rehabilitation Act, and Iowa Code chapter 256B. An individualized education program (IEP) meeting is required if the student who threatened or perpetrated an act of violence has an IEP.
- Escalating levels of discipline for repeated instances of threatened or perpetrated violence.
- Discretion to select the appropriate level of discipline based on the severity of the threatened or perpetrated act of violence, including suspension, permanent removal from a class, expulsion, or placement in an alternative learning environment, if appropriate.

The Department is required by House File 604 to develop and distribute model policies that may be used by school districts and charter schools to meet the student discipline procedural requirements.

Modifies Iowa Code section 280.21, requiring a school district or area education agency to provide a copy of [section 280.21](#) with each initial or renewed employment contract. Section 280.21 relates to corporal punishment and school employee immunity from civil or criminal liability for use of reasonable physical contact with a student if the physical contact is reasonable under the circumstances and involves situations specified in the section.

For required professional development, a school district must provide the employee required to attend the professional development with a notice indicating the section of Iowa Code or administrative rules adopted by the State Board of Education or Board of Educational Examiners that mandates participation. The Department shall develop and distribute to schools a list of professional development and training programs required by federal and state law.

The model policies required by House File 604 are forthcoming from the Department.

## **House File 614 - Out-of-state or Out-of-country License Applicants**

Establishes the evidence that may be provided by an out-of-state or out-of-country applicant for a license issued by the Board of Educational Examiners that demonstrates the applicant has met the Board's requirements for licensure. Evidence includes any of the following:

- A full license from another state or country, excluding a temporary or emergency license.
- Verification from an institution in another state that the applicant has completed all program licensure requirements with the exception of any assessments required by that state.
- Transcripts indicating the applicant completed an educator preparation program located in another country.

## **House File 672 - License Renewal Requirements, Background Investigations**

Exempts any practitioner who has been employed as a practitioner for at least 10 years and possesses a master's or doctoral degree from Board of Educational Examiners renewal credit requirements, except for individuals with an evaluator approval endorsement which must be renewed at least once every 10 years.

Specifies that an accredited nonpublic school is subject to the background check requirements under Iowa Code section 279.13 that must be completed prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the Board of Educational Examiners.

Specifies that an accredited nonpublic school is subject to the school employee background investigation requirements under Iowa Code section 279.69. This includes:

- Prior to hiring a school employee, reviewing [Iowa court system records](#), [sex offender registry information](#), child abuse information registry, and dependent adult abuse registry.
  - The Department of Health and Human Services maintains the child and adult dependent abuse registries. Under Iowa Code section 235A.15 school districts and nonpublic schools are authorized to access information in the registries for purposes of a volunteer or employment background check. A [request](#) form must be completed to check for individual records included in the registries. There is no fee for requesting information using these forms through DHHS.
  - Alternatively, schools can request to create a Single Contact Repository (SING) account through the Iowa Office of the Chief Information Officer. SING expedites the process of checking backgrounds of employees and volunteers by providing streamlined access to the Iowa criminal history, sex offender, and child and adult dependent abuse registry. There are fees associated with requesting access through SING. More information, including an application to create a SING account, is available on the OCIO [website](#).
- Implementing a consistent system to review these systems for information related to school employees at least once every five years. This review is to be completed at no cost to the school employee.
- Maintaining appropriate documentation demonstrating compliance with these provisions.

Under the section, “school employee” is defined as an individual employed by the school district or accredited nonpublic school, including part-time, substitute, and contract employees. Under this section, “school employee” does not include individuals seeking initial licensure from the Board of Educational Examiners, a licensed teacher applicant for initial employment with a school, or an initial applicant for a school bus driver position.

Specifies that a charter school established under Iowa Code section 256E is subject to the background check requirements under Iowa Code sections 279.13 (licensed teachers) and 279.69 (school employees).



