

## **Education Committee: All-Bill Summary 2021**

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### **SF 129 – Rural physician loan repayment program**

SF 129 adds obstetrics and gynecology as an area of specialization that qualifies for loan repayment under the Rural Physicians’ Loan Repayment Program. Previously, a person could engage in less than full-time practice under the program if the College Student Aid Commission determined that exceptional circumstances existed. This bill eliminates the exceptional circumstances, thereby allowing the commission and the person to consent to amend the agreement. Under the bill, “less than full-time” means at least 70% of a 40-hour work week. Finally, the bill modifies the definition of “service commitment area” to include a larger area.

[1/28: 47-0 (Excused: Brown, Nunn; 1 vacancy)]

### **SF 130 – Temporary school board member compensation increase**

SF 130 provides a one-year exception to the \$6,000 annual limitation on compensation for a member of the school board. This is in response to COVID-19 staffing shortages and allows school board members to work for the school district they serve. The options for school board member employment are limited to the 2020-2021 school year and to

the jobs of substitute licensed teacher, food service worker and school bus driver.

[1/28: 47-0 (Excused: Brown, Nunn; 1 vacancy)]

### **SF 160 – Mandated in-person school requirement**

SF 160 mandates all public and non-public schools provide a 100% in-person instruction option during the 2020-2021 school year. The mandate will begin no later than the second Monday following the effective date of the bill and ending June 20, 2021. This requirement is in effect unless explicitly waived in a proclamation by the Governor for an emergency health disaster related to COVID-19. Schools may provide hybrid instruction, but most hybrid instruction plans won't be logistically possible when schools offer a 100% in-person and a 100% online option. Schools must offer parents at least five days to decide if they will select the full-time in-person instruction option.

For the rest of the 2020-2021 school year, schools may apply to the Department of Education to temporarily go 100% online for a two-week period. Considerations for an online waiver include:

- Number of teachers who are quarantining due to exposure to COVID
- Scarcity of substitute teachers, food service workers and school bus drivers
- Other factors or information

[1/28: 29-18 (No: Democrats; Excused: Brown, Nunn; 1 vacancy)]

### **SF 260 - Medicaid reimbursement process by receiving school district**

SF 260 requires school districts to work together to ensure a sending district for a student with an Individualized Education Program receives necessary information from the receiving district to facilitate Medicaid reimbursement.

[3/17: 47-0 (Excused: Goodwin, Hogg, Nunn)]

### **SF 261 - College Student Aid Commission can organize a nonprofit corporation**

SF 261 creates a nonprofit organization, which is a mechanism to receive tax-deductible donations from individuals and organizations. This allows the College Student Aid Commission to seek grant funding from grantors who award only to entities with a 501(c)(3) status, such as the Bradley Foundation, Hearst Foundation, Kresge Foundation and Spencer Foundation. It ensures successful fundraising while also establishing appropriate restraints to keep it from overstepping its status and function as an entity of the state. Iowa College Aid's ability to secure grants and receive donations would help the agency continue its essential functions without placing a financial burden on the state.

[2/23: 48-0 (Excused: Nunn, Shipley)]

### **SF 269 - Republican FY22 SSA/School Funding**

SF 269 sets State Supplemental Aid (SSA) at 2.4% for FY22 at a cost of \$36.5 million. The 2.4% SSA rate will be applied to the regular and categorical state percent of growth rate.

The bill establishes a 2.4% state growth rate to be applied to the state cost per pupil (SCPP), for a \$155 increase per pupil, and an increase of \$10 to the per-pupil equity effort for those districts with the same district cost per pupil. This brings the increase in per-pupil spending to \$179 over last year, for a total state cost per pupil of \$7,227. The bill picks up the additional property tax replacement funding and adjusts the Transportation Equity Program to equal the amount necessary to bring all schools to the statewide average for transportation costs.

One-hundred-thirty-seven school districts (42% of all districts) will qualify for the budget guarantee. This can generate \$26 million, an increase of \$17.8 million (215.45%) compared to FY21. The budget guarantee adjustment is calculated at the school district level so that school districts receive 101% of their previous year's funding. The budget guarantee adjustment is funded entirely through local property taxes.

[2/17: 31-18, party-line (Excused: Nunn)]

### **SF 285 – All Iowa Opportunity Scholarship dropout changes**

[SF 285](#) allows a student in the All Iowa Opportunity Scholarship Program who must suspend enrollment due to a medical emergency, military deployment or other exceptional circumstances to continue to qualify for funding upon re-enrollment.

The All Iowa Opportunity Scholarship provides need-based financial awards to students who attend an Iowa college or university within two years of earning a high school diploma. Students can continue to qualify for funding if they continuously receive the award over successive fall and spring semesters. Previously, students who don't re-enroll after initially receiving the scholarship became ineligible in perpetuity. This could result in the student losing access to thousands of dollars in financial aid due, in some cases, to unforeseeable circumstances.

