Legislative Policies Enacted in 2023
Update on Language, Interpretations and Implementation

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SF 391 Chapter 12 Flexibility: The bill includes the following six divisions:

Div. I: Eliminates the Comprehensive School Improvement Plan (CSIP). Districts will no longer be required to submit a CSIP to the DE and the DE will not be required to monitor or report on CSIPs. *However, many of the individual components of the CSIP, such as a school districts professional development (PD) plan, or early childhood plan or the requirement to set student learning goals for school improvement, to name just a few, are still required.*

Div. II: Teacher Librarian and Counselor Flexibility: allows school districts to hire a librarian previously employed as a public librarian, specifies the BOEE shall not require a masters' degree for a teacher librarian credential, and requires the state BOE to establish by rules, library standards including a collection and updating process.

Also defines the counselors Job: "The program shall be designed to ensure that the guidance counselor can work collaboratively with students, teachers, support staff and admins to support the curricular goals of the school by offering responsive services that address the growth and development needs of students and the attainment of student competencies in academic, career and social areas."

Div. III: Virtual Learning Days: allows up to 5 days or 30 hours of virtual learning in the school calendar. These days may be used to make up for days canceled due to snow or other emergencies, or could be embedded throughout the year for other purposes.

DIVISION II

TEACHER LIBRARIANS AND GUIDANCE COUNSELORS

Sec. 11. Section 256.11, subsections 9 and 9A, Code 2023, are amended to read as follows:

9. *a.* Beginning July 1, ~~2006~~ 2023, each school district shall ~~have~~ employ either a qualified teacher librarian ~~who shall be~~ licensed by the board of educational examiners under chapter 272 or a person previously employed as a librarian by a public library. The board of educational examiners shall not require an applicant for a teacher librarian license to have a master's degree.

b. The state board shall establish in rule standards for school district library programs, which shall be designed to provide for methods to improve library collections to meet student needs, include a current and diverse collection of fiction and nonfiction materials in a variety of formats to support student curricular needs, and include a plan for annually updating and replacing library materials and equipment.

c. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program.

Div. IV: Educational Standards – Agreements with Community Colleges

- Flexibility for a Community College instructor to teach any unit to meet offer and teach requirements – all courses under 256.11 (5).

- Strikes the requirement in Iowa Code to make a good faith effort to hire a teacher in that content area before allowing the Community College Instructor to teach it and removes the requirement that it only applies to districts below 600 students and is limited to courses with fewer than 5 students participating.
- Specifies that students enrolled in that course do not count for supplementary weighting (concurrent enrollment) if the course is used to meet an offer and teach requirement.

Div. V: Sequential units in one classroom

- Allows an appropriately licensed teacher to teach two or more sequential units of one subject area in the same classroom at the same time in grades 9-12 (including AP if the teacher meets certification requirements). This would allow AP credit, community college credit and high school credit to be offered by the same teacher at the same time.
- Also allows a community college instructor to teach multiple sequential units.
- Requires the district to offer high school credit for the course.

Div. VI: Education Standards:

- Strikes from current standards:
    - Technology literacy from 21st Century learning skills.
    - Requirement to teach kindergarteners about role of family, sense of self and perception of others.
    - AIDS/HIV references throughout.
- Adds to career exploration a duty to facilitate career readiness and introduce students to career opportunities within the local community and across Iowa.
- Requires districts to offer two sequential units of world languages and two units of fine arts for accreditation (which may include any of: dance, music theater or visual art). Current law states four units.
- Mandates excusing a high school student from PE requirements if:
    - Student is seeking waiver to enroll in academic courses otherwise not available, or enrolled in a work-based learning program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day, or activity sponsored by the school which requires at least as much activity at 1/8th unit per week.
    - Removes all of the process for principal in consult with counselor. States student shall be excused if parent requests and the student meets any of the above requirements.
    - Does not alter the religious exemption process.
- Changes financial literacy: must offer ½ unit, which MAY be offered and taught through dedicated units of coursework or through units of coursework that also meet the requirements of the coursework required under other offer and teach areas (Science, Social Studies, ELA, Math first 4 units or Math 2 more unit, and CTE). District must still meet all of the financial literacy standards and may meet the requirements through any combination of courses. Strikes the requirement that a student complete a financial literacy course to graduate.

