ISEA Summary of SF 2369/HSB 672 – Formerly SSB 3080/SF 2349

Governor Reynolds Education Omnibus Bill – updated 3/3/2022 ISEA Against

Division I- School District Transparency – Penalize funding for non-compliance and posting requirements

Division II- Student First Scholarship Program – Vouchers and insufficient oversight of taxpayer dollars

Division III- Social Studies Instruction- High stakes citizenship test

Division IV- Private Instruction- Special Education – Special ed student placement in private school without approval of AEAs

Division V- Open Enrollment- Can appeal denial of sibling

Division VI- Teacher Librarians – Eliminates Master’s degree requirement for some librarians serving K-12 school.

Division I- School District Transparency

Sect. 1- Aid reduction

1- State aid reduced by 1/180th for each day of that fiscal year for which the school district begins school before the earliest start date specified in code.

2- Does not apply to school districts with DE approved year-round calendars.

3- State aid payments for a fiscal year shall be reduced by the DE for each day of the fiscal year for which the school district has been found to have intentionally violated newly created transparency and state standards in Sect. 2. Reduction amount shall be determined by DE, proportional to actual damages cause by violation.

Sect. 2- New Section- 279.76- Transparency and State Standards

1- Board of directors shall publish all the following information related to the current school year prominently on the school district’s internet site:

- A course syllabus or written summary of what material will be taught in each class in the school district – sortable by area, grade level and teacher.
- How each class meets or exceeds the educational standards.
- Titles of all textbooks or other educational materials used for student instruction in each class or links to internet sites containing the information.
- Procedures or policies in effect for the documentation, review, and approval of all education materials. This includes procedures of the board, principals, administrators, and teachers and any committee created by principles, administrators, or the district board.
- A comprehensive list of all books available to students in libraries operated by the school district.
- A flowchart developed by the DE showing the policies and procedures for a parent to request the removal of a book in a library operated by the district.

2a- Board of directors shall update the information required on or before August 23 and on or before January 15 of each school year.

b. The board of directors shall notify parents that the information required has been updated including publishing notice on the district internet site and providing notice in written communication distributed to parents and guardians.

3- Board of directors shall maintain the information required for at least five years on the internet site, accessible to the public.

4- This section shall not be construed to require the following:

a- Reproduce education materials that were not created by a teacher employed by the district.

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

5- For the purposes of this section, unless context otherwise requires, “used for student instruction” means that a textbook, book, article, syllabus, outline, handout, presentation, video, or other educational material meets any of the following criteria:

a. Is or will be assigned, distributed, or otherwise presented to students in a class required pursuant to 256.11.

b. Is or will be assigned, distributed, or otherwise presented to students as required by the board of directors of the district.

c. Is or will be created by the board of directors of the school district or a teacher employed by the board.

Sect. 3- New Section- 279.77 Protocols for the selection, review, reconsideration, and removal of materials from libraries.

A board of directors of a school district shall adopt protocols for the selection, review, reconsideration, and removal of materials from libraries operated by the district. The protocols shall require all the following:

1- A process for selection, reconsideration, and removal of materials.

2- The lawful and ethical use of information resources, including plagiarism and intellectual property rights.
3- A process that allows the parent or guardian of a student enrolled in the school district to request reconsideration or removal of the materials. The process shall require all of the following:

a. Within ten business days after a submission of a request for reconsideration or removal from a district library, or on or before a later date, if the district and parent agree in writing, the district shall conduct a review of the materials and respond in writing with notice of the disposition of the request.

b. The parent or guardian may request that the board review the district’s disposition of the request. The board shall act on the request to review the disposition of the request at the next regularly scheduled meeting of the district but no later than 20 business days after the request was received. The board of directors shall respond to the request for review of the district’s disposition affirming or reversing the school district’s decision.

c. The parent or guardian may appeal the decision of the board to the state board of education pursuant to section 290.1.

d. If a school district of the board fails to act on a parent’s request to reconsider or remove materials within the timelines, the parent or guardian may appeal the failure to the state board of education. The state board may direct the school district or board to perform the review prescribed and take any other actions applicable in case of noncompliance pursuant to section 256.11 sub 10 paragraph c.

Section 4. Flowchart

The DE shall create a flowchart that shows the procedure for a parent or guardian of a student enrolled in a district to request removal of a book that is available to students in a library operated by a district as required by section 279.76. The DE shall provide the flowchart to all districts.

Division II- Student First Scholarship Program – VOUCHERS

Section 5. New Subsection- 256.9 65.

Adopt rules relating to the administration of and application for the student first scholarship program including but not limited application processing timelines and information required to be submitted by parents or guardians.

