



## Nebraska School Librarians Association

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Dear members of the Nebraska Legislature Education Committee,

As you consider LBs 374 and 71, the Nebraska School Librarians Association would like you to keep the following factors in mind:

LB 374 will take away local control from the school board for each district. Each school board has the ability to define library selection and reconsideration policies reflective of the priorities of their constituents. School districts who would like to set forth or renew policies can work directly with the Nebraska Department of Education (NDE) to ensure best library collection and development practices are followed.

LB 374 creates redundancy to policies and procedures set by local school boards that allow parents/guardians access to learning materials and give them the right to opt-out their own children from learning opportunities and to restrict what their own children check out from the school library. School boards are elected by members of their communities and are often composed of parents/guardians with students in the district (either current or past/future) or education focused community leaders.

LB374 includes unfunded mandates. When a similar bill was proposed in Iowa, the estimated startup cost of entering information into the transparency portal was \$16.4 million dollars with additional annual maintenance costs. According to the attached document, in Iowa, the cost for a classroom management software platform and library electronic catalog and administrative costs to support the software and systems could not be estimated and would vary by school district. Based on recent research, if each school district in Nebraska were to adopt the same library catalog system, the cost would be approximately \$1370 per school each year, totaling \$1.4 million annually, in addition to significant setup fees for the first year.

The concepts and requirements in LB 71 are already in place in many school districts across the state of Nebraska. The overarching intent of LB 71 is not unreasonable as parents should be actively involved and engaged in their students' education. Updating language to include parents AND guardians is beneficial for caregivers of all students to be involved in their students' education.

As champions of intellectual freedom, the library community is concerned when a small group of vocal parents could dictate the content and curriculum made available to all students. We ask that our state leaders trust the professional expertise of educators and local school boards to collaborate with parents and guardians to support all students in our communities.

Sincerely,

The Nebraska School Librarians Association Executive Board

References:

School district transparency, HF 2577 Cong. (2022). <https://www.legis.iowa.gov/docs/publications/FN/1289515.pdf>



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[HF 2577](#) – School District Transparency (LSB6167HZ.1)  
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## **Description**

[House File 2577](#) makes a variety of changes to the Iowa Code regarding education.

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## **Division I — School District and Charter School Transparency**

### **Description**

The Department of Education (DE) is required to include compliance with the Bill's requirements in annual Phase I monitoring of school districts as detailed in Iowa Code section [256.11](#). If the DE finds a school district is not in compliance with the Bill's requirements, an opportunity for remedy is provided and civil penalties will apply as detailed in the Bill. The DE will also notify the Board of Educational Examiners of any licensee in violation of the Bill's requirements and if the violation leads to enforcement action.

The Bill requires each school district and charter school to adopt a policy describing the procedures for a parent or guardian of a student enrolled in the school to review instructional materials used in the student's classroom and allow for an opt-out of use of those materials. A definition of "instructional materials" is provided in the Bill. The policy is required to be prominently displayed on the school's Internet site, and a written or electronic copy of the policy will be provided at least annually to the parent or guardian of each student enrolled in the school.

The Bill also requires the school district or charter school to provide to the parent or guardian of a student enrolled in the school the following information related to the current school year:

- A course syllabus or written summary of the material that will be taught in the student's classes.
- How the student's classes meet or exceed the educational standards established in Iowa Code section 256.11.
- A list of all instructional materials that will be used in the student's classes by the teacher of record. Instructional materials do not include lesson plans. An exemption is provided for a teacher of record who is providing special education instruction as defined in Iowa Code chapter [256B](#).

The school district or charter school may meet the Bill's information reporting requirements by providing the parent or guardian of a student enrolled in the school an option to view the instructional materials electronically or by providing view-only access to the materials on the classroom management software platform used by the school. By July 1, 2024, the school will be required to meet the Bill's information reporting requirements by providing view-only access to the materials of the classroom management software platform used by the school.

If, during the school year, materials are modified from what was initially reported, the teacher of record or the school is required to update the information maintained under the Bill by the end of

the school week the modification occurred to reflect the teacher of record's use of the new materials. An exemption is provided for a teacher of record who is providing special education instruction as defined in Iowa Code chapter 256B.

The Bill also requires each school district or charter school to make available to the parent or guardian of a student enrolled in the school a comprehensive list of all books available in the library operated by the school by providing a link on the school's Internet site to the electronic catalog of the books available. For school years beginning prior to July 1, 2025, the school may request a waiver from the DE if the school does not use an electronic catalog.

The Bill also requires each school district or charter school to provide instruction on the school's Internet site showing the procedures or policies in effect for the parent or guardian of a student enrolled in the school to request the reconsideration or removal of a book that is available in a library operated by the school. The form for requesting reconsideration or removal of a book must be prominently displayed on the school's Internet site.

