



HOUSE REPUBLICAN STAFF ANALYSIS

Bill: SF 496	House Committee: PASSED on 3/30 (15-6)
Committee: Education	House Floor:
Floor Manager Representative Wheeler	Senate Floor: PASSED on 3/22 (34-16)
Date: April 4, 2023	Governor:
Staff: Kristin Rozeboom (1-3015)	

Governor Parent Empowerment

- This analysis reflects the strike-after amendment.
- Age-Appropriate Language with the addition of “graphic” in front of descriptions and visual depictions (HF 597)
- Transparency
 - District must publish their book or educational material removal policies and board decision review policies on their websites.
 - District must adopt policy for residents of the district to review instructional materials and include process for student’s to not be provided with certain materials.
 - Access to online library.
 - Identity of parent/guardian who requests removal must be kept confidential.
 - Students cannot be on book review committees.
- Parents Rights Language
 - Parents have the ultimate responsibility, and the fundamental, constitutionally protected right, to make decisions regarding the entire upbringing of their child.
- SEL Survey Language
 - Must get parental consent prior to giving surveys, parental access to surveys, who created/sponsored the survey, how the data is used, and how the data is stored.
- Special Education/homeschool language
 - AEA does not need to give consent before a special education student can receive CPI and a special education CPI student may dual enroll.
- Gender identity/sexual orientation instruction prohibited in K-6
- AIDS and HPV/HPV vaccine as specific STDs or communicable diseases removed from Code (does not prohibit instruction on these things)
- A school cannot knowingly give false or misleading information to a parent/guardian regarding the student’s gender identity.
- If a student requests an accommodation for a gender identity different than their sex at birth, the teacher must report to the administrator and the administrator contacts the parent/guardian.
- Adds in:
 - BOEE (HF 430)
 - Intra-district Enrollment (HF 429)
 - Alternative Teacher Licensure (HF 255)

- Seizure Safe Schools (HF 608)
 - Health Training Task force from School Board Omnibus (HF 370)
 - School Board Empowerment language from School Board Omnibus (HF 370)
 - Charter School Athletic Participation (HF 253)
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Section by Section Analysis

Division I. School Boards—Duties and Responsibilities

Section 1. Section 279C.8C

The school board shall have access to and may review any of the following:

- The curriculum associated with any instruction provided to students enrolled in the district.
- Materials located in the library operated by the district, including classroom libraries.

A district shall not prohibit a school board member from attending classes to observe, not evaluate, if the member has given reasonable prior notice to the superintendent and the principal of the attendance center.

A district shall not prohibit a school board member from accessing professional development materials that the district or administrator requires employees to attend. This does not authorize a member to access an individual teacher professional development plan or any materials related to an intensive assistance program.

A district or administrator shall provide copies of materials used in professional development programs required by the district upon request. This shall not be construed to require a district or an administrator to provide copies of an individual teacher professional development plan or any materials related to an intensive assistance program.

“Professional development” means the same as defined in 272.1.

Division II. Responsibilities and Requirements Related to Health

Section 2. Department of Education—Health Care-Related Training for School Personnel Work Group

Directs the Department of Education to convene a health care-related training for school personnel work group to review and develop a plan for health trainings and consider and submit recommendations for the delivery and implementation of training required under state law or rule.

The group shall include all of the following:

- 2 members from the Dept. of Ed., one of whom shall be an administrative consultant in the bureau of nutrition and health services.
- 1 member from DHHS.
- 1 from statewide organization representing teachers.
- 1 from statewide organization representing school boards.
- 1 from statewide organization representing school administrators.
- 1 from statewide organization representing nonpublic schools.
- 1 from AEAs.
- 1 from statewide organization representing physicians.
- 1 from statewide organization representing athletic trainers.
- 1 from statewide organization representing EMS.
- 1 from statewide organization representing healthcare organizations.
- 1 from statewide organization representing school nurses.

Any expenses are the responsibility of that member or the respective entity of that member.

The director shall compile and provide to the work group a list of the healthcare training programs the school personnel are required to complete, as well as any requirements school personnel must meet following such training in order to be in compliance with state law or administrative rule.

