

House File 2538

H-8173

1 Amend the amendment, H-8097, to House File 2538, as follows:

2 1. By striking page 1, line 1, through page 3, line 13, and
3 inserting:

4 <Amend House File 2538 as follows:

5 1. By striking everything after the enacting clause and
6 inserting:

7 <Section 1. Section 256.9, Code 2026, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 80. Develop and distribute to school
10 districts a training program and training materials for members
11 of a student's individualized education program team that is
12 related to the least restrictive environment requirements under
13 the federal Individuals with Disabilities Education Act, 20
14 U.S.C. §1400 et seq.

15 Sec. 2. Section 256.11, subsection 10, unnumbered paragraph
16 1, Code 2026, is amended to read as follows:

17 The state board shall establish, and the department
18 shall use, for the school year commencing July 1, 2021, and
19 each succeeding school year, an accreditation, monitoring,
20 and enforcement process for school districts and nonpublic
21 schools seeking accreditation pursuant to [this subsection](#) and
22 subsections 11 and 12. In applying and taking monitoring and
23 enforcement action under this subsection and subsections 11 and
24 12, the department shall consider the timeliness and accuracy
25 of the information a school district or nonpublic school
26 provides to the department, including potential underreporting
27 or late reporting of data related to school discipline and
28 school safety necessary to monitor and implement the provisions
29 of chapter 280. The process established shall include all of
30 the following requirements:

31 Sec. 3. Section 256E.7, subsection 2, Code 2026, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *On.* Be subject to and comply with the
34 requirements of section 279.65B relating to the discipline of
35 students who exhibit disorderly conduct in the classroom in the

1 same manner as a school district.

2 Sec. 4. Section 256F.4, subsection 2, Code 2026, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. v. Be subject to and comply with the
5 requirements of section 279.65B relating to the discipline of
6 students who exhibit disorderly conduct in the classroom in the
7 same manner as a school district.

8 Sec. 5. Section 279.65A, subsection 3, Code 2026, is amended
9 to read as follows:

10 3. The policies must be consistent with ~~the~~ all of the
11 following:

12 a. The provisions of ~~chapter 256B,~~ and the administrative
13 rules adopted by the state board for purposes of ~~chapter 256B,~~
14 the.

15 b. The federal Individuals with Disabilities Education Act,
16 20 U.S.C. §1400 et seq., ~~and the~~

17 c. The federal Rehabilitation Act of 1973, as amended and
18 codified in 29 U.S.C. §701 et seq.

19 d. Section 279.65B.

20 Sec. 6. NEW SECTION. 279.65B Discipline of students for
21 **disorderly conduct.**

22 1. As used in this section:

23 a. "*Disorderly conduct*" means intentional conduct to which
24 any of the following applies:

25 (1) Constitutes violent behavior or a threat of violent
26 behavior.

27 (2) Disrupts, disturbs, or interferes with any services
28 provided by the school district.

29 (3) Disturbs the peace, order, or discipline within the
30 classroom.

31 b. "*Principal*" means the same as defined in section 256.145.
32 "*Principal*" includes all of the following:

33 (1) An assistant principal.

34 (2) A vice principal.

35 (3) An administrator who is responsible for the day-to-day

1 operations of an attendance center.

2 *c.* "Teacher" means the same as defined in section 256.145.

3 2. *a.* A teacher may exclude from the teacher's classroom
4 and place under the supervision of the principal any student
5 who does any of the following while in the teacher's classroom:

6 (1) Engages in disorderly conduct.

7 (2) Threatens, abuses, intimidates, or attempts to
8 intimidate another student or any school employee.

9 (3) Uses abusive or profane language.

10 *b.* (1) A student who is enrolled in kindergarten through
11 grade five, and who was excluded from a teacher's classroom
12 pursuant to paragraph "a", shall not be readmitted to the
13 teacher's classroom until after the principal and teacher meet
14 to discuss the readmission of the student.

15 (2) A student who is enrolled in grades six through twelve,
16 and who was excluded from a teacher's classroom pursuant
17 to paragraph "a", shall not be readmitted to the teacher's
18 classroom until after the principal and teacher meet to discuss
19 the readmission of the student. Such student shall not be
20 readmitted to the teacher's classroom until, at the earliest,
21 the immediately subsequent school day.

22 3. *a.* If the principal determines that disciplinary
23 action should be taken against a student who was excluded
24 from a teacher's classroom pursuant to subsection 2, then the
25 principal shall do all of the following:

26 (1) Take such disciplinary action.