SF 496 Transparency and Parents' Rights: includes the following:

- Prohibits any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in K-6. Requires age-appropriate materials (defined below). The language specifically excludes private schools from these requirements. *Note: the "age-appropriate" requirement goes into the educational standards part of Iowa Code, 256.11, unnumbered paragraph 1, so applies to classrooms, libraries, everything. . .the term "relating to" gender identity or sexual orientation is pretty broad. There is more about surveys below.*

  "Sexual orientation", defined in Code 216.2, means "actual or perceived heterosexuality, homosexuality, or bisexuality." Whatever practice is applied at the local level, it must be reasonably and consistently applied. If a book is excluded because it has a family with two moms, two dads, or even two male penguins, then every book with a mom and dad must also be excluded. Since that action would be absurd, a reasonable interpretation of this definition means curriculum and books should not be used to persuade students to change their gender identity or to encourage any of the sexual orientation iterations, should not present one iteration as better or worse than another (with bias) and obviously, should not include any sexual acts.

- Deletes HIV and HPV/Vaccine from K-12 health curriculum (still requires instruction on STDs in grades 7-12). Does not prohibit such instruction, but removes it from the requirement that it must be taught.

- Requires districts to have a K-12 library program, consistent with educational standards, with age-appropriate materials, and supporting student achievement goals. Note re: *SF 391 Chapter 12 Flexibility. SF 391 requires the state Board of Education to establish library standards through administrative rules. It is unknown at this time if the state BOE will define "age-appropriate", gender identity or sexual orientation content through the administrative rules process with any more description or simply restate the legislation.*

- Districts have **until January 1, 2024 before penalties** regarding library provisions are effective. If a DE investigation determines the district or an employee has violated the provision prohibiting content in library books that was not age-appropriate, specifies consequences.
  - First violation results in a written warning to the school board or employee.
  - Second and subsequent violation, if DE finds the district knowingly violated the requirements, subjects the Superintendent to a BOEE ethics investigation.
  - Second and subsequent violation, if pertains to a licensed employee which knowingly violated the requirements, subjects that employee to BOEE ethics investigation.
  - BOEE investigations could lead to disciplinary action.

Note: DE's letter to the field stated that this provision gives them the authority to define a process to investigate library materials. At the August board meeting, the DE staff stated that the State BOE is not required to weigh in on the DE process. Hopefully, the DE investigation process will give school leaders and staff a chance to remedy any complaint before imposing consequences, but that is not yet known. BOEE is now under DE after state government reorganization.

"Age-appropriate" terminology impacts both libraries and classrooms due to its reference in the Iowa Code impacting educational standards.

Speaker Grassley's letter to constituents 8.25.23 states what SF 496 doesn't do:

- This bill does not ban books that contain LGBTQ characters.
- This bill does not prevent a teacher in a same-sex marriage from talking about or displaying photos of their spouse.
- This bill does not prevent students from discussing these topics themselves.
- This bill does not allow for bullying based on sexual orientation or

SF 496 Defines "Age-Appropriate" to mean 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 descriptions or visual depictions of a sex act as defined in section 702.17.

DMR 7.9.23 "But lawmakers who helped pass the bill, like Senate Education Committee Chair Ken Rozenboom, R-Oskaloosa, say removing school books with sex acts is "just not difficult."

"Let's not drag Shakespeare and the Bible into this discussion, because we all know that's not what we're dealing with," Rozenboom said. "These are books — and the list is out there — that the schools know. … Books that have very explicit, sometimes perverse, pornographic descriptions."

Cedar Rapids Gazette 8.6.23 House Education Committee Chair Skyler Wheeler, R-Hull, in a statement provided in the newsletter, said . . .he does not believe deciding which books to remove should be hard.

"It's unbelievable to me that some of these school districts are having such a hard time removing sexually explicit material from their library," he said. "This is quite simple to me. Porn doesn't belong in school libraries. Books that don't contain porn can remain on the shelves."

