

**Senate Study Bill 1065 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

**A BILL FOR**

1 An Act relating to educational offerings and funding by  
2 establishing a student first scholarship program for certain  
3 pupils attending nonpublic schools, establishing a student  
4 first scholarship fund, providing an income tax exemption,  
5 modifying and establishing charter school programs,  
6 modifying provisions governing the state's open enrollment  
7 law including voluntary diversity plans, modifying the  
8 tuition and textbook tax credit, providing for the educator  
9 expense deduction, modifying provisions related to education  
10 data collection and permissible education programs and  
11 funding, making appropriations, providing penalties, and  
12 including effective date, applicability, and retroactive  
13 applicability provisions.  
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STUDENT FIRST SCHOLARSHIP PROGRAM

Section 1. Section 256.9, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 63. Adopt rules relating to the administration of and applications for the student first scholarship program pursuant to section 257.11B, including but not limited to application processing timelines and information required to be submitted by a parent or guardian.

Sec. 2. NEW SECTION. **257.11B Student first scholarship program.**

1. *a.* For the school budget year beginning July 1, 2022, and each succeeding school budget year, the following resident pupils who are attending a nonpublic school, as defined in section 285.16, shall be eligible to receive a student first scholarship in the manner provided in this section:

(1) A pupil eligible to enroll in kindergarten who, if enrolled in the pupil's district of residence, would attend a public school identified for comprehensive support and improvement under the federal Every Student Succeeds Act, Pub. L. No. 114-95.

(2) A pupil eligible to enroll in grade one through grade twelve if the pupil has attended a public school identified for comprehensive support and improvement under the federal Every Student Succeeds Act, Pub. L. No. 114-95, for the equivalent of the two immediately preceding semesters for which the student first scholarship is requested and if the pupil is not otherwise ineligible under this section.

(3) A pupil who received a student first scholarship for the immediately preceding school budget year, who is eligible to enroll in grade one through grade twelve, and who is not otherwise ineligible under this section.

*b.* Student first scholarships shall be made available to parents and guardians in the manner authorized under subsection 4, paragraph "c", for the payment of qualified educational

1 expenses as provided in this section.

2 *c.* For purposes of this subsection, "*resident*" means the  
3 same as defined in section 282.1, subsection 2.

4 2. *a.* (1) By January 31 preceding the school year for  
5 which the student first scholarship is requested, the parent or  
6 guardian of the pupil requesting a student first scholarship  
7 shall submit an application to the department of education, on  
8 application forms developed by the department of education,  
9 indicating that the parent or guardian intends to enroll the  
10 pupil in a nonpublic school for the entirety of the school  
11 year.

12 (2) In addition to such information deemed appropriate by  
13 the department of education, the application shall require  
14 certification from the nonpublic school of the pupil's  
15 enrollment for the following school year.

16 *b.* By March 1 preceding the school year for which the  
17 student first scholarship is requested, the department of  
18 education shall determine the number of pupils in each school  
19 district approved to receive a scholarship for the following  
20 school year and shall notify the parent or guardian of each  
21 pupil approved for the following school year to receive a  
22 scholarship and the amount of the scholarship for the pupil.

23 *c.* Student first scholarships shall only be approved for  
24 one school year and applications must be submitted annually for  
25 student first scholarships in subsequent school years.

26 3. The department of education shall assign each pupil a  
27 student first scholarship in an amount equal to the sum of all  
28 the following for the same school budget year:

29 *a.* The product of the pupil's weighted enrollment that  
30 would otherwise be assigned to the pupil under this chapter if  
31 the pupil was enrolled in the pupil's district of residence  
32 multiplied by the difference between eighty-seven and  
33 five-tenths percent of the regular program state cost per pupil  
34 and the statewide average foundation property tax per pupil.

35 *b.* The total teacher salary supplement district cost per

1 pupil for the pupil's district of residence.

2 *c.* The total professional development supplement district  
3 cost per pupil for the pupil's district of residence.

4 *d.* The total early intervention supplement district cost per  
5 pupil for the pupil's district of residence.

6 *e.* The total area education agency teacher salary supplement  
7 district cost per pupil for the pupil's district of residence.

8 *f.* The total area education agency professional development  
9 supplement district cost per pupil for the pupil's district of  
10 residence.

11 *g.* The total teacher leadership supplement district cost per  
12 pupil for the pupil's district of residence.

13 4. A student first scholarship fund is created in the  
14 state treasury under the control of the department of  
15 education consisting of moneys appropriated to the department  
16 of education for the purpose of providing student first  
17 scholarships under this section. For the fiscal year  
18 commencing July 1, 2022, and each succeeding fiscal year, there  
19 is appropriated from the general fund of the state to the  
20 department of education to be credited to the fund the amount  
21 necessary to pay all student first scholarships approved for  
22 that fiscal year. The director of the department of education  
23 has all powers necessary to carry out and effectuate the  
24 purposes, objectives, and provisions of this section pertaining  
25 to the fund, including the power to do all of the following:

26 *a.* Make and enter into contracts necessary for the  
27 administration of the fund.

28 *b.* Procure insurance against any loss in connection with the  
29 assets of the fund or require a surety bond.

30 *c.* Contract with a private financial management firm to  
31 manage the fund, in collaboration with the treasurer of state,  
32 including providing for the disbursement of student first  
33 scholarships in the form of an electronic debit card or checks  
34 that are payable directly from the pupil's account within the  
35 fund.

1     *d.* Conduct audits or other reviews necessary to properly  
2 administer the program.

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

5     5. *a.* For each pupil approved for a student first  
6 scholarship, the department of education shall establish an  
7 account for that pupil in the student first scholarship fund.  
8 The amount of the pupil's student first scholarship shall be  
9 deposited into the pupil's account on July 1, and such amount  
10 shall be immediately available for the payment of qualified  
11 educational expenses incurred by the parent or guardian for  
12 the pupil during that fiscal year using the payment method  
13 authorized under subsection 4, paragraph "c".

14     *b.* A nonpublic school that accepts payment from a parent  
15 or guardian using funds from a pupil's account in the student  
16 first scholarship fund shall not refund, rebate, or share any  
17 portion of such payment with the parent, guardian, or pupil.

18     *c.* Moneys remaining in a pupil's account upon conclusion  
19 of the fiscal year shall remain in the pupil's account in the  
20 student first scholarship fund for the payment of qualified  
21 educational expenses in future fiscal years during which the  
22 pupil participates in the program or for the payment of higher  
23 education costs as provided under subsection 8.

24     6. *a.* For purposes of this section, "*qualified educational*  
25 *expenses*" includes tuition and fees at a nonpublic school,  
26 textbooks, fees or payments for educational therapies,  
27 including tutoring or cognitive skills training, curriculum  
28 fees and materials for a course of study for a specific subject  
29 matter or grade level, tuition or fees for nonpublic online  
30 education programs, tuition for vocational and life skills  
31 education approved by the department of education, education  
32 materials and services for pupils with disabilities, including  
33 the cost of paraprofessionals and assistants who are trained  
34 in accordance with state law, standardized test fees, advanced  
35 placement examinations or examinations related to postsecondary

1 education admission or credentialing, qualified education  
2 expenses, as defined in section 12D.1, excluding room and board  
3 expenses, and other expenses incurred by the parent or guardian  
4 that are directly related to the education of the pupil at a  
5 nonpublic school, including a nonpublic school accredited by  
6 an independent accrediting agency approved by the department  
7 of education.

8     *b. "Qualified educational expenses" does not include*  
9 transportation costs for the pupil, the cost of food or  
10 refreshments consumed by the pupil, the cost of clothing for  
11 the pupil, or the cost of disposable materials, including  
12 but not limited to paper, notebooks, pencils, pens, and art  
13 supplies.

14     7. *a.* A person who makes a false claim for the purpose  
15 of obtaining a student first scholarship provided for in this  
16 section or who knowingly receives the scholarship or makes a  
17 payment from an account within the student first scholarship  
18 fund without being legally entitled to do so is guilty of a  
19 fraudulent practice under chapter 714. The false claim for a  
20 student first scholarship or a payment from an account shall  
21 be disallowed. The department of education shall also close  
22 the pupil's account in the student first scholarship fund and  
23 transfer any remaining moneys in the account for deposit in the  
24 general fund of the state. If the improperly obtained amounts  
25 from the scholarship have been disbursed from the applicable  
26 account in the student first scholarship fund, the department  
27 of education shall recover such amounts from the parent or  
28 guardian, or from the pupil for purposes of subsection 8,  
29 including by initiating legal proceedings to recover such  
30 amounts, if necessary. A parent or guardian, or a pupil for  
31 purposes of subsection 8, who commits a fraudulent practice  
32 under this section is prohibited from participating in the  
33 student first scholarship program in the future.

34     *b.* If, prior to the end of the required attendance  
35 period of the school year, a pupil who receives a student

1 first scholarship withdraws from enrollment in the nonpublic  
2 school or is expelled, the nonpublic school shall notify the  
3 department of education in writing of the pupil's withdrawal  
4 or expulsion, and the pupil's parent or guardian shall notify  
5 the department of education of the pupil's withdrawal or  
6 expulsion from the nonpublic school. A pupil's expulsion  
7 from the nonpublic school prior to the end of the required  
8 attendance period for the school year shall invalidate the  
9 pupil's eligibility for the student first scholarship for the  
10 school budget year. A pupil's withdrawal from a nonpublic  
11 school prior to the end of the required attendance period of  
12 the school year shall invalidate the pupil's eligibility for  
13 the student first scholarship for the school budget year unless  
14 the withdrawal is the result of a change in residence of the  
15 pupil and the pupil, following written notice by the parent  
16 or guardian and certification by the new nonpublic school to  
17 the department of education, enrolls in a different nonpublic  
18 school in this state for the remainder of the school year.

19 *c.* (1) Upon receipt of a notice of expulsion under  
20 paragraph "b", the department of education shall close the  
21 pupil's account in the student first scholarship fund and  
22 transfer any remaining moneys in the account for deposit in  
23 the general fund of the state. In addition, if amounts from  
24 the scholarship for the school budget year during which the  
25 pupil is expelled have been disbursed from the expelled pupil's  
26 account in the student first scholarship fund, the department  
27 of education shall recover such amounts from the parent or  
28 guardian, including by initiating legal proceedings to recover  
29 such amounts, if necessary.

30 (2) Upon receipt of a notice of withdrawal under paragraph  
31 "b" and a determination that the pupil's withdrawal was not the  
32 result of a change in residence, the department of education  
33 shall cease disbursements of remaining moneys in the pupil's  
34 account in the student first scholarship fund and maintain the  
35 pupil's account if and until such time that the pupil uses the

1 funds for qualified education expenses under subsection 8. In  
2 addition, if amounts from the scholarship for the school budget  
3 year during which the withdrawal occurs have been disbursed  
4 from the pupil's account in the student first scholarship fund,  
5 the department of education shall recover such amounts from the  
6 parent or guardian to the extent the amount disbursed exceeds  
7 the amount of the scholarship proportionate to the remaining  
8 portion of the school year following the withdrawal, including  
9 by initiating legal proceedings to recover such amounts, if  
10 necessary.

11 (3) Upon receipt of a notice of withdrawal under paragraph  
12 "b" and a determination that the withdrawal was the result of  
13 a change in residence but that the pupil did not enroll in  
14 a different nonpublic school in this state for the remainder  
15 of the school year, the department of education shall cease  
16 disbursements of remaining moneys in the pupil's account in  
17 the student first scholarship fund and maintain the pupil's  
18 account if and until such time that the pupil uses the funds  
19 for qualified education expenses under subsection 8.

20 (4) If a pupil's eligibility is invalidated under the  
21 provisions of paragraph "b", the pupil shall be ineligible for a  
22 student first scholarship for the following school budget year  
23 under subsection 1, paragraph "a", subparagraphs (2) and (3).

24 8. a. For each pupil with a positive balance in the pupil's  
25 account in the student first scholarship fund upon graduation  
26 from high school, the department of education shall maintain  
27 the account in the fund until the pupil is twenty-three years  
28 of age. Following graduation from high school until the pupil  
29 is twenty-three years of age, moneys in the pupil's account may  
30 be used for qualified education expenses, as defined in section  
31 12D.1, incurred by the pupil while attending an institution  
32 of higher education under the control of the state board of  
33 regents, a community college located in this state, or a  
34 private college or university located in this state. Payments  
35 from a pupil's account for higher education costs shall be



1 made in the same manner as payments for qualified educational  
2 expenses under subsection 5. Moneys in a pupil's account when  
3 the pupil turns twenty-three years of age shall be transferred  
4 by the department of education for deposit in the general fund  
5 of the state.

6 *b.* Notwithstanding the age limitation in paragraph "a", if  
7 the pupil with a positive balance in the pupil's account in  
8 the student first scholarship fund upon graduation from high  
9 school serves on federal active duty, other than training, and  
10 is discharged under honorable conditions, the limitation date  
11 otherwise applicable under paragraph "a" shall be extended  
12 by one year for each year of federal active duty service by  
13 the pupil, but not to a date after the pupil's twenty-seventh  
14 birthday.

15 9. *a.* A parent may appeal to the state board of education  
16 any administrative decision the department of education  
17 makes pursuant to this section, including but not limited  
18 to determinations of eligibility, allowable expenses, and  
19 removal from the program. The department shall notify the  
20 parent or guardian in writing of the appeal process at the same  
21 time the department notifies the parent or guardian of the  
22 administrative decision. The state board of education shall  
23 establish the appeals process consistent with chapter 17A and  
24 shall post such appeal process information on the state board  
25 of education's internet site.