[2/17: 48-0 (Excused: Hogg, Nunn)]

### [SF 289](#) - IASB changes to school boards, AEAs and district operations

[SF 289](#) is a combination of multiple requests from the Iowa Association of School Boards (IASB) relating to duties of school districts. It contains these provisions:

- **Area Education Agencies (AEAs) Bid Threshold and Publication Notices:** Replaces the current \$25,000 threshold for requesting approval from the Department of Education (DE) before entering into a lease, purchase or lease-purchase agreement, and ties the amount to the competitive bid threshold. The cap has not changed since it was established in 1975. These sections also reduce the publication requirements for AEA budgets.
- **Election of Board President, Closing Books:** Allows the election of board president made in the prior year to extend up to 13 months until a regular school election is held in even numbered years. Previously, a school board could not close the books on their fiscal year until a board president was elected.
- **IASB Membership:** Eliminates the requirement that school boards submit dues paid and benefits from membership in the Iowa Association of School Boards (IASB) to DE. However, the bill adds that a report the association is required to publish, which covers this information, must be submitted to DE.
- **Schoolhouses and Site Sold, and Proceeds:** Allows a school district to deposit proceeds from the sale of a building into any account after publishing notice and holding a public hearing. This provides districts with more flexibility for using funds from the sale of property. The notice and hearing requirements are consistent with those required for municipalities.
- **Equipment Purchases Newspaper Notices:** Strikes the Code provision requiring school boards to publish a notice in the newspaper before entering into a loan agreement for an equipment purchase. The IASB claims that boards already must notice their agendas and action items so this is duplicative.
- **Directors – Powers and Duties:** Eliminates a duplicative reporting requirement on community strategies for early literacy. The bill amends the teaching strategies of the gold early childhood assessment to every resident pre-K or four-year-old enrolled in a school district, and a universal screening instrument to kindergarten students enrolled in the district.
- **Schoolhouses and Sites Sold:** Allows a district to deposit proceeds from the sale or disposition of real estate into any account after publishing notice and holding a public hearing. Previously, a public hearing was required on a proposal to sell, lease, etc. The bill also increases from \$5,000 to \$25,000 the bid threshold to determine when a school district must publish notice of its intent to sell or dispose of non-real property.
- **Eliminates the Energy Audit Requirement:** Eliminates the requirement that districts submit energy audits every five years to the Economic Development Authority. IASB claims that districts are always reviewing their energy costs and looking for ways to economize.

[2/23: 48-0 (Excused: Nunn, Shipley)]

### [HF 308](#) – Proficiency requirements for Senior Year Plus

[HF 308](#) requires a student to demonstrate proficiency in reading, math and science on the statewide assessment. If a student is not proficient in one or more content areas, they can demonstrate proficiency through measures of college readiness agreed upon by the school board and postsecondary institution, and by other measures that may be established by local school boards. The bill also establishes provisions for students in competent private instruction.

[2/17: 48-0 (Excused: Hogg, Nunn)]

### **HF 386 – Reporting requirements for school-established 501(c)(3) entities**

HF 386 removes certain reporting requirements for school-established 501(c)(3) entities. A school district must annually report to DE and to their local community the administrative expenditures, revenues and activities of any 501(c)(3) established to support students/activities. Previously, DE had to include a summary of all school districts' 501(c)(3) information in their annual Condition of Education report. This bill strikes the requirement that the school district annually report to DE and no longer requires this information in the Condition of Education report.

[2/17: 48-0 (Excused: Hogg, Nunn)]

### **SF 466 – Adds to health care providers for athletic concussion policies**

SF 466 adds occupational therapists to the definition of “licensed health care provider” for purposes of state law regarding concussion and brain-injury policies for extracurricular interscholastic activities. Duties of such licensed health care providers include determining when students should be removed from participation and return to participation.

[3/10: 48-0 (Excused: Hogg, Nunn)]

### **SF 532 - Mental Health Practitioner and Behavior Analysts Professional Recognition**

SF 532 establishes a Statement of Professional Recognition (SPR) requirement for behavior analysts and mental health practitioners. The bill broadens the definition for a mental health professional. It will allow a mental health professional, which is licensed through the Board of Educational Examiners (BOEE), to have a Statement of Professional Recognition or be licensed via the BOEE. The behavior analyst would only need a Statement of Professional Recognition through the BOEE.

[4/21: 46-0 (Excused: Mathis, Nunn, Schultz, Whiting)]

### **SF 546 - Home school instruction and driver’s education modifications**

SF 546 relates to private instruction by parents, guardians and legal custodians, and to driver education provided by a teaching parent. Private instruction, sometimes referred to as homeschooling, can be provided in multiple ways in the State of Iowa. Students in private instruction can be supported by a certified teacher, through a school district, without a certified teacher, or through a nonaccredited school. Different opportunities and requirements apply depending on what method of private instruction is used for the student.

Under the bill, “competent private instruction” (teacher-lead) and “private instruction” (parent-lead) are merged and are now considered “private instruction.” While this change does not substantively expand home schooling or decrease reporting requirements for home schoolers, it also does not improve the current policy of notification that many legislators have found concerning. The bill also makes technical changes for offering online learning to homeschool students and changes the reporting date for annual evaluation of homeschool students.

