

House Amendment to
Senate File 2428

S-5166

1 Amend Senate File 2428, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

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

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

13 Sec. 2. Section 256.11, subsection 10, unnumbered paragraph
14 1, Code 2026, is amended to read as follows:

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

29 Sec. 3. NEW SECTION. 256.20 **Schools for students requiring**
30 **special education or students with behavioral issues — pilot**
31 **project.**

32 1. The department shall develop and administer a pilot
33 program that requires a rural school district and an urban
34 school district to each establish an attendance center to
35 be used to provide educational services, including special

1 education services, to eligible students who are enrolled
2 in the rural school district or urban school district, as
3 applicable.

4 2. The department shall determine the rural school district
5 and urban school district that will be required to participate
6 in the pilot program. A rural school district or an urban
7 school district shall not be required to participate in the
8 pilot program unless any one of the following applies:

9 a. The rural school district or urban school district agrees
10 to participate in the pilot program and provides notice to the
11 department indicating that the rural school district or urban
12 school district has the ability to fully fund the rural school
13 district's or urban school district's participation in the
14 pilot program.

15 b. The department fully funds the rural school district's
16 or urban school district's participation in the pilot program
17 using moneys appropriated by the general assembly for purposes
18 of this section.

19 3. The department, in consultation with the rural school
20 district and urban school district, shall determine all of the
21 following:

22 a. The courses of study and curricula that the rural school
23 district and urban school district will provide to eligible
24 students as part of the pilot program.

25 b. The instructional facilities that the rural school
26 district and urban school district will use to provide
27 educational services to eligible students as part of the pilot
28 program.

29 4. An eligible student shall not be required to attend an
30 attendance center established by a rural school district or
31 an urban school district that is participating in the pilot
32 program if the eligible student's parent or guardian provides
33 notice to the rural school district or urban school district
34 requesting that the eligible student be excused from such
35 attendance.

1 5. a. Annually, on or before June 1 of each year, the rural
2 school district and urban school district shall submit to the
3 department an annual report that contains all of the following:
4 (1) The number of eligible students who participated in the
5 pilot program during the current school year.
6 (2) Information related to the academic performance of
7 eligible students who participated in the pilot program during
8 the current school year.
9 (3) Feedback from eligible students who participated in the
10 pilot program during the current school year related to the
11 effectiveness of the pilot program.
12 (4) Feedback from the parents or guardians of eligible
13 students who participated in the pilot program during the
14 current school year related to the effectiveness of the pilot
15 program.
16 (5) Feedback from teachers who provided educational
17 services to eligible students who participated in the
18 pilot program during the current school year related to the
19 effectiveness of the pilot program.
20 (6) Challenges associated with operating the pilot program.
21 (7) Recommendations related to how to improve the pilot
22 program.
23 (8) Any other information requested by the department that
24 will allow the department to monitor and assess the pilot
25 program.
26 b. Annually, on or before June 30 of each year, the
27 department shall compile the annual reports submitted to the
28 department pursuant to paragraph "a" and shall submit the
29 compilation to the general assembly.
30 6. As used in this section:
31 a. "Eligible student" means any of the following:
32 (1) Children requiring special education, as defined in
33 section 256B.2.
34 (2) A student whose emotional, social, or behavioral
35 needs interfere with the student's ability to be successful

1 in the regular educational environment, even with the use of
2 supplementary aids and services.

3 *b. "Rural school district"* means a school district as
4 described in chapter 274 that is located in a county with a
5 population of greater than seventeen thousand five hundred but
6 less than eighteen thousand, and that contains a city with a
7 population of greater than five thousand four hundred, but less
8 than five thousand five hundred, all according to the 2020
9 federal decennial census.

10 *c. "Urban school district"* means a school district as
11 described in chapter 274 with a total enrollment of at least
12 seven thousand students.

13 7. This section is repealed July 1, 2031.

14 Sec. 4. Section 256E.7, subsection 2, Code 2026, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *On.* Be subject to and comply with the
17 requirements of section 279.65B relating to the discipline of
18 students who cause violent or nonviolent disruptions in the
19 same manner as a school district.

