



July 2022

## 2022 Legislative Session Summary of Changes Affecting Schools

### Overview

Dear Colleagues,

The General Assembly passed, and Governor Reynolds signed, several pieces of legislation from the 2022 legislative session that will impact Iowa's educational policy. Please find below a summary of these legislative changes.

I look forward to working with you to implement these changes. Together, we can build on our successes to innovate education and ensure all learners are prepared for their future at every step of their educational journey.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Lebo".

Dr. Ann Lebo  
Director  
Iowa Department of Education

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# 2022 Appropriations Policy Changes

## **HF2575 Education appropriations - effective July 1, 2022**

Makes appropriations for fiscal year (FY) 2023 for the College Student Aid Commission, the Department for the Blind, the Department of Education, and the State Board of Regents. Operations and programs under the purview of the Department of Education were mostly level funded from FY2022, with the exception of the following:

- Teach Iowa Scholar: \$650,000, a \$250,000 increase from FY2022.
- Mental Health Practitioner Loan Repayment: new \$520,000 appropriation for implementation of the new program established under 2022 Iowa Acts, [House File 2549](#).
- Early Childhood Iowa: \$23,406,799, a \$200,000 increase from FY2022.
- Jobs for America's Graduates: \$8,146,450, a \$3,480,262 increase from FY2022.
- Iowa Reading Research Center: \$600,000, a \$950,176 decrease from FY2022.
- Children's Mental Health School-based Training: \$3,838,936, a \$200,000 increase from FY2022.
- Best Buddies Iowa: \$35,000, a \$10,000 increase from FY2022.
- Community colleges: \$221,658,161, a \$6,500,000 increase from FY2022.
- Therapeutic Classroom Incentive Fund: \$2,351,382, a \$725,307 increase from FY2022.
- Therapeutic Classroom Behavior Guidance: no appropriation for FY2023. The Department will utilize the remainder of FY2022 appropriation to complete planned guidance and professional development.

## **Division VIII**

Modifies the grant selection and evaluation criteria for the Therapeutic Classroom Incentive Fund program by giving first priority to school districts that submitted an application the previous fiscal year; second priority to school districts collaborating with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, or institutions that provide mental health services for children; and third priority to school districts located in mental health and disability services regions providing behavioral health services for children in accordance with chapter 331, subchapter III, part 6.<sup>1</sup>

## **Division IX**

Amends provisions of statute governing the funding of a charter school approved under Iowa Code section 260E.

## **Division X**

Modifies [SF2382](#), passed during the 2022 legislative session, regarding the waiver of fees collected by certain state boards, agencies, or departments by removing the Board of Educational Examiners from the entities subject to the limitations specified in the Act.

The Department is in the process of drafting updated administrative rules regarding charter school funding for the State Board of Education's meeting on August 4, 2022

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<sup>1</sup> Iowa Code chapter 331, subchapter III (powers and duties of a county), part 6 - mental health and disability services - regional service system - children's behavioral health system.

*Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.*

## **HF2589 Standing appropriations - effective July 1, 2022**

### **Division I, sec. 4**

Reduces FY2023 state aid for Area Education Agencies and the combined district cost for non-professional development expenditures by \$15 million. The \$15 million is in line with reductions imposed by the Legislature in previous fiscal years.

Further reduces FY2023 state aid for Area Education Agencies and the combined district cost for professional development expenditures by the amount generated for the Area Education Agency professional development supplement district cost. This amounts to a further reduction of approximately \$2 million in addition to the \$15 million noted above for a total reduction of approximately \$17 million.

### **Division VI**

Eliminates the March 1 deadline for open enrollment. Sending and receiving districts may no longer use a failure to meet a deadline, or a failure to demonstrate good cause for meeting a deadline, to deny an open enrollment application.

### **Division VII**

Adds college and career transition counselor or coordinator to the list of shared operational functions that are eligible to generate additional weighting for a school district. Defines college and career transition counselor or coordinator as a licensed school counselor or an appropriately trained individual responsible for providing direct services to students, parents, families, schools, and postsecondary institutions to support college preparation and postsecondary success, such as college preparation, financial aid processing, and transition to postsecondary institution enrollment.

*The Department released preliminary guidance on the repeal of all open enrollment deadlines on the day this bill was signed, as well as revised handbooks and applications.*

*The Department is in the process of drafting updated administrative rules regarding open enrollment for the State Board of Education's meeting on August 4, 2022.*

# Additional Education Legislation

## **HF2080 Shared operational functions - effective July 1, 2022**

Permanently increases the weighting for superintendent management from eight to nine pupils.<sup>2</sup>

Adds language regarding eligibility for additional weighting by a school district that shares a special education director, even if the position does not perform the duties of a special education director for the political subdivision (i.e., district, AEA) in which the position is shared. Adds school resource officer to the list of operational functions that may be shared between a district and a political subdivision. Defines school resource officer to mean the same as defined in 34 USC § 10389.<sup>3</sup>

Specifies that the provisions of the act are applicable for the school budget year starting July 1, 2022, subject to the provisions of Iowa Code section 257.11, subsection 5.