26 *b.* The state board of education may refer cases of  
27 substantial misuse of student first scholarship funds to the  
28 attorney general for the purpose of collection or for the  
29 purpose of a criminal investigation if the state board of  
30 education obtains evidence of fraudulent use of an account.

31 10. This section shall not be construed to authorize the  
32 state or any political subdivision of the state to exercise  
33 authority over any nonpublic school or construed to require  
34 a nonpublic school to modify its academic standards for  
35 admission or educational program in order to receive payment

1 from a parent or guardian using funds from a pupil's account  
2 in the student first scholarship fund. A nonpublic school  
3 that accepts payment from a parent or guardian using funds  
4 from a pupil's account in the student first scholarship fund  
5 is not an agent of this state or of a political subdivision  
6 of this state. Rules adopted by the department of education  
7 to implement this section that impose an undue burden on a  
8 nonpublic school are invalid.

9 Sec. 3. Section 422.7, Code 2021, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 51. Subtract, to the extent included, the  
12 amount of a student first scholarship under section 257.11B  
13 received by the taxpayer for payment of qualified educational  
14 expenses.

15 Sec. 4. APPLICABILITY. The following applies to school  
16 budget years and fiscal years beginning on or after July 1,  
17 2022:

18 The section of this division of this Act enacting section  
19 257.11B.

20 Sec. 5. APPLICABILITY. The following applies to tax years  
21 beginning on or after January 1, 2022:

22 The section of this division of this Act enacting section  
23 422.7, subsection 51.

24 DIVISION II

25 CHARTER SCHOOL PROGRAMS

26 Sec. 6. NEW SECTION. 256E.1 **Establishment of charter**  
27 **schools — purpose.**

28 1. Charter schools shall be part of the state's program of  
29 public education.

30 2. A charter school may be established by either of the  
31 following methods:

32 a. A school board may create a founding group to apply  
33 to the state board for approval to establish and operate a  
34 charter school within and as a part of the school district by  
35 establishing a new attendance center, creating a new school

1 within an existing attendance center, or by converting an  
2 existing attendance center to charter status.

3 *b.* A founding group may apply to the state board for  
4 approval to establish and operate a charter school within the  
5 boundaries of the state that operates as a new attendance  
6 center independently from a public school district.

7 3. The purpose of a charter school established pursuant to  
8 this chapter shall be to accomplish the following:

9 *a.* Improve student learning, well-being, and postsecondary  
10 success.

11 *b.* Increase learning opportunities for students in areas  
12 of need in this state, including but not limited to science,  
13 technology, engineering, and math (STEM), and science,  
14 technology, engineering, arts, and math (STEAM).

15 *c.* Increase opportunities for work-based learning, early  
16 literacy intervention, and serving at-risk populations.

17 *d.* Accelerating student learning to prevent learning loss  
18 during the COVID-19 pandemic and other significant disruptions  
19 to student learning.

20 *e.* Encourage the use of evidence-based practices in  
21 innovative environments.

22 *f.* Require the measurement and evaluation of program  
23 implementation and learning outcomes.

24 *g.* Establish models of success for Iowa schools.

25 *h.* Create new professional opportunities for teachers and  
26 other educators.

27 *i.* Investigate and establish different organizational  
28 structures for schools to use to implement a multi-tiered  
29 system of supports for students.

30 *j.* Allow greater flexibility to meet the education needs of  
31 a diverse student population and changing workforce needs.

32 *k.* Allow for the flexible allocation of resources through  
33 implementation of specialized school budgets for the benefit  
34 of the schools served.

35 *l.* Allow greater flexibility for districts and schools to

1 focus on closing gaps in student opportunity and achievement  
2 for all students from preschool through postsecondary  
3 preparation.

4 4. The state board of education shall be the only authorizer  
5 of charter schools under this chapter.

6 Sec. 7. NEW SECTION. 256E.2 Definitions.

7 As used in this chapter, unless the context otherwise  
8 requires:

9 1. "*Attendance center*" means a school building that contains  
10 classrooms used for instructional purposes for elementary,  
11 middle, or secondary school students.

12 2. "*Charter school*" means a school established in accordance  
13 with this chapter.

14 3. "*Department*" means the department of education.

15 4. "*Education service provider*" means an education  
16 management organization, charter school management  
17 organization, or other person with whom a charter school  
18 contracts for educational program implementation or  
19 comprehensive management.

20 5. "*Founding group*" means a person, group of persons,  
21 or education service provider that develops and submits an  
22 application for a charter school to the state board under this  
23 chapter.

24 6. "*Governing board*" means the independent board of a  
25 charter school whose members are elected or selected pursuant  
26 to the charter school contract.

27 7. "*School board*" means a board of directors regularly  
28 elected by the registered voters of an accredited public school  
29 district.

30 8. "*State board*" means the state board of education.

31 Sec. 8. NEW SECTION. 256E.3 Department — duty to monitor.

32 The department shall monitor the effectiveness of charter  
33 schools and shall implement the applicable provisions of this  
34 chapter.

35 Sec. 9. NEW SECTION. 256E.4 School board-state board model.

1 1. A school board may create a founding group to apply  
2 to the state board for approval to establish and operate a  
3 charter school within and as a part of the school district by  
4 establishing a new attendance center, creating a new school  
5 within an existing attendance center, or by converting an  
6 existing attendance center. The application shall demonstrate  
7 the founding group's academic and operational vision and plans  
8 for the proposed charter school, demonstrate the founding  
9 group's capacity to execute the vision and plans, and provide  
10 the state board a clear basis for assessing the founding  
11 group's plans and capacity.

12 2. The state board shall adopt rules to establish  
13 appropriate application timelines and deadlines for the  
14 submission of charter school applications under this section.

15 3. The instructions for completing an application shall  
16 include or otherwise inform applicants of all of the following:

17 a. The performance framework adopted by the state board  
18 for charter school oversight and evaluation requirements in  
19 accordance with sections 256E.9 and 256E.10.

20 b. The criteria the state board will use in evaluating  
21 applications.

22 c. The requirements concerning the format and content  
23 essential for applicants to demonstrate the capacities  
24 necessary to establish and operate a successful charter school.

25 4. An application submitted under this section shall also  
26 include all of the following items related to the proposed  
27 charter school:

28 a. An executive summary.

29 b. The mission and vision of the proposed charter school,  
30 including identification of the targeted student population and  
31 the community the charter school intends to serve.

32 c. The location of the proposed charter school or the  
33 proposed geographic area within the school district where the  
34 school is proposed to be located.

35 d. Identification of the grades to be served each school

- 1 year during the duration of the charter school contract.
- 2 *e.* Minimum, planned, and maximum enrollment per grade for  
3 each school year during the duration of the charter school  
4 contract.
- 5 *f.* Evidence of need and community support for the proposed  
6 charter school.
- 7 *g.* Background information on the members of the founding  
8 group and background information on the governing board,  
9 administration, and management personnel of the proposed  
10 charter school, if available.
- 11 *h.* The charter school's proposed operations calendar and  
12 sample daily schedule.
- 13 *i.* A description of the academic program and identification  
14 of ways the program aligns with state academic standards.
- 15 *j.* A description of the charter school's instructional  
16 model, including the type of learning environment, class size  
17 and structure, curriculum overview, and teaching methods.
- 18 *k.* The charter school's plan for using internal and external  
19 assessments to measure and report student progress on the  
20 performance framework in accordance with section 256E.9.
- 21 *l.* Plans for identifying and serving students with  
22 disabilities, students who are limited English proficient,  
23 students who are academically failing or below grade level, and  
24 gifted students, including but not limited to compliance with  
25 applicable laws and regulations.
- 26 *m.* A description of cocurricular and extracurricular  
27 programs and how the programs will be funded and delivered.
- 28 *n.* Plans and timelines for student recruitment, enrollment,  
29 and transfers, including enrollment preferences and procedures  
30 for conducting transparent admissions selections, including  
31 admissions lotteries.
- 32 *o.* The proposed code of student conduct, including  
33 applicable procedures and disciplinary sanctions for both  
34 general students and special education students.
- 35 *p.* A chart or description of the charter school's

1 organizational structure and the duties and powers of each  
2 position or group, including the delineation of authority and  
3 reporting between the governing board, administration, staff,  
4 and any related bodies or external organizations that have a  
5 role in managing the charter school.

6 *q.* A staffing chart for the charter school's first year  
7 and a staffing plan for the duration of the charter school  
8 contract.

9 *r.* Plans for recruiting and developing school  
10 administrators, staff, and governing board members and the  
11 charter school's employment policies, including performance  
12 evaluation plans.

13 *s.* Proposed governing bylaws for the charter school.

14 *t.* Identification and explanation of any partnerships or  
15 contractual relationships with the founding group or any of the  
16 founding group or school board's members that are related to  
17 the charter school's operations or mission.

18 *u.* The charter school's plans for providing transportation  
19 services, food service, and all other operational or ancillary  
20 services.

21 *v.* Proposed opportunities and expectations for parent  
22 involvement.

23 *w.* A detailed school start-up plan and five-year plan,  
24 including all relevant assumptions used, identifying timelines  
25 for charter school finances, budget, and insurance coverage,  
26 facility construction, preparation, and contingencies, and the  
27 identification of persons or positions responsible for each  
28 such item.

29 *x.* Evidence of anticipated fundraising contributions, if  
30 any.

31 *y.* Evidence of the founding group's success in serving  
32 student populations similar to that which is proposed in the  
33 application and if the founding group operates other charter  
34 schools, evidence of past performance of such other charter  
35 schools and evidence of the founding group's capacity for an

1 additional charter school.

2     *z.* A description of the charter school governing board's  
3 performance evaluation measures, compensation structure,  
4 methods of contract oversight and dispute resolution,  
5 investment disclosures and conflicts of interest.

6     *aa.* A proposed duration and outline of the charter school  
7 contract, including designation of roles, authority, and duties  
8 of the governing board and the charter school staff.

9     5. If the founding group proposes to establish a charter  
10 school by converting an existing attendance center of the  
11 school district, the state board shall not approve the  
12 application unless the founding group submits evidence that  
13 the attendance center's teachers and parents or guardians of  
14 students enrolled at the existing attendance center voted in  
15 favor of the conversion. A vote in favor of conversion under  
16 this subsection requires the support of a majority of the  
17 teachers employed at the school on the date of the vote and  
18 a majority of the parents or guardians voting whose children  
19 are enrolled at the school, provided that a majority of the  
20 parents or guardians eligible to vote participate in the ballot  
21 process. The state board shall establish procedures by rule  
22 for voting under this subsection. A parent or guardian voting  
23 in accordance with this subsection must be a resident of this  
24 state.

25     6. In reviewing and evaluating charter school applications,  
26 the state board shall employ procedures, practices, and  
27 criteria consistent with nationally recognized principles and  
28 standards for reviewing charter school applications. Each  
29 application review shall include thorough evaluation of the  
30 written application, an in-person interview with the founding  
31 group, and an opportunity in a public forum for local residents  
32 to learn about and provide input on each application.

33     7. Following review of a charter school application and  
34 completion of the process required under subsection 6, the  
35 state board shall do all of the following:



1 a. Approve a charter school application only if the founding  
2 group has demonstrated competence in each element of the  
3 approval criteria and if the founding group is likely to open  
4 and operate a successful charter school.

5 b. Make application decisions on documented evidence  
6 collected through the application review process.

7 c. Adhere to the policies and criteria that are transparent,  
8 based on merit, and avoid conflicts of interest or any  
9 appearance thereof.

10 8. The state board shall approve a charter school  
11 application if the application satisfies the requirements of  
12 this chapter. The state board shall approve or deny a charter  
13 school application no later than seventy-five calendar days  
14 after the application is received. If the state board denies  
15 an application, the state board shall provide notice of denial  
16 to the founding group in writing within thirty days after the  
17 state board's action. The notice shall specify the exact  
18 reasons for denial and provide documentation supporting those  
19 reasons. An approval decision may include, if appropriate,  
20 reasonable conditions that the founding group must meet before  
21 a charter school contract may be executed pursuant to section  
22 256E.6. An approved charter application shall not serve as a  
23 charter school contract.

24 9. A decision of the state board relating to an application  
25 under this section is not appealable.

26 10. An unsuccessful applicant under this section may  
27 subsequently reapply to the state board.

28 **Sec. 10. NEW SECTION. 256E.5 Founding group-state board**  
29 **model.**

30 1. A founding group may apply to the state board for  
31 approval to establish and operate a charter school within the  
32 boundaries of the state that operates as a new attendance  
33 center independently from a public school district. The  
34 application shall demonstrate the founding group's academic  
35 and operational vision and plans for the proposed charter

1 school, demonstrate the founding group's capacity to execute  
2 the vision and plans, and provide the state board a clear basis  
3 for assessing the founding group's plans and capacity.

4 2. The state board shall adopt rules to establish  
5 appropriate application timelines and deadlines for the  
6 submission of charter school applications under this section.

7 3. The instructions for completing an application shall  
8 include or otherwise inform applicants of all of the following:

9 a. The performance framework adopted by the state board  
10 for charter school oversight and evaluation requirements in  
11 accordance with sections 256E.9 and 256E.10.

12 b. The criteria the state board will use in evaluating  
13 applications.

14 c. The requirements concerning the format and content  
15 essential for applicants to demonstrate the capacities  
16 necessary to establish and operate a successful charter school.