Section 6. New Section- 257.11B Student First Scholarship Program
1. a. For the school budget year beginning July 1, 2022, and each succeeding budget year the following resident pupils shall be eligible to receive a student first scholarship (SFS) in the manner provided in this section:

   (1) A pupil whose household has an annual income less than or equal to four hundred percent of the USDHHS poverty income guidelines ($106,000 FY 2021). The total number of scholarships the DE approves for pupils shall not exceed five thousand in a school year. However, if the number of SFS reserved for those with IEPS is less than 5000, than can increase by the difference.

   (2) A pupil who has an individualized education program (IEP), not to exceed 5000 a school year. However, if the number SFS reserved for (1) is not fully utilized, the number of SFS for IEPS can increase by that difference.

   (3) A pupil who has received an SFS for the immediately preceding school year and is eligible to enroll in grade 1-12 and meets requirement of (1) or (2) and is otherwise not ineligible.

b. SFS shall be available to parent and guardians authorized for the payment of qualified education expenses.

c. No more than 10,000 SFSs shall be made available each school year.

d. Resident means the same as defined in 282.1, sub 2.

2a. (1) By Jan. 1 of the preceding school year for which the SFS is requested, the parent or guardian may request a SFS by application to the DE notifying intent. (2) Application will require certification of enrollment in the nonpublic school and other information deemed appropriate by the DE.

b. By Feb. 1 of the preceding school year of the SFS, the DE shall determine the number of pupils per school district who are approved and notify the parent or guardian. DE shall approve pupils who received SFS first, DE shall approve remaining pupils who did not receive SFS the previous year on a first come first serve basis, according to date application was submitted by the parent or guardian.

c. SFS shall only be approved for one year and application must be submitted annually.

3. DE shall assign each pupil a SFS in the amount equal to the sum of all the following:

   a. Product of pupil’s weighted enrollment of pupil’s resident district multiplied by the difference between 88.4 percent of the regular program cost and the statewide average foundation property tax per pupil.

   b. Total teacher salary supplement cost per pupil for resident district.

   c. Total professional development supplement cost per pupil for resident district.
d. Total early intervention supplement district cost per pupil for the resident district.

e. Total AEA TSS cost per pupil for resident district.

f. Total AEA PD supplement cost per pupil for resident district.

g. Total teacher leadership supplement cost per pupil for resident district.

4. State Treasury will create a fund for the SFS under the control of the DE of monies appropriated by the DE for the program. For fiscal year beginning July 1, 2022, a standing unlimited appropriation from the general fund to the DE will be credited to the fund necessary to pay for all SFS approved for that fiscal year. DE has all powers necessary to carry out program including:

a. Make and enter into contracts necessary to administer the fund.

b. Procure insurance any loss in connection with assets or require a surety bond.

c. Contract with private financial management firm to manage in collaboration with the state treasurer, including debit cards or checks payable directly from the pupil’s SFS account in the fund.

d. Conduct audits and other reviews necessary to administer.

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

5a. For each pupil approved, the DE will establish a SFS account. Funds shall be deposited July 1 and immediately available for payment.

b. A nonpublic school that accepts payments, shall not refund or share any portion with the parent, guardian or pupil.

c. Money’s in the pupils account at end of fiscal year shall remain in the account for qualified expenses in future fiscal years until the pupil is ineligible or the funds are reverted to the general fund.

6a. Qualified educational expense includes tuition and fees at a nonpublic school, textbooks, fees or payments for educational therapies including tutoring or cognitive skills training, curriculum fees, software, and materials for course of study including online, vocational, and life skills approved by the DE for pupils with disabilities including the cost of paraprofessionals and assistants. Can include cost of computer- one every three years. Excludes room and board.

b. Excludes transportation costs, food, clothes, disposable materials (pens, paper, notebooks, art supplies).

7a. False claims are guilty of fraudulent practice under Chapter 714. The DE will close the account and transfer any remaining money to the general fund. DE will recover any funds,
initiating legal proceedings if necessary. Those who commit fraud will be prohibited from participation in future.

b. If the pupil is expelled or withdraws from enrollment, the nonpublic school shall notify the DE in writing. Withdraw from enrollment invalidates eligibility unless due to change in residence and enrollment continues in different nonpublic school.

c. (1) The DE shall close the account and transfer money from account to the general fund upon receipt of notification of expulsion. The DE shall recover through legal proceedings if necessary.

   (2) Upon notification of withdraw the DE shall cease disbursements, close account and transfer money. The DE shall recover as much money to the extent the amount disbursed exceeds the amount of the SFS proportionate to the remaining of the school year.