*The Department will be amending administrative rules to conform to the positions listed.*

## **HF2081 Teacher preparation programs - effective upon enactment**

Establishes distinct field experience requirements for initial teacher preparation programs and teacher *intern* preparation programs, establishing a minimum duration of 80 hours for the former and 50 hours for the latter.

Eliminates statutory requirements related to pre-professional skills tests and end-of-program subject assessments required to successfully complete a teacher preparation program. Accordingly, eliminates the director's authority to issue a one-year waiver from the end-of-program subject assessments. Requires higher education institutions providing teacher preparation to notify students who failed to meet the assessment requirement prior to the effective date of the act of the changes related to the end-of-program subject assessments, including a student's ability to apply for an initial license from the Board of Educational Examiners if all other requirements of the teacher preparation were satisfied.

*The Department released preliminary guidance on the repeal of the examination requirements on the day this bill was signed.*

*The Department is in the process of drafting updated administrative rules regarding the repeal of the testing requirements for the State Board of Education's meeting on August 4, 2022.*

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<sup>2</sup> Division V of [HF847](#), passed during the 2021 legislative session, reduced the weighting for all positions generating a weighting of five pupils to four pupils, and reduces the weighting for all positions generating a weighting of three pupils to two pupils for the budget years beginning July 1, 2022 through July 1, 2024.

<sup>3</sup> "[S]chool resource officer" means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations:

- A. to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;
- B. to develop or expand crime prevention efforts for students;
- C. to educate likely school-age victims in crime prevention and safety;
- D. to develop or expand community justice initiatives for students;
- E. to train students in conflict resolution, restorative justice, and crime awareness;
- F. to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and
- G. to assist in developing school policy that addresses crime and to recommend procedural changes.

## **HF2298 COVID-19 immunization - effective July 1, 2022**

Prohibits, until July 1, 2029, a licensed child care center, elementary or secondary school, or postsecondary school in Iowa from requiring any person be vaccinated against COVID-19 as a requirement of attendance. For purposes of this act, postsecondary school is defined as a postsecondary institution under the control of the Board of Regents, a community college established under Iowa Code chapter 260C, or an accredited private institution as defined in section 261.9.

## **HF2165 Future Ready Iowa Skilled Workforce Last-dollar scholarships - effective July 1, 2022**

Expands the definition of “eligible student” under the Future Ready Iowa Last Dollar Scholarship program to include a student enrolled in an eligible program during the academic year or summer semester on a part-time basis.

## **HF2316 Public school funding - effective upon enactment**

Establishes the fiscal year 2023 state percent of growth and categorical percent of growth at 2.5 percent. Specifies that the regular program state cost per pupil for fiscal year 2023 is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

Establishes a formula for the calculation of a school district's property tax replacement payment for each budget year beginning on or after July 1, 2022:

$$\begin{array}{c} \text{School District Weighted Enrollment} \times \left( \$153 + \left( \begin{array}{l} \text{Current Year Regular Program State Cost per Pupil} \times \left( 100 \text{ Percent} - \begin{array}{l} \text{Current Year Regular Program Foundation Base per Pupil Percent} \end{array} \right) \right. \right. \\ \left. \left. - \begin{array}{l} \text{Previous Year Regular Program State Cost per Pupil} \times \left( 100 \text{ Percent} - \begin{array}{l} \text{Previous Year Regular Program Foundation Base per Pupil Percent} \end{array} \right) \end{array} \right) \right) \end{array}$$

## **HF2412 Radon testing and mitigation - effective July 1, 2022**

Requires that each school district establish a radon plan and schedule for short-term radon gas testing, as defined in the Act. Each school district, at each attendance center, must complete a short-term radon gas test at least once before July 1, 2027, and at least once every five years thereafter.

The test must be performed by an individual that is certified and credentialed under the criteria established by the [Iowa Department of Public Health](#) pursuant to Iowa Code chapter 136B.1. The test may also be performed by a district employee that has completed a school radon testing training program approved jointly by the Iowa Department of Education and Iowa Department of Public Health (list forthcoming).

A second radon gas test must be performed if the results of the first test at an attendance center indicate radon levels at or above four picocuries per liter. If the average of the first and second test indicate radon levels at or above four picocuries per liter, the board of directors of the school district must retain or employ a licensed individual to develop a radon mitigation plan. The plan shall be completed within two years of the first test.

Radon mitigation is not required if the district intends to abandon the attendance center within five years, or has plans to renovate the attendance center within five years if the renovation plans include radon mitigation.

Mandates all new school construction include radon resistant construction techniques.