20 Sec. 5. Section 256F.4, subsection 2, Code 2026, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *v.* Be subject to and comply with the
23 requirements of section 279.65B relating to the discipline of
24 students who cause violent or nonviolent disruptions in the
25 same manner as a school district.

26 Sec. 6. Section 279.65A, subsection 3, Code 2026, is amended
27 to read as follows:

28 3. The policies must be consistent with ~~the~~ all of the
29 following:

30 a. The provisions of chapter 256B~~7~~ and the administrative
31 rules adopted by the state board for purposes of chapter 256B~~7~~
32 the.

33 b. The federal Individuals with Disabilities Education Act,
34 20 U.S.C. §1400 et seq.~~7~~ and ~~the~~

35 c. The federal Rehabilitation Act of 1973, as amended and

1 codified in 29 U.S.C. §701 et seq.

2 d. Section 279.65B.

3 Sec. 7. NEW SECTION. 279.65B Discipline of students who
4 **cause violent or nonviolent disruptions.**

5 1. As used in this section:

6 a. "*Nonviolent disruption*" includes but is not limited to a
7 disruption to classroom instruction that is a result of any of
8 the following:

9 (1) Disorderly conduct.

10 (2) Abusive or profane language.

11 (3) Bullying, as defined under section 280.28.

12 (4) Repeatedly disruptive behavior.

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

15 (1) An assistant principal.

16 (2) A vice principal.

17 (3) An administrator who is responsible for the day-to-day
18 operations of an attendance center.

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

20 d. "*Violent disruption*" includes but is not limited to
21 a disruption to classroom instruction that is a result of a
22 threat of violence or an incident of violence that results in
23 any of the following:

24 (1) Injury.

25 (2) Property damage.

26 (3) Assault, as defined under section 708.1.

27 2. a. (1) A teacher may remove or cause to be removed a
28 student who causes a nonviolent disruption from the teacher's
29 classroom and place the student under the supervision of the
30 principal of the attendance center in which the classroom is
31 located, or the principal's designee, for at least thirty
32 minutes, as determined by the principal or the principal's
33 designee.

34 (2) (a) A student who is enrolled in kindergarten through
35 grade five, and who was removed from the classroom pursuant

1 to subparagraph (1), shall not be readmitted to the teacher's
2 classroom until after the principal, or the principal's
3 designee, and the teacher meet to discuss the readmission of
4 the student.

5 (b) A student who is enrolled in grades six through twelve,
6 and who was removed from the classroom pursuant to subparagraph
7 (1), shall not be readmitted to the teacher's classroom until
8 after the principal, or the principal's designee, and the
9 teacher meet to discuss the readmission of the student. Such
10 student shall not be readmitted to the teacher's classroom
11 until, at the earliest, the immediately subsequent school day.

12 (3) The principal, or the principal's designee, shall
13 inform the teacher of the disciplinary actions taken against
14 the student removed from the classroom pursuant to subparagraph
15 (1) as soon as is reasonably possible after the student's
16 removal.

17 (4) A student who is removed from the classroom pursuant to
18 subparagraph (1) shall be required to make up any work that the
19 student missed while the student was under the supervision of
20 the principal or the principal's designee.

21 (5) If a student is removed from a teacher's classroom
22 pursuant to subparagraph (1) more than once, the teacher or
23 teachers who removed the student from the classroom; the
24 principal of the attendance center in which the classroom
25 or classrooms are located; a qualified guidance counselor
26 licensed by the board of educational examiners under chapter
27 256, subchapter VII, part 3; the student's parent or legal
28 guardian, if the student is not an emancipated minor; and the
29 student shall participate in a meeting to discuss the student's
30 nonviolent disruptions and to establish a behavioral plan and
31 a course of discipline to correct the student's behavior,
32 which may include locating the student in an alternative
33 learning environment, including a therapeutic classroom, when
34 appropriate.

35 b. (1) A teacher shall remove or cause to be removed a

1 student who causes a violent disruption from the teacher's
2 classroom and place the student under the supervision of the
3 principal of the attendance center in which the classroom is
4 located, or the principal's designee.

5 (2) (a) A student who is enrolled in kindergarten through
6 grade five, and who was removed from the classroom pursuant
7 to subparagraph (1), shall not be readmitted to the teacher's
8 classroom until after the principal, or the principal's
9 designee, and the teacher meet to discuss the readmission of
10 the student.