17 4. The applications submitted under this section shall also  
18 include all of the following items related to the proposed  
19 charter school:

20 a. An executive summary.

21 b. The mission and vision of the proposed charter school,  
22 including identification of the targeted student population and  
23 the community the school intends to serve.

24 c. The location of the proposed charter school or the  
25 proposed geographic area within the state where the school is  
26 proposed to be located.

27 d. Identification of the grades to be served each school  
28 year during the duration of the charter school contract.

29 e. Minimum, planned, and maximum enrollment per grade for  
30 each school year during the duration of the charter school  
31 contract.

32 f. Evidence of need and community support for the proposed  
33 charter school.

34 g. Background information on the members of the founding  
35 group and background information on the governing board,

1 administration, and management personnel of the proposed  
2 charter school, if available.

3 *h.* The charter school's proposed operations calendar and  
4 sample daily schedule.

5 *i.* A description of the academic program and identification  
6 of ways the program aligns with state academic standards.

7 *j.* A description of the charter school's instructional  
8 model, including the type of learning environment, class size  
9 and structure, curriculum overview, and teaching methods.

10 *k.* The charter school's plan for using internal and external  
11 assessments to measure and report student progress on the  
12 performance framework in accordance with section 256E.9.

13 *l.* Plans for identifying and serving students with  
14 disabilities, students who are limited English proficient,  
15 students who are academically failing or below grade level, and  
16 gifted students, including but not limited to compliance with  
17 applicable laws and regulations.

18 *m.* A description of cocurricular and extracurricular  
19 programs and how the programs will be funded and delivered.

20 *n.* Plans and timelines for student recruitment, enrollment,  
21 and transfers, including enrollment preferences and procedures  
22 for conducting transparent admissions selections, including  
23 admissions lotteries.

24 *o.* The proposed code of student conduct, including  
25 applicable procedures and disciplinary sanctions for both  
26 general students and special education students.

27 *p.* A chart or description of the charter school's  
28 organizational structure and the duties and powers of each  
29 position or group, including the delineation of authority and  
30 reporting between the governing board, staff, and any related  
31 bodies or external organizations that have a role in managing  
32 the charter school.

33 *q.* A staffing chart for the charter school's first year  
34 and a staffing plan for the duration of the charter school  
35 contract.

- 1     *r.* Plans for recruiting and developing school  
2 administrators, staff, and governing board members and the  
3 charter school's employment policies, including performance  
4 evaluation plans.
- 5     *s.* Proposed governing bylaws for the charter school.
- 6     *t.* Identification and explanation of any partnerships or  
7 contractual relationships with an education service provider  
8 that are related to the charter school's operations or mission.
- 9     *u.* The charter school's plans for providing transportation  
10 services, food service, and all other operational or ancillary  
11 services.
- 12    *v.* Proposed opportunities and expectations for parent  
13 involvement.
- 14    *w.* A detailed school start-up plan and five-year plan,  
15 including all relevant assumptions used, identifying timelines  
16 for charter school finances, budget, and insurance coverage,  
17 facility construction, preparation, and contingencies, and the  
18 identification of persons or positions responsible for each  
19 such item.
- 20    *x.* Evidence of anticipated fundraising contributions, if  
21 any.
- 22    *y.* If the application includes a proposal that the governing  
23 board contracts with an education service provider, evidence  
24 of the education service provider's success in serving  
25 student populations similar to that which is proposed in the  
26 application and if the education service provider operates  
27 other charter schools, evidence of past performance of such  
28 other charter schools and evidence of the education service  
29 provider's capacity for growth.
- 30    *z.* If the application includes a proposal that the  
31 governing board contracts with an education service provider,  
32 a description of the education service provider's performance  
33 evaluation measures, compensation structure, methods of  
34 contract oversight and dispute resolution, investment  
35 disclosures and conflicts of interest.

1     *aa.* A proposed duration and outline of the charter school  
2 contract, including designation of roles, authority, and duties  
3 of the governing board and the charter school staff.

4     5. In reviewing and evaluating charter school applications,  
5 the state board shall employ procedures, practices, and  
6 criteria consistent with nationally recognized principles and  
7 standards for reviewing charter school applications. Each  
8 application review shall include thorough evaluation of the  
9 written application, an in-person interview with the applicant,  
10 and an opportunity in a public forum for local residents of the  
11 public school district within which the applicant proposes to  
12 locate the charter school to learn about and provide input on  
13 each application.

14     6. Following review of a charter school application and  
15 completion of the process required under subsection 5, the  
16 state board shall do all of the following:

17     *a.* Approve a charter school application only if the  
18 applicant has demonstrated competence in each element of the  
19 state board's published approval criteria and the applicant is  
20 likely to open and operate a successful charter school.

21     *b.* Make application decisions on documented evidence  
22 collected through the application review process.

23     *c.* Adhere to the policies and criteria that are transparent,  
24 based on merit, and avoid conflicts of interest or any  
25 appearance thereof.

26     7. A charter school application under this section shall  
27 not be approved if the founding group has another pending  
28 application under this section.

29     8. The state board shall approve a charter school  
30 application if the application satisfies the requirements  
31 of this chapter. The state board shall approve or deny a  
32 charter school application no later than seventy-five calendar  
33 days after the application is received. If the state board  
34 denies an application, the state board shall provide notice of  
35 denial to the applicant in writing within thirty days after

1 board action. The notice shall specify the exact reasons for  
2 denial and provide documentation supporting those reasons.  
3 An approval decision may include, if appropriate, reasonable  
4 conditions that the applicant must meet before a charter  
5 school contract may be executed pursuant to section 256E.6.  
6 An approved charter application shall not serve as a charter  
7 school contract.

8 9. An unsuccessful charter school applicant may  
9 subsequently reapply to the state board.

10 10. A decision of the state board relating to an application  
11 under this section is not appealable.

12 Sec. 11. NEW SECTION. **256E.6 Charter school contract.**

13 1. Within the later of thirty days following approval of  
14 a charter school application or upon the satisfaction of all  
15 reasonable conditions imposed on the applicant in the charter  
16 school approval, if any, an enforceable and renewable charter  
17 school contract shall be executed between the founding group  
18 and the state board setting forth the academic and operational  
19 performance expectations and measures by which the charter  
20 school will be evaluated pursuant to sections 256E.9 and  
21 256E.10 and the other rights and duties of the parties.

22 2. An initial charter school contract shall be granted for  
23 a term of ten school budget years. The charter school contract  
24 shall include the beginning and ending dates of the charter  
25 school contract term. An approved charter school may delay its  
26 opening for a period of time not to exceed one school year in  
27 order to plan and prepare for the charter school's opening. If  
28 the charter school requires an opening delay of more than one  
29 school year, the charter school may request an extension from  
30 the state board.

31 3. Each charter school contract shall be signed by the  
32 president of the state board and the president or appropriate  
33 officer of the governing body of the founding group.

34 4. Within fifteen days of the execution of a charter school  
35 contract entered into by the state board, the state board shall

1 notify the department and the department of management of the  
2 name of the charter school and any applicable education service  
3 provider, the proposed location of the charter school, and the  
4 charter school's first year projected enrollment.

5 5. A charter school approved under this chapter shall not  
6 commence operations without a valid charter school contract  
7 executed in accordance with this section and approved in an  
8 open session of the state board.

9 6. The contract may provide for requirements or conditions  
10 to govern and monitor the start-up progress of an approved  
11 charter school prior to the opening of the charter school  
12 including but not limited to conditions to ensure that the  
13 charter school meets all building, health, safety, insurance,  
14 and other legal requirements.

15 7. A charter school contract may be amended to govern  
16 multiple charter schools operated by the same applicant and  
17 approved by the state board. However, each charter school  
18 that is part of a charter school contract shall be separate  
19 and distinct from any other charter school governed by the  
20 contract.

21 Sec. 12. NEW SECTION. 256E.7 **General operating powers and**  
22 **duties.**

23 1. In order to fulfill the charter school's public purpose,  
24 a charter school established under this chapter shall be  
25 organized as a nonprofit education organization and shall  
26 have all the powers necessary for carrying out the terms of  
27 the charter school contract including but not limited to the  
28 following, as applicable:

29 a. Receive and expend funds for charter school purposes.

30 b. Secure appropriate insurance and enter into contracts and  
31 leases.

32 c. Contract with an education service provider for the  
33 management and operation of the charter school so long as the  
34 governing board retains oversight authority over the charter  
35 school.

1 *d.* Incur debt in anticipation of the receipt of public or  
2 private funds.

3 *e.* Pledge, assign, or encumber the charter school's assets  
4 to be used as collateral for loans or extensions of credit.

5 *f.* Solicit and accept gifts or grants for charter school  
6 purposes unless otherwise prohibited by law or by the terms of  
7 its charter school contract.

8 *g.* Acquire from public or private sources real property for  
9 use as a charter school or a facility directly related to the  
10 operations of the charter school.

11 *h.* Sue and be sued in the charter school's own name.

12 *i.* Operate an education program that may be offered by any  
13 noncharter public school or school district.

14 2. A charter school established under this chapter is  
15 exempt from all state statutes and rules and any local rule,  
16 regulation, or policy, applicable to a noncharter school,  
17 except that the charter school shall do all of the following:

18 *a.* Meet all applicable federal, state, and local health and  
19 safety requirements and laws prohibiting discrimination on the  
20 basis of race, creed, color, sex, sexual orientation, gender  
21 identity, national origin, religion, ancestry, or disability.  
22 If approved under section 256E.4, the charter school shall be  
23 subject to any court-ordered desegregation in effect for the  
24 school district at the time the charter school application is  
25 approved, unless otherwise specifically provided for in the  
26 desegregation order.

27 *b.* Operate as a nonsectarian, nonreligious school.

28 *c.* Be free of tuition and application fees to Iowa resident  
29 students between the ages of five and twenty-one years.

30 *d.* Be subject to and comply with chapters 216 and 216A  
31 relating to civil and human rights.

32 *e.* Provide special education services in accordance with  
33 chapter 256B.

34 *f.* Be subject to the same financial audits, audit  
35 procedures, and audit requirements as a school district. The



1 audit shall be consistent with the requirements of sections  
2 11.6, 11.14, 11.19, and 279.29, and section 256.9, subsection  
3 20, except to the extent deviations are necessary because  
4 of the program at the school. The department, the auditor  
5 of state, or the legislative services agency may conduct  
6 financial, program, or compliance audits.

7 *g.* Be subject to and comply with the provisions of chapter  
8 285 relating to the transportation of students.

9 *h.* Be subject to and comply with the requirements of section  
10 256.7, subsection 21, and the educational standards of section  
11 256.11, unless specifically waived by the state board during  
12 the application process.

13 *i.* Provide instruction for at least the number of days  
14 or hours required by section 279.10, subsection 1, unless  
15 specifically waived by the state board as part of the  
16 application process.

17 *j.* Comply with the requirements of this chapter.

18 3. A charter school shall employ or contract with teachers  
19 as defined in section 272.1, who hold valid licenses with an  
20 endorsement for the type of instruction or service for which  
21 the teachers are employed or under contract.

22 4. A charter school shall not discriminate in its student  
23 admissions policies or practices on the basis of intellectual  
24 or athletic ability, measures of achievement or aptitude, or  
25 status as a person with a disability. However, a charter  
26 school may limit admission to students who are within a  
27 particular range of ages or grade levels or on any other  
28 basis that would be legal if initiated by a school district.  
29 Enrollment priority shall be given to the siblings of students  
30 enrolled in a charter school.

31 5. A charter school shall enroll an eligible student who  
32 submits a timely application unless the number of applications  
33 exceeds the capacity of a program, class, grade level, or  
34 building. In this case, students must be accepted by lot.  
35 Upon enrollment of an eligible student, the charter school

1 shall notify the public school district of residence not later  
2 than March 1 of the preceding school year.

3 6. Each charter school governing board shall be required to  
4 adopt a conflict of interest policy and a code of ethics for  
5 all board members and employees.

6 7. Each charter school governing board shall adopt a policy  
7 regarding the hiring of family members to avoid nepotism in  
8 hiring and supervision. The policy shall include but is not  
9 limited to a disclosure to the governing board of potential  
10 nepotism in hiring and supervision. Any person subject to the  
11 policy with a conflict shall not be involved in the hiring  
12 decision or supervision of a potential employee.

13 8. Individuals compensated by an education service provider  
14 are prohibited from serving as a voting member on the governing  
15 board of any charter school unless the state board waives such  
16 prohibition.

17 9. If the charter school is operated by an education service  
18 provider, the governing board of the charter school shall have  
19 access to all records of the education service provider that  
20 are necessary to evaluate any provision of the contract or  
21 evaluate the education service provider's performance under the  
22 contract.

23 Sec. 13. NEW SECTION. 256E.8 Funding.

24 1. Each student enrolled in a charter school established  
25 under this chapter shall be counted, for state school  
26 foundation purposes, in the student's district of residence  
27 pursuant to section 257.6, subsection 1, paragraph "a",  
28 subparagraph (9). For purposes of this section, residence  
29 means a residence under section 282.1.

30 2. The school district of residence shall pay to the  
31 charter school in which the student is enrolled in the manner  
32 required under section 282.18, subsection 7, and pursuant to  
33 the timeline in section 282.20, subsection 3, an amount equal  
34 to the sum of the state cost per pupil for the previous school  
35 year plus the teacher leadership supplement state cost per

1 pupil for the previous fiscal year as provided in section 257.9  
2 plus any moneys received for the pupil as a result of the  
3 non-English speaking weighting under section 280.4, subsection  
4 3, for the previous school year multiplied by the state cost  
5 per pupil for the previous year. If a student is an eligible  
6 pupil under section 261E.6, the charter school shall pay the  
7 tuition reimbursement amount to an eligible postsecondary  
8 institution as provided in section 261E.7.