How does "good touch/bad touch" content for elementary students mesh with this definition? Could it fall under domestic abuse?

Grassley's letter specifically states "This bill does not stop any instruction providing information to students to prevent sexual abuse. Schools can provide students with necessary information such as safe touches vs unsafe touches without getting into gender identity and sexual orientation'"

Note: The House version of this language prohibited "graphic descriptions or visual depictions of a sex act as defined in section 702.17". The final version of the bill did not include the adjective "graphic" to describe sex act, leaving school leaders, librarians and staff somewhat confused about the intent of the legislation. However, some recent comments by chairs of the Senate and House Education Committees give a strong indication of legislative intent:

week, Urbandale School District released a list of books they believe need to be reviewed
ol libraries due to this new policy. Their list is, I believe, purposefully overbroad to make a
tion Chairman Skyler Wheeler explained this issue quite well. Remember the bill states
criptions or images of a sex act do not belong in schools. After reading the definition of sex
at the Urbandale School District's list contains many books that do not fall under this new
. We want pornographic materials out of school libraries. I still cannot understand why
districts disagree.

- *on of obscenity, which stated that content was NOT obscene, if, when taken as a whole, rary, artistic, political, or scientific value. Now that the definition of "age-appropriate" ty statute is no longer controlling.*
- man growth and development (sex education classes) from the prohibition to describe a ires research-based content and defines "research-based" according to Iowa Code equirement that information is verified or supported by the weight of research conducted scientific methods. . . and is free of racial, ethnic, sexual orientation and gender biases. *Iowa Code 279.50 is amended in the bill to preclude content (and more) from including gender identity or sexual orientation in grades 1-6.*

- Requires each school board to provide age-appropriate and research-based instruction in human growth and development including instruction regarding self-esteem, stress management, interpersonal relationships, and domestic abuse in grades 1-6.

There isn't necessarily a "list of banned books" and the DE is not likely to make such a list. The requirement is to remove books that include a sex act as defined by Iowa Code 702.17 and review of alignment with "age-appropriate". These resources might help school staff know where to start the search. Schools must comply with the law, regardless of anyone's feelings about it, but it's also important to not overreact. Once you define your terms, look at flagged passages in these books and determine if a reasonable person would believe they fall under the prohibitions.

American Library Association top 10 list of challenged books for 2022

Wikipedia has an extensive list that summarizes the content which has triggered requests for removal from libraries.

CBS News has a list of the 50 most banned books in America from Nov. 2022

BookLooks.org, often used by Mom's for Liberty, has a look up tool to consider any book and flags the pages of questionable content. (Under reports, for example, select E, look up Empire of Storms, link goes to the publication and the "slick sheet" shows page(s) with sexual content.)

- **Prohibits schools from a formal examination or survey** of a student-designed to assess the students' mental, emotional or physical health
  - that is not required by state or federal law without first getting written parent consent (*this could be the Iowa Youth Survey, for example, since it is voluntary for schools to participate*.)
  - Requires written notice to parents, at least 7 days prior, to administering an exam or survey required by state or federal law. Requires the notice to include a copy of the survey or link to where the parent can access it. (*This would include the Conditions for Learning Survey, required for compliance with ESSA. SF 496 does not include opt out provision for parents for these surveys.)*
  - Does not apply to vision or hearing exams and makes exceptions for emergent care situations and for cooperating in a child in need of assistance process.

The word "formal" has meaning. What makes a survey formal? All students or grades. Data collection, storage, application of information to other decisions.

- Requires schools to publish on the district's website:
  - A detailed explanation of the procedures or policies in effect for the parent of a student enrolled in the school district to request removal of a book, article, outline, handout, video or other education material available to students in the classroom or library. Requires the policy to be prominently displayed on the district's website.
  - A detailed explanation of procedures or policies to request a review of decisions made by the school board, including the petition process for a public hearing.