The work group shall do all of the following:

- Identify which trainings can be provided over the internet and how trainings can be rotated on a 5 year basis.
- Develop a plan for a regular cycle of health care related training for school personnel review with the goal of removing or modifying programs that are no longer relevant and identifying less costly and more efficient options that provide the appropriate level of training.
- Standardize the process of establishing new training requirements to manage stakeholder expectations relating to the timeline for establishing the requirements.
- Create an ongoing review process to find efficiencies, identify training options that better utilize time and financial resources and offer continuous improvement model for the system moving forward.
- Study and make recommended changes on rules adopted by the State Board relating to individual health plans prepared for students with various health conditions.
- Ensure a public comment process for patient advocacy groups.

If the group recommends elimination or significant modifications, the Dept. of Ed. shall identify stakeholders who would potentially be affected and will invite representatives from those organizations to submit comments before or at an upcoming work group meeting before the work group makes final recommendations.

The Dept. of Ed. shall compile the work group's findings and recommendations and shall submit the compilation, including any proposal for legislation, in a report to the general assembly, the governor, and the State Board of Education by December 1, 2023.

Division III. Mandatory Reporters

Section 3. Section 232.69(1)

Mandatory reporters shall report abuse of a child over 12 years old. Previously was "may" report if over 12 and a shall report if under 12.

Section 4. Section 232.69(1)(b)(4)

Makes all school employees who are 18 or older mandatory reporters.

Section 5. Section 232.70(5) New Paragraph

If the person who makes the report is a licensed school employee who reasonably believes the person responsible for the injury is a licensed school employee, the identity of the licensed school employee the person making the report believes is responsible for the injury must be included in the report.

Division IV. Department of Education—Reporting and Investigation Process

Section 6. Section 256.9 New Subsection

Directs the Department of Education to develop and implement a process for the reporting and investigation of any incident that would reasonably lead to the conclusion that any individual employed by the school (public, charters, and nonpublic) has committed a felony, or has committed any of the mandatory reporting situations for those licensed by the BOEE laid out in 272.15.

The process prohibits the board of a district or nonpublic school from entering into any of the following agreements:

- A written or oral agreement that prohibits the board, nonpublic school board, charter schools, an employee of the district, or a contractor of the school district 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.
- A written or oral agreement that waives the liability of the licensed practitioner relating to or arising from an incident, past performance or actions, or past allegations of wrongdoing.

The process shall require the board, nonpublic board, or charter school board to finalized the investigation of the incident even if the employee resigns or the employee’s contract is terminated during the investigation and send their findings to the BOEE.

The process shall require the board to take all of the following actions with employees who are not licensed under the BOEE:

- Collect and retain all complaints and reports related to incidents reported under this section that are associated with the employee and related to the health and safety of students.
- Notify the school that employs, or is seeking to employ, the employee of the existence and nature of the complaints and reports with the employee and that relate to the health and safety of students if contacted by the school. This shall not be construed to require disclosure of unfounded, closed investigations.

The school 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 government agent, government officer, or any potential employer.

If the BOEE finds the school has intentionally failed to follow the process laid out above for anyone licensed under the BOEE, the BOEE shall assess a fine against the administrator of not less than \$500 and not more than \$5000. Payments of the fine provided in this paragraph shall be remitted to the treasurer of state for deposit into the general fund.

If the Department of Education finds the school has intentionally failed to follow the process laid out above for anyone not licensed under the BOEE, the Department shall assess a fine against the administrator of not less than \$500 and not more than \$5000. Payments of the fine provided in this paragraph shall be remitted to the treasurer of state for deposit into the general fund.

If the BOEE finds the school has intentionally concealed, attempted to conceal an incident, or the investigation of the incident against someone who is licensed under the BOEE, the BOEE shall assess a fine against an administrator who assisted in the concealment of not more than \$10,000. Payments of the fine provided in this paragraph shall be remitted to the treasurer of the state for deposit into the general fund.

If the Department of Education finds the school has intentionally concealed, attempted to conceal an incident, or the investigation of the incident against someone who is not licensed under the BOEE, the Department shall assess a fine against an administrator who assisted in the concealment of not more than \$10,000. Payments of the fine provided in this paragraph shall be remitted to the treasurer of the state for deposit into the general fund.