9 3. If necessary, and pursuant to rules adopted by the state  
10 board, funding amounts required under this section for the  
11 first school year of a new charter school shall be based on  
12 enrollment estimates for the charter school included in the  
13 charter school contract. Initial amounts paid using estimated  
14 enrollments shall be reconciled during the subsequent payment  
15 based on actual enrollment of the charter school during the  
16 first school year.

17 4. The department shall disburse state transportation  
18 funding to a public charter school on the same basis and in the  
19 same manner as such funding is paid to school districts.

20 Sec. 14. NEW SECTION. **256E.9 Performance framework.**

21 1. The performance provisions within the charter school  
22 contract shall be based on a performance framework adopted  
23 by the state board that clearly sets forth the academic and  
24 operational performance indicators, measures, and metrics that  
25 will guide the evaluation of the charter school by the state  
26 board, without compromising individual student privacy. The  
27 performance framework shall include but is not limited to  
28 indicators, measures, and metrics for all of the following:

29 a. Student academic proficiency.

30 b. Student academic growth.

31 c. Achievement gaps in both proficiency and growth between  
32 specified populations or groups of students, including groups  
33 based on gender, race, poverty, special education status,  
34 limited English proficiency, and gifted status.

35 d. Attendance.

1 e. Enrollment attrition.

2 f. Postsecondary readiness for students in grades nine  
3 through twelve.

4 g. Goals specified in the charter school's mission.

5 h. Financial performance and sustainability.

6 i. Governing board performance and stewardship, including  
7 compliance with all applicable laws, regulations, and terms of  
8 the charter contract.

9 2. Annual performance targets shall be agreed upon between  
10 each charter school and the state board. Such performance  
11 targets shall be contained in the charter school contract and  
12 shall be designed to help each charter school meet applicable  
13 federal, state, and local standards. The performance targets  
14 contained in the charter school contract may be amended by  
15 mutual agreement after the charter school is operating and has  
16 collected initial achievement data for the charter school's  
17 students.

18 3. The state board is responsible for collecting,  
19 analyzing, and reporting all data from state assessments and  
20 other state data sources in accordance with the performance  
21 framework. However, all efforts shall be made by all  
22 parties to the charter school contract to eliminate or reduce  
23 duplicative data reporting requirements.

24 4. Multiple charter schools operating under a single  
25 charter school contract shall be required to report their  
26 performance data as separate, individual schools, with each  
27 charter school held independently accountable for performance.

28 5. Each charter school established under this chapter  
29 shall be evaluated and graded by the department pursuant to  
30 the attendance center performance ranking system developed and  
31 adopted by the department.

32 **Sec. 15. NEW SECTION. 256E.10 Oversight — corrective**  
33 **action — contract renewal — revocation.**

34 1. The state board shall monitor the performance and  
35 compliance of each charter school the state board approves,

1 including collecting and analyzing data according to the  
2 charter school contract in order to meet the requirements  
3 of this chapter. Such oversight may include inquiries and  
4 investigation of the charter school so long as the activities  
5 are consistent with the intent of this chapter, adhere to the  
6 terms of the charter school contract, and do not unduly inhibit  
7 the autonomy granted to the charter school. Any performance  
8 report resulting from an inquiry or investigation under this  
9 section shall, upon conclusion of such action, be included in  
10 the annual report required under section 256E.12.

11 2. As part of the charter school contract, the charter  
12 school may be required to submit an annual report to assist the  
13 state board in evaluating the charter school's performance and  
14 compliance with the performance framework.

15 3. If a charter school's performance under the charter  
16 school contract or compliance with applicable laws or rules is  
17 unsatisfactory, the state board shall notify the charter school  
18 of the perceived problem and provide reasonable opportunity for  
19 the school to remedy the problem, unless the problem warrants  
20 revocation, in which case the revocation provisions of this  
21 section apply.

22 4. The state board may take appropriate corrective actions  
23 or impose sanctions, other than revocation, in response to  
24 deficiencies in the charter school's performance or compliance  
25 with applicable laws and rules. Such actions or sanctions may  
26 include requiring the charter school to develop and execute a  
27 corrective action plan within a specified time period.

28 5. A charter school contract may be renewed for periods of  
29 time not to exceed an additional ten years.

30 6. Annually, by June 30, the state board shall issue a  
31 charter school performance report and charter school contract  
32 renewal application guidance to each charter school whose  
33 charter school contract will expire during the following school  
34 budget year. The performance report shall summarize the  
35 charter school's performance record to date based on the data

1 required by the charter school contract and by this chapter  
2 and shall identify concerns that may jeopardize renewal of the  
3 charter school contract if not remedied. The charter school  
4 shall have sixty days to respond to the performance report and  
5 submit any corrections or clarifications for the report.

6 7. The renewal application guidance shall, at a minimum,  
7 include the criteria that will be used when assessing charter  
8 school contract renewal decisions and provide an opportunity  
9 for the charter school to:

10 a. Present additional evidence, beyond the data contained in  
11 the performance report.

12 b. Describe improvements undertaken or planned for the  
13 charter school.

14 c. Describe the charter school's plans, including any  
15 proposed modifications, for the next charter school contract  
16 term.

17 8. No later than October 1, the governing board of a charter  
18 school seeking renewal shall submit a renewal application to  
19 the state board pursuant to the renewal application guidance.  
20 A renewal or denial shall be approved by resolution of the  
21 state board within sixty days following the filing of the  
22 renewal application.

23 9. Unless eligible for expedited renewal under subsection  
24 13, when reviewing a charter school contract renewal  
25 application, the state board shall do all of the following:

26 a. Use evidence of the school's performance over the term of  
27 the charter school contract in accordance with the applicable  
28 performance framework.

29 b. Ensure that data used in making renewal decisions is  
30 available to the charter school and the public.

31 c. Provide a report summarizing the evidence that served as  
32 a basis for the decision.

33 10. A charter school contract may be revoked at any time  
34 or not renewed if the state board determines that the charter  
35 school did any of the following:

1     *a.* Committed a material violation of any of the terms,  
2 conditions, standards, or procedures required under the charter  
3 school contract or this chapter.

4     *b.* Failed to meet or make sufficient progress toward the  
5 performance expectations set forth in the charter school  
6 contract.

7     *c.* Failed to meet generally accepted standards of fiscal  
8 management.

9     *d.* Violated a provision of law from which the charter school  
10 was not exempted.

11     11. The state board shall develop charter school contract  
12 revocation and nonrenewal standards and procedures that do all  
13 of the following:

14     *a.* Provide the charter school with a timely notice of the  
15 possibility of revocation or nonrenewal and of the reasons  
16 therefor.

17     *b.* Allow the charter school a reasonable period of time in  
18 which to prepare a response to any notice received.

19     *c.* Provide the charter school an opportunity to submit  
20 documents and give testimony challenging the decision to revoke  
21 the charter school contract or the decision to not renew the  
22 contract.

23     *d.* Allow the charter school the opportunity to hire legal  
24 representation and to call witnesses.

25     *e.* Permit the audio or video recording of such proceedings  
26 described in paragraphs "*c*" and "*d*".

27     *f.* Require a final decision to be conveyed in writing to the  
28 charter school.

29     12. A decision to revoke or to not renew a charter school  
30 contract shall be by resolution of the state board and shall  
31 clearly state the reasons for the revocation or nonrenewal.

32     13. If a charter school has been evaluated and graded to  
33 be in the exceptional category, or the highest rated category  
34 under a succeeding evaluation system, under the evaluation and  
35 grading required under section 256E.9, subsection 5, for the

1 immediately preceding two school years, and the charter school  
2 is in compliance with the current charter school contract  
3 and all provisions of this chapter, the charter school's  
4 application renewal under subsection 8 shall be renewed for an  
5 additional period of time equal to the length of the original  
6 charter school contract or the most recent renewal of the  
7 contract, whichever is longer, unless the state board provides  
8 written notice to the charter school of the state board's  
9 rejection of the expedited renewal within sixty days of the  
10 filing of the application. The state board shall not reject  
11 an expedited renewal application unless the state board finds  
12 exceptional circumstances for the rejection or seeks material  
13 changes to the charter school contract.

14 Sec. 16. NEW SECTION. **256E.11 Procedures for charter school**  
15 **closure — student enrollment.**

16 1. Prior to any charter school closure decision, the state  
17 board shall develop a charter school closure protocol to ensure  
18 timely notice to parents and guardians, provide for the orderly  
19 transition of students and student records to new schools, and  
20 to provide proper disposition of school funds, property, and  
21 assets in accordance with the requirements of this chapter.  
22 The protocol shall specify required actions and timelines and  
23 identify responsible parties for each such action.

24 2. In the event of a charter school closure, the assets of  
25 the charter school shall be used first to satisfy outstanding  
26 payroll obligations for employees of the school, then to  
27 creditors of the school, then to the public school district in  
28 which the charter school operated, if applicable, and then to  
29 the state general fund. If the assets of the charter school  
30 are insufficient to pay all obligations of the charter school,  
31 the prioritization of the distribution of assets shall be  
32 consistent with this subsection and otherwise determined by the  
33 district court.

34 Sec. 17. NEW SECTION. **256E.12 Reports.**

35 1. Each charter school shall prepare and file an annual



1 report with the department. The department shall prescribe  
2 by rule the required contents of the report, but each such  
3 report shall include information regarding student achievement,  
4 including annual academic growth and proficiency, graduation  
5 rates, and financial performance and sustainability. The  
6 reports are public records and the examination, publication,  
7 and dissemination of the reports are governed by the provisions  
8 of chapter 22.

9 2. The state board shall prepare and file with the general  
10 assembly by December 1, annually, a comprehensive report with  
11 findings and recommendations relating to the charter school  
12 program in the state and whether the charter school program  
13 under this chapter is meeting the goals and purposes of the  
14 program. The report also shall contain, for each charter  
15 school, a copy of the charter school's mission statement,  
16 attendance statistics and dropout rate, aggregate assessment  
17 test scores, projections of financial stability, and the number  
18 and qualifications of teachers and administrators.

19 Sec. 18. Section 256F.3, Code 2021, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 8A. The state board shall not approve a new  
22 charter school under this chapter on or after July 1, 2021.

23 Sec. 19. NEW SECTION. **256F.12 Operation of existing charter**  
24 **schools.**

25 Charter schools established under this chapter prior to July  
26 1, 2021, shall continue to operate under and be subject to  
27 the requirements of this chapter and shall not be subject to  
28 chapter 256E.

29 Sec. 20. Section 257.6, subsection 1, paragraph a, Code  
30 2021, is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (9) Resident pupils enrolled in a charter  
32 school under chapter 256E or 256F.

33 Sec. 21. Section 257.31, subsection 5, paragraph d, Code  
34 2021, is amended to read as follows:

35 *d.* The closing of a nonpublic school, wholly or in part, or

1 the opening or closing of a ~~pilot~~ charter school.

2 Sec. 22. Section 282.9, subsection 1, Code 2021, is amended  
3 to read as follows:

4 1. Notwithstanding sections ~~275.55A~~, 256E.7, 256F.4,  
5 275.55A, and 282.18, or any other provision to the contrary,  
6 prior to knowingly enrolling an individual who is required  
7 to register as a sex offender under chapter 692A, but who is  
8 otherwise eligible to enroll in a public school, the board of  
9 directors of a school district shall determine the educational  
10 placement of the individual. Upon receipt of notice that a  
11 student who is enrolled in the district is required to register  
12 as a sex offender under chapter 692A, the board shall determine  
13 the educational placement of the student. The tentative agenda  
14 for the meeting of the board of directors at which the board  
15 will consider such enrollment or educational placement shall  
16 specifically state that the board is considering the enrollment  
17 or educational placement of an individual who is required  
18 to register as a sex offender under chapter 692A. If the  
19 individual is denied enrollment in a school district under this  
20 section, the school district of residence shall provide the  
21 individual with educational services in an alternative setting.

22 Sec. 23. Section 282.18, subsection 4, paragraph b, Code  
23 2021, is amended to read as follows:

24 *b.* For purposes of this section, “*good cause*” means a change  
25 in a child’s residence due to a change in family residence, a  
26 change in the state in which the family residence is located,  
27 a change in a child’s parents’ marital status, a guardianship  
28 or custody proceeding, placement in foster care, adoption,  
29 participation in a foreign exchange program, or participation  
30 in a substance abuse or mental health treatment program, a  
31 change in the status of a child’s resident district such as  
32 removal of accreditation by the state board, surrender of  
33 accreditation, or permanent closure of a nonpublic school,  
34 revocation of a charter school contract as provided in section  
35 256E.10 or 256F.8, the failure of negotiations for a whole

1 grade sharing, reorganization, dissolution agreement or the  
2 rejection of a current whole grade sharing agreement, or  
3 reorganization plan. If the good cause relates to a change  
4 in status of a child's school district of residence, however,  
5 action by a parent or guardian must be taken to file the  
6 notification within forty-five days of the last board action  
7 or within thirty days of the certification of the election,  
8 whichever is applicable to the circumstances.