Iowa Code 279.8B allows the public to petition the school board to put something on the board agenda and includes the requirement that the public be able to address the board (public hearing). Here's the code section:

https://www.legis.iowa.gov/docs/code/279.8B.pdf

- Requires school board to adopt a policy describing how parents of an enrolled student or residents of the school district can review instructional materials used in classrooms. Requires that the policy be posted on the district's website and include the process for a parent to opt their child out of material. Access to the policy must be provided to parents annually in writing or electronically.
    - Defines instructional materials as "printed or electronic textbooks and related core materials that are written and published primarily for use in elementary and secondary instruction and required by the state or district for use by students in the student's classes by the teacher of record." Excludes lesson plans.
- Requires posting a comprehensive list of books available to students in libraries on the district website. If the district does not use an e-catalog yet, the bill allows the districts to request a waiver from the DE for school years before July 1, 2025.
- Requires identity of a parent requesting removal of materials from the classroom or library shall be confidential.

Accommodation is a formal word. District should have a form for students to formally request use of a name or pronoun, not currently in registration records, so staff can help students know their parent must be informed if they proceed with the request.

Note: "Nickname" isn't in the code and the name change accommodation only applies to a request to affirm a gender identity.

garding information about their student and gender identity:

ol district from knowingly giving false or misleading information to parents of a student ent's gender identity. Defines gender identity per IC 216.2, subsection 10. "Gender gender-related identity of a person, regardless of the person's assigned sex at birth.

ts accommodation from a licensed practitioner to affirm gender identity, including use of a different than that on the school district's registration forms or records, the practitioner ministrator who must inform the parent.

enforcement mechanism for violation of any of the above that applies to the library and gulations.

opt rules to implement this section.

- Protection of student rights; requires written parent consent before requiring a student to take part in any survey, analysis, activity or evaluation that reveals personal information about the student or family and lists all of the personal information to which this applies, including the student's or family's political affiliations, mental problems, sexual behavior/orientation/beliefs, illegal, antisocial, self-incriminating or demeaning behavior, critical appraisals of close family relationships, privileged relationships, religion or income. There is an exception for income when needed for eligibility in a program.
    - Requires prior written notice to the parent to include detailed information about the survey, including the person who sponsors it, how the information it generates is used, and how such information is stored.
    - Requires prior written parent consent for an employee to answer any questions or share student information from the survey (except when developing or implementing an IEP).
- States that parents have the ultimate responsibility to make decisions affecting their child. Makes exceptions for medical emergencies, child abuse assessment, court orders, and specifies that this law does not allow any illegal activity.
- Exempts this bill from Iowa Code 25B.2 (state unfunded mandate law).

Note the exception for sharing info when developing and implementing an IEP.

Link to Rules, Policies & Mandates Document compiled by ISFIS updated 8.15.2023:
https://www.iowaschoolfinance.com/system/files/members/Public/Rules%20policy%20mandate%20tracker%202023%20-%207.27.2023.xlsx

Link to DE's 2023 Legislative Session Summary of Changes Affecting Schools Letter to the Field:
https://educateiowa.gov/sites/default/files/2023-07/23.07.28_2023_LettertotheField_0.pdf

ISFIS SPECIAL TOPIC VIDEO SERIES - 2023 SESSION IMPACT ON THE CLASSROOM ***August 2023***

ISFIS has prepared a series of summary videos to help district leaders and staff kick off the school year informed about the many laws and requirements enacted by the 2023 Legislature. Several ways to use this video series: 1) district leadership could review and put together their own explanations or content for staff to consider, 2) could share the videos with staff and discuss implications regarding the next steps as they prepare for students, or 3) pick and choose which videos are most important for staff. Each video has a corresponding PPT that can be downloaded and personalized.

- **Video Series Introduction & Purpose** (4 minutes) - Video and PPT
- **HF 430 Mandatory Reporting & Hiring Practices** (5 minutes) - Video and PPT
- **HF 602 Licensure Renewal** (2 minutes) - Video and PPT
- **HF 604 Discipline & Removal from Classroom** (9 minutes) - Video and PPT

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- **SF 496 Transparency and Parents' Rights** (22 minutes) - Video and PPT
- **Video Series Conclusion** (3 minutes) - Video and PPT