11 (b) A student who is enrolled in grades six through twelve,
12 and who was removed from the classroom pursuant to subparagraph
13 (1), shall not be readmitted to the teacher's classroom until
14 after the principal, or the principal's designee, and the
15 teacher meet to discuss the readmission of the student. Such
16 student shall not be readmitted to the teacher's classroom
17 until, at the earliest, the immediately subsequent school day.

18 (c) Notwithstanding any policy adopted by the oversight
19 review committee pursuant to subsection 4, paragraph "a", a
20 student shall not be readmitted to a teacher's classroom if all
21 of the following criteria are satisfied:

22 (i) The teacher removed the student from the teacher's
23 classroom because the student caused a violent disruption that
24 included the student assaulting the teacher.

25 (ii) The teacher does not consent to allowing the student to
26 return to the teacher's classroom.

27 3. a. If the principal determines that disciplinary
28 action should be taken against a student who was removed from
29 a teacher's classroom pursuant to subsection 2, then the
30 principal shall do all of the following:

31 (1) Take such disciplinary action.

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

34 b. (1) If a student was removed from a teacher's classroom
35 pursuant to subsection 2 two or more times in a semester, or

1 the trimester or quarter equivalent, then the principal shall
2 discipline the student by doing any of the following:

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

5 (b) Recommending to the superintendent that the student be
6 located in an alternative learning environment that has been
7 approved by the superintendent.

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

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

24 b. The oversight review committee must consist of all of the
25 following members:

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

28 (2) One administrative employee, mental health
29 professional, or behavioral interventionist who works in the
30 attendance center and who must be selected by the principal of
31 the attendance center.

32 c. The oversight review committee may issue recommendations
33 related to when a student who was removed from a teacher's
34 classroom pursuant to subsection 2, paragraph "a", subparagraph
35 (1), should be readmitted to the teacher's classroom.

1 5. If a student who has an individualized education program
2 was removed from a teacher's classroom pursuant to subsection
3 2, then all of the following shall apply:

4 a. (1) All of the following individuals shall, if
5 practicable, participate in the meeting of the student's
6 individualized education program team that takes place
7 immediately subsequent to the student's exclusion from the
8 classroom:

9 (a) The teacher who removed the student from the classroom
10 pursuant to subsection 2.

11 (b) Any teacher who is not described in subparagraph
12 division (a) and who provides classroom instruction to the
13 student.

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

19 (2) If a teacher or other employee is not able to
20 participate 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, as required
23 under subparagraph (1), then the teacher or other employee
24 shall review the minutes or summary of the meeting prepared by
25 the individualized education program team pursuant to paragraph
26 "b", subparagraph (2), and shall provide written notice to the
27 student's individualized education program team indicating that
28 the teacher or other employee has read the minutes or summary.

29 b. (1) In the meeting of the student's individualized
30 education program team that takes place immediately subsequent
31 to the student's exclusion from the classroom, the student's
32 individualized education program team shall discuss all of the
33 following:

34 (a) The appropriateness of the student's current
35 educational programming.

1 (b) Whether adjustments need to be made to the student's
2 individualized education program to address the student's
3 behaviors.

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

7 (d) The accommodations, modifications, and adaptations that
8 are required to allow the student to be successful in a general
9 education setting, what supports are needed to assist the
10 teacher and other school district employees in providing those
11 accommodations, modifications, and adaptations, and whether it
12 is possible for the school district to provide those supports,
13 accommodations, modifications, and adaptations.

14 (e) Whether and to what extent the provision of special
15 education services and activities in the general education
16 environment will impact the student and the other students in
17 the classroom.

18 (2) If a teacher or other employee is not able to
19 participate in the meeting of the student's individualized
20 education program team that takes place immediately subsequent
21 to the student's exclusion from the classroom, as required
22 under paragraph "a", subparagraph (1), then the student's
23 individualized education program team shall prepare minutes or
24 a summary of the meeting and provide the minutes or summary to
25 the teacher or other employee.

26 c. If the student was removed from the classroom five or
27 more times within any fifteen-consecutive-school-day period,
28 then the student's individualized education program team shall
29 meet to discuss the student's behavior.