Modifies allowable uses under the Secure an Advance Vision for Education (SAVE) fund to include radon testing pursuant to the new Iowa Code section 280.32 established under the Act. Specifies that a school district board of directors may approve a resolution that includes use of SAVE funds for purposes of radon testing without submitting it for a vote of the electorate.

*The Department is reviewing this legislation to determine whether rules amendments are required.*

## **HF2416 Athletic eligibility based on sex - effective upon enactment**

Requires that all interscholastic athletic teams, sports, or athletic events sponsored or sanctioned by an educational institution or organization be designated as either female, women, or girls; male, men, or boys; or coeducational or mixed. Specifies that only female students, based on their sex, may participate in any team, sport, or athletic event designated as female, women, or girls.

## **HF2470 Artisanal butchery task force - effective July 1, 2022**

Implements the recommendations of the Artisanal Butchery Task Force submitted to the General Assembly on December 30, 2021.

No later than December 31, 2022, the Department of Education will establish a framework for a one-year community college certificate program for artisanal butchery. A community college that elects to establish a one-year certificate program shall use the framework as the minimum requirements for the program, and may modify the curriculum based on unique circumstances of the community college. Prior to implementation, a community college shall receive Department approval.

Directs the State Workforce Development Board to add butchery, artisanal butchery, and meat processing to the list of high-demand jobs for purposes of the Future Ready Iowa registered apprenticeship program, the summer youth internship program, the Iowa employer innovation fund, last-dollar scholarship program, skilled workforce grant program, and postsecondary summer classes for high school students program.

*The Department is currently planning for implementation of pertinent sections of this Act.*



## **HF2573 Abatement of and response to opioid use - effective July 1, 2022**

Modifies Iowa Code section 135.190 by adding school employee to the definition of “person in position to assist”, which allows a licensed healthcare professional to prescribe an opioid antagonist to a school employee.<sup>4</sup> Authorizes a school district to obtain a valid prescription for and maintain a supply of an opioid antagonist.

Establishes an opioid antagonist medication fund under the control of the Department of Public Health consisting of available federal, state, and lawsuit settlement funds. Authorizes the Iowa Department of Public Health to use available funds to purchase, maintain, and replace opioid antagonist medication administered by first responders.

Appropriates \$3.8 million from the opioid settlement fund to the Department of Justice for a medication addiction treatment program administered by the University of Iowa hospitals and clinics.

*The Department is reviewing this legislation to determine whether rules amendments are required.*

## **HF604 Language and literacy development for deaf and hard-of-hearing children - effective July 1, 2022**

Calls for the Department of Education to do the following:

- Work with the state school for the deaf, the area education agencies, school districts, and the early hearing detection and intervention program in the Department of Public Health to coordinate, develop, and disseminate resources to inform deaf and hard-of-hearing children’s expressive and receptive language acquisition or development. This includes, but is not limited to, the coordination of the development of language milestones in specified languages and parent resources which comply with specifications established in the bill, as well as other coordination and monitoring activities specified in the bill.
- Select existing tools or assessments that may be used by qualified educators to assess American Sign Language and English language and literacy development.
- If funds are appropriated for this purpose, develop guidelines for a comprehensive family support mentoring program to pair families based on the specific need, experience, or want of the parent of the deaf or hard-of-hearing child with another family mentor.
- Annually compile and publish a report using existing data in compliance with the state performance plan on pupils with disabilities that is specific to language and literacy development in deaf and hard-of-hearing children.

*The Department is evaluating the need for administrative rules to implement the comprehensive family support mentoring program, subject to funding by the Legislature.*

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<sup>4</sup> Under Iowa Code section 135.190, “a person in a position to assist may possess and provide or administer an opioid antagonist to an individual if the person in a position to assist reasonably and in good faith believes that such individual is experiencing an opioid-related overdose” and is not “liable for any injury arising from the... administration, or assistance in the administration of an opioid antagonist...”



## **HF771 Self-administration and storage of bronchodilators - effective July 1, 2022**

Amends Iowa Code section 280.16 to allow the board of directors of a school district and the authorities in charge of an accredited nonpublic school to permit the use of bronchodilator canister or bronchodilator canister and spacer by a student with respiratory distress, asthma, or other airway constricting disease.

Amends Iowa Code section 280.16A to permit a licensed healthcare professional to prescribe bronchodilator canisters and bronchodilator canisters and spacers in the name of a school district or accredited nonpublic school.

Authorizes the board of directors of a school district or authorities in charge of an accredited nonpublic school to obtain a prescription for bronchodilator canisters and bronchodilator canisters and spacers and maintain a supply of such medications in a secure location. Permits authorized personnel to administer such medications from the supply maintained by the institution if such personnel reasonably and in good faith believe an individual requires treatment for respiratory distress, asthma, or other airway constricting disease.