27 (2) Provide written and, if possible, electronic notice of
28 such disciplinary action to the student's parent or guardian.

29 *b.* (1) If a student was excluded from a teacher's classroom
30 for the remainder of a school day pursuant to subsection 2
31 two or more times in a semester, or the trimester or quarter
32 equivalent, then the principal shall discipline the student by
33 doing any of the following:

34 (a) Assigning the student to either in-school or
35 out-of-school suspension.

1 (b) Recommending to the superintendent that the student be
2 located in an alternative learning environment that has been
3 approved by the superintendent.

4 (2) If a student was excluded from a teacher's classroom
5 pursuant to subsection 2 because the student's conduct,
6 statements, or other actions were severe or pervasive, and,
7 if requested by the teacher, then the principal shall impose
8 the maximum amount of punishment applicable to such conduct,
9 statements, or other actions as provided in policies adopted
10 by the board of directors of the school district, including
11 placing the student in an alternative learning environment that
12 has been approved by the superintendent.

13 4. a. The board of directors of a school district shall
14 require each attendance center within the school district
15 to create an oversight review committee that is responsible
16 for developing a policy, consistent with this section, that
17 establishes when a student who has been excluded from the
18 classroom pursuant to subsection 2 may be readmitted to the
19 classroom.

20 b. The oversight review committee must consist of all of the
21 following members:

22 (1) Two teachers who work in the attendance center and who
23 must be selected by the teachers of the attendance center.

24 (2) One professional staff member who works in the
25 attendance center and who must be selected by the principal of
26 the attendance center.

27 5. If a student who has an individualized education program
28 was excluded from a teacher's classroom pursuant to subsection
29 2, then all of the following shall apply:

30 a. (1) All of the following individuals shall, if
31 practicable, participate in the meeting of the student's
32 individualized education program team that takes place
33 immediately subsequent to the student's exclusion from the
34 classroom:

35 (a) The teacher who excluded the student from the classroom

1 pursuant to subsection 2.

2 (b) Any teacher who is not described in subparagraph
3 division (a) and who provides classroom instruction to the
4 student.

5 (c) Any other employee of the school district who does not
6 hold a license issued by the board of educational examiners,
7 including para-educators and bus drivers, and who was directly
8 involved in the student's conduct, statements, or other actions
9 that led to the student's exclusion from the classroom.

10 (2) If a teacher or other employee is not able to
11 participate in the meeting of the student's individualized
12 education program team that takes place immediately subsequent
13 to the student's exclusion from the classroom, as required
14 under subparagraph (1), then the teacher or other employee
15 shall review the minutes or summary of the meeting prepared by
16 the individualized education program team pursuant to paragraph
17 "b", subparagraph (2), and shall provide written notice to the
18 student's individualized education program team indicating that
19 the teacher or other employee has read the minutes or summary.

20 b. (1) In the meeting of the student's individualized
21 education program team that takes place immediately subsequent
22 to the student's exclusion from the classroom, the student's
23 individualized education program team shall discuss all of the
24 following:

25 (a) The appropriateness of the student's current
26 educational programming.

27 (b) Whether adjustments need to be made to the student's
28 individualized education program to address the student's
29 behaviors.

30 (c) Whether the student's current placement or an
31 alternative learning environment would best provide the student
32 with a free appropriate public education.

33 (d) The accommodations, modifications, and adaptations that
34 are required to allow the student to be successful in a general
35 education setting, what supports are needed to assist the

1 teacher and other school district employees in providing those
2 accommodations, modifications, and adaptations, and whether it
3 is possible for the school district to provide those supports,
4 accommodations, modifications, and adaptations.

5 (e) Whether and to what extent the provision of special
6 education services and activities in the general education
7 environment will impact the student and the other students in
8 the classroom.

9 (2) If a teacher or other employee is not able to
10 participate in the meeting of the student's individualized
11 education program team that takes place immediately subsequent
12 to the student's exclusion from the classroom, as required
13 under paragraph "a", subparagraph (1), then the student's
14 individualized education program team shall prepare minutes or
15 a summary of the meeting and provide the minutes or summary to
16 the teacher or other employee.

17 c. If the student was excluded from the classroom five or
18 more times within any fifteen-consecutive-school-day period,
19 then the student's individualized education program team shall
20 meet to discuss the student's behavior.

21 6. a. A teacher may appeal all of the following to the
22 board of directors of the school district:

23 (1) A principal's refusal to allow the teacher to exclude a
24 student from the teacher's classroom pursuant to subsection 2,
25 paragraph "a".