Division V. Educational Program

Section 7. Section 256.11

The educational standards are amended to say that the State Board shall require that an age-appropriate approach is used by districts and the educational program shall be taught from an age-appropriate approach.

Section 8. Section 256.11(2), (3), (4), & (9)

Kindergarten through sixth grade human growth and development is subject to the prohibition on gender identity and sexual orientation instruction.

In K-6, strikes AIDS being specified to be taught as a communicable. (Doesn't prohibit its teaching just doesn't list out individual communicable diseases)

In grades 7-8, strikes HPV, HPV vaccine, and AIDS from being specified to be taught. (Doesn't prohibit its teaching just doesn't list out individual STDs.)

Each school district shall establish a K-12 library program that contains only age-appropriate materials.

Section 9. Section 256.11(5)(j)(1)

In 9-12th grade removes HPV, HPV vaccine, and AIDS from being listed out.

Section 10. Section 256.11 New Subsection

"Age-appropriate"—means topics messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

Age-appropriate does NOT include any material with graphic descriptions or visual depictions of a sex act as defined in 702.17.

For human growth and development, age-appropriate remains the same as 279.50.

Division VI. Board of Educational Examiners—Licenses

Section 11. Section 256.16(1) New Paragraph

If a higher education institution providing teacher prep offers a program that is designed to assist students in attaining a teacher intern license from the BOEE, the program shall require the participants to satisfy all of the following prior to completion:

- Must have graduated from an accredited or state-approved college or university and must meet requirements for an endorsement area approved by the BOEE for a teacher intern license.
- Must submit an offer of employment from the school with application.
- Must have completed the required pedagogy training.
- Must work under the supervision of a teacher leader assigned by the district, including during co-teaching and planning time.

Section 12. Section 256.161A Temporary initial license for applicant who complete an alternative teacher certification program

The board shall grant a temporary initial teaching license to an applicant who meets all of the following requirements:

- Applicant holds a bachelor's degree from an accredited college or university.
- Applicant shall successfully complete an alternative certification program that includes all of the following:
 - The required content training in which the applicant seeks to be licensed.
 - Pedagogy training, including an examination that teaches effective instructional delivery, classroom management and organization, assessment, instructional design, and professional learning and leadership.
- To be considered an alternative teacher certification program, the program must:
 - Operate in at least 5 states.
 - Be in operation for at least 10 years.

An individual who completes the program and who is granted a temporary initial teaching license is authorized to teach the subjects and grade levels that they completed in the program.

An individual who successfully completes an alternative teacher certification program and who is granted a temporary initial teaching license shall not provide instruction to special education students until a practicum that includes short-term field experiences is successfully completed.

The board shall treat the individual in the same manner as one who completes a traditional prep program.

Section 13. Section 272.2(13)

The board shall grant a temporary initial teaching license to an applicant who meets all of the following requirements:

- Applicant holds a bachelor's degree or higher from an accredited or state-approved college or university. The rules shall, at a minimum require the board to do all of the following:
 - Issue a teacher intern license to an applicant who has enrolled in a program pursuant to 256.16.
 - Allow a licensee who has attained a teacher intern license to apply for an initial teaching license if the school that employed the licensee recommends that the licensee be allowed to apply for an initial teaching license.

Section 14. Section 272.28—Licensure beyond a temporary initial license or an initial license

Amended to add "temporary initial license" as being able to receive licensure beyond initial licensure if they meet the requirements.

Division VII. School Responsibilities

Section 15. Section 256E.7(2)(i)

Includes charter schools as complying with standards regarding formal examinations or surveys designed to assess a student's mental, emotional, or physical health.

Section 16. Section 256E.7(2)

Includes charter schools as complying with 279.78 relating to prohibitions and requirements related to gender identity same as a school district.

Charter schools are subject to complying with survey, analysis, activity, or evaluation participation same as school districts.

Charter schools are subject to comply with K-6 prohibition on gender identity and sexual orientation instruction.

Comply with requirements that students are prohibited to be on book review committees.

Comply with BOEE reporting and investigation requirements.

Comply with requirement to view the BOEE's public license information prior to hiring a licensed individual.

Section 17. Section 256E.13 New Section—Extracurricular Athletic Activities

If a charter school does not offer a particular extracurricular athletic activity, a student enrolled in the charter school may participate in the extracurricular athletic activity provided by the student's school district of residence.