Expands liability protection to authorized personnel who administer such medications.

*The Department will be amending administrative rules to address this legislation.*

## **SF2080 Administration of physical examinations - effective July 1, 2022**

Prohibits a school district from administering or conducting an invasive physical examination or a student health screening that is not required by state or federal without first securing the written consent of the student's parent or guardian. Defines invasive physical examination and student health screening.

*The Department is reviewing this legislation to determine whether rules amendments are required.*

## **SF2128 Relating to education - effective July 1, 2022**

Updates terminology by striking reference to "limited English proficient" and replacing it with "English learner."

Updates references related to the accreditation of community colleges by an accrediting agency recognized under 34 CFR pt. 602 and title IV of the federal Higher Education Opportunity Act, Pub. L. No. 110-315.

*The Department will be amending administrative rules to address this legislation.*

## **SF2197 Special education services to students at nonpublic schools - effective July 1, 2022**

Requires the Department of Education to convene a special education task force to study and make recommendations regarding how to better serve students enrolled in nonpublic schools who receive special education services, especially those students who reside in rural areas of the state.

Specifies the membership of the task force.

Requires the Department of Education to submit a report to the General Assembly by December 1, 2022.

## **SF2266 - Compensation and benefit limits under IPERS - effective upon enactment**

Increases the remuneration limitation of a member of the Iowa Public Employees Retirement System (IPERS) who is not yet 65 years old, has bona-fide retirement, and is employed full-time from \$30,000 to \$50,000.

Increases the threshold limitation from \$6,000 to \$20,000 under Iowa Code section 279.7A regarding any benefit to directors of a school board resulting from a contract for the purchase of goods or services.

## **SF2367 - State taxation - effective July 1, 2022, unless otherwise specified**

### **Division III**

Modifies the tax remittance process under Iowa Code section 423F.2, subsection 4, Securing an Advanced Vision for Education fund, by calling on the director of the Department of Revenue to transfer to each school district the amount of tax monies remitted from the preceding month, rather than by August 15 of each fiscal year.

Directs the Department of Revenue to provide each school district by August 15 of each fiscal year an estimate of the amount of tax monies to be distributed to each school district for the current fiscal year.

Establishes a transition to the new remittance process by specifying that the Department of Revenue will estimate transfer amounts through the end of the 2022 calendar year. Transfer from the Department of Revenue to school districts shall be based on these estimates for the July, August, and September 2022 transfers. Starting with the October 2022 transfer the Department of Revenue will transfer the actual amount of tax attributable to each school district. Any adjustments to the July, August, and September 2022 transfers that may be necessary to reflect the accurate attributable amount shall be made by December 30, 2022.

### **Division XI**

Adds several variables used to determine net income for purposes of the individual income tax. Allows for subtracting an amount not to exceed one thousand dollars the following:

- Premium pay, as defined in 42 USC sec. 802(g)(3), received by a teacher employed by an independently accredited school or a teacher employed by the state who was designated by the governor as an eligible worker under 42 USC sec. 802(g)(2).
- Teacher retention pay received by a teacher that was funded from moneys received by the state from the elementary and secondary school emergency relief funds pursuant to the federal Coronavirus Response and Relief Supplemental Appropriations Act or the federal American Rescue Plan Act of 2021.
- Teacher retention pay received by a teacher employed by a private school or specially accredited school, that was funded from the private sector worker premium pay program administered by the Department of Education that was funded from state moneys.

## **SF2380 - George Washington Carver day - effective July 1, 2022**

Authorizes the governor to issue annually a proclamation designating the first day of February as George Washington Carver Day and to encourage all government entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the scientific and agricultural accomplishments and global humanitarian achievements of professor Carver and to acknowledge the Iowa educational institutions, Simpson College and Iowa State University, that allowed George Washington Carver to persevere through racial barriers and fulfill his potential as a human being.

## **SF2383 - Various state matters - effective July 1, 2022**

### **Division II**

Authorizes the State Board of Education to adopt rules to establish a reporting process to be used by school districts to provide information on student participation in work-based learning programs, including registered apprenticeships, quality pre-apprenticeships, internships, on-the-job training, and projects through the Iowa Clearinghouse for Work-based learning.

Establishes a new work-based learning program supervisor certification under the Board of Educational Examiners. Provides a definition of the supervisor as an individual who supervises student opportunities and experiences related to work-based learning experiences. Specifies that the certification is not to be considered a teacher or administrator license.

Adds new components to the Individual Career and Academic Planning (ICAP) process under Iowa Code section 279.61. Requires school districts to identify work-based learning experiences and provide information on those experiences to students through the ICAP process. Requires school districts to advise students through the ICAP process on how to successfully complete the Free Application for Federal Student Aid (FAFSA).

*The Department will be amending administrative rules to address the reporting process authorized by this legislation.*