26 (2) A principal's readmission of a student to the teacher's
27 classroom prior to the time such student should have been
28 readmitted pursuant to subsection 2, paragraph "b".

29 b. The board of directors of a school district shall not
30 take any disciplinary action against a teacher for exercising
31 the teacher's appeal rights described in paragraph "a". For
32 purposes of this paragraph, "disciplinary action" includes
33 termination of employment or the contractual relationship,
34 suspension from employment, demotion, financial penalties,
35 failing to take action regarding a teacher's promotion

1 or proposed promotion, failing to provide an advantage in
2 employment or the contractual relationship, and written or
3 verbal reprimands.

4 c. All of the following shall apply if the board of
5 directors of a school district violates paragraph "b":

6 (1) The teacher may enforce the teacher's rights under this
7 section through a civil action.

8 (2) The board of directors of the school district is liable
9 to the aggrieved teacher for affirmative relief including
10 reinstatement, with or without back pay, civil damages in an
11 amount not to exceed three times the annual wages and benefits
12 received by the aggrieved teacher prior to the violation of
13 paragraph "b", and any other equitable relief the court deems
14 appropriate, including attorney fees and costs.

15 (3) When the board of directors of a school district
16 commits, is committing, or proposes to commit an act in
17 violation of paragraph "b", an injunction may be granted through
18 an action in district court to prohibit the board of directors
19 of the school district from continuing such acts. The action
20 for injunctive relief may be brought by an aggrieved teacher,
21 the county attorney, or the person providing human resource
22 management for the board of directors of the school district.

23 7. The board of directors of a school district shall
24 immediately grant a teacher a leave of absence for physical and
25 mental recovery with full pay for not more than five days if
26 the teacher is injured due to a student's disorderly conduct;
27 provided, however, that the board of directors of a school
28 district may grant a teacher such a leave of absence for six
29 or more days if the teacher provides to the board of directors
30 of the school district a note from a physician indicating that
31 such a leave of absence is needed.

32 8. Each principal shall carry out the principal's
33 responsibilities under this section in an expeditious manner,
34 and shall do all of the following in an expeditious manner:

35 a. Carry out all manifestation determination review

1 meetings, as required under section 504 of the federal
2 Rehabilitation Act, 29 U.S.C. §794.

3 *b.* Impose the appropriate amount of punishment in accordance
4 with policies adopted by the board of directors of the school
5 district and federal law.

6 *c.* Perform functional behavior assessments as needed.

7 *d.* Adjust behavioral intervention plans as needed.

8 9. This section shall not be construed to do any of the
9 following:

10 *a.* Infringe on any right provided to any student under
11 federal law, including but not limited to all of the following:

12 (1) Section 504 of the federal Rehabilitation Act, 29 U.S.C.
13 §794.

14 (2) The federal Individuals with Disabilities Education
15 Act, 20 U.S.C. §1400 et seq.

16 (3) The federal Family Educational Rights and Privacy Act,
17 20 U.S.C. §1232g.

18 (4) The federal Americans with Disabilities Act of 1990, 42
19 U.S.C. §12101 et seq.

20 *b.* Supersede, abrogate, or preempt any federal law, rule,
21 or regulation.

22 *c.* Relieve any person from any duties, obligations, or
23 requirements imposed by federal law.

24 **Sec. 7. NEW SECTION. 279.89 Teacher authority to request a**
25 **meeting of a student's individualized education program team.**

26 1. For purposes of this section:

27 *a.* "Administrator" means the same as defined in section
28 256.145.

29 *b.* "Teacher" means the same as defined in section 256.145.

30 2. A teacher may request a meeting of a student's
31 individualized education program team at any time by submitting
32 an electronic or written request to an administrator.

33 3. An administrator may deny a teacher's request for a
34 meeting of a student's individualized education program team
35 submitted pursuant to subsection 2; provided, however, that

1 such a denial must satisfy all of the following requirements:

2 *a.* Be provided to the teacher in writing.

3 *b.* Describe why applicable federal law does not require the
4 meeting of the student's individualized education program team.

5 Sec. 8. NEW SECTION. **279.90 Individualized education**
6 **programs and section 504 plan requirements.**

7 1. *a.* The board of directors of each school district shall
8 ensure all of the following:

9 (1) That each student's individualized education program
10 is accessible to, and read by, each school district employee
11 who is responsible for the implementation of the student's
12 individualized education program, including regular education
13 teachers, special education teachers, and any other service
14 providers.