**Drivers Education:** The bill makes changes to homeschool parent driver’s education requirements. The bill eliminates actual classroom hours and minutes required for driver education provided by a teaching parent. The bill decreases certain time requirements for homeschool students, which will be different from other students going through driver’s education. Previously, an approved course administered by a teaching parent required 30 hours of classroom time, which the bill eliminates. Previously, 40 hours of street or highway driving were required, of which four hours must be after sunset. The bill reduces that to 30 hours, of which three hours must be after sunset. The bill also eliminates the four hours required for substance abuse and railroad crossing safety (now just “instruction”), and adds that instruction must be provided on sharing the road with pedestrians.

The bill allows any parent to teach their child of compulsory attendance age using parent-taught driver education, and aligns documentation for parent-taught driver education course completion and certification with Department of Transportation (DOT) requirements.

**Fiscal Impact:** [Senate File 546](#) is expected to increase FTE costs to the DOT Motor Vehicle Division by an estimated \$440,000.

[4/28: 33-15 (Yes: Republicans, Boulton, Bisignano, Kinney; Excused: Nunn, Schultz)]

#### **[HF 196](#) – Health care professional recruitment program expansion**

[HF 196](#) addresses the expansion of College Student Aid’s health care professional recruitment program to doctors/residents who graduate from an institution other than Des Moines University. Now, health care professionals must graduate from an academic program that leads to licensure. “Eligible institution” is defined as a Regent University or accredited private institution. “Health care professional” means a physician, physician assistant, podiatrist or physical therapist, athletic trainers and occupational therapists.

[4/6: 47-0 (Excused: Hogg, Nunn, Schultz)]

#### **[HF 228](#) – Voluntary Diversity Plan elimination**

[HF 228](#) eliminates implementation of a voluntary diversity plan as a reason to deny open enrollment. Iowa has had school district voluntary diversity plans in place since FY09 and has disallowed denial of open enrollment based on those plans. Previously, a school district subject to a voluntary diversity plan or court-ordered desegregation could deny a request for open enrollment if the superintendent finds that the enrollment or release of the pupil will adversely affect the district’s implementation of the voluntary diversity plan or court-ordered desegregation.

Five Iowa school districts had voluntary diversity plans, with three districts using socioeconomic status (Davenport, Des Moines and Waterloo) and two districts (West Liberty and Postville) using English-language learner status as metrics for denying open enrollment.

For most Iowans, open-enrollment decisions are made by the receiving district. If that school system has enough room and the appropriate resources to serve the applicant, approval is likely. In one of the five districts that had a diversity plan, open-enrollments were denied if a student's departure would cause their neighborhood school to further exceed or fall below the district's average poverty rate by 10 or more percentage points, a figure calculated using student eligibility for free or reduced-price meals. For Des Moines, that rate was 70.2%. Statewide, about 6% of students participate in open enrollment. The bill eliminates the open enrollment deadline for 2021-2022 for districts that had a voluntary diversity plan in 2020-2021.

[4/6: 29-17 (Excused: Hogg, Dawson, Nunn, Schultz)]

#### **[HF 315](#) – AEA expanded assistance to programs for at-risk children**

[HF 315](#) allows Area Education Agencies (AEAs) to provide technical assistance to Shared Visions grantees that are not school districts. Previously, they were limited to serving only districts. This expands AEA ability to support quality programming and updates Code language.

[4/7: 44-0 (Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

#### **[HF 317](#) - Calculation process for special education reporting**

[HF 317](#) aligns the current automated calculation process used by DE for school district special education reporting. Previously, statute relating to the funding for special programs included an outdated calculation method, which required a manual calculation by districts. That methodology was based on the number of months children were enrolled in the district. The bill changes the calculation to be based on the number of days children are enrolled. The bill affects services to children living in shelter care, juvenile detention homes, certain residential treatment facilities, a psychiatric unit or institution, or in a child foster care facility or placement.

[4/7: 44-0 (Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

#### **[HF 388](#) – Duties of the child development coordinating council**

[HF 388](#) deletes two duties that are duplicative of other efforts in the statewide early childhood system. These changes were proposed at the request of the Child Development Coordinating Council. The bill strikes Section 256A.3,

subsections 4 and 7, which eliminates the list of duplicative recommendations.

[4/7: 44-0 (Excused: Hogg, Brown, Carlin, Dawson, Nunn, Schultz)]

#### **[HF 602](#) - Transfers of School General Fund to the Student Activity Fund**

[HF 602](#) allows, for budget years beginning July 1, 2021, and July 1, 2022, for a school board to transfer money from its General Fund to the Student Activity Fund for cocurricular or extracurricular activities. Some activities failed to meet financial needs due to COVID-19. This bill allows money in the Student Activity Fund to support extracurricular programs.