If a student participates in an extracurricular athletic activity the student shall be included in the district's basic enrollment and counted as 1/10 of one pupil.

The State Board may adopt rules.

Section 18. Section 256F.4(2)(k)

Includes charter schools as complying with standards regarding formal examinations or surveys designed to assess a student's mental, emotional, or physical health.

Section 19. Section 256F.4(2)

Includes charter schools as complying with 279.78 relating to prohibitions and requirements related to gender identity same as a school district.

Charter schools are subject to complying with survey, analysis, activity, or evaluation participation same as school districts.

Charter schools are subject to comply with K-6 prohibition on gender identity and sexual orientation instruction.

Comply with requirements that students aren't on book review committees.

Comply with BOEE reporting requirements.

Comply with requirement to view the BOEE's public license information prior to hiring a licensed individual.

Section 20. Section 257.6(1)(a) New Subparagraph

Resident pupils enrolled in a charter school under 256E who participate in extracurricular athletic activities shall be counted as 1/10 of one pupil.

Section 21. Section 279.50(1) & (2)

Removes AIDS, HPV and HPV vaccination from being specified in Code, and instead puts in and the prevention and control of disease, including sexually transmitted diseases in grades 7-12.

Section 22. Section 279.50 New subsection

Age-appropriate and research based human growth and development instruction in grades 1-6.

Section 23. Section 279.50(9)(b) & (c)

Removes the definitions of HIV and HPV.

Section 24. Section 279.76(1)

Amended to say each district is prohibited from administering or conducting a formal examination or survey of a student that is designed to assess the student's mental, emotional, or physical health that is not required by state or federal law without first acquiring the written consent of the student's parent or guardian.

Each district shall give written notice of an examination or survey of the student required by state or federal law that is designed to assess the student's mental, emotional, or physical health at least 7 days prior to the exam or survey. The notice shall include a copy of the exam or survey or a link to the site.

This does not apply to hearing or vision exams.

Section 25. Section 279.77. New Section. Transparency—Publication of School District Information

Each district shall publish all of the following information related to the current school year on the district's website:

- A detailed explanation of the procedures or policies in effect for the parent or guardian of a student enrolled in the district to request removal of a book, article, outline, handout, video, or other educational

material that is available to students in the classroom or in a library operated by the district. Each district shall prominently display the detailed explanation of the district's website.

- A detailed explanation of the procedures or policies to request the review of decisions made by the board, including the petition process to get an agenda item on the board's agenda.

The board shall adopt a policy describing the procedures for the parent/guardian of a student to review the instructional materials used in the classroom. The policy shall include a process for the student's parent/guardian to request that the student not be provided with certain instructional materials. The policy shall be prominently displayed on the district's website and the board shall annually provide a written or electronic copy of the policy to the parent/guardian of each student.

"Instructional materials" means either printed or electronic textbooks and related core materials that are written and published primarily for use in elementary school and secondary school instruction and required by a state educational agency or local educational agency for use by students in the student's classes by the teacher of record. It does not include lesson plans.

Each district shall make available to the parent/guardian a comprehensive list of all books available to students in libraries operated by the district by providing a link on the district's website to the electronic catalogue of the books available in libraries operated by the district. Districts can request a waiver prior to 2025 for full implementation.

The identity of a parent/guardian who requests the removal of a book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library operated by the school district shall be confidential and shall not be a public record under chapter 22.

Shall not be construed to do any of the following:

- Reproduce educational materials that were not created by a person employed by the board.
- Distribute any educational materials in a manner that would infringe on intellectual property rights.

Section 26. Section 279.78 New Section—Parental Rights in Education

A school district shall not knowingly give false or misleading information to the parent/guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the sex listed on a student's official birth certificate or certificate issued upon adoption.

If a student requests an accommodation that is intended to affirm the student's gender identity from a licensed practitioner, including a request that the licensed practitioner address the student using a name or pronoun that is different than the name or pronoun assigned to the student in the district's registration forms or records, the practitioner shall report the student's request to an administrator and the administrator shall report the request to the parent/guardian.

