



Disability Rights Iowa

LEGAL PROTECTION AND ADVOCACY

Disability Rights Iowa SF 2044 - Memorandum of Impact January 22, 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 SF 2044 on the Disability Community.

Overview of SF 2044:

SF 2044 requires school districts and charter schools to adopt disciplinary policies for students who cause violent or nonviolent disruption. It amends the current code to remove students who make threats of violence from this policy.

SF 2044 defines nonviolent disruption as disorderly conduct, abusive or profane language, bullying, or repeatedly disruptive behavior. SF 2044 defines violent disruption as injury, property damage, or assault.

SF 2044 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 include escalating levels of discipline each time the student engages in prohibited behaviors.

 Advocates for justice. Advances human and legal rights. Protects Iowans with disabilities. 

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When a student engages in nonviolent disruptions, a teacher *may* remove the student from the classroom for at least thirty minutes and place them under the supervision of the principal or their designee. Removal is *required* when the student engages in violent disruption. The principal or their designee must inform the removing teacher of the disciplinary actions taken against the student as soon as reasonably practicable. Students removed in this manner must make up any missed work.

The student cannot return to the classroom without the removing teacher's consent, unless a placement review committee determines they should return. The placement review committee includes two teachers selected by other teachers of the attendance center, and a professional staff member selected by the principal. This committee cannot require a student to return to the classroom if the student assaults the teacher and the teacher does not consent to them returning to the classroom.

A student who is removed from the classroom more than once must participate in a meeting with the teacher who removed the student, the principal, guidance counselor, and the student's parent to establish a behavioral plan and course of discipline. This discipline may include placement in an alternative learning environment. A student who engages in violent disruption must be suspended, expelled, or placed in an alternative learning environment as decided by the principal.

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 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. SF 2044 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

SF 2044 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 SF 2044 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 SF 2044 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.
- State and federal laws require that any changes to a student's IEP or 504 plans must be made by a specific group of individuals and must be done according to lawful procedures and appropriate considerations. SF 2044 instead places this responsibility in the hands of the school principal or a placement review committee. Any changes to or contradictions of a student's IEP or 504 plan in this manner would violate a student's educational rights.
- Requiring removal of a student from the classroom because of violent disruptions, as defined by SF 2044, 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 resort to these behaviors to leave the classroom rather than use appropriate alternative methods.
- There is no requirement in SF 2044 to document these removals, the reasons for the removal, or whether the student received educational instruction during the removal. Failure to document these removals may result in a violation of the student's educational rights.

SF 2044 is unclear or silent on several critical issues: This ambiguity creates potential violations under federal law.

- The definitions of violent and nonviolent disruptions 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 soon the placement review committee will meet to determine whether the student can return to the classroom. This may result in removals for extended periods of time or longer than necessary.

DRI Opposes SF 2044:

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 SF 2044 on students with disabilities. DRI requests that you vote against SF 2044. 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 SF 2044.