[4/28: 48-0 (Excused: Nunn, Schultz)]

#### **[HF 605](#)- Expansion of English Language Learner funding**

[HF 605](#) lowers funding for each category of LEP students. The bill provides supplementary weighting for an intensive student at 0.26 and for an intermediate student at 0.21. Approximately 80% of LEP students are identified at the intermediate category. Previously, a student identified as LEP may draw an additional weighting of 0.22 in the School Aid formula for up to five years. This bill provides a net increase of \$80,000 statewide for LEP support. In FY21, approximately 21,334 students were identified as LEP and received supplementary weighting.

[4/6: 46-0 (Excused: Hogg, Dawson, Nunn, Schultz)]

#### **[HF 644](#) – College Student Aid Technical Corrections bill**

[HF 644](#) adds that money in a postsecondary education fund may be used to procure and store school records to establish claims against a school that fails to perform contracts and agreements, pay institutional charges, support transitional activities, pay private education loan debt, and reimburse the lowans who were enrolled and attended schools. It provides that a continuous corporate surety bond may be \$50,000 or a sum equivalent to 10% of total annual tuition, whichever is less. Colleges and universities authorized by a foreign country, private business schools accredited by the U.S. Department of Education and schools of nursing from outside of Iowa are not exempt from registering with commission and complying with provisions relating to advertising and selling of educational courses, evidence of financial responsibility or contracts. It lays out tuition refund policies and requirements for proprietary postsecondary schools, requires information relating to proprietary schools to be public record and adds disclosure requirements for proprietary schools. This applies to public colleges and universities.

[5/17: 45-0 (Excused: Goodwin, Johnson, Nunn, Schultz, Williams)]

#### **[HF 675](#) – Substitute requirements**

[HF 675](#) reestablishes the long existing substitute rule that allows a substitute to only teach one assignment for no more than 30 days, and it codifies substitute teacher requirements. The bill moves the substitute teacher authorization from five days to 10 days, which is the same as in the Board of Educational Examiners' (BOEE) proposed rule. A school district administrator may file a written request with 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. The bill codifies that a substitute teacher authorization requires at least an associate degree or not less than 60 undergraduate semester hours. This was a change from a Governor's COVID-19 proclamation.

[4/21: 46-0 (Excused: Mathis, Nunn, Schultz, Whiting)]

#### **[HF 770](#) – License Renewal Requirement, Individualized PD**

[HF 770](#) requires half of the units needed for license renewal by BOEE to be earned by successfully completing an individualized professional development plan as verified by the supervising licensed evaluator, or by successfully completing professional development courses or programs offered by a professional development program licensed by BOEE, or by a practitioner preparation institution or Area Education Agency approved by the State Board of Education.

[4/21: 46-0 (Excused: Mathis, Nunn, Schultz, Whiting)]

#### **[HF 722](#) - Teach Iowa Scholar Fund**

[HF 722](#) allows all available funds in the Teacher Shortage Forgivable Loan Repayment Fund and the Teacher Shortage Loan Forgiveness Repayment Fund to be transferred to the Teach Iowa Scholar Fund. The Iowa College Student Aid Commission estimates that approximately \$146,000 is available to transfer to the Teach Iowa Scholar Fund, along with a



limited number of additional repayments that are received each month. Approximately \$191,000 will be transferred to the Teach Iowa Scholar Fund in FY22.

[5/5: 48-0 (Excused: Hogg, Nunn)]

#### **HF 744 – First Amendment training at Regents and public schools**

**HF 744** requires each public institution of higher education to protect the First Amendment rights of the institution's students, staff and faculty, and to establish and publicize policies that prohibit institutional restrictions and penalties based on protected speech to the fullest extent required by the First Amendment to the U.S. Constitution. A public institution of higher education is prohibited from retaliating against a member of the campus community that files a complaint for a violation of this requirement. If a faculty member knowingly and intentionally restricts the protected speech or otherwise penalizes a student, the faculty member is subject to discipline by the institution through normal processes, and such discipline may include termination depending on the totality of the facts. If the faculty member is licensed, BOEE must conduct a hearing, and the faculty member may be subject to disciplinary action by the board.

The bill requires the state Board of Regents to develop materials, programs and procedures on the policies, regulations and duties for free expression on campus. Each Regent institution must annually provide training on free speech under the First Amendment to all students, faculty and staff. Elected officials and staff must be permitted to attend. Each school district in the state must protect the intellectual freedom of the school district's students and practitioners. The districts must establish and publicize policies to protect students and faculty from discrimination based on speech.

As sent to the Governor:

- Student Organizations: Each Regents university will make student government organization authority over moneys disbursed contingent upon compliance with the First Amendment. If a student government organization violates provisions of the bill, after all administrative or appeals, the institution must suspend the organization's authority to disburse student fees for one year.
- Student exercise of free expression: This bill must be incorporated into existing requirements for public schools to publish rules regarding when students can gather and express free speech, and extends employment protections to teacher/advisors of student newspapers and yearbooks.
- BOEE may deny a license or revoke a license if it finds by the "preponderance of evidence" that the person "knowingly and intentionally" discriminates against a student's free speech.

[5/5: 48-0 (Excused: Hogg, Nunn)]

#### **HF 793 – PE exemption for JROTC**

**HF 793** allows a student enrolled in JROTC to be exempt from participating in Physical Education (PE). A student will receive one-eighth unit of PE credit for each semester they enroll in and complete JRTOC.

