



## ***BILL AND AMENDMENT SUMMARY***

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# **“Home Rule” HF 573**

Status of Bill: Bouncing Back from the Senate

Committee: Education (13-9), Passed House 3/22 (61-38), Passed Senate 4/20 34-16

Lead Democrats: Representative Nielsen

Floor Manager: Representative Rogers

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### **Background “Dillion’s Rule”**

Iowa’s current education system operates under Iowa Chief Justice Forest Dillon’s, “Dillon’s Rule,” which grants powers to school districts that are expressly allowed by statute. It tells school districts what they can do. Under “Home Rule,” school districts would be allowed to adopt policies that they want to, unless expressly forbidden by statute. Under “Home Rule,” districts would be told what they cannot do.

County “Home Rule” was amended to the Iowa Constitution in 1978 under Article III, amendment 39. Doing this by changing the statute may not accomplish the intended action, since there would be conflicting statutes. House File 573 could be abdicating the General Assembly’s constitutional authority to control and manage school funds or set school standards statewide. In fact, there is another bill introduced by House Republicans HJR 3, which is a “Home Rule” authority for school districts as an amendment to the state constitution.

### **Bill Summary**

HF 573 would create a new code section that would direct school boards to have home rule for certain programs. This code section would be in conflict with other code sections requiring school boards to perform certain duties or functions to facilitate the education of Iowa's PreK-12 students. If the bill were to become law it would be more than likely it would be left up to the courts to decide how to interpret its implementation.

The bill requires school districts to “operate, control and supervise schools” within their boundaries, and allows them to “exercise any implied power, not inconsistent with the laws and the administrative rules related to the operation, control and supervision of those public schools.” School Boards do not have power to levy any taxes unless expressly authorized by the General Assembly.

Chapters that are included in the bill would be “liberally construed to effectuate the purposes” of the bill.

### **Amendment Summary**

#### **H-1443, Senate Amendment**

Based in response to the Des Moines public school passing a resolution saying they would be a safe place or a sanctuary, the amendment attempts to prevent such resolutions from being passed by a school district. The amendment inserts that a school district shall NOT:

- 1) Have the power to levy any taxes;
- 2) Charge a student's families a mandatory fee except as expressly authorized by the General Assembly;
- 3) Adopt or enforce a policy that would unreasonably interfere with the duties and responsibilities of a local, state, or federal law enforcement agency.

The amendment clarifies that when it comes to the power and authority of a school district that conflicts with the power and authority of a municipal corporation, county, or joint county-municipal corporation government, the power of the municipal corporation, county, or joint county-municipal corporation government will prevail within its jurisdiction.

**NOTE: Current Code References to “Municipal Corporation”**

There are roughly 1/2 dozen references in Iowa statute to “municipal corporation” that define it as a “city,” or a “city” as a “municipal corporation.”

“City” is defined as follows:

- In section 39.3(2) as “...a municipal corporation not including a county, township, school district, or any special purpose district or authority. When used in relation to land area, “city” includes only the land area within the city limits.”

A “municipal corporation” is defined as follows:

- In sections 137C.2(7) and 137F.1(10), “municipal corporation” is defined as “...a political subdivision of this state.”
- In sections 524.103(30) and 527.2(12) as “...an incorporated city.”

## **DEMOCRATIC AMENDMENTS TO SENATE AMENDMENT H-1443**

### **H-XXXX by Mascher: Children’s Safety Exemption**

After “duties and responsibilities of a local, state or federal law,” clarify that there would be an exception when it comes to children’s safety.

### **H-XXXX by Mascher: Travel Ban Exemption**

After “duties and responsibilities of a local, state or federal law,” clarify that there would be an exception is to enforcement of a law deemed illegal or has a federal injunction by the courts.

### **H-XXXX by Mascher: Home Land Security Exemption**

After “duties and responsibilities of a local, state or federal law,” clarify that there would be an exception is to enforcement of a law deemed illegal or has a federal injunction by the courts.

### **H-XXXX by Steckman: Maintain High Quality Education**

This amendment matches the Senator Quirnbach amendment when the bill was debated in the Senate. When exercising powers of home rule in the bill, school district’s are required to maintain a high quality education that incorporates rigorous and relevant standards of academic content. They are also required to maintain current and comprehensive textbooks and instructional materials, safe and adequate buildings and equipment, and competent instruction by licensed teachers. The board of directors of a school district is required to meet the individual needs of students that prepares them for higher education and career training beyond high school, and for future employment.

### **The Following Amendments add additional Items that School Districts Shall NOT do:**

#### **H-XXXX by Hanson: On-Line Advertising Ban**

Any current school district with an on-line program, shall not use state foundation money state school foundation aid money received by a school district to be used by a private provider or a school district that is providing instruction over the internet from being used to promote, advertise or market instruction and course content opportunities to students and families that reside outside the school district’s boundaries.

**H-XXXX by Mascher: Ban Seclusion Boxes for General Education Students**

Requires school districts to not use seclusion rooms to enforce punishment on general education students.

**H-XXXX by Steckman: Cyberbullying**

School districts cannot provide an environment that promotes bullying from social networking sites, and any other electronic communication site, device, or means.

**H-XXXX by Staed: Radon**

School districts cannot fail to check for radon annually and develop a plan to address radon if amounts are detected above the federal level.

**H-XXXX by R. Smith and Steckman: Lead in Water**

School districts cannot fail to check for lead in drinking water annually and develop a plan to address it if amounts are detected above the federal level.

**H-XXXX by Nielsen: Lead Paint**

School districts cannot fail to check for lead paint annually and develop a plan to address it if amounts are detected above the federal level.

**H-XXXX by Running Marquardt: Food Shaming**

A school district shall not:

1. Publically identify or stigmatize a student who cannot pay for a meal or owes a meal debt, which would including requiring the student to consume a meal at a table set aside for that purpose.
2. Require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for the meals, unless the chores are required by all students regardless of meal debt or the student volunteers to do chores. All communications are to be made to the parent or guardian, and nothing in these requirements prevent a letter being sent home with a student to the parent or guardian.

The department of education is required to consult with schools to develop best practices, guidance and policies to assist schools to reach the goal of ensuring that all students have access to nutritional adequate meals.

**H-XXXX by Nielsen: No Petition for Exemption on ADA Requirements**

School Districts shall not petition for exemption from the American Disabilities Act compliance at their attendance centers for any reason.

**H-XXXX by Brown-Powers: Adaptation Equipment Required**

School Districts shall not fail to provide any adaptation equipment needed for academic success of a student required by a student's primary care physician.

**H-XXXX by Nielsen: ADA Compliant Playground Equipment**

School Districts shall not fail to provide American Disabilities Act compliant equipment for all playgrounds.

**H-XXXX by Nielsen: Providing Family Resource Specialists**

School Districts shall not fail to provide access to a Family Resource Specialist.

**H-XXXX by Nielsen: Electronic Devices**

School Districts shall not require students to use their own personal electronic devices to complete class work while in school.