## Senate Files (in numerical order)

### [Senate File 192](#) - Public School Funding

Establishes the fiscal year (FY) 2024 state and categorical percent of growth at 3 percent. The net total state foundation school aid for FY2024 amounts to [\\$3,690,660,043](#).

Provides for the FY2024 school district property tax replacement payment.

Funding totals for each revenue stream are included in the [fiscal note](#) for SF192 provided by the Legislative Services Agency.

### [Senate File 250](#) - Computer Science Professional Development Fund

Allows a recipient of a grant under the Computer Science Professional Development Fund to receive funds for a fiscal year through September 30 of the following fiscal year. This applies to all awards made by the Department starting on or after July 1, 2023.

### [Senate File 318](#) - Iowa Registered Apprenticeship Act

Establishes the Iowa Office of Apprenticeship within the Iowa Department of Workforce Development, which is authorized to serve as the state's apprenticeship registration agency and establish standards and rules for apprenticeship programs. Creates the Iowa Apprenticeship Council as an advisory board to the Iowa Office of Apprenticeship, consisting of not less than five but not more than nine members appointed by the Governor.

### [Senate File 391](#) - School Accreditation and Flexibility Provisions

Includes changes impacting school operations related to instruction, curriculum, and operations.

- Division I: eliminates various reporting requirements and strikes references to the comprehensive school improvement plan (CSIP) for all school districts. This does not impact the federal requirement under the *Every Student Succeeds Act* for schools identified for improvement to locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes.
- Division II: modifies provisions related to school libraries, including qualifications for school librarians by specifying that a master's degree shall not be a condition for licensure. Allows a school district to employ as a school librarian an individual who is a qualified teacher librarian or a person previously employed as a librarian in a public library. Specifies that standards for guidance counselor programs must ensure counselors are positioned to work collaboratively with students, teachers, staff, and administrators to support the curricular goals of the school through responsive services focused on the growth and development needs of students.

- Division III: clarifies use of online instruction to meet the minimum 180 day or 1,080 hour instruction requirement. A school district may count up to five days or 30 hours of instruction primarily delivered online toward the minimum instructional time required under Iowa Code section 279.10.
- Division IV: provides greater flexibility under Iowa Code section 279.50A to allow a school district to use a course offered by a community college or taught by a community college-employed instructor to meet any required offer-and-teach unit.
- Division V: permits a school district to authorize a single teacher to provide instruction in two or more sequential units of one subject area in the same classroom at the same time.
- Division VI: modifies required offer-and-teach instructional requirements for the following subjects:
  - World language, reducing total units from four to two and striking the waiver process.
  - Fine arts, reducing total units from three to two and providing flexibility in subjects that may be used to meet the unit requirement.
  - Physical education, streamlining the process through which a student may request to be excused from the physical education requirement due to participation in certain academic coursework, extracurricular activities, or athletics.
  - Personal finance, allowing the half-unit of required instruction to be delivered through coursework used to meet English, science, social studies, mathematics, or career and technical education offer-and-teach requirements. Strikes the half-unit personal finance literacy graduation requirement.
  - Technology literacy, striking its reference from the core content standards established pursuant to Iowa Code section 256.7, subsection 26.

## **Senate File 482 - Single and Multi-occupancy Changing Areas and Restrooms**

Requires elementary and secondary public and nonpublic schools to designate multiple occupancy restrooms and changing areas only for use by persons of the corresponding biological sex. Multiple occupancy restrooms and changing areas are areas in a school building used by more than one person at a time in which students may be in various stages of undress in the presence of other students.

Prohibits individuals from entering a single occupancy restroom or changing area that has been designated by sex that does not correspond with the person's biological sex.

Allows school officials to provide alternative facilities to a student upon request with written consent of the parents and provides that reasonable accommodations may include any of the following:

- Access to a single occupancy restroom or changing area,
- Access to a unisex single occupancy restroom or changing area by only one student at a time, and/or
- Controlled use of faculty multiple occupancy restroom or changing area or a single occupancy restroom or changing area.