15 (2) Each teacher and service provider described in
16 subparagraph (1) is informed of all of the following:

17 (*a.*) The teacher's or service provider's specific
18 responsibilities related to implementing the student's
19 individualized education program.

20 (*b.*) The specific accommodations, modifications, and
21 supports that must be provided for the student in accordance
22 with the student's individualized education program.

23 *b.* After a regular education teacher has read a student's
24 individualized education program pursuant to paragraph "*a.*",
25 the regular education teacher shall provide written notice
26 to the special education teacher who is on the student's
27 individualized education program team indicating that the
28 regular education teacher has read the individualized education
29 program.

30 2. Each teacher employed by the school district who teaches
31 a student who has a plan under section 504 of the federal
32 Rehabilitation Act, 29 U.S.C. §794, shall read the plan. After
33 the teacher has read the plan, the teacher shall provide
34 written notice to any special education teacher who provides
35 special education services to the student, or to the principal

1 of the attendance center, indicating that the teacher has read
2 the plan.

3 3. At least one para-educator or other employee of the
4 school district who assists a teacher in providing classroom
5 instruction to a student who has an individualized education
6 program, or to a student who has a plan under section 504 of
7 the federal Rehabilitation Act, 29 U.S.C. §794, shall attend
8 all meetings related to the student's individualized education
9 program or plan under section 504 of the federal Rehabilitation
10 Act, 29 U.S.C. §794. If practicable, meetings related to
11 a student's individualized education program or plan under
12 section 504 of the federal Rehabilitation Act, 29 U.S.C. §794,
13 that a para-educator or other employee is required to attend
14 pursuant to this subsection shall take place during normal
15 business hours.

16 4. The board of directors of each school district shall
17 provide training to all members of a student's individualized
18 education program team related to the least restrictive
19 environment requirements under the federal Individuals with
20 Disabilities Education Act, 20 U.S.C. §1400 et seq., that
21 is based on the training program and training materials
22 distributed by the director of the department of education to
23 the school district pursuant to section 256.9, subsection 80.

24 Sec. 9. Section 284.6, subsection 3, Code 2026, is amended
25 to read as follows:

26 3. A school district shall develop a district professional
27 development plan. The district professional development plan
28 ~~shall include~~ must satisfy all of the following requirements:

29 a. Include a description of the means by which the school
30 district will provide access to all teachers in the district to
31 professional development programs or offerings that meet the
32 requirements of subsection 1. ~~The plan shall align~~

33 b. Align all professional development with the school
34 district's long-range student learning goals and the Iowa
35 teaching standards. ~~The plan shall indicate~~

1 c. Indicate the school district's approved professional
2 development provider or providers.

3 d. Include programs and offerings for all teachers to
4 support serving students with disabilities.

5 e. Include information related to all of the following:

6 (1) The general requirements related to providing a free
7 appropriate public education, including the school district's
8 obligation to identify and evaluate a student who may have a
9 disability.

10 (2) The provision of supports and services through
11 a student's individualized education program, including
12 each individual teacher's responsibilities relating to the
13 development and implementation of a student's individualized
14 education program.

15 (3) The general requirements related to providing education
16 to a student with a disability consistent with the least
17 restrictive environment requirements under the federal
18 Individuals with Disabilities Education Act, 20 U.S.C. §1400
19 et seq.

20 Sec. 10. STATE MANDATE FUNDING SPECIFIED. In accordance
21 with section 25B.2, subsection 3, the state cost of requiring
22 compliance with any state mandate included in this Act shall
23 be paid by a school district from state school foundation aid
24 received by the school district under section 257.16. This
25 specification of the payment of the state cost shall be deemed
26 to meet all of the state funding-related requirements of
27 section 25B.2, subsection 3, and no additional state funding
28 shall be necessary for the full implementation of this Act
29 by and enforcement of this Act against all affected school
30 districts.>

31 2. Title page, by striking lines 1 through 7 and inserting
32 <An Act relating to education, including by modifying
33 provisions related to the duties of the department of
34 education, the discipline of students enrolled in school
35 districts, charter schools, and innovation zone schools

1 who exhibit disorderly conduct in the classroom, the
2 responsibilities and powers of the department of education,
3 school district teachers, and other educational staff related
4 to students who have individualized education programs or
5 plans under section 504 of the federal Rehabilitation Act, and
6 school district professional development plans, and authorizing
7 teachers to request a meeting of a student's individualized
8 education program team.>>

WHEELER of Sioux