

Comment Report

SF 2360

A bill for an act relating to classroom management and related practitioner preparation procedures for reporting classroom violence and assaults, to corporal punishment, establishing a grant program and fund for creation of therapeutic classrooms, providing claims reimbursement to school districts for costs relating to therapeutic classrooms, making appropriations, and including effective date provisions. (Formerly SF 2190, SSB 3080.)

Subcommittee Members: Dolecheck-CH, Kerr, Mascher

Date: 06/03/2020

Time: 11:00 AM

Location: RM 103, Sup. Ct. Chamber

First Name	Last Name	Company	Phone	Email
Gary	DeLacy	Clinton Community School District	5632192203	gdelacy@clintonia.org
Comment	I believe the 2020 legislative session will reconvene tomorrow. There is a lot on your plate, but I'd like to emphasize the discussed a bill that deal with school safety:SF 2360 Therapeutic Classroom by Education (companion HF 2532 by Education). The Senate bill was amended and approved unanimously 50:0 in the Senate on Tuesday and has since been referred to the House Appropriations Committee, where the House version is also assigned. The bill as amended by the Senate requires the following: I am more concerned than ever about the socialemotional and behavioral challenges that educators will face next year due to the disruption of this school year. Clinton Community Schools has experienced several physical assaults in the last two years of special education students attacking fellow students and staff. We are limited in the law in terms of how we can protect others from these assaults. Please contact me at 5632192203 if you would like more information. I cannot overestimate the importance of this bill to pass this session. People are getting hurt. We need help.Gary DeLacyClinton Superintendent			
Margaret	Buckton	Urban Education Network and Rural School Advocates of Iowa	515.201.3755	margaret@iowaschoolfinance.com
Comment	Both Rural and Urban schools appreciate this bill moving forward, especially clarifying liability issues and having our Iowa definition of Least Restrictive Environment mirror the federal statute. We understand if current COVID19 impacts on the state budget may cause a delay in the grant funding. If that is necessary, please move the bill forward with an appropriation in the out year so districts can plan for implementation. It would be helpful to consider the effective date of Section 5 as retroactively applicable to March 15, the date when Gov. Reynolds ordered schools to close. In other states, law suits about serving student with IEPs during the closure are surfacing. This additional layer of protection for Iowa school districts would be helpful as many districts are in the process of reviewing IEPs in the context of returntolearn plans due on July 1. Thanks to all of the committee members in both chambers, the lobby and stakeholder groups, and the folks at DE for all of the hard work that's gone into this bill. RSAI and UEN are both registered in support and encourage your yes vote.			
Rhea	Wright	Clinton CSD	5153143417	rheawright@clintonia.org
Comment	Therapeutic classrooms are incredibly needed. If we had the funding to do so, our district			

could have one per building and still be full. Clinton CSD is a high druguse community, 19th poorest district in the state, etc... We have many children with high needs. Some of these children can get help nowhere else. Even with judges, parents, and county attorneys on our side, we cannot find therapeutic placements (residential or non) that meet children's needs. Although there are many empty beds in facilities across the state, these only take private pay students or the slim number that DHS approves (they control Medicaid eligible students for treatment options). This has widened the gap for many of our needy students. The poorer you are, the less help is available to you. DHS will state that they can only make recommendations for treatment if parents have gone through so many years of counseling, tried this, tried that, etc... We have families who have been trying for 2 years to place their children in residential treatment, but attempting to stab your sibling or parent with a knife multiple times, being addicted to drugs/alcohol, running away from home for multiple days (and under age 14), isn't enough to meet residential treatment requirements according to DHS. IF districts were able to receive this funding, at least there would be a more intensive option available inhouse. Again, schools doing the jobs that should be taken care of elsewhere.

Jim Obradovich Iowa School Social Workers Association 5155541072 obradovich.jim@gmail.com

Comment The Iowa School Social Workers Association asks you to adopt the two amendments discussed at the last subcommittee meeting on the bill, held on 3/3/2020. The first proposed amendment simply removes duplicative language from the bill that already exists in 280.21 (2)(f). Page 12, striking lines 1 through 5 Current law already allows for the removal of a disruptive student from class or any area of a school premises or from school sponsored activities. The removal of the duplicative language eliminates an area of potential confusion. The second proposed amendment adds greater clarification to what is defined as retaliation. Revisiting the previous subcommittee meeting, this issue was noted as in need of work. The proposed amendment specifies that the protection from retaliation is specific to coming in contact with a student. Page 11, after liability striking, and immunity from disciplinary action by the school employees employer or the board of educational examiners. Page 11, following line 35 add the following: 3. The school employees employer and the board of educational examiners shall not engage in reprisal or retaliation against an employee who, in the reasonable course of that employees employment responsibilities, comes into contact with a student. As we have noted in previous subcommittee meetings, thank you for your willingness to make needed changes to the bill.