9

DIVISION III

10

VOLUNTARY DIVERSITY PLANS

11 Sec. 24. Section 256F.4, subsection 2, paragraph a,  
12 unnumbered paragraph 1, Code 2021, is amended to read as  
13 follows:

14 Meet all applicable federal, state, and local health and  
15 safety requirements and laws prohibiting discrimination on the  
16 basis of race, creed, color, sex, sexual orientation, gender  
17 identity, national origin, religion, ancestry, or disability.  
18 A charter school or innovation zone school ~~shall be under this~~  
19 chapter located within the boundaries of a school district  
20 subject to any court-ordered desegregation plan in effect  
21 for the school district at the time the charter school or  
22 innovation zone school application is approved shall be subject  
23 to the desegregation order unless otherwise specifically  
24 provided for in the desegregation order.

25 Sec. 25. Section 282.18, subsections 3 and 6, Code 2021, are  
26 amended to read as follows:

27 3. a. The superintendent of a district subject to a  
28 ~~voluntary diversity or court-ordered desegregation plan, as~~  
29 ~~recognized by rule of the state board of education,~~ may deny a  
30 request for transfer under **this section** if the superintendent  
31 finds that enrollment or release of a pupil will adversely  
32 affect the district's implementation of the desegregation  
33 ~~order or diversity plan,~~ unless the transfer is requested  
34 by a pupil whose sibling is already participating in open  
35 enrollment to another district, or unless the request for

1 transfer is submitted to the district in a timely manner as  
2 required under [subsection 2](#) prior to implementation of the  
3 ~~adoption of a~~ desegregation plan order by the district. If a  
4 transfer request would facilitate implementation of a voluntary  
5 ~~diversity or court-ordered~~ desegregation plan order, the  
6 district shall give priority to granting the request over other  
7 requests.

8 *b.* A parent or guardian, whose request has been denied  
9 because of the district's implementation of a the desegregation  
10 ~~order or diversity plan~~, may appeal the decision of the  
11 superintendent to the board of the district in which the  
12 request was denied. The board may either uphold or overturn  
13 the superintendent's decision. A decision of the board  
14 to uphold the denial of the request is subject to appeal  
15 to the district court in the county in which the primary  
16 business office of the district is located. ~~The state board~~  
17 ~~of education shall adopt rules establishing definitions,~~  
18 ~~guidelines, and a review process for school districts that~~  
19 ~~adopt voluntary diversity plans. The guidelines shall include~~  
20 ~~criteria and standards that school districts must follow~~  
21 ~~when developing a voluntary diversity plan. The department~~  
22 ~~of education shall provide technical assistance to a school~~  
23 ~~district that is seeking to adopt a voluntary diversity plan.~~  
24 ~~A school district implementing a voluntary diversity plan prior~~  
25 ~~to July 1, 2008, shall have until July 1, 2009, to comply with~~  
26 ~~guidelines adopted by the state board pursuant to [this section](#).~~

27 *c.* The board of directors of a school district subject  
28 to ~~voluntary diversity or~~ court-ordered desegregation shall  
29 develop a policy for implementation of open enrollment in  
30 the district. The policy shall contain objective criteria  
31 for determining when a request would adversely impact the  
32 desegregation order ~~or voluntary diversity plan~~ and criteria  
33 for prioritizing requests that do not have an adverse impact on  
34 the order ~~or plan~~.

35 6. A request under [this section](#) is for a period of not less

1 than one year. If the request is for more than one year and  
2 the parent or guardian desires to have the pupil enroll in a  
3 different district, the parent or guardian may petition the  
4 current receiving district by March 1 of the previous school  
5 year for permission to enroll the pupil in a different district  
6 for a period of not less than one year. Upon receipt of such a  
7 request, the current receiving district board may act on the  
8 request to transfer to the other school district at the next  
9 regularly scheduled board meeting after the receipt of the  
10 request. The new receiving district shall enroll the pupil in  
11 ~~a school in~~ the district unless there is insufficient classroom  
12 space in the district or ~~unless~~ the district is subject to  
13 court-ordered desegregation and enrollment of the pupil would  
14 adversely affect ~~the court-ordered or voluntary~~ implementation  
15 of the desegregation plan of the district order. A denial of  
16 a request to change district enrollment within the approved  
17 period is not subject to appeal. However, a pupil who has been  
18 in attendance in another district under [this section](#) may return  
19 to the district of residence and enroll at any time, once the  
20 parent or guardian has notified the district of residence and  
21 the receiving district in writing of the decision to enroll the  
22 pupil in the district of residence.

23 DIVISION IV

24 EDUCATION INFORMATION, PROGRAM STANDARDS, AND FUNDING

25 Sec. 26. Section 22.7, subsection 1, Code 2021, is amended  
26 to read as follows:

27 1. Personal information in records regarding a student,  
28 prospective student, or former student maintained, created,  
29 collected or assembled by or for a school corporation or  
30 educational institution maintaining such records. This  
31 subsection shall not be construed to prohibit a postsecondary  
32 education institution from disclosing to a parent or guardian  
33 information regarding a violation of a federal, state, or  
34 local law, or institutional rule or policy governing the use  
35 or possession of alcohol or a controlled substance if the

1 child is under the age of twenty-one years and the institution  
2 determines that the student committed a disciplinary violation  
3 with respect to the use or possession of alcohol or a  
4 controlled substance regardless of whether that information is  
5 contained in the student's education records. **This subsection**  
6 shall not be construed to prohibit a school corporation or  
7 educational institution from transferring student records  
8 electronically to the department of education, an accredited  
9 nonpublic school, an attendance center, a school district, or  
10 an accredited postsecondary institution in accordance with  
11 section 256.9, subsection 44 11.

12 Sec. 27. Section 256.9, subsection 11, Code 2021, is amended  
13 by striking the subsection and inserting in lieu thereof the  
14 following:

15 11. a. Approve, coordinate, and supervise the use of  
16 electronic data and information processing by school districts,  
17 area education agencies, and merged areas, including the  
18 procurement or development of a single, comprehensive,  
19 statewide, student information system that is required to be  
20 used by all school districts, accredited nonpublic schools, and  
21 area education agencies.

22 b. (1) The student information system procured or developed  
23 shall be designed for the purpose of establishing standardized  
24 electronic data collections and reporting protocols that  
25 facilitate compliance with state and federal reporting  
26 requirements, improve school-to-school and district-to-district  
27 information exchanges, and maintain the confidentiality of  
28 individual student and staff data.

29 (2) The system shall provide for the electronic transfer  
30 of individual student records between attendance centers,  
31 school districts, accredited nonpublic schools, area education  
32 agencies, postsecondary institutions, merged areas, and the  
33 department.

34 (3) The system shall be designed to ensure compatibility  
35 with other information or data management systems used or

1 maintained by postsecondary institutions and merged areas as  
2 required by law.

3 *c.* The director shall, to the extent practicable, establish  
4 a uniform coding and reporting system as part of the student  
5 information system.

6 *d.* The department shall pay for the procurement or  
7 development of the student information system and shall pay  
8 for at least the first year of statewide implementation, after  
9 which the cost of operating the system may be funded through  
10 the collection of a fee by the department from each school  
11 district and accredited nonpublic school. The amount of the  
12 fee shall be based on a per-student rate, not to exceed seven  
13 dollars per student for the first year of the fee.

14 *e.* The student information system shall only be used for  
15 the purpose of collecting information from school districts,  
16 accredited nonpublic schools, and area education agencies  
17 required by state or federal law or for preparation of state  
18 or federal reports.

19 *f.* A school district, accredited nonpublic school, or area  
20 education agency shall not duplicate the collection of any  
21 information in the student information system.

22 Sec. 28. Section 256.9, subsection 44, Code 2021, is amended  
23 by striking the subsection.

24 Sec. 29. Section 256.11, subsection 8, Code 2021, is amended  
25 by striking the subsection and inserting in lieu thereof the  
26 following:

27 8. *a.* The state board shall establish a flexible student  
28 and school support program to be administered by the director.  
29 Under the program, upon request of the board of directors of  
30 a public school district or the authorities in charge of an  
31 accredited nonpublic school, the director may, for a period  
32 not to exceed three years, grant the applicable board of  
33 directors or the authority in charge of the nonpublic school  
34 the ability to use the flexible student and school support  
35 program to implement evidence-based practices in innovative

1 ways to enhance student learning, well-being, and postsecondary  
2 success.

3     *b.* Approval to participate in the flexible student and  
4 school support program shall exempt the school district or  
5 nonpublic school from one or more of the requirements of  
6 the educational program specified in subsection 3, 4, or 5,  
7 subsection 6, paragraph "b" or "c", subsection 7, paragraph "b"  
8 or "c", or the minimum school calendar requirements in section  
9 279.10, subsection 1. An exemption shall be granted only  
10 if the director deems that the request made is an essential  
11 part of an educational program to support student learning,  
12 well-being, and postsecondary success; is necessary for the  
13 success of the program; and is broadly consistent with the  
14 intent of the requirements of the educational program specified  
15 in subsection 3, 4, or 5, subsection 6, paragraph "b" or "c",  
16 subsection 7, paragraph "b" or "c", or the minimum school  
17 calendar requirements in section 279.10, subsection 1.

18     *c.* Approval to participate in the flexible student and  
19 school support program shall include authority for a school  
20 district to use funds from the school district's flexibility  
21 account under section 298A.2, subsection 2, to implement all or  
22 part of the flexible student and school support program.

23     *d.* The application for the flexible student and school  
24 support program shall include all of the following and  
25 be submitted on forms and in a format prescribed by the  
26 department:

27         (1) A description of the proposed educational program,  
28 including evidence used to design the program and evidence of  
29 involvement of board members, parents, students, community  
30 members, and staff in development of the program.

31         (2) Program goals and measures of program effectiveness and  
32 success, including student success and performance.

33         (3) A plan for program administration, including the use of  
34 personnel, facilities, and funding.

35         (4) A plan for evaluation of the proposed program on at



1 least an annual basis, including a plan for program revisions,  
2 if necessary.

3 (5) The estimated financial impact of the program on the  
4 school district or nonpublic school.

5 e. Approval to participate in the program does not exempt  
6 the school district or nonpublic school from federal law or  
7 any other requirements of state law that are not specifically  
8 exempted by the director.

9 f. Each school district or nonpublic school approved to  
10 participate in the flexible student and school support program  
11 shall file an annual report with the department on the status  
12 of the program on forms and in a format prescribed by the  
13 department.

14 g. Participation in the flexible student and school support  
15 program may be renewed for additional periods of years, each  
16 not to exceed three years. The director may revoke approval of  
17 all or part of any application or approved education program  
18 if the annual report or any other information available to  
19 the department indicates that conditions no longer warrant  
20 use of an exemption or funding from the school district's  
21 flexibility account under section 298A.2, subsection 2. Notice  
22 of revocation must be provided by the director to the school  
23 district or nonpublic school prior to the beginning of the  
24 school year for which participation is revoked.

25 Sec. 30. Section 257.10, subsection 9, paragraph d, Code  
26 2021, is amended to read as follows:

27 ~~d. For the budget year beginning July 1, 2009, the use~~  
28 ~~of the funds calculated under [this subsection](#) shall comply~~  
29 ~~with the requirements of [chapter 284](#) and shall be distributed~~  
30 ~~to teachers pursuant to [section 284.3A](#).~~ For the budget year  
31 beginning July 1, 2010, and succeeding budget years, the use  
32 of the funds calculated under [this subsection](#) shall comply  
33 with the requirements of [chapter 284](#) and shall be distributed  
34 to teachers pursuant to [section 284.3A](#). If all teacher  
35 compensation requirements of chapter 284 for the school

1 district are met and funds received under this subsection  
2 remain unexpended and unobligated at the end of a fiscal year  
3 beginning on or after July 1, 2020, the school district may  
4 transfer all or a portion of such unexpended and unobligated  
5 funds for deposit in the school district's flexibility account  
6 established under section 298A.2, subsection 2.

7 Sec. 31. Section 257.10, subsection 12, paragraph d, Code  
8 2021, is amended to read as follows:

9 d. For the budget year beginning July 1, 2014, and  
10 succeeding budget years, the use of the funds calculated under  
11 this subsection shall comply with the requirements of chapter  
12 284 and shall be distributed to teachers pursuant to section  
13 284.15. The funds shall be used only to increase the payment  
14 for a teacher assigned to a leadership role pursuant to a  
15 framework or comparable system approved pursuant to section  
16 284.15; to increase the percentages of teachers assigned to  
17 leadership roles; to increase the minimum teacher starting  
18 salary to thirty-three thousand five hundred dollars; to  
19 cover the costs for the time mentor and lead teachers are  
20 not providing instruction to students in a classroom; for  
21 coverage of a classroom when an initial or career teacher  
22 is observing or co-teaching with a teacher assigned to a  
23 leadership role; for professional development time to learn  
24 best practices associated with the career pathways leadership  
25 process; and for other costs associated with a framework or  
26 comparable system approved by the department of education under  
27 section 284.15 with the goals of improving instruction and  
28 elevating the quality of teaching and student learning. If  
29 all requirements for the school district for the use of funds  
30 calculated under this subsection are met and funds received  
31 under this subsection remain unexpended and unobligated at  
32 the end of a fiscal year beginning on or after July 1, 2020,  
33 the school district may transfer all or a portion of such  
34 unexpended and unobligated funds for deposit in the school  
35 district's flexibility account established under section

1 298A.2, subsection 2.

