



Disability Rights Iowa

SF 2119 – Testimony in Opposition

February 6, 2024

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 2119 on the Disability Community.

DRI's expertise in special education.

DRI represents students with disabilities who are at risk of being excluded from school based on their disabilities. DRI has experience representing students with complex behavioral needs in suspensions, restraints, and seclusions, shortened school days, and other disciplinary matters. As part of this work, DRI attends IEP meetings, works with schools and AEAs to obtain appropriate supports and services that enable students to remain in school, and represents families in dispute resolution proceedings.

SF 2119 would have a significant impact on students with disabilities.

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) prohibit discrimination against people with disabilities on the basis of their disability. The ADA and Section 504 require that reasonable modifications be made to policies and procedures that would otherwise disparately impact people with disabilities. SF 2119 instead implements a one-size-fits-all policy that violates a student's right to due process. SF 2119 requirements may



conflict with students' rights to request reasonable modifications pursuant to the ADA and Section 504.

Students with disabilities miss school due to their disability for a variety of reasons, such as attending medical appointments and private services (behavioral therapy, physical therapy, occupational therapy, speech therapy, etc.), participating in vocational training or other community resources, or managing symptoms of their disabilities.

Additionally, students with behavioral disabilities are at a higher risk of being removed from school, by school staff. Removals may be formal suspension(s), expulsion(s), and informal removals – for example requests by schools for the student to either leave school before other students or to start the day later than other students.

Further, some parents may choose to keep their student home while they work to remedy issues with the school rather than risk exposure to traumatic school discipline, such as being put into a restraint or seclusion, or referrals to law enforcement.

Schools sometimes fail to properly document student removals and absences, resulting in unexcused absences that should have been excused. Additionally, there are a variety of reasons why a student may be classified as truant, but the specific circumstances of the situation may not warrant further intervention.

SF 2119 does not recognize these nuances and instead punishes students who are classified as truant. Such punishment is likely to disproportionately impact students with disabilities, thus violating the ADA and Section 504. The legislation also does not allow a student with disabilities any form of due process to challenge being classified as truant before their license is suspended, which violates their constitutional right to due process as well.