Provides multiple rules of construction primarily relating to health, medical care, maintenance, and safety.

The Act was signed by the Governor on March 22, 2023, and was effective upon enactment.

## Senate File 496 - Education Omnibus, Parental Rights in Education

States a parent or guardian bears the ultimate responsibility, and has the fundamental, constitutionally protected right, to make decisions affecting the parent's or guardian's minor child, including decisions related to the minor child's medical care, moral upbringing, religious upbringing, residence, education, and extracurricular activities.

Requires schools to secure prior written parent or guardian consent before administering:

- A formal examination or survey designed to assess a student's mental, emotional, or physical health not required by federal or state law.
- Any survey, analysis, activity, or evaluation that may reveal information on the student or the student's family, including political affiliations and beliefs; mental or physiological problems; sexual behavior, orientation, or attitudes; illegal, antisocial, self-incriminating, or demeaning behavior; critical appraisals of others with whom the child has familial relations; legally recognized privileged or analogous relationships, religious practices, affiliations, and beliefs; and income, except as provided by law.

Establishes a procedure for intra-district enrollment in response to proven instances of bullying and harassment. Provisions of Senate File 496 implementing the intra-district enrollment process became effective upon signature by the Governor.

Requires a school official to notify the parents or guardians of a student enrolled in a school district within twenty-four hours after the school official receives a report that the student may have been the victim of conduct that constitutes harassment or bullying.

Clarifies that a student under competent private instruction may dual enroll in a school district to receive special education services. Removes the requirement that the Director of Special Education of an Area Education Agency approve the special education placement of a student under competent private instruction.

Modifies education requirements related to age-appropriate and research-based human growth and development instruction in grades kindergarten through grade twelve. Prohibits a school district from providing any program, curriculum, test, survey, questionnaire, promotion, or instruction related to gender identity or sexual orientation in kindergarten through grade six.

Expands standards for school district kindergarten through grade 12 library programs which ensure programs contain only age-appropriate materials as defined in new Iowa Code section 256.11, subsection 19, established in the Act. Authorizes the Department to investigate allegations of noncompliance and provides a multi-step process should a school district or employee knowingly violate the law.

Requires a school district to publish policies and procedures on its website, including those related to:

- Requests for the removal of educational materials available to students in a school classroom or school library.
- Requests for review of decisions made by the board of directors of the school district, and the petition process under Iowa Code section 279.8B.
- The review of instructional materials, which does not include lesson plans, used in a classroom.

Requires that a school district make available on its website a comprehensive list of all books available to students in a library operated by the school district.

Prohibits students from serving on any committee that determines, or provides a recommendation related to, whether materials should be removed from a school library.

Prohibits a school district from knowingly providing false or misleading information to a parent or guardian regarding a student's gender identity or intention to transition to a gender other than that specified on the student's birth certificate. Requires that a parent or guardian be informed if a student requests an accommodation intended to affirm a gender identity other than that assigned to the student on the school district's registration forms or records. Authorizes the Department to investigate allegations of noncompliance and provides a multi-step process should a school district or employee knowingly violate the law.

## **Senate File 514 - Government Alignment**

Modernizes the structure of state government. Aligns the following entities within the Iowa Department of Education:

- Governor's STEM Advisory Council,
- Iowa Board of Educational Examiners,
- Iowa College Student Aid Commission,
- Iowa Educational Services for the Blind and Visually Impaired, and
- Iowa School for the Deaf.

Aligns the following division and programs within the Iowa Department of Workforce Development:

- Adult Education and Literacy,
- Iowa Vocational Rehabilitation Services, and
- Work-based Learning Intermediary Network Fund.

Aligns the Division of Library Services within the Department of Administrative Services.

## **Senate File 542 - Youth Employment**

Modifies provisions related to permitted work-activities for youth under the age of 18.