[4/21: 46-0 (Excused: Mathis, Nunn, Schultz, Whiting)]

#### **HF 802 – Diversity Training and Curriculum Prohibitions**

**HF 802** prohibits race and sex stereotyping training and training on certain "specific defined concepts" in university and K12 trainings, and in trainings by government entities, including the executive, legislative and judicial branches of government, or any agency or governmental subdivision that may provide trainings. It also applies to any association or other organization whose membership consists primarily of government employees whose budgets are funded primarily by tax-generated revenue (e.g., League of Cities, ISAC, IASB, SAI).

#### **Regents Institutions and K12 Public School Districts – Diversity Training Prohibitions**

Requires Regent Institutions and public K12 school districts (not private colleges or private K12 religious schools) that require mandatory staff or student training not to teach, advocate, encourage, promote or act upon specific defined concepts. A trainer may respond to questions raised by participants during a training. Institution diversity and inclusion efforts must discourage employees and students from discriminating based on political ideology, or any other characteristic protected under the Federal Civil Rights Act and applicable state law.

The bill doesn't create any right or benefit enforceable at law or in equity by any party against the state. The bill will not violate the First Amendment rights of students or faculty, or prevent an institution from promoting racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness, provided such efforts are consistent with the bill's prohibitions. The bill specifically allows divisive topics to be part of a larger course of academic instruction.

The bill does not prohibit curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation and discrimination.

[4/28: 30-18 (Excused: Nunn, Schultz)]

### **HF 813 – Charter Schools (as amended by HF 847)**

**HF 813** – Previously, Iowa's Charter School law allowed for a public school to create public school charters to expand student learning opportunities through innovative methods. The local school board was required to review all applications, and the charter school had to be located within the school district. A school could not enter into a contract with a charter school without agreement of at least 50% of the teachers employed at the school and 50% of the parents or guardians whose children were enrolled at the school.

**HF 813** establishes two new charter school program models.

**1. Local School Board-State Board Model.** A local school board may create a founding group to establish a charter school within a school district by establishing a new attendance center, creating a new school within an existing attendance center, or converting an existing attendance center. If a charter school wants to take over an existing attendance center, evidence must be submitted that a majority of the school's teachers and parents voted in favor of the conversion to a charter.

An application to the Department of Education will include:

- Evidence of need and community support, anticipated fundraising, how long they expect to run as a charter, and the specific statutes and administrative rules the charter school does not plan to comply with.
- Staff organizational chart, proposed bylaws, explanation of any relationships between board members and the founding group, and evidence of the founding group's past success, if applicable.
- Mission and vision, geographic area within school district, grades served and maximum enrollment for each grade, plan for serving Individualized Education Programs (IEP) and students below grade level learning, how extracurricular programs will be funded and delivered, student code of conduct and transportation plans.

**2. Founding Group/Private School Charters.** A private founding group may apply for approval to establish and operate a charter school within Iowa that operates independently (and in competition with) any public-school district as a new attendance center.

Private Charter applications to the State Board will include most of the same requirements as the School Board application except:

- No vote of teachers or parents is required before a founding group can start recruiting parents/students and apply for charter school status.
- Only if the application is an "education service provider" must they show success in serving similar student populations.
- Only if the applicant is an "education service provider" must the application include a description of education service providers, staff performance evaluation, compensation, contract oversight, dispute resolution, investment disclosure and conflicts of interest.
- Only one private/founding group charter application can be considered at a time. Charters can be approved to run multiple charter schools throughout the state.



There is a limit on the number of charters the state board can approve. This will allow one attendance center per level (elementary, middle and secondary) per 10,000 students in a geographic area. This provision sunsets in five years.

**General operating powers and duties (applicable for all types of charter schools):**

- An initial charter school contract will be granted for five years.
- A charter school will be organized as a nonprofit education organization.
- A charter school may incur debt in anticipation of the receipt of public or private funds; solicit and accept gifts or grants; and acquire public or private property for use as a charter school.
- Charter Board Members will be residents of the “geographic area” serviced by charter school. If a board member does not live in the “geographic area,” they must at least be state residents. There is no prohibition against out-of-state folks/businesses coming in and being a “founding group.”
- There is no prohibition for a member of a founding group to serve on the governing board.
- Each charter school governing board must adopt a conflict of interest policy and a code of ethics for all board members and employees, and adopt a policy regarding family members to avoid nepotism.

**Charter schools are exempt from most state statutes/rules, regulations and policies applicable to other schools, except that they must:**

- Meet all applicable federal, state health and safety requirements and laws prohibiting discrimination.
- Operate as nonsectarian, nonreligious schools.
- Be free of tuition and application fees to Iowa resident students. Provide transportation to students.
- Be subject to and comply with civil and human rights (chapters 216 and 216A).
- Provide special education services.
- Comply with Chapter 21 (open meetings) and Chapter 22 (open records).