   (3) Upon notification of withdraw if result of residence change but pupil does not enroll in different nonpublic school, the remaining funds are to be transferred to the general fund.

   (4) If the pupil withdraws or is expelled under the previous paragraphs, they are ineligible for future SFS.

8. Money in pupil account after high school graduation or the age of 21, whichever comes first, reverts to the general fund.

9. a. Parent may appeal DE decisions to the State Board of Education. DE shall notify parent or guardian of appeals process. State Board shall establish appeal process consistent with 17A and post to website.

b. State Board shall refer substantial misuse to the Attorney General.

10a. This section no to be construed to suggest authority of government over a nonpublic school or to require a nonpublic school to change its admissions or educational program in order to receive SFS payments.

b. Shall not be construed to impose regulations upon nonpublic schools that are not necessary to implement this section.

c. A nonpublic school that accepts payment is not an agent of the state or political subdivision.

d. Rules adopted by the DE to implement this section that impose an undue burden on a nonpublic school are invalid.

e. Nonpublic schools who accept payment from parents or guardians for a pupil’s SFS account shall be given maximum freedom possible to provide for educational needs, consistent with state and federal law.

Sect. 7- New Section- 257.16E Student First Enrollment Supplement (SFES)— Rural $$$

1. SFES is a separate fund in the state treasury under DOM.
2a. For each fiscal year beginning on or after July 1, 2023, there is an annual appropriation from the general fund to the DOM to deposit into the SFES an amount equal to the product of the number of approved SFS for the base year multiplied by the sum of the statewide average foundation property tax per pupil plus the difference.

b. The monies in a fiscal year in the SFES shall be distributed equally as payments to school districts with budget enrollment fewer than 500 students.

3a. Payments shall be paid at same time and manner as foundation aid and may be included in monthly payment of SSA.

b. SFES received are miscellaneous income and are to be deposited into the district’s general fund but shouldn’t be included in district cost or affect receipt or amount of budget adjustment.

4. Any monies remaining in the base supplement fund shall no revert and shall remain to be used for the following year.

**Sect. 8- 422.7 Code 2022 is amended by adding the following new subsection:**

New Subsection. Allows subtraction of SFS received by the taxpayer for qualified expenses.

**Sect. 9- Student First Scholarship Program Applications for School Year Beginning July 1, 2022**

1. The parent or guardian of the pupil who is requesting the SFS for July 1, 2022, may request application form from DE indicating intent to enroll for entirety of the year, by May 1.

2. The DE, by June 1 preceding school year, shall determine the number of pupils in each school district approved to received SFS and the amount.

**Sect. 10- Emergency Rules**

The DE may adopt emergency rules to implement the SFS program and the rules shall be effective immediately upon filing unless otherwise specified.

**Sect. 11- Effective Date- The following take effect upon enactment:**

1. 256.9 sub 65.

2. 256.11B.

3. Sections of division related to application for SFS for July 1, 2022, school year.

4. Section authorizing emergency rulemaking- Section 10.

**Section 12- Applicability- The following applies to school budget year and fiscal years beginning on or after July 1, 2022:** The section of the division enacting 256.11B.
Section 13- Applicability- The following applies to school budget years and fiscal years beginning on or after July 1, 2023: The section of the division enacting 257.16E.

Sect. 14- Retroactive Applicability – The following applies retroactively to tax years beginning on or after Jan. 1, 2022: The section of this division of this Act enacting section 422.7 sub 51.

Division III- Social Studies Instruction

Sect. 15- 256.11, sub 5, paragraph b is amended-

To require that one-half unit of US government shall include all the following:

- Adds assessment of student’s knowledge of US government and civics. The most recent civics test used for citizenship and immigration shall be used. Results must be submitted on or before June 30th or each year to the DE. The test may be modified for a student with an IEP. The student must answer at 70% correctly as a condition of graduation, high stakes. The test may be retaken as necessary for passage.

Division IV – Private Instruction- Special Education

Sect. 16- Eliminates requirement that AEAs provide prior approval for placement under private instruction.

Sect. 17- New Subsection – parent or guardian of a child identified as requirement special education may request dual enrollment. Shall be determined pursuant to chapter 256B and rules.

Division V – Open Enrollment

Sect. 18- A decision to deny application - of either district board- resident or receiving – is subject to appeal related to sibling or stepsibling, under 290.1.

Sect. 19- If the pupil participates in open enrollment because of sibling participates in open enrollment.

Division VI- Teacher Librarians

Sect. 20- Each school district shall have a qualified teacher librarian licensed by the BOEE- Such license shall NOT require the completion of a master’s degree. 256.11 sub 9.