Section 27. Section 279.79 New Section—Protection of Student Rights

The school board must receive prior written consent before requiring a student to take part in any survey, analysis, activity, or evaluation that reveals information concerning any of the following about the student or the student's family, whether the information is personally identifiable or not:

- The political affiliations or beliefs of the student or the student's parent/guardian.
- Mental or psychological problems of the student or the student's family.
- Sexual behavior, orientation, or attitudes.
- Illegal, antisocial, self-incriminating, or demeaning behavior.
- Critical appraisals of other individuals with whom the student has close familial relationships.
- Legally recognized privileged or analogous relationships, such as those of attorneys, physicians, or ministers.
- Religious practices, affiliations, or beliefs of the student or the student's parent/guardian.

- Income, except when required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

An employee of a district, or contractor, shall not answer any question pertaining to any particular student in any survey related to the social or emotional abilities, competencies, or characteristics of the student, unless the board satisfied all of the following requirements:

- The board provides to the parent/guardian of each student detailed information related to the survey, including the person who created the survey, the person who sponsors the survey, how information generated by the survey is used, and how information is stored.
- The board receives written consent from the parent/guardian.

This shall not be construed to prohibit an employee of a contractor from answering questions pertaining to a student as part of the IEP process.

Section 28. Section 279.80 New Section—Sexual Orientation and Gender Identity—Prohibited Instruction

A district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six.

Section 29. Section 279.81. New Section—Library Materials Review Committee

The school board shall not allow a student to serve on any committee that determines, or provides recommendations on whether material in a library operated by the school district should be removed.

Section 30. Section 279.82. New Section—Intra-district enrollment.

A parent or guardian of a student enrolled in a school district may enroll the student in another attendance center within the same school district that offers classes at the student's grade level if, as a result of viewing a recording created by a video surveillance system or a report from a district employee, the board determines that any student has harassed or bullied the student. (Harassment and bullying means the same as defined in 280.28)

A parent or guardian shall send notification to the board, on forms prescribed by the Dept. of Ed., that the parent or guardian intends to enroll the student in another attendance center within the same school district that offers classes at the student's grade level.

The school board shall enroll the student in another attendance center within the district if they have sufficient classroom space. The board may adopt a policy granting the superintendent authority to approve requests submitted. If the request is granted, the board shall transmit a copy of the form to the parent/guardian within 5 days after board action. The parent/guardian may withdraw the request at any time prior to the board's action on the request. A denial of request by the board is not subject to appeal.

Each school district shall adopt a policy that defined "insufficient classroom space" for that district. The board may adopt a policy granting the superintendent authority to approve requests submitted. If the request is granted, the board shall transmit a copy of the form to the parent/guardian within 5 days after board action. The parent/guardian may withdraw the request at any time prior to the board's action on the request. A denial is not subject to appeal.

Each school district shall adopt a policy that defines the term "insufficient classroom space" for that district.

A request is for a period of not less than one year. The student may return to the original attendance center and enroll at any time once the parent/guardian has notified the board in writing of their decision.

If the request is for a student requiring special education, it can only be granted if these conditions are met:

- The attendance center maintains a special education instructional program that is appropriate to meet the student’s needs and it would not exceed maximum class size or caseload.
- If the student would be assigned to a general education class, that there is sufficient classroom space for the general education class assigned.

If a student has been suspended or expelled, the student is not permitted to transfer until the student has been reinstated. Once the student is reinstated, the student shall be permitted to transfer as if the student had not been suspended or expelled. If a student is expelled in the school district, the student shall be permitted to transfer if the student applies for reinstatement but is not reinstated in the district, the board may deny the request to transfer. The decision is not subject to appeal.

A student is eligible to participate immediately in varsity interscholastic athletic contests and athletic competitions.

Shall not be construed to prohibit transfers for reasons in addition to these allowed in this section.

State Board shall adopt rules.

Section 31. Section 279.83 New Section—Notice to parents or guardians related to physical injuries, harassment, or bullying

An employee of a school district shall notify the parents or guardians in writing or email within 24 hours after the employee witnesses either directly or indirectly by viewing a recording of any of the following:

- Any student enrolled in the district physically injuring the student.
- Any student enrolled in the district harassing or bullying the student.

Section 32. Section 280.13D New Section—Seizure action plan and training requirements

“Individual health plan”—confidential, written, preplanned, and ongoing special health service developed for a student who requires such service to be incorporated with the student’s educational program.