2 Sec. 32. Section 298A.2, subsection 2, paragraph a, Code  
3 2021, is amended by adding the following new subparagraphs:

4 NEW SUBPARAGRAPH. (4) Teacher salary supplement funds  
5 received under section 257.10, subsection 9.

6 NEW SUBPARAGRAPH. (5) Teacher leadership supplement funds  
7 received under section 257.10, subsection 12.

8 Sec. 33. Section 298A.2, subsection 2, paragraph c, Code  
9 2021, is amended by adding the following new subparagraph:

10 NEW SUBPARAGRAPH. (8) An approved flexible student and  
11 school support program under section 256.11, subsection 8.

12

DIVISION V

13

EDUCATION TAX CREDITS AND DEDUCTIONS

14 Sec. 34. Section 422.7, subsection 55, Code 2021, is amended  
15 to read as follows:

16 55. A taxpayer who is an eligible educator as defined  
17 in section 62(d)(1) of the Internal Revenue Code is allowed  
18 to take the deduction for subtract, to the extent included,  
19 certain expenses of elementary and secondary school teachers  
20 allowed as described under section 62(a)(2)(D) of the Internal  
21 Revenue Code, ~~as amended by the federal Emergency Economic~~  
22 ~~Stabilization Act of 2008, Pub. L. No. 110-343,~~ in computing  
23 net income for state tax purposes, not to exceed five hundred  
24 dollars.

25 Sec. 35. Section 422.12, subsection 1, Code 2021, is amended  
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *0c.* "Private instruction" means independent  
28 private instruction as defined in section 299A.1, subsection  
29 2, paragraph "b", competent private instruction under section  
30 299A.2, or private instruction by a nonlicensed person under  
31 section 299A.3.

32 Sec. 36. Section 422.12, subsection 2, paragraph b, Code  
33 2021, is amended to read as follows:

34 *b.* (1) A tuition credit equal to ~~twenty-five~~ fifty percent  
35 of the first ~~one~~ two thousand dollars which the taxpayer has

1 paid to others for each dependent in grades kindergarten  
2 through twelve, for tuition and textbooks of each dependent ~~in~~  
3 receiving private instruction or attending an elementary or  
4 secondary school situated in Iowa, which school is accredited  
5 or approved under section 256.11, which is not operated for  
6 profit, and which adheres to the provisions of the federal  
7 Civil Rights Act of 1964 and chapter 216. Notwithstanding  
8 any other provision, all other credits allowed under this  
9 subsection shall be deducted before the tuition credit under  
10 this paragraph. The department, when conducting an audit of  
11 a taxpayer's return, shall also audit the tuition tax credit  
12 portion of the tax return.

13 (2) Any credit allowed under this paragraph in excess  
14 of the tax liability is refundable. In lieu of claiming a  
15 refund, the taxpayer may elect to have the overpayment shown  
16 on the taxpayer's final, completed return credited to the tax  
17 liability for the following tax year.

18 Sec. 37. EFFECTIVE DATE. This division of this Act, being  
19 deemed of immediate importance, takes effect upon enactment.

20 Sec. 38. RETROACTIVE APPLICABILITY. This division of this  
21 Act applies retroactively to January 1, 2021, for tax years  
22 beginning on or after that date.

23 DIVISION VI

24 STUDENT ENROLLMENT

25 Sec. 39. Section 257.6, subsection 1, paragraph a,  
26 unnumbered paragraph 1, Code 2021, is amended to read as  
27 follows:

28 Actual enrollment is determined annually by calculating the  
29 average of the sum of all of the following on October 1, or the  
30 first Monday in October if October 1 falls on a Saturday or  
31 Sunday, and ~~includes all of the following and the sum of all~~  
32 of the following on April 1 immediately preceding the October  
33 determination, or the first Monday in April if April 1 falls  
34 on a Saturday or Sunday:

35 Sec. 40. Section 257.6, subsection 3, Code 2021, is amended

1 to read as follows:

2 3. *Additional enrollment because of special education.*

3 a. A school district shall determine its additional  
4 enrollment because of special education, as defined in this  
5 section, by November 1 of each year, or by the first Monday in  
6 November if November 1 falls on a Saturday or Sunday, and shall  
7 certify its additional enrollment because of special education  
8 to the department of education by November 15 of each year, and  
9 the department shall promptly forward the information to the  
10 department of management.

11 b. For the purposes of *this chapter*, "*additional enrollment*  
12 *because of special education*" is determined by calculating the  
13 average of the following:

14 (1) An amount determined by multiplying the weighting of  
15 each category of child under section 256B.9 times the number of  
16 children in each category totaled for all categories minus the  
17 total number of children in all categories, as determined on  
18 May 1 immediately preceding the November determination under  
19 subparagraph (2), or the first Monday in May if May 1 falls on a  
20 Saturday or Sunday.

21 (2) An amount determined by multiplying the weighting of  
22 each category of child under section 256B.9 times the number  
23 of children in each category totaled for all categories minus  
24 the total number of children in all categories, as determined  
25 on November 1 of each year, or the first Monday in November if  
26 November 1 falls on a Saturday or Sunday.

27 Sec. 41. Section 257.6, subsection 5, paragraph a, Code  
28 2021, is amended to read as follows:

29 a. Weighted enrollment is the budget enrollment plus the  
30 district's additional enrollment because of special education  
31 calculated by in November 1 of the base year under subsection  
32 3 plus additional pupils added due to the application of the  
33 supplementary weighting as determined under subsection 5A.

34 Sec. 42. Section 257.6, Code 2021, is amended by adding the  
35 following new subsection:

1 NEW SUBSECTION. 5A. *Pupils added due to application of*  
2 *supplementary weighting.*

3 a. A school district shall determine its pupils added due  
4 to application of supplementary weighting by October 1 of each  
5 year, or by the first Monday in October if October 1 falls on a  
6 Saturday or Sunday, and shall certify its pupils added due to  
7 the application of supplementary weighting to the department  
8 of education by October 15 of each year, and the department  
9 shall promptly forward the information to the department of  
10 management.

11 b. For the purposes of this chapter, "*pupils added due*  
12 *to application of supplementary weighting*" is determined by  
13 calculating the average of the following:

14 (1) The sum of the number of additional pupils assigned  
15 to a student or to the school district under section 257.11,  
16 280.4, or other provision of law providing for supplementary  
17 weighting, but excluding those under subsection 1, as  
18 determined on April 1 immediately preceding the October  
19 determination under subparagraph (2), or the first Monday in  
20 April if April 1 falls on a Saturday or Sunday.

21 (2) The sum of the number of additional pupils assigned  
22 to a student or to the school district under section 257.11,  
23 280.4, or other provision of law providing for supplementary  
24 weighting, but excluding those under subsection 1, as  
25 determined on October 1 of each year, or the first Monday in  
26 October if October 1 falls on a Saturday or Sunday.

27 Sec. 43. Section 261E.7, subsection 1, unnumbered paragraph  
28 1, Code 2021, is amended to read as follows:

29 Not later than June 30 of each year, a school district  
30 shall pay a tuition reimbursement amount to a postsecondary  
31 institution that has enrolled its resident eligible  
32 students under [this chapter](#), unless the eligible student is  
33 participating in open enrollment under [section 282.18](#), in  
34 which case, the tuition reimbursement amount shall be paid  
35 by the receiving district. However, if a child's residency

1 changes during a school year, the tuition shall be paid by the  
2 district in which the child was enrolled as of the October  
3 date specified in section 257.6, subsection 1, paragraph "a",  
4 or the district in which the child was counted under section  
5 257.6, subsection 1, paragraph "a", subparagraph (6), as of  
6 the October date specified in section 257.6, subsection 1,  
7 paragraph "a". For students enrolled at the Iowa school for the  
8 deaf and the Iowa braille and sight saving school, the state  
9 board of regents shall pay a tuition reimbursement amount by  
10 June 30 of each year. The amount of tuition reimbursement for  
11 each separate course shall equal the lesser of:

12 Sec. 44. Section 273.5, subsection 5, Code 2021, is amended  
13 to read as follows:

14 5. ~~Provide~~ Annually provide each school district within  
15 the area served and the department of education with a special  
16 education weighted enrollment count, including the additional  
17 enrollment because of special education ~~for December 1 of each~~  
18 ~~year.~~

19 Sec. 45. Section 279.60, subsection 1, Code 2021, is amended  
20 to read as follows:

21 1. Each school district shall administer the teaching  
22 strategies gold early childhood assessment to every resident  
23 prekindergarten or four-year-old child whose parent or guardian  
24 enrolls the child in the district, and shall administer a valid  
25 and reliable universal screening instrument, as prescribed by  
26 the department of education, to every kindergarten student  
27 enrolled in the district not later than the October date  
28 specified in section 257.6, subsection 1, paragraph "a". The  
29 assessment shall be aligned with state early learning standards  
30 and preschool programs shall be encouraged to administer the  
31 assessment at least at the beginning and end of the preschool  
32 program, with the assessment information entered into the  
33 statewide longitudinal data system. The department shall work  
34 to develop agreements with head start programs to incorporate  
35 similar information about four-year-old children served by head

1 start into the statewide longitudinal data system.

2 Sec. 46. Section 282.12, subsection 4, Code 2021, is amended  
3 to read as follows:

4 4. The number of pupils participating in a whole grade  
5 sharing agreement shall be determined on the October date  
6 specified in section 257.6, subsection 1, paragraph "a", and on  
7 the second Friday of January of each year.

8 Sec. 47. Section 282.18, subsection 4, paragraph a, Code  
9 2021, is amended to read as follows:

10 a. After March 1 of the preceding school year and until  
11 the October date specified in section 257.6, subsection 1,  
12 paragraph "a", the parent or guardian shall send notification  
13 to the district of residence and the receiving district, on  
14 forms prescribed by the department of education, that good  
15 cause, as defined in paragraph "b", exists for failure to meet  
16 the March 1 deadline. The board of directors of a receiving  
17 school district may adopt a policy granting the superintendent  
18 of the school district authority to approve open enrollment  
19 applications submitted after the March 1 deadline. The board  
20 of the receiving district shall take action to approve the  
21 request if good cause exists. If the request is granted,  
22 the board shall transmit a copy of the form to the parent or  
23 guardian and the school district of residence within five days  
24 after board action. A denial of a request by the board of a  
25 receiving district is not subject to appeal.

26 Sec. 48. EFFECTIVE DATE. This division of this Act, being  
27 deemed of immediate importance, takes effect upon enactment.

28 Sec. 49. APPLICABILITY. This division of this Act applies  
29 to actual enrollment determinations for school budget years  
30 beginning on or after the effective date of this division of  
31 this Act.

32 DIVISION VII

33 OPEN ENROLLMENT

34 Sec. 50. Section 282.18, subsection 4, paragraphs a and b,  
35 Code 2021, are amended to read as follows:



1 a. After March 1 of the preceding school year and until  
2 the date specified in [section 257.6, subsection 1](#), the  
3 parent or guardian shall send notification to the district of  
4 residence and the receiving district, on forms prescribed by  
5 the department of education, that good cause, as defined in  
6 paragraph "b", exists for failure to meet the March 1 deadline.  
7 However, notifications of good cause based on significant need  
8 for improvement must be filed on or before April 15. The board  
9 of directors of a receiving school district may adopt a policy  
10 granting the superintendent of the school district authority to  
11 approve open enrollment applications submitted after the March  
12 1 deadline. The board of the receiving district shall take  
13 action to approve the request if good cause exists. If the  
14 request is granted, the board shall transmit a copy of the form  
15 to the parent or guardian and the school district of residence  
16 within five days after board action. A denial of a request by  
17 the board of a receiving district is not subject to appeal.

18 b. For purposes of this section, ~~"good cause":~~

19 (1) "Good cause" means a change in a child's residence due  
20 to a change in family residence, a change in the state in which  
21 the family residence is located, a change in a child's parents'  
22 marital status, a guardianship or custody proceeding, placement  
23 in foster care, adoption, participation in a foreign exchange  
24 program, or participation in a substance abuse or mental  
25 health treatment program, a change in the status of a child's  
26 resident district such as removal of accreditation by the state  
27 board, surrender of accreditation, or permanent closure of a  
28 nonpublic school, revocation of a charter school contract as  
29 provided in [section 256F.8](#), the failure of negotiations for a  
30 whole grade sharing, reorganization, dissolution agreement,  
31 ~~or~~ the rejection of a current whole grade sharing agreement,  
32 or reorganization plan, or if the child's assigned attendance  
33 center in the district of residence is identified as in  
34 significant need for improvement. If the good cause relates to  
35 a change in status of a child's school district of residence,

1 however, action by a parent or guardian must be taken to file  
2 the notification within forty-five days of the last board  
3 action or within thirty days of the certification of the  
4 election, whichever is applicable to the circumstances.

5 (2) "Significant need for improvement" means a school  
6 attendance center designated by the department of education  
7 under the priority category under the Iowa school performance  
8 profiles for two or more of the immediately preceding school  
9 years or identified for comprehensive support and improvement  
10 under the federal Every Student Succeeds Act, Pub. L. No.  
11 114-95, for two or more of the immediately preceding school  
12 years.

13 Sec. 51. Section 282.18, subsection 5, Code 2021, is amended  
14 to read as follows:

15 5. Open enrollment applications filed after March 1  
16 of the preceding school year that do not qualify for good  
17 cause as provided in [subsection 4](#) shall be subject to the  
18 approval of the board of the resident district and the board  
19 of the receiving district. The parent or guardian shall send  
20 notification to the district of residence and the receiving  
21 district that the parent or guardian seeks to enroll the  
22 parent's or guardian's child in the receiving district. A  
23 decision of either board to deny an application filed under  
24 this subsection involving repeated acts of harassment of the  
25 student that the resident district cannot adequately address, a  
26 consistent failure of the district to reasonably respond to a  
27 student's failure to meet basic academic standards after notice  
28 provided by a parent or guardian, or a serious health condition  
29 of the student that the resident district cannot adequately  
30 address is subject to appeal under [section 290.1](#). The state  
31 board shall adopt by rule the criteria for determining a  
32 district's consistent failure to reasonably respond to a  
33 student's failure to meet basic academic standards and shall  
34 exercise broad discretion to achieve just and equitable  
35 results that are in the best interest of the affected child or

1 children.

