



[HF 604](#) – Education, Disruptive Students and Teacher Complaints (LSB2259HV.1)
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Fiscal Note Version – As amended by the Senate amendment [H-1316](#)

Description

[House File 604](#) as amended makes a number of changes to how school districts handle discipline, professional development, and employee complaints.

The Bill requires the Director of the Department of Education (DE) to develop and distribute a list of all professional development programs and other training programs in which employees of school districts are required to participate pursuant to federal or State law. If a school district or charter school requires an employee to take part in a particular professional development program, the Bill requires the district or school to provide notice to the employee indicating the section of the Iowa Code, State Board of Education rules, or Board of Educational Examiners rules that require the employee's participation.

The Bill requires the board of directors of a school district and the authorities in charge of a charter school to work in collaboration with teachers and administrative staff of the school district to create and adopt a policy that describes the discipline procedures for a student making a threat of violence or causing an incident of violence that results in injury, property damage, or assault. The policy is required to:

- Incorporate strategies designed to correct the student's behavior.
- Provide for parent conference and counseling sessions when appropriate and with the approval of a student's parents.
- Be consistent with laws and regulations surrounding disability.
- Provide for escalating levels of discipline for each threat or incident of violence.
- Allow a school district to select the level of discipline appropriate for the severity of the threat or incident of violence.
- Allow a school district to suspend, expel, or place the student in an alternative learning environment, including a therapeutic classroom.
- Require an Individualized Education Program (IEP) meeting if the student who caused the threat or incident of violence has an IEP.

The Bill requires the DE to develop and distribute a model policy that meets the requirements above.

The Bill requires school districts to publish a student handbook that includes basic information related to the expectations of students in the grade level or attendance center to which the student handbook applies, including information related to academics, attendance, discipline, health and safety, and daily schedules. School districts must distribute the handbook and require that the parent or guardian of each student in the school district acknowledge receipt of the handbook.

The Bill requires any teacher employed by a school district to report any threat of violence or incident of violence that results in injury or property damage or an assault by a student enrolled

in the school to the principal or lead administrator of the school. The principal or lead administrator is then required to notify the parent of the student responsible for the threat or incident and the student to whom the threat of violence was made or the incident of violence occurred within 24 hours. The reporting teacher may also contact the parents of either student.

Finally, the Bill allows the State Ombudsman to investigate, upon complaint, any complaint received by a licensed school official related to violence in the classroom or on school property. The Ombudsman is required to maintain secrecy in respect to the identities of the complainants and to provide the results of the investigation to the Board of Educational Examiners and the DE. The Bill also prohibits school districts and charter schools from taking any disciplinary action against any school employee or contractor who discloses information to any public official or law enforcement agency, including the Ombudsman.

Background

Under Iowa Code chapter [2C](#), the State Ombudsman may accept a complaint from any source regarding any administrative action of any agency, including school districts. The Bill specifies that the Ombudsman may investigate violence in the classroom or on school property “upon complaint.” Iowa Code chapter 2C also allows the Ombudsman to investigate more than violations of the law, including any administrative action that might be:

- Contrary to law or regulation.
- Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency’s functioning, even though in accordance with law.
- Based on a mistake of law or arbitrary in ascertainties of fact.
- Based on improper motivation or irrelevant consideration.
- Unaccompanied by an adequate statement of reasons.

According to the Department of Education, there were 63,667 instances of students being removed from classrooms in the 2021-2022 school year. Of those, approximately 29,991 (47.1 percent) involved violence.

Assumptions

- An entry-level Assistant Ombudsman 1 can review approximately 400 cases per year.
- The salary and benefits for an entry-level Assistant Ombudsman 1 is approximately \$89,000 per year.
- It is not possible to estimate the number of cases of removal that will be reported to the Ombudsman. For the purposes of this estimate, between 1.0 percent and 4.0 percent of classroom removals may be reported to and require investigation by the Ombudsman.

Fiscal Impact

There is no fiscal impact to school districts from the provisions regarding professional development programs, school discipline, or student handbooks.

The estimated cost to the State of the provisions regarding the Ombudsman is between \$89,000 and \$267,000 per year to investigate between 300 and 1,200 cases. For every 1.25 percent of the total cases of removal for violence that are reported to the State Ombudsman, 1.0 additional full-time equivalent (FTE) position would be required at a cost of \$89,000 per year.

Sources

Office of Ombudsman
Department of Education
Iowa Association of School Boards

/s/ Jennifer Acton

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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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