**Teachers, Administrators, Admission of Students:**

- A charter school will employ or contract with licensed teachers.
- Administrators do not have to be licensed administrators. However, the chief administrator must have BOEE authorization under 272 or a statement of professional recognition that will be developed by BOEE.

**Direct State Appropriations:** The State pays directly for students enrolled in a Charter school who were previously served in home school or nonpublic school, or who recently moved to the district. This is an unlimited appropriation.

**Funding:**

- The school district of residence will pay to the charter school in which the student is enrolled (similar to open enrollment) an amount equal to the sum of the state cost per pupil (\$7,227), plus the teacher leadership (TLC), plus applicable English Language Learner weighting.
- If a student requires special education, the school district will pay the charter school the actual costs incurred in providing special education without any say on the expansiveness of the special education plan.
- The funding amounts for the first school year of a new charter school will be based on enrollment estimates included in the charter school contract. This initial amount paid using estimated enrollments would be reconciled during a subsequent payment based on actual enrollment.

**State Board Oversight/Evaluation:** The State Board will monitor performance and compliance of each charter school. A charter school will provide an annual report to DE and the Legislature.

[4/28: 30-18 (No: Democrats; Excused: Nunn, Schultz)]

**[HF 847](#) – Education Omnibus: flex programs, tax credits, athletic eligibility, open enrollment**

**[HF 847](#) makes several education policy and funding changes.**

**Flex Account Program:** School districts and nonpublic schools were previously allowed to waive high school offer-and-teach requirements by applying for and receiving an innovative curriculum waiver. The Flexible Student and School Support Program (FS3) established in the bill allows the waiver of offer-and-teach requirements for grades one through 12 to create programs that focus on a certain area of academics or on student well-being.

**Transfer Teacher Leadership (TLC) Funds:** Schools may transfer Teacher Leadership Compensation (TLC) funds to the school district's flex account. Statewide, 276 school districts carried forward \$45 million in teacher leadership funds, an average of \$163,000 per district. Previously, the flex account allowed schools to transfer unspent PreK, professional development and Home School Assistance Program (HSAP) funds into their flex accounts.

**Teacher Salary Supplement (TSS) Funds:** If a school district has more than 5% of their total TSS funding in carry-forward, it will be paid out to eligible teachers. Schools have carried over \$10.5 million of TSS funding in ending balances that hasn't been paid to teachers. This subsection is repealed July 1, 2023.

**Education Tax Credits (Effective upon enactment and applies retroactively to January 1, 2021)**

- Teachers could previously deduct up to \$250 in qualified classroom expenses. The bill increases the deduction maximum to \$500 per taxpayer. This has an estimated fiscal impact of \$410,000 in FY22.
- The bill adds homeschooling eligibility to the tuition and textbook tax credit and doubles the credit for the first 25% of the first \$2,000 (max of \$500). The bill increases the fiscal impact by \$11 million in FY22, for a total of \$26 million.
- STO Tax Credit: Increases the tax credit from 65% to 75% of the donation and makes this change retroactive to January 1, 2021.

**Pledge of Allegiance:** Requires the pledge of allegiance to be recited in grades 1-12 every day.

**Face coverings in schools:** Allows the principal to not mandate student face coverings as required or recommended by an entity, if the principal believes that no face covering is in the best interest of a student. This language applies COVID limited liability and "safe harbor" provisions to this action. The school board or directors of nonpublic schools must approve the principal's decision.

**Charter School Changes for policy found in [HF 813](#):**

- Places a limit on the number of charters that can be approved by the state board. The limit will allow one attendance center per level (elementary, middle and secondary) per 10,000 students in a geographic area. This provision will sunset in five years.
- Requires charter schools to abide by Chapter 22 (Open Records).
- Requires the chief administrator of a charter to have BOEE authorization under 272 or a statement of professional recognition that will be developed by the BOEE by December 31, 2021.
- Clarifies that the charter school must notify the student by March 1 of the school year preceding the year of enrollment.
- Clarifies that charter schools will submit an annual report to the state board.

**Sit-Time for Athletic Eligibility - Decreased for Open Enrollment:** Previously, a high school athlete who open enrolled was ineligible to participate in varsity interscholastic athletic contests during their first 90 days, except if they transferred because of bullying or harassment. The bill adds immediate eligibility in a variety of situations, including if both receiving and sending districts agree to waive the 90-day sit period. If a student open enrolls in a different district or nonpublic school during the 2020-2021 school year, and reenrolls in their home district before July 1, 2021, they will be eligible to participate in sports immediately.

**Open Enrollment - Good cause if school is "Significant Need for Improvement":** The bill adds to items to determine "good cause," the determination that the resident district is identified as in "significant need for improvement."

**Open Enrollment - Preschool Special Ed and Child's Residence:** The bill matches [HF 385](#), so a preschool student enrolled in special education programs would match the kindergarten open enrollment deadline of September 1. After the open enrollment deadline, a student could still open enroll if there is "good cause." The definition of "good cause" is expanded to include a change in a child's residence from one parent to a different parent or guardian.

**Open Enrollment Date Specified:** Division III matches [HF 316](#), which requires the sending district to apply payments to the receiving district in a timely manner when the parent or guardian of an open-enrolled student moves to a different school district during the academic year.