Permits the Director of the Iowa Department of Education or the Iowa Department of Workforce Development to grant an exemption from restricted work-activities for youth 16- and 17-years of age if the work activities are part of a work-based learning or school or employer-administered, work-related program that is approved by the Department of Iowa Workforce Development. The programs must meet certain provisions specified in the statute.

Establishes employer liability provisions applicable to students participating in a work-based learning program.

## Senate File 560 - Education Appropriations

Provides funding for education agencies and programs, including the Iowa Department of Education, community colleges, Board of Regents, state postsecondary financial assistance programs, and others. The Act reflects the new government organizational structure passed through Senate File 514 (government alignment).

Notable provisions include the following:

- Transfers appropriations of aligning entities within the Iowa Department of Education, including Governor's STEM Advisory Council, Iowa Board of Educational Examiners, Iowa College Student Aid Commission, Iowa Educational Services for the Blind and Visually Impaired, and Iowa School for the Deaf.
- Provides an additional \$7,200,000 in state general aid to the 15 community colleges. Total state funding is \$228,858,161.
- Increases funding for the Iowa Reading Research Center, for a total appropriation of \$1.5 million.
- Appropriates \$200,000 for the LEAD-K program administered by the Department to provide mentoring services to deaf and hard of hearing students and their families.
- Eliminates the appropriation for the nonpublic textbook services program.

Expands student eligibility and program eligibility, including credit training programs, for the Gap Tuition Assistance program. The Gap Tuition Assistance program provides tuition assistance to individuals enrolled in short-term, high-demand training programs through a community college.

Requires the Department to convene a work group to study programming and funding for at-risk students, including the effectiveness of the current programs.

Eliminates funding for the Teach Iowa online job posting system. Strikes the section of statute that requires the Department to maintain an online job posting system. Requires the Department, school districts, charter schools, and Area Education Agencies to post all job vacancies to an online job posting system developed by the Iowa Department of Workforce Development, which is IowaWORKS. Nonpublic schools may use IowaWORKS.

As of July 1, 2023, all required education-related job postings shall be posted on the IowaWORKS platform. Iowa Workforce Development is providing a number of resources, including outreach to all school districts and training which can be found on their new Iowa Education Jobs [webpage](#).

Funding totals for each revenue stream are included in the [Notes on Bills and Amendments](#) for Senate File 560 provided by the Legislative Services Agency.

## Senate File 578 - Standing Appropriations\*

Establishes a maximum appropriation of \$8,997,091 for nonpublic school pupil transportation reimbursement payments and specifies that the Department shall prorate funds if approved claims for reimbursement exceed this amount. This is no change from fiscal year (FY) 2023.

Continues to suspend funding to the Department for the instructional support program for FY2024. This is no change from FY2023.

Instructs the Department of Management to reduce the FY2024 Area Education Agency state aid and the portion of the combined district cost associated with these agencies by \$22,057,131. This is in addition to the statutory reduction of \$7,500,000 for a combined reduction of \$29,557,131. Total state funding for all Area Education Agencies is \$244,857,014, which, after the total reduction of \$29,557,131, is an overall increase from \$241,465,645 in FY2023.

Funding totals for each revenue stream are included in the [Notes on Bills and Amendments](#) for SF578 provided by the Legislative Services Agency.

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\* The Department is authorized annual standing appropriations to support state foundation school aid (Iowa Code 257.16), nonpublic school transportation reimbursement (Iowa Code 285.2), Sac and Fox Settlement education (Iowa Code 256.30), Education Savings Accounts (Iowa Code 257.11B), and charter schools (Iowa Code 256E.8).

The 90th General Assembly, for FY2024, authorized changes to the standing appropriations in the following bills:  
SF 192 - State Foundation School Aid,  
SF 578 - Nonpublic School Transportation Reimbursement, and  
HF 68 - Education Savings Accounts.