Jim Obradovich Iowa School Social Workers Association obradovich.jim@gmail.com

Comment The Iowa School Social Workers Association wishes to also suggest the following focusing of the small appropriation in the bill: Be strategic with the bills small appropriation start with a needs assessment The proposed grant program will not allow for equitable placement of services because it is based on a district's ability to write grants. Lets face, it small school districts do not have grant writers on staff, while larger districts do. The appropriation in the bill is small, so stretching the dollars is essential. Prior to making funds available through a competitive grant program, conduct a needs assessment to define regions of need, quality of existing services, and how to strategically increase therapeutic classroom services. Thank you!

Brooke Lovelace Iowa Developmental Disabilities Council 515-288-0442 blovela@dhs.state.ia.us

Comment Our Council is concerned that this bill would inappropriately segregate students with disabilities and violate their rights under IDEA. It is unclear when the therapeutic rooms will be used and for how long, including what steps would be taken to bring students

back to their regular classroom.

Leslie Carpenter IA Mental Health 319-331-3949 lcarpenter@iamentalhealth.com
Advocacy

Comment While I understand the good intentions of those who have written & worked on this bill to improve the situation in classrooms for teachers and students, I am compelled to still state my objections on behalf of children with brain disorders. On page 6, section c, line 24, it still reads as a school to prison pipeline and would effectively be that due to the inadequate funding of both our schools and brain disorder treatment system in Iowa. Smaller class sizes, increased funding for mental health professionals within our schools, more therapeutic classrooms and individualized instruction for children with special needs would reduce the need for this disciplinary approach to education and dealing with the problems created by years of inadequate prioritization of children in Iowa. We all know that discipline doesn't help children with cancer. It appalls me that it seems we think it is the best treatment for children for brain disorders. I urge you to consider what you would want if this was your child or your grandchild. Thank you for allowing input and considering modification of this bill.

Emily Piper Iowa Association 5152027772 emily@ialobbyresources.com
of School Boards

Comment IASB supports this bill as it passed the Senate. We would ask that there be a one year delay in the financial grant program for therapeutic classrooms but believe the rest of the policy should be effective upon enactment.

Tammy Nyden Mothers on the 6419909974 mothersonthefrontline@gmail.com
Frontline

Comment This bill should be named the School to Prison Pipeline or SEND MORE BLACK CHILDREN TO PRISON BILL that is what it is and how the public will discuss it if it passes. Passing it will show the complicity of all those who support it in the furthering of the disparities in Iowa school punishment along racial and ability lines. This bill is the opposite of actual mental health care or education it is about compliance, discipline and dominance it is about providing a pathway for removing students with disabilities and Black and Brown students from education environments and incarcerating them; it is about absolving school officials and staff of any liability for any physical and psychological damage they cause by laying hands on our children. It takes away any parental ability to protect our children. Please do not support this bill. We desperately need true Therapeutic classrooms and schools in this state, but this is not it. It is a bait and switch and is shameful. Rather than pass this bill, pass a package of legislation that dismantles the school to prison pipeline in Iowa. This bill was written in response to media coverage that presented children as violent threats based on stereotypes of Black and Brown kids and kids with disabilities. The racial dog whistling was obvious in this media coverage as a teacher complained she had to leave the urban schools because she was afraid. This white supremacist framing is appalling and ducks out of the states responsibility to educate and care for our children by funding childrens mental health. It is again about funding punishment while failing to fund care and at a time that we are defunding basic education and making other drastic budget cuts, how dare you fund more policing of our children.

David Wilkerson School Administrators of Iowa (SAI) dwilkerson@sai-ia.org

Comment SAI is supportive of the bill.

Jessie Witherell The Iowa City 3194710180 jessiewitherell@hotmail.com
Autism
Community

Comment Please do not pass this bill. There are not enough protections for children with mental

health needs, histories of trauma and disabilities!

Jason Burke N/A cantic223@gmail.com

Comment Page 11, Line 19 Are you kidding me? "Grants IMMUNITY from disciplinary action if physical contact is considered reasonable under defined circumstances"? If someone lays their hands on YOUR child, pins them to the ground, scares them and makes them cry in front of others, "relocates" them to inschool incarceration, using violence and intimidation, all with the loophole of "defined circumstances", would you NOT want that person to know that they will be held accountable for their actions, good OR bad? I work at an education institution. My kids go to school. My wife works at one too. We know about the special training that some teachers go through to enable them to lay hands on a student. I appreciate that attempts are made to do this "the right way". But without the safeguards of knowing that someone CAN be held responsible for their actions, you KNOW that this will be abused. That children will be singled out, traumatized, and ostracized by the very adults employed to care for them! This bill is unethical on the surface of it I implore you do not support this obvious, reactionary measure. It's either poorly thoughtout, or blatantly ignorant. Iowa needs Therapeutic Classrooms not protections for physical abuse. How long before those "defined circumstances" include stripsearches for pubescent girls? Cavity searches for kindergartners? The potential for abuse of this measure is unbounded. If you remove parents' LEGAL route to seek restitution, ask yourself how else will they get it? Because one way or another, if someone lays hands on YOUR child and thinks that they are immune from the consequences of their actions, you WILL find a way to exact restitution and you KNOW you would. "it is better 100 guilty Persons should escape than that one innocent Person should suffer" attributed to Benjamin Franklin