“School nurse”—registered nurse holding current licensure who practices in the school setting to promote and protect the health of the school population by using knowledge from the nursing, social, and public health sciences.

“School personnel”—principals, guidance counselors, teachers, and other relevant employees who have direct contact with and supervise children, including school bus drivers and paraeducators.

“Seizure action plan”—written set of instructions designed to direct caregivers and staff to intervene in the event of a seizure occurrence and is considered a plan for emergencies as part of an individual health plan.

Starting with the school year beginning July 1, 2024, the school shall have at least one school employee at each school who has met the training requirements necessary to administer or assist with the self-administration of all of the following:

- A medication approved by the FDA to treat seizure disorder symptoms or as a seizure rescue medication.
- A manual dose of a prescribed electrical stimulation using a vagus nerve simulator magnet approved by the FDA.

The presence of a school nurse employed full-time who assumes responsibility for the administration of seizure medications shall fulfill the above requirements. This does not require school personnel, other than a school nurse, to administer a suppository to a student.

On or after December 31, 2025, each public school and accredited nonpublic school shall provide training to all school personnel on how to recognize the signs and symptoms of seizures and the appropriate steps for seizure first aid.

Each school shall require school personnel responsible for the supervision or care of students to undergo seizure recognition and first aid training.

Each school shall require school personnel responsible for the supervision or care of students to undergo seizure recognition and first aid training on a biennial basis.

Any training programs or guidelines for the training of school personnel in the health care needs of students diagnosed with a seizure disorder shall be consistent with programs and guidelines developed by Epilepsy Foundation of America or any successor organization.

This shall not be construed to limit the authority of a school to require additional seizure disorder training.

Prior to administering medication according to a student's seizure disorder, the school must obtain a signed and dated authorization from the student's parent or guardian

Authorization shall be effective for the school year in which it was granted and must be renewed each school year.

Upon request of a student's parent/guardian, the district shall collaborate with parent/guardian and relevant healthcare professionals, including the school nurse or education team in the development of an individual health plan, and seizure action plan if appropriate. The individual health plan or seizure action plan shall be based on the student's needs and may include, but is not limited to, assessment, nursing diagnosis, outcomes, planning, interventions, student goals, and a plan for emergencies to provide direction in managing the student's health needs. The plan shall be updated consistent with timelines for individual health plans.

Each school shall maintain all authorizations on file in the school nurse's office or school administrator's office.

Each district shall distribute information regarding a student's seizure action plan to any school personnel responsible for the supervision or care of the student.

The requirements shall only apply to a school that has either of the following:

- An enrolled student with a known diagnosis of epilepsy or seizure disorder.
- An enrolled student who is known to currently be taking medication to treat seizure disorder.

The State Board of Education shall adopt rules to establish a new seizure education program for the purpose of providing schools age-appropriate programs on seizures and seizure disorders, which shall be consistent with guidelines published by the Epilepsy Foundation of America or any successor organization, and participation in the program shall be optional.

A school acting in good faith and in compliance with an individual health plan and seizure action plan shall not be liable for any claim for injuries or damages arising from actions taken to assist a student with the student's needs.

Section 33. Section 280.33. New Section—Incidents related to licensed practitioners—reporting and investigation

The school board and board of accredited nonpublic schools shall follow the process created by the Dept. of Ed. related to reporting and investigation of an incident involving the possible commission of a felony by any employee of the district or accredited nonpublic school.

Section 34. Section 280.34 New Section—Requirements to view public license information

Prior to hiring an individual who has been issued a license by the BOEE, a school shall view the BOEE's public license information to determine if the individual has a case pending with a finding of probable cause or any licensure sanction. This shall not be construed to require the BOEE to disclose unfounded, closed investigations.

Section 35. Effective Date

The section enacting 279.82 and 279.83 takes effect upon enactment.

Division VIII. Board of Educational Examiners—Membership and Miscellaneous Responsibilities

Section 36. Section 272.2(14)(b)

Amended to include if the board has found by a preponderance of the evidence that the person committed the offenses listed out in code.

Section 37. Section 272.2(15)

The BOEE will require the board to finalize the investigation of the written complaint even if the licensed practitioner resigns or surrenders their license.