2 Sec. 52. Section 282.18, subsection 10, paragraphs b and c,  
3 Code 2021, are amended to read as follows:

4 b. A receiving district may send school vehicles into the  
5 district of residence of the pupil using the open enrollment  
6 option under [this section](#), for the purpose of transporting the  
7 pupil to and from school in the receiving district, if the  
8 ~~boards of both the sending and receiving districts agree to~~  
9 ~~this arrangement~~ districts are contiguous.

10 c. If the pupil meets the economic eligibility requirements  
11 established by the department and state board of education, the  
12 sending district is responsible for providing transportation  
13 or paying the pro rata cost of the transportation to a parent  
14 or guardian for transporting the pupil to and from a point  
15 on a regular school bus route of a ~~contiguous~~ receiving  
16 district unless the cost of providing transportation or the  
17 pro rata cost of the transportation to a parent or guardian  
18 exceeds the average transportation cost per pupil transported  
19 for the previous school year in the district. The economic  
20 eligibility requirements established by the department of  
21 education and state board of education shall minimally include  
22 those pupils with household incomes of two hundred percent  
23 or less of the federal poverty level as defined by the most  
24 recently revised poverty income guidelines published by the  
25 United States department of health and human services. If  
26 the cost exceeds the average transportation cost per pupil  
27 transported for the previous school year, the sending district  
28 shall only be responsible for that average per pupil amount.  
29 A sending district which provides transportation for a pupil  
30 to a ~~contiguous~~ receiving district under [this subsection](#) may  
31 withhold, from the district cost per pupil amount that is to  
32 be paid to the receiving district, an amount which represents  
33 the average or pro rata cost per pupil for transportation,  
34 whichever is less.

35 Sec. 53. Section 282.18, subsection 11, Code 2021, is

1 amended to read as follows:

2 11. ~~a.~~ A pupil who participates in open enrollment for  
3 ~~purposes of attending a grade in grades nine through twelve~~  
4 ~~in a school district other than the district of residence is~~  
5 ~~ineligible to~~ or who has paid tuition and attended school, or  
6 has attended school pursuant to a mutual agreement between  
7 the two districts in a district other than the pupil's  
8 district of residence, may participate immediately in varsity  
9 interscholastic athletic contests and athletic competitions  
10 ~~during the pupil's first ninety school days of~~ upon enrollment  
11 in the district. However, ~~a pupil may participate immediately~~  
12 ~~in a varsity interscholastic sport under any of the following~~  
13 ~~circumstances:~~

14 (1) ~~If the pupil is entering grade nine for the first~~  
15 ~~time and did not participate in an interscholastic athletic~~  
16 ~~competition for another school or school district during the~~  
17 ~~summer immediately following eighth grade.~~

18 (2) ~~If the district of residence and the other school~~  
19 ~~district jointly participate in the sport.~~

20 (3) ~~If the sport in which the pupil wishes to participate is~~  
21 ~~not offered in the district of residence.~~

22 (4) ~~If the pupil chooses to use open enrollment to attend~~  
23 ~~school in another school district because the district in which~~  
24 ~~the student previously attended school was dissolved and merged~~  
25 ~~with one or more contiguous school districts under section~~  
26 ~~256.11, subsection 12.~~

27 (5) ~~If the pupil participates in open enrollment because the~~  
28 ~~pupil's district of residence has entered into a whole grade~~  
29 ~~sharing agreement with another district for the pupil's grade.~~

30 (6) ~~If the parent or guardian of the pupil participating~~  
31 ~~in open enrollment is an active member of the armed forces and~~  
32 ~~resides in permanent housing on government property provided by~~  
33 ~~a branch of the armed services.~~

34 (7) ~~If the district of residence determines that the pupil~~  
35 ~~was previously subject to a founded incident of harassment or~~

1 ~~bullying as defined in [section 280.28](#) while attending school~~  
2 ~~in the district of residence.~~

3 ~~b. A pupil who has paid tuition and attended school, or~~  
4 ~~has attended school pursuant to a mutual agreement between the~~  
5 ~~two districts, in a district other than the pupil's district~~  
6 ~~of residence for at least one school year is also eligible to~~  
7 ~~participate immediately in interscholastic athletic contests~~  
8 ~~and athletic competitions under [this section](#), but only as a~~  
9 ~~member of a team from the district that pupil had attended.~~

10 ~~c. For purposes of [this subsection](#), "school days of~~  
11 ~~enrollment" does not include enrollment in summer school. For~~  
12 ~~purposes of [this subsection](#), "varsity" means the same as defined~~  
13 ~~in [section 256.46, subsection 3](#).~~

14 DIVISION VIII

15 SCHOOL BOARD POWERS AND DUTIES

16 Sec. 54. Section 279.1, Code 2021, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 3. A school corporation is entrusted with  
19 public funds for the purpose of improving student outcomes,  
20 including but not limited to student academic achievement and  
21 skill proficiency, and the board of directors of the school  
22 corporation is responsible for overseeing such improvement.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the funding and operation of  
27 educational offerings in the state by establishing a student  
28 first scholarship program for certain pupils attending a  
29 nonpublic school, modifying provisions governing voluntary  
30 diversity plans, and creating a new charter school program.

31 Under division I of the bill, the following pupils who attend  
32 a nonpublic school are eligible to receive a student first  
33 scholarship: (1) a pupil eligible to enroll in kindergarten  
34 who, if enrolled in the pupil's district of residence, would  
35 attend a public school identified for comprehensive support

1 and improvement under the federal Every Student Succeeds Act,  
2 Pub. L. No. 114-95; (2) a pupil eligible to enroll in grade  
3 1 through grade 12 if the pupil has attended a public school  
4 identified for comprehensive support and improvement under the  
5 federal Every Student Succeeds Act, Pub. L. No. 114-95, for  
6 the equivalent of the two immediately preceding semesters; and  
7 (3) a pupil who received a student first scholarship for the  
8 immediately preceding school budget year and who is eligible  
9 to enroll in grade 1 through grade 12. By January 31 preceding  
10 the school year for which the student first scholarship is  
11 requested, the parent or guardian of the pupil requesting to  
12 receive a student first scholarship must submit an application  
13 to the department of education indicating that the parent or  
14 guardian intends to enroll the pupil in a nonpublic school for  
15 the entirety of the school year.

16 The bill requires that by March 1 preceding the school year  
17 for which the student first scholarship is requested, the  
18 department of education must notify the parent or guardian of  
19 each pupil approved for the following school year to receive a  
20 student first scholarship and the amount of the student first  
21 scholarship for the pupil, as specified in the bill. Student  
22 first scholarships must be approved for each school year and  
23 applications must be submitted each year.

24 The bill creates a student first scholarship fund in  
25 the state treasury under the control of the department of  
26 education consisting of moneys appropriated to the department  
27 of education for the purpose of providing student first  
28 scholarships. For the fiscal year commencing July 1, 2022, and  
29 each succeeding fiscal year, the bill appropriates from the  
30 general fund of the state to the department of education for  
31 deposit in the fund the amount necessary to pay all student  
32 first scholarships approved for that fiscal year. For each  
33 pupil approved for a student first scholarship, the department  
34 of education must establish an account for that pupil in the  
35 student first scholarship fund. The amount of the pupil's

1 student first scholarship is deposited into the pupil's account  
2 on July 1 and such amount is available for use by parents and  
3 guardians for the payment of qualified educational expenses, as  
4 defined in the bill, incurred by the parent or guardian for the  
5 pupil during that fiscal year.

6 The bill authorizes the department of education to contract  
7 with a private financial management firm to manage the student  
8 first scholarship fund, in collaboration with the treasurer  
9 of state, including providing for the disbursement of student  
10 first scholarships in the form of an electronic debit card  
11 or checks that are payable directly from the pupil's account  
12 within the fund.

13 The bill provides that moneys remaining in a pupil's account  
14 upon the conclusion of the fiscal year shall remain in the  
15 pupil's account in the student first scholarship fund for the  
16 payment of qualified educational expenses in future fiscal  
17 years during which the pupil participates in the program or for  
18 higher education costs as authorized in the bill.

19 Under the bill, for each pupil with a positive balance in  
20 the pupil's account in the student first scholarship fund upon  
21 graduation from high school, the department of education is  
22 required to maintain the account in the fund until the pupil  
23 reaches an age specified in the bill. Until the pupil reaches  
24 the age limitation, moneys in the pupil's account may be used  
25 by the pupil for qualified education expenses, as defined in  
26 Code section 12D.1. Moneys in a pupil's account when the pupil  
27 reaches the age limitation are transferred by the department of  
28 education for deposit in the general fund of the state.

29 The bill establishes procedures for parent or guardian  
30 appeals to the state board of education and provides that a  
31 person who makes a false claim for the purpose of obtaining  
32 a student first scholarship or who knowingly receives the  
33 scholarship or makes a payment from an account in the student  
34 first scholarship fund without being legally entitled to do so  
35 is guilty of a fraudulent practice and is subject to a criminal

1 penalty. The bill directs the department of education to  
2 recover scholarships and amounts improperly awarded or paid  
3 and requires the closure of the pupil's account and transfer  
4 of all remaining moneys to the general fund of the state. The  
5 bill also establishes requirements and procedures for parents  
6 or guardians and for the department of education when a pupil  
7 receiving a student first scholarship withdraws or is expelled  
8 from the nonpublic school prior to the end of the required  
9 attendance period of the school year, including requirements  
10 for disposition of the pupil's account within the student first  
11 scholarship fund and recovery of scholarship funds.

12 Division I of the bill provides that a student first  
13 scholarship received by a taxpayer is not taxable income for  
14 purposes of state individual income taxation. This provision  
15 of the bill applies to tax years beginning on or after January  
16 1, 2022.

17 The section of the bill enacting the student first  
18 scholarship program applies to school budget years and fiscal  
19 years beginning on or after July 1, 2022.

20 Division II of the bill establishes a new charter school  
21 program within the state under new Code chapter 256E and  
22 prohibits new charter schools from being established on or  
23 after July 1, 2021, under the existing charter school program,  
24 Code chapter 256F. Charter schools established under Code  
25 chapter 256F prior to July 1, 2021, shall continue to operate  
26 under and be subject to the requirements of that Code chapter.

27 The bill creates two models by which a charter school may  
28 be established: (1) school board-state board model, under  
29 which a school board may create a founding group to apply to  
30 the state board of education (state board) for approval to  
31 establish and operate a charter school within and as a part of  
32 the school district by establishing a new attendance center,  
33 creating a new school within an existing attendance center,  
34 or converting an existing attendance center; and (2) founding  
35 group-state board model, under which a founding group may



1 apply to the state board for approval to establish and operate  
2 a charter school within the boundaries of the state that  
3 operates independently from any public school district as a new  
4 attendance center.

5 The bill defines "founding group" to mean a person, group  
6 of persons, or education service provider that develops and  
7 submits an application for a charter school to the state board.  
8 The bill defines "governing board" to mean the independent  
9 board of a charter school whose members are elected or selected  
10 pursuant to the charter school's application and charter school  
11 contract.

12 The bill establishes requirements for charter school  
13 application contents and procedure, requires the state board to  
14 adopt rules to establish appropriate application timelines and  
15 deadlines for the submission of charter school applications,  
16 and establishes standards for reviewing charter school  
17 applications by the state board, as specified in the bill.  
18 Each application review includes evaluation of the written  
19 application, an in-person interview with the applicant, and an  
20 opportunity in a public forum for local residents of the public  
21 school district within which the applicant proposes to locate  
22 the charter school to learn about and provide input on each  
23 application.

24 The bill establishes provisions governing the approval  
25 or denial of a charter school application and the timing of  
26 such a decision, including the prohibition on approving an  
27 application if the applicant has another pending charter school  
28 application. The decision of the state board as to a charter  
29 school application is not appealable.

30 After approval of the charter school application, the  
31 applicant and the state board must execute a charter school  
32 contract setting forth the operational performance expectations  
33 and measures by which the charter school will be evaluated.  
34 An initial charter school contract shall be granted for a  
35 term of 10 school budget years. The contract may provide for

1 requirements or conditions to govern and monitor the start-up  
2 progress of an approved charter school prior to the opening  
3 of the charter school including but not limited to conditions  
4 to ensure that the charter school meets all building, health,  
5 safety, insurance, and other legal requirements.