**Transportation Assistance:** Increases eligibility for students from household incomes of 200% or less of the federal poverty level.

**School Board Powers and Duties:** A school corporation is entrusted with public funds to improve student outcomes, including academic achievement and skill proficiency. The school board is in charge of overseeing such improvement.

**Work-Based Learning Coordinator and Special Education Coordinator added to operational sharing:** Starting in FY22, a work-based learning coordinator and/or special education director is added to the list of eligible operational functions for supplementary weighting of three pupils. The bill also reduces the operational function assigned weighting of five pupils to four pupils, and those operational functions assigned weighting of three pupils to two pupils beginning with budget year July 1, 2022. This will be a reduction in the operations sharing program cost to the state of \$2.5 million. [4/28: 42-6 (No: Bolkcom, Hogg, Quirnbach, J. Smith, T. Taylor, Trone Garriott; Excused: Nunn, Schultz)]

#### **[HF 868](#) – Education Appropriations**

[HF 868](#) is the FY22 budgets of the Department of Blind, College Student Aid Commission, the Department of Education and the Board of Regents. It appropriates \$972.4 million, which is an \$26.4 million increase over last year.

**Department for the Blind: \$529,000 increase.** This includes \$201,000 to cover the State match to draw down federal funding for a 4Plus Program to serve high school graduates that still have Individualized Education Program (IEP) goals or transition needs, and \$78,000 to add one Independent Living Team teacher.

**College Student Aid Commission: \$11.8 million increase,** total of \$85.7 million and 16% increase. The largest part of this increase is a \$10 million increase for the Future Ready Last Dollar Scholarship.

- **Health Care Professional Recruitment (Doctors): Increase of \$100,000, a 25% increase.** This program was only for Des Moines University. This year, [HF 196](#) expanded eligibility to all medical students in Iowa.
- **Health Care Loan Repayment Program (Nurses): \$0 increase.** Targets qualified student loans of registered nurses, advanced registered nurse practitioners, physician assistants, and nurse educators who practice full-time in a service commitment area or teach in Iowa.
- **Rural Primary Care Loan Repayment Program: Increase of \$300,000,** a 21% increase. Originally targeted to physicians, but expanded into other health-related professions.
- **All Iowa Opportunity Scholarship:** Status quo funding of \$3 million. Language includes private college eligibility.
  - **Policy Changes:** Adds surviving step children to the All Iowa Opportunity Scholarship and adds the children and stepchildren of Department of Corrections employees to the priority list.
- **Future Ready Last Dollar Scholarship:** Increase of \$10 million, a 77% increase. The program provides financial aid to students attending community colleges. It's focused on credentials/associate degrees that lead to high-demand jobs. Eligibility is for recent high school graduates or adult learners age 20 or older.
  - **Transfers:** Transfers \$54,000 from the Future Ready Iowa Skilled Workforce Grant Fund and \$700,000 from the Future Ready Iowa Grant Fund to the Future Ready Last-Dollar Scholarship Fund.
  - **Iowa Tuition Grant:** Increase of \$1.2 million, a 2.5% increase. Priority is given to applicants demonstrating the greatest need, with the average award being almost \$5,000.
- **Policy Change:** Increases the barber and cosmetology award cap from \$80,000 to \$100,000.

**Community Colleges: \$6.5 million increase**, for a total of \$215 million (a 3.1% increase).

**Board of Regents: \$0 increase**. Regents requested an increase of \$18 million for FY22, which would have limited tuition increases to 3%. Last year, the Republicans *cut* the Regents by \$8 million. Higher Education Institutions do receive federal COVID relief money but half of that goes directly to student relief checks.

- No tuition freeze, but prohibits the Regents from reducing the universities' FY22 police department budgets.
- Specialty schools get a 2.4% increase, matching SSA.
- Specifies a \$150,000 increase for ISU Extension is to host the National Association of County Agricultural Agents 2023 national meeting.
- **Interim Request:** Requests the Legislative Council to establish an interim study committee to look at the Board of Regents' administrative costs, staffing allocations and levels, and graduation and student retention rates for each academic program at each Regent institution.

**Department of Education: An increase of \$7.1 million**, for a total of \$314 million funding. Key increases are highlighted below. All other lines are status quo from last year's appropriation.

- **Early Childhood Iowa (ECI):** Increase of \$544,000. **ECI Policy Changes:** Requires the ECI State Board approval for expenditures for professional development and training activities. Eliminates the requirement of using funding estimates when identifying available funding and changes the allowed use for administration from 3 to 5%.
- **Nonpublic Textbooks:** Increase of \$200,000 (30% increase). Provides funding for textbooks for students attending accredited nonpublic schools. **Policy Change:** The bill increases funding to \$30 per student (up from \$25).
- **IJAG:** \$2 million increase (75% increase). The iJAG Program had a nine-year average annual appropriation of \$472,000. Most recently, it received \$2.7 million.
- **Children's Mental Health (AEAs/teacher training):** Increase of \$1 million, \$3.2 million total appropriation. Goes to train teacher and educators to detect potential mental health issues in students and determine follow-up. **Policy Change:** Creates a one-year grief and loss rural pilot project and provides \$83,936 to "an existing statewide not-for-profit health care organization that provide grief counseling" to serve up to 375 children who lost a parent in up to seven rural school districts.
- **Iowa Reading Research Center (IRRC): Policy Change:** Allocates \$250,000 from the Iowa Reading Research Program to establish and continue oversight of the advanced dyslexia specialist endorsement and requires a report on expenditures for FY22.
- **Therapeutic Classrooms:** New \$2.6 million. The bill matches the Governor's level increase for classroom training, funds the Therapeutic Classroom Incentive Fund and Transportation Fund.

