



Disability Rights Iowa

Disability Rights Iowa HF 2122 - Memorandum of Impact January 29, 2026

Chairpersons and honorable members of the Committee. My name is Catherine E. Johnson. I am the Executive Director of Disability Rights Iowa. DRI is an independent, non-profit agency, which serves as the designated protection and advocacy system for people with disabilities in the state of Iowa, pursuant to federal mandates. The mission of the agency is to protect and advocate for the human and legal rights of Iowans with disabilities. I appear before you to share DRI's concerns regarding the impact of HF 2122 on the Disability Community.

Overview of HF 2122:

HF 2122 requires school districts and charter schools to adopt disciplinary policies for students who engage in a broad spectrum of behaviors, including physical and verbal behavior.

HF 2122 sets certain requirements for the policy adopted by school districts and charter schools. The requirements include: 1) the policies must comply with state education laws, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, the Family Educational Rights and Privacy Act, and the Americans with Disabilities Act; 2) the discipline policy must differentiate between students depending on their grade level.

For a student who has been removed three times in a thirty-day period, the school principal must assign in-school or out-of-school suspension or recommend to the superintendent that the student be placed in an alternative learning environment. Students whose behaviors are “severe or pervasive” must be given the “maximum amount of punishment applicable to such conduct.”

Potential Impact on Students with Disabilities

Students with disabilities are disproportionately subject to removals from the learning environment. During the 2024-2025 school year, Iowa school districts suspended or



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expelled students with disabilities 25,699 times. This accounts for over one-third of suspensions and expulsions that occurred, despite only 13% of Iowa students having IEPs.

Removals from the educational setting impede students' ability to access the general education curriculum, their special education services, and other supports that enable them to learn the skills necessary to attend school safely and effectively. HF 2122 would subject students with disabilities to additional removals based on manifestations of their disabilities and further isolate them from the education that is their right. These removals may occur in violation of the student's IEP or 504 plan.

When students are removed from the educational setting, they are more likely to continue to experience suspensions and removals, more likely to drop out of school, and more likely to become involved in the criminal court system. SF 2044 is likely to exacerbate these issues rather than address the underlying causes of the behaviors to create a better learning environment for all students and staff.

Relevant Federal Laws

HF 2122 interacts with several federal laws, including IDEA, ADA, Section 504, and FERPA. Despite its requirements that any policy adopted by school districts or charter schools comply with state and federal laws, several provisions in HF 2122 may not comply with provisions of these laws, such as:

- Students eligible under IDEA and Section 504 have due process rights when it comes to suspensions, expulsions, and placement in alternative education settings. The requirements laid out in HF 2122 run the risk of violating those due process rights by not following proper procedures, not being enacted by appropriate individuals, and resulting in improper removals that impede the student's education.
- Requiring removal of a student from the classroom because the broad spectrum of behaviors listed in HF 2122 would result in an increase in removals from the classroom even when such a removal may not be appropriate. Additionally removing a student may incentivize and inappropriately reinforce the student to use these behaviors to leave the classroom rather than appropriate alternative methods.



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- There is no requirement in HF 2122 to document these removals, the reasons for the removal, or whether the student received educational instruction during the removal. The only documentation requirement is for any disciplinary action taken, and schools already fail to document removals as disciplinary actions appropriately. Failure to document these removals may result in a violation of the student's educational rights.
- Nothing within HF 2122 addresses the root cause of a student's behavior. Simply removing a student from the classroom does not teach the student to use more appropriate behaviors or help prevent further incidents that would lead to more removals.

HF 2122 is unclear or silent on several critical issues. This ambiguity creates potential violations under federal law.

- The broad scope of behaviors listed under HF 2122 are vague and left to interpretation. This increases the risk that students with disabilities will disproportionately be subject to removals due to their disabilities.
- There is no mention of whether educational instruction will continue during the removal period or what the student will do during that period.
- There is no timeline for how a teacher's appeal of the student returning to the classroom may take. This may result in removals for extended periods of time or longer than necessary.

DRI Opposes HF 2122:

DRI strongly opposes this legislation. DRI urges legislators to thoughtfully consider the testimony submitted today, the concerns previously shared by parents and stakeholders, and to take time fully understand the impact of HF 2122 on students with disabilities. DRI requests that you vote against HF 2122. DRI welcomes the opportunity to discuss our concerns more in-depth with any member of the Iowa Legislature, Thank you in advance for your thoughtful deliberation of our testimony in opposition to HF 2122.