6 A charter school established under the bill has all the  
7 powers necessary for carrying out the terms of the charter  
8 school contract including those powers specified in the bill.  
9 A charter school established under the bill is exempt from  
10 all state statutes and rules and any local rule, regulation,  
11 or policy applicable to a noncharter school, except that  
12 the charter school shall do all of the following: (1) meet  
13 all applicable federal, state, and local health and safety  
14 requirements and laws prohibiting discrimination on the  
15 basis of race, creed, color, sex, sexual orientation, gender  
16 identity, national origin, religion, ancestry, or disability;  
17 (2) operate as a nonsectarian, nonreligious school; (3) be  
18 free of tuition and application fees to Iowa resident students  
19 between the ages of 5 and 21 years; (4) be subject to and comply  
20 with Code chapters 216 and 216A relating to civil and human  
21 rights; (5) provide special education services in accordance  
22 with Code chapter 256B; (6) be subject to the same financial  
23 audits, audit procedures, and audit requirements as a school  
24 district; (7) be subject to and comply with the provisions of  
25 Code chapter 285 relating to the transportation of students;  
26 (8) be subject to and comply with the education program  
27 and testing requirements of Code section 256.7(21) and the  
28 educational standards of Code section 256.11, unless waived by  
29 the state board during the application process; and (9) provide  
30 instruction for at least the number of days or hours required  
31 by Code section 279.10(1), unless waived by the state board  
32 during the application process.

33 The bill requires a charter school to employ or contract  
34 with teachers who hold a valid license with an endorsement for  
35 the type of instruction or service for which the teacher is

1 employed or under contract and establishes requirements for  
2 charter schools relating to enrollment and admissions policies.  
3 Upon enrollment of an eligible student, the charter school is  
4 required to notify the public school district of residence.

5 Each student enrolled in a charter school established  
6 under the bill shall be counted, for state school foundation  
7 purposes, in the student's district of residence. The school  
8 district of residence is then required to pay to the charter  
9 school in which the student is enrolled an amount equal to the  
10 sum of the state cost per pupil for the previous school year  
11 plus the teacher leadership supplement state cost per pupil  
12 for the previous school year plus any moneys received for the  
13 pupil as a result of the non-English speaking weighting for the  
14 previous school year multiplied by the state cost per pupil  
15 for the previous school year. If a student is an eligible  
16 pupil under the postsecondary enrollment options program, the  
17 charter school shall pay the tuition reimbursement amount to an  
18 eligible postsecondary institution. The bill also establishes  
19 provisions governing the payments to charter schools in the  
20 first year of operation.

21 The bill establishes requirements for the performance  
22 provisions within the charter school contract that will guide  
23 the evaluation of the charter school by the state board.  
24 The state board is required to monitor the performance and  
25 compliance of each charter school it approves, including  
26 collecting and analyzing data according to the charter school  
27 contract in order to meet the requirements of the charter  
28 school contract and the bill. As part of the charter school  
29 contract, the charter school may be required to submit  
30 an annual report to assist the state board in evaluating  
31 the charter school's performance and compliance with the  
32 performance framework.

33 The bill also establishes provisions to govern situations  
34 where a charter school's performance under the charter school  
35 contract or compliance with applicable laws or rules is

1 unsatisfactory, including the authority to take appropriate  
2 corrective actions, impose sanctions, or revoke the contract.  
3 A charter school contract may be renewed for periods of  
4 time not to exceed an additional 10 years. The bill also  
5 establishes provisions that govern the renewal process for  
6 a charter school contract, including standards under which  
7 the state board must operate when reviewing a charter school  
8 contract renewal application.

9 The bill requires that, prior to any charter school closure  
10 decision, the state board must develop a charter school closure  
11 protocol to ensure timely notice to parents, provide for the  
12 orderly transition of students and student records to new  
13 schools, and to provide proper disposition of school funds,  
14 property, and assets. The bill also specifies the priority to  
15 be used when satisfying obligations of a charter school after  
16 its closure.

17 Under the bill, each charter school is required to prepare  
18 and file an annual report with the department of education,  
19 the contents of which shall be determined by the department  
20 by rule. The state board of education is required to prepare  
21 and file with the general assembly by December 1, annually, a  
22 comprehensive report including items specified in the bill,  
23 along with findings and recommendations relating to the charter  
24 school program in the state and whether the charter school  
25 program is meeting the goals and purposes of the program.

26 Division III of the bill eliminates implementation of a  
27 voluntary diversity plan as a reason to deny open enrollment  
28 of a pupil.

29 Under current law, a school district subject to a voluntary  
30 diversity plan or court-ordered desegregation may deny a  
31 request for open enrollment of a pupil from one district to  
32 another if the superintendent finds that the enrollment or  
33 release of the pupil will adversely affect the district's  
34 implementation of the voluntary diversity plan or court-ordered  
35 desegregation.

1 The bill further eliminates provisions directing the state  
2 board of education to adopt rules establishing definitions,  
3 guidelines, and a review process that school districts must  
4 follow when adopting a voluntary diversity plan and provisions  
5 requiring the department of education to provide technical  
6 assistance to school districts seeking to adopt a voluntary  
7 diversity plan.

8 The bill makes conforming changes and strikes obsolete  
9 language.

10 Division IV of the bill modifies and consolidates language  
11 regarding electronic data and information duties of the  
12 director of the department of education. Under the bill, the  
13 director is required to approve, coordinate, and supervise the  
14 use of electronic data and information processing by school  
15 districts, area education agencies, and merged areas, including  
16 the procurement or development of a single, comprehensive,  
17 statewide, student information system that is required to be  
18 used by all school districts, accredited nonpublic schools,  
19 and area education agencies. The student information system  
20 procured or developed must be designed for the purpose of  
21 establishing standardized electronic data collections and  
22 reporting protocols that facilitate compliance with state and  
23 federal reporting requirements, improve school-to-school and  
24 district-to-district information exchanges, and maintain the  
25 confidentiality of individual student and staff data.

26 The department of education is required to pay for the  
27 procurement or development of the student information system  
28 and shall pay for at least the first year of statewide  
29 implementation, after which the cost of operating the system  
30 may be funded through the collection of a fee by the department  
31 from each school district and accredited nonpublic school. The  
32 amount of the fee shall be based on a per-student rate, not to  
33 exceed \$7 per student for the first year of the fee.

34 Division IV also requires the state board of education  
35 to establish a flexible student and school support program

1 to be administered by the director of the department of  
2 education. Under such program, upon request of the board of  
3 directors of a public school district or the authorities in  
4 charge of an accredited nonpublic school, the director may,  
5 for a period not to exceed three years, grant the applicable  
6 board of directors or the authority in charge of the nonpublic  
7 school the ability to use the flexible student and school  
8 support program to implement evidence-based practices in  
9 innovative ways to enhance student learning, well-being, and  
10 postsecondary success. Approval to participate in the flexible  
11 student and school support program shall exempt the school  
12 district or nonpublic school from one or more requirements of  
13 the educational program specified in the bill or the minimum  
14 school calendar requirements in Code section 279.10. An  
15 exemption shall be granted only if the director deems that the  
16 request made is an essential part of an educational program  
17 to support student learning, well-being, and postsecondary  
18 success; is necessary for the success of the program; and  
19 is broadly consistent with the intent of the requirements  
20 of the educational program or the minimum school calendar  
21 requirements.

22 Approval to participate in the flexible student and school  
23 support program also includes the authority for a school  
24 district to use funds from the school district's flexibility  
25 account under Code section 298A.2(2) to implement all or part  
26 of the flexible student and school support program. The bill  
27 also establishes requirements relating to program applications,  
28 renewal of participation in the program, and revocation of  
29 participation in the program.

30 Division IV of the bill also authorizes school districts to  
31 transfer unexpended and unobligated teacher salary supplement  
32 funding under Code section 257.10(9) and teacher leadership  
33 salary supplement funding under Code section 257.10(12) to  
34 the school district's flexibility account under Code section  
35 298A.2(2).

1 Currently, a taxpayer receives the tuition and textbook  
2 tax credit for each dependent of the taxpayer attending an  
3 accredited private elementary or secondary school equal to  
4 25 percent of the first \$1,000 which the taxpayer has paid  
5 to others for the tuition and textbooks of each dependent in  
6 attendance at such a school.

7 Division V of the bill allows a taxpayer to receive  
8 the tuition and textbook tax credit for the tuition and  
9 textbooks of each dependent of the taxpayer receiving private  
10 instruction. The bill defines "private instruction" to mean a  
11 student receiving independent private instruction as defined in  
12 Code section 299A.1(2)(b), competent private instruction under  
13 Code section 299A.2, or private instruction by a nonlicensed  
14 person under Code section 299A.3.

15 The bill also increases the tuition and textbook tax credit  
16 to equal 50 percent of the first \$2,000 for the tuition and  
17 textbooks of each dependent receiving private instruction or in  
18 attendance in grades kindergarten through 12. The bill makes  
19 the tax credit refundable.

20 Division V also provides that a taxpayer that is an eligible  
21 educator is allowed to deduct certain expenses of elementary  
22 and secondary school teachers as described under section  
23 62(a)(2)(D) of the Internal Revenue Code in computing net  
24 income for state tax purposes, not to exceed \$500.

25 Division V of the bill takes effect upon enactment and  
26 applies retroactively to January 1, 2021, for tax years  
27 beginning on or after that date.

28 Code section 257.6(1)(a) provides that each school  
29 district's actual enrollment is determined annually on October  
30 1, or the first Monday in October if October 1 falls on a  
31 Saturday or Sunday. Division VI of the bill amends methodology  
32 for determining the actual enrollment each year. Under the  
33 bill, actual enrollment is determined annually by calculating  
34 the average of the count on October 1, or the first Monday  
35 in October if October 1 falls on a Saturday or Sunday,

1 and the count on April 1 immediately preceding the October  
2 determination, or the first Monday in April if April 1 falls  
3 on a Saturday or Sunday.

4 Division VI makes similar changes to the provisions of  
5 Code section 257.6 governing the calculation of each school  
6 district's additional enrollment because of special education  
7 and each school district's pupils added due to application  
8 of supplementary weighting, by requiring an average of such  
9 amounts determined on two specified dates.

10 Division VI makes corresponding changes to other provisions  
11 of law.

12 Division VI of the bill takes effect upon enactment and  
13 applies to actual enrollment determinations for school budget  
14 years beginning on or after the effective date of division VI  
15 of the bill.

16 Division VII modifies several provisions relating to Iowa's  
17 open enrollment law under Code section 282.18.

18 Under current law, good cause must be shown for failing to  
19 file an open enrollment request after the March 1 deadline  
20 preceding the school year. The bill adds the determination  
21 that the child's assigned attendance center in the district of  
22 residence is identified as in significant need for improvement,  
23 as defined in the bill, to the definition of "good cause" and  
24 specifies that notifications of good cause based on significant  
25 need for improvement must be filed on or before April 15.

26 Under Code section 282.18(5), open enrollment applications  
27 filed after March 1 of the preceding school year that do not  
28 qualify for good cause are subject to the approval of the  
29 board of the resident district and the board of the receiving  
30 district. The bill provides that a district's denial of  
31 an application that involves a consistent failure of the  
32 district to reasonably respond to a student's failure to meet  
33 basic standards is subject to appeal to the state board of  
34 education under Code section 290.1. The bill also requires  
35 the state board of education to adopt by rule the criteria for



1 determining a consistent failure to respond to academic needs.  
2 Under Code section 282.18(10)(b), a receiving district may  
3 send school vehicles into the district of residence of the  
4 pupil using the open enrollment option under this Code section,  
5 for the purpose of transporting the pupil to and from school  
6 in the receiving district, if the boards of both the sending  
7 and receiving districts agree to this arrangement. The bill  
8 modifies this authority to send school vehicles into a district  
9 of residence by striking the condition that both school boards  
10 agree and instead authorizes such action if the districts are  
11 contiguous.

12 Under Code section 282.18(10)(b), if a pupil meets the  
13 economic eligibility requirements established by the department  
14 of education and state board of education, the sending district  
15 is responsible for providing transportation or paying the  
16 pro rata cost of the transportation to a parent or guardian  
17 for transporting the pupil to and from a point on a regular  
18 school bus route of a contiguous receiving district unless the  
19 cost of providing transportation or the pro rata cost of the  
20 transportation to a parent or guardian exceeds the average  
21 transportation cost per pupil transported for the previous  
22 school year in the district. If the cost exceeds the average  
23 transportation cost per pupil transported for the previous  
24 school year, the sending district shall only be responsible for  
25 that average per pupil amount. The bill removes the condition  
26 for the receiving district to be contiguous and establishes  
27 minimum standards for the economic eligibility requirements  
28 established by the department and state board of education.  
29 The bill also modifies conditions for a sending district to  
30 withhold certain amounts payable to the receiving district when  
31 the sending district provides transportation for a pupil.

32 Code section 282.18(11)(a) generally provides that a pupil  
33 who participates in open enrollment for purposes of attending  
34 a grade in grades 9 through 12 in a school district other  
35 than the district of residence is ineligible to participate

1 in varsity interscholastic athletic contests and athletic  
2 competitions during the pupil's first 90 school days of  
3 enrollment in the district. Additionally, under Code section  
4 282.18(11)(b), a pupil who has paid tuition and attended  
5 school, or has attended school pursuant to a mutual agreement  
6 between the two districts, in a district other than the pupil's  
7 district of residence for at least one school year, is also  
8 eligible to participate immediately in interscholastic athletic  
9 contests and athletic competitions. The bill removes the  
10 90-day restriction and the one-year restriction and provides  
11 that a pupil who participates in open enrollment or who has  
12 paid tuition and attended school, or has attended school  
13 pursuant to a mutual agreement between the two districts in  
14 a district other than the pupil's district of residence, may  
15 participate immediately in interscholastic athletic contests  
16 and athletic competitions upon enrollment in the district.

17 Division VIII amends Code section 279.1 to specify that  
18 a school corporation is entrusted with public funds for the  
19 purpose of improving student outcomes, including but not  
20 limited to student academic achievement and skill proficiency,  
21 and the board of directors of the school corporation is  
22 responsible for overseeing such improvement.