Zoe Fruchter fruchter@grinnell.edu

Comment This bill should be named the School to Prison Pipeline or SEND MORE BLACK CHILDREN TO PRISON BILL that is what it is and how the public will discuss it if it passes. Passing it will show the complicity of all those who support it in the furthering of the disparities in Iowa school punishment along racial and ability lines. This bill is the opposite of actual mental health care or education it is about compliance, discipline and dominance it is about providing a pathway for removing students with disabilities and Black and Brown students from education environments and incarcerating them; it is about absolving school officials and staff of any liability for any physical and psychological damage they cause by laying hands on our children. It takes away any parental ability to protect our children. Please do not support this bill. We desperately need true Therapeutic classrooms and schools in this state, but this is not it. It is a bate a switch and is shameful. Rather than pass this bill, pass a package of legislation that dismantles the school to prison pipeline in Iowa. This bill was written in response to media coverage that presented children as violent threats based on stereotypes of Black and Brown kids and kids with disabilities. The racial dog whistling was obvious in this media coverage as a teacher complained she had to leave the urban schools because she was afraid. This white supremacist framing is appalling and ducks out of the states responsibility to educate and care for our children by funding childrens mental health. It is again about funding punishment while failing to fund care and at a time that we are defunding basic education and making other drastic budget cuts, how dare you fund more policing of our children.

First Name	Last Name	Company	Phone	Email
Daniel	Zeno	ACLU of Iowa		daniel.zeno@aclu-ia.org
Comment	<p>Representatives Dolecheck, Kerr and Mascher, ACLU of Iowa urges adoption of the attached amendment to SF 2360. I'm happy to talk about any of these changes. Please feel free to reach me via phone, text, 5154997771 and/or email, daniel.zeno@aclu-ia.org</p> <p>The amendment makes 3 changes to SF 2360:</p> <ol style="list-style-type: none"> 1) Deletes the language in the bill that would provide complete and blanket immunity from any and all discipline by the employees employer or the board of educational examiner for school personnel who use physical contact that is reasonable under the circumstances for any of the following reasons under Iowa Code 280.21(2): <ul style="list-style-type: none"> a. Encouraging, supporting, or disciplining the student. b. Protecting the employee, the student, or other students. c. Obtaining possession of a weapon or other dangerous object within a students control. d. Protecting employee, student, or school property. e. Quelling a disturbance or preventing an act threatening physical harm to any person. f. Removing a disruptive student from class or any area of the school premises, or from schoolsponsored activities off school premises. g. Preventing a student from the selfinfliction of harm. h. Selfdefense. i. Any other legitimate educational activity. <p>AND what would be a newly added section j on page 12, lines 15 of the bill, providing that school employees can use physical contact to "relocating a student who is causing a severe distraction or disturbance that is detracting from the educational experience of other students."</p> <ol style="list-style-type: none"> 2) Clarifying that retaliation against school personnel by their employer or the board of educational examiner for school personnel who use physical contact that is reasonable under the circumstances per Iowa Code 280.21 is prohibited. 3) Deletes duplicative language. Iowa Code 280.21(2)(f) already authorizes school personnel to use physical contact that is reasonable under the circumstances to remove a disruptive student from class or any area of the school premises, or from schoolsponsored activities off school premises. This broad already existing authority covers instances where a student is disruptive in the classroom, in any area of the school premises, and schoolsponsored activities off school premises. 			

Amendment to Sentate File 2360

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- 1 Amend Senate Study File 2360 as follows:
 - 2 1. Page 11, line 30 after <liability,> by striking <, and immunity from disciplinary
 - 3 action by the school employee's employer or the board of educational examiners,>
 - 4 2. Page 11, after line 35 by inserting
 - 5 <NEW SUBSECTION. 3. The school employee's employer and the board of
 - 6 educational examiners shall not engage in reprisal or retaliation against an employee
 - 7 who, in the reasonable course of the employee's employment responsibilities,
 - 8 comes into physical contact with a student.>
 - 9 3. Page 12, by striking lines 1-5
 4. By renumbering as necessary.
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