**Vocational Rehabilitation Division: \$300,000 increase**. Vocational-Rehab gets a state-federal match of 21% to 79%. The \$300,000 increase will generate \$1.1 million new federal funds. This money will be used for vocational-rehabilitation services to juveniles with disabilities within the Iowa correctional system.

**Iowa PBS: \$100,000 increase** to restore, catalogue and digitize video archives.

**Skilled Worker and Job Creation Fund (SWJCF)** is funded with gaming revenue. It includes most community college job training and tuition assistance. Status quo funding for FY22 is \$40.3 million.

#### **Policy and Statute Changes:**

- **Pre-School Fix:** Creates a grant program that requires SBRC approval to access funds. School districts may apply to the SBRC for a modified supplemental amount if the district has more preschool students in 2021-2022 than they did in 2020-2021. Any district with an ending balance in their PreK fund of 25% of total budget or more, "may" be considered for additional funding. If a district has less than 25% of their PreK budget in reserves, they "must" be approved for additional funding. The money is supposed to come from the Governor's federal Covid funds.

- **Task Force on Teacher Recruitment:** Requires the DE and IJAG to convene a task force on growing a diverse teacher base in Iowa. The bill specifies the membership of the task force and its duties and requires a report of its findings and recommendations by December 15.
- **Operational Sharing Expanding Positions:** Allows mental health professionals who hold a statement of professional recognition issued by the BOEE to participate in operational sharing.
- **Forgives the day of school** that Independence School District was closed to host the funeral for Sergeant Jim Smith.

**New Accreditation and Penalty Code Sections:**

- Requires the DE to add to its website general guidance for parents and community members who have concerns about school districts or their governing boards.

**Phase I monitoring – NEW language** lists out specific requirements and suggestions, as opposed to current Code which is more general and doesn't require an on-site visit. NEW Phase I monitoring may include the following:

- A review of district finances and school board policies by DE staff or a neutral third party.
- DE must provide a public report annually of findings of noncompliance and required corrective actions for each accredited school and school district.
- DE must provide a written report annually to the State Board of any monitoring review resulting in multiple or substantial findings of noncompliance that remain uncorrected for more than 30 days.

**Phase II monitoring must take place** when either the annual monitoring or the biennial on-site visit of phase I (currently this is every 5 years) indicates a school is deficient with accreditation standards.

**Enforcement:**

- DE must coordinate its enforcement of Ch. 216 with the Iowa state civil rights commission to reduce duplication of efforts. Note: This is new language and unclear what this will mean in practice.
- If, after having an opportunity to correct, a school district is found to be in noncompliance with federal education laws or [HF 744](#) (free speech), or [HF 802](#) (prohibition on certain diversity training and education), the director must recommend that the state board may do one of the following:
  - a) Impose conditions on funding, including directing the use of school district funds.
  - b) Withhold payment of state or federal funds to a school district, in whole or in part, until noncompliance is corrected. Initial withholding of state funds is at the discretion of the director for 60 calendar days, after which it is subject to approval of the State Board every 60 calendar days. Withholding of federal funds is subject to the governing federal statute or regulation.

**Petition for public hearing:** If 10% of voters who voted in the last school board election or 500 eligible electors, whichever is less, sign a petition, the school board must add that agenda item and public comment to the next school board meeting. If the proposal relates to curriculum, the school district may halt use of the curriculum until the school board holds the public hearing and decides on the proposal.

**Discipline and personal conduct standards:** A school district must include in the student handbook the same info required on the DE website for parents and community members who have concerns about school districts or their governing boards.

**Training for equity coordinators:**

- The DE director must develop and distribute to school districts “standards of practice” for equity coordinators. To provide “consistency in training,” the director must develop and distribute a training program on free speech to be used by school districts annually.
- A school board must provide training on free speech under the First Amendment to the U.S. Constitution to any equity coordinator employed by the school district annually.

**BOEE:** Must establish, collect and assess fees from a school administrator for the administrative costs of processing complaints and conducting hearings if the administrator is sanctioned by BOEE. The fees established for the administrative costs of processing complaints and conducting hearings may include a fee for personal service by a sheriff, a fee for legal notice when placed in a newspaper, a court reporter fee and any other fees. The fees collected must be retained by BOEE.

[5/18: 28-17 (Absent: Goodwin, Johnson, Nunn, Williams, Hogg)]