Analysis of SSB 1145- Governor Reynolds 2023 Education Reform Bill

Iowa Department of Education main list of removed books.

- Sect. 1- Requires the Iowa Department of Education (DE) to keep an internet accessible list of books that school boards remove from school libraries and/or classrooms. (Sect. 15 of the bill requires districts to report to DE within 7 days if school board removed materials).

  - Sect. 16, 4- All school districts must get written parental consent for students to access or check out a book on the DE list.

Removal of HPV and AIDS information and related vaccines.

- Sect. 2, 4- Removes AIDS and HPV and related vaccine information from curriculum in grades 7-8, from health curriculum in grades 9-12 and from human growth and development curriculum in grades 4-12.

Changes in U.S. Government curriculum including adding high stakes test.

- Sect. 3- Modifies U.S. Government curriculum to require U.S. citizenship and immigration exam, high stakes graduation requirement. Require accommodation for students with an IEP.

K-3 prohibition of gender identity and sexual activity instruction and materials.

- Sect. 5-8- Requires parental permission for exams and screenings for physical and mental health and K-3 prohibition against gender ID and sexual activity instruction, including in charter schools.

  - Prohibits any program, curriculum, material, test survey, questionnaire, activity, announcement, and promotion of instruction of any kind related to gender identity or sexual activity in K-3.

  - Excludes gender ID and sexual activity instruction, grades 1-3 human growth and development content includes self-esteem, stress management, interpersonal relationships, and domestic abuse.

Transparency.

- Sect. 14- Requires all public-school districts to post on website:

  - List of all materials used to teach in each class, sortable by subject area, grade level and teacher.

  - List of all district employees and contractors in direct contact with students.

  - List of all books, in classrooms and district libraries.

  - Explanation of procedures and policies to request reconsideration of classroom or library materials.

  - Explanation of 279.8B petition to request a public hearing before the school board.

  - Requires information to be updated at least twice a semester or at the start of each trimester.

  - Does not require reproduction of education materials not created by a district employee or distribution materials that would infringe on intellectual property rights.

Obscene and or sexually explicit materials and definitions.

- Sec. 16- Defines obscene materials as 728.1 (c).

  - Defines sexually explicit material as any material that meets the following criteria:
• Taken as a whole with respect to minor children, appeals to prurient interest in nudity, sex, or excretion.

• Depicts, describes, or represents in a patently offensive way a sex act or lewd exhibition (includes description).

• Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors. If the material contains the above 1 or 2 and there is substantially similar other material readily available that doesn’t include the above.

• Defines visual depiction (e).

**Parental notification and consent.**

• Requires immediate notification of parent if an employee reasonably believes the child has expressed a gender identity different from what’s on their birth certificate.

• Exempts parental notification if the district fears child abuse, requires an immediate report to DHS to assess safety concerns.

• Sect. 16, 3- Allows parental access and review of all records related to child unless investigation is in progress.

• Sect. 16, 5- Requires prior written parental consent for an employee to use a nickname or pronoun different to name and biological sex on the students’ birth certificate.

• Sect. 16, 6- Requires at least 48-hour notice before requiring a student to engage in activity or instruction provided by guest presenter that may involve obscene material or sexually explicit material. District shall not allow student participation if parent opts them out.

**DE investigation and penalties for non-compliance.**

• Sect. 16, 7- If DE investigates and has violated any of Sect. 16, 1-6:
  - 1st violation: DE issues written warning to school board.
  - 2nd violation: civil penalty not to exceed $5,000.

• Revenue from penalty to be used to provide training to employees who violated sections.

• Sect. 16, 8- State Board of Education is required to adopt rules to administer this section.

**Miscellaneous**

• Sect. 17- Eliminates AEA assessment of child special education status prior to “competent private instruction” (homeschool).

• Sect. 18- New- Parents of a homeschool special education child may request dual enrollment (299A.8). Services determined by chapter 256B.

• Sect. 19- New- States the parents’ constitutionally protected rights to make decisions related to medical care, moral upbringing, religious upbringing, residence, education, and extracurricular activities.

• Does not prohibit medical attention in an emergent care situation.

• Does not prohibit a person from cooperating with a child abuse assessment.

• These stated parent rights are not comprehensive and shall not be construed to limit parents’ rights.

• Sect. 20- Exempts bill from 25B.2 related to state unfunded mandates law.