The Bill requires each school district or charter school to do the following:

- Adopt protocols for the selection, review, reconsideration, and removal of materials from libraries operated by the school.
- Adopt protocols for a process for a parent or guardian to request that specific library materials not be checked out by a student.
- Provide for a process for a parent or guardian to object to materials, including appeal to the State Board of Education.
- Create a document that illustrates the procedure for a parent or guardian of a student enrolled in a school to request the reconsideration or removal of a book that is available to students in a library operated by the school.

Prior to the start of each school year, the school board or charter school governing board is required to provide instructions to the parent or guardian of each student enrolled on how to access the materials and information required by the Bill. The school district or charter school will publish on the school's Internet site training and professional development courses and programs offered by the school in which school employees have participated during the current school year. Providing information as required by the Bill will not infringe upon copyright or intellectual property rights.

### **Background (Division I)**

School districts may use multiple systems for data collection and reporting as determined by the needs of the school. A Learning Content Management System allows for creating, managing, hosting, and tracking digital learning content. A Learning Management System is used for creating, delivering, tracking, and reporting educational courses and outcomes. Student Information Systems track and manage student data. Integrated Library Systems allow for management of school library resources.

A survey by the Iowa Association of School Boards (IASB) was completed with the following results from responding districts:

- 83.8% of school districts responded "yes" to using learning management software; 9.6% of school districts responded "yes, but only at the high school level"; and 6.6% of school districts responded "no" to using learning management software.
- 54.5% of school districts responded "yes" to having an online library that can be accessed by the public, and 45.5% responded "no" to having an online library that can be accessed by the public.
- The average cost of classroom management software was \$37,000.
- The average annual cost of software to support an online library catalog was \$16,000.

Iowa Code section 256.11 details the requirements for prekindergarten through grade 12 educational programs in the State. School districts are required to offer and teach the courses as detailed. Additional information on the Iowa Academic Standards can be found [here](#). Iowa Administrative Code [281—12](#) includes the definition of “library program” and the standards for library programs. The standards include the requirement that school boards of each school district adopt policies to address selection and reconsideration of school library materials.

### **Assumptions/Fiscal Impact (Division I)**

- The DE will administer the provisions of the Bill using existing operating resources if no appropriation for administration is provided.
- According to DE statistics, for the 2020-2021 school year, there were 37,774 full-time teachers. Each teacher will require an average of three work days of time to prepare materials for posting. The cost for a substitute teacher to release one teacher for one day is estimated to be \$145.

House File 2577 will have no fiscal impact to the State but will have a fiscal impact to local school districts.

The requirement of the Bill to provide information via a classroom management software platform and library electronic catalog may be beyond the current capabilities of school district software and systems. Additional administrative costs may be required to support the software and systems and support internal and external users. These costs cannot be estimated and will vary by school district.

School districts will need to provide classroom coverage for the time teachers will need to prepare materials for reporting or add additional contract days for completion of the work. If substitute teachers are used rather than additional contract days, the statewide cost to school districts is estimated to be \$16.4 million.

It is unclear whether the requirement for reporting of materials will apply to individual students within each classroom who may have an Individualized Education Program (IEP), be participating in a gifted and talented program, or be English learners. The reporting of materials and maintenance of multiple syllabi used for individual students within a classroom will increase the amount of time a teacher needs to prepare the materials for reporting.

It is unclear whether the requirement for reporting of materials will apply to online classes, concurrent enrollment classes, or other coursework provided through a higher education institution. Additional permissions and costs may be required for the reporting of materials that are from course providers outside of the school district.

Reporting of materials online may cause additional costs to districts if local translation into additional languages is needed, but these costs cannot be estimated.

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## **Division II — Social Studies Instruction**

### **Description**

The Bill requires a specified assessment of student knowledge to be included in the currently required United States government class. Each school district or nonpublic school will submit results of the required assessment to the DE by June 30 of each year.

**Background (Division II)**

In December 2016, the Education Commission of the States issued a 50-state [comparison](#) of civic education policies. This report found that 47 states, including Iowa, address civic education in state statute. Every state requires students to complete coursework in civics or social studies to graduate. The 2020 version of the United States Citizenship and Immigration Services civics test with answers can be found [here](#).

**Fiscal Impact (Division II)**

No fiscal impact is anticipated for this Division of the Bill.

House File 2577 may include a State mandate as defined in Iowa Code section [25B.3](#), which requires that any State mandate in the Bill be paid by a school district from the State Foundation Aid appropriation.

**Sources**

Department of Education  
Iowa Association of School Boards  
Urban Education Network  
Rural School Advocates of Iowa  
Iowa State Education Association  
Education Commission of the States  
U.S. Citizenship and Immigration Services

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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