The BOEE will adopt rules that require the collection and retention of written complaints that are filed. If the complaint is not founded, the complaint and all records shall be kept confidential and not subject to chapter 22.

Adopt rules that require the board to notify the public when a licensed practitioner who is subject of an ongoing investigation has a case pending with a finding of probably cause. This shall not be construed to require the board to disclose unfounded, closed investigations.

Adopt rules that require the evaluation of the complaints that didn't result in any discipline or sanction if similar complaints are filed against the same licensed practitioner.

Adopt rules that require the board to investigate an administrator who is employed by the school that employs a licensed practitioner who is the subject of an investigation. The rules shall require the board to investigate whether the administrator filed a written complaint and whether the administrator was required to report to the board.

Section 38. Section 272.2 New Subsection

The BOEE will adopt rules allowing an individual seeking a CTE authorization to apply and be issued the secondary authorization prior to accepting an offer of employment with the school.

Section 39. Section 272.3

Strikes section and inserts:

Membership:

- 11 members
 - 5 parents or guardians of students who are currently enrolled or have been enrolled within 7 years prior in public, charter, or nonpublic and who doesn't hold an elective office or is currently an employee of a school or has been in the past 10 years.
 - 5 members are licensed practitioners. One shall be an administrator and one a special education teacher.
 - 1 school board member.
- Membership shall be political and gender balanced. A quorum of the board is six members. Members shall elect a chairperson of the board. Members shall be appointed by the Governor subject to Senate confirmation.

Section 40. Section 272.4(1)

Members shall be appointed to serve staggered terms of four years. A member shall not serve more than 2 consecutive terms. A member of the board who is a licensed practitioner shall hold a valid practitioner's license during the member's term of office. A vacancy exists when any of the following occur:

- The license expires, is suspended, or is revoked.
- A licensed practitioner retires or terminates employment as a practitioner.

- A member dies, resigns, is removed from office, or is otherwise physically unable to perform the duties of office.
- A member’s term of office expires.

Section 41. Board of Educational Examiners Membership—Transition

The terms of office associated with the members of the BOEE shall be deemed expired as of the effective date of this Act.

For the members first appointed by the Governor, five shall serve an initial term of two years and six shall serve an initial term of four years. When the Governor appoints, he or she will indicate whether the term shall be for two years or four years.

Division IX. Private Instruction and Special Education

Section 42. Section 299A.9(1)

The director of special education of the AEA does not need to give prior approval to a child identified as requiring special education for placement under competent private instruction.

Section 43. Section 299A.9 New Subsection

The parent/guardian/legal custodian of a child who is identified as requiring special education may request dual enrollment.

Division X. Parents and Guardians Rights

Section 44. Section 601.1 New Section—Parents and Guardians--Rights

“Emergent care” means a sudden or unforeseen occurrence or onset of a medical or behavioral condition that could result in serious injury or harm to a minor child in the event immediate medical attention is not provided.

“Medical care” means any care, treatment, service, or procedure to prevent, diagnose, alleviate, treat, or cure a minor child’s physical health or mental condition.

“Minor child” means an unmarried and unemancipated person under the age of 18.

Subject to SF538 (prohibition on minor gender surgeries and hormone therapy), a parent/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. Any and all restrictions of this right shall be subject to scrutiny.

This section shall not be construed to prohibit any of the following:

- A minor child from receiving medical attention in an emergent situation.
- A person from cooperating in a child abuse assessment.
- A court, law enforcement officer, or an employee of a government entity responsible for child welfare from acting in their scope of authority.
- A court from issuing an order permitted by law.

This section shall not be construed to authorize a parent/guardian to engage in unlawful conduct or to abuse or neglect a minor child.

The rights guaranteed to parents and guardians are not a comprehensive list of the rights reserved to the parents and guardians. This shall not be construed to limit the rights of parents and guardians.

Division XI. Implementation of Act

Section 45. Implementation of Act

Section 25B.2(3) shall not apply to this Act.

Lots of changes to the title.

Amendment Analysis

Second degree H-XXXX by Wheeler—For transparency, says the school board must adopt a policy for a parent or guardian of a student enrolled in the district or a resident of the school district to review instructional material. Previously it said resident of the district which would inadvertently leave out open-enrolled families.