30 6. A teacher may appeal all of the following to the board of
31 directors of the school district:

32 a. A principal's refusal to allow the teacher to remove a
33 student from the teacher's classroom pursuant to subsection 2.

34 b. A principal's readmission of a student to the teacher's
35 classroom prior to the time such student should have been

1 readmitted pursuant to subsection 2.

2 7. The board of directors of a school district shall
3 immediately grant a teacher a leave of absence for physical
4 recovery with full pay for not more than three days if the
5 teacher is injured due to a student's violent disruption;
6 provided, however, that the board of directors of a school
7 district may grant a teacher such a leave of absence for four
8 or more days if the teacher provides to the board of directors
9 of the school district a note from a physician indicating that
10 such a leave of absence is needed.

11 8. *a.* Each principal of an attendance center shall make a
12 mental health professional, guidance counselor, or behavioral
13 interventionist available to students, teachers, and other
14 school employees to address the immediate trauma associated
15 with a violent disruption or nonviolent disruption, upon the
16 request of a teacher.

17 *b.* Notwithstanding paragraph "a", a mental health
18 professional, guidance counselor, or behavioral interventionist
19 shall not provide any mental health services to a student who
20 is less than eighteen years of age to address the immediate
21 trauma associated with a violent disruption or nonviolent
22 disruption unless the student's parent or guardian consents to
23 the student receiving such mental health services, or unless
24 the student is an emancipated minor.

25 9. Each principal shall carry out the principal's
26 responsibilities under this section in an expeditious manner,
27 and shall do all of the following in an expeditious manner:

28 *a.* Carry out all manifestation determination review
29 meetings, as required under section 504 of the federal
30 Rehabilitation Act, 29 U.S.C. §794.

31 *b.* Impose the appropriate amount of punishment in accordance
32 with policies adopted by the board of directors of the school
33 district and federal law.

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

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

1 10. This section shall not be construed to do any of the
2 following:

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

5 (1) Section 504 of the federal Rehabilitation Act, 29 U.S.C.
6 §794.

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

9 (3) The federal Family Educational Rights and Privacy Act,
10 20 U.S.C. §1232g.

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

13 b. Supersede, abrogate, or preempt any federal law, rule,
14 or regulation.

15 c. Relieve any person from any duties, obligations, or
16 requirements imposed by federal law.

17 Sec. 8. NEW SECTION. 279.89 **Teacher authority to request a**
18 **meeting of a student's individualized education program team.**

19 1. For purposes of this section:

20 a. "Administrator" means the same as defined in section
21 256.145.

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

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

26 3. An administrator may deny a teacher's request for a
27 meeting of a student's individualized education program team
28 submitted pursuant to subsection 2; provided, however, that
29 such a denial must satisfy all of the following requirements:

30 a. Be provided to the teacher in writing.

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

33 Sec. 9. NEW SECTION. 279.90 **Individualized education**
34 **programs and section 504 plan requirements.**

35 1. a. The board of directors of each school district shall

1 ensure all of the following:

2 (1) That each student's individualized education program
3 is accessible to, and read by, each school district employee
4 who is responsible for the implementation of the student's
5 individualized education program, including regular education
6 teachers, special education teachers, and any other service
7 providers.

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

10 (a) The teacher's or service provider's specific
11 responsibilities related to implementing the student's
12 individualized education program.

13 (b) The specific accommodations, modifications, and
14 supports that must be provided for the student in accordance
15 with the student's individualized education program.

16 b. After a regular education teacher has read a student's
17 individualized education program pursuant to paragraph "a",
18 the regular education teacher shall provide written notice
19 to the special education teacher who is on the student's
20 individualized education program team indicating that the
21 regular education teacher has read the individualized education
22 program.

23 2. Each teacher employed by the school district who teaches
24 a student who has a plan under section 504 of the federal
25 Rehabilitation Act, 29 U.S.C. §794, shall read the plan. After
26 the teacher has read the plan, the teacher shall provide
27 written notice to any special education teacher who provides
28 special education services to the student, or to the principal
29 of the attendance center, indicating that the teacher has read
30 the plan.

31 3. At least one para-educator or other employee of the
32 school district who assists a teacher in providing classroom
33 instruction to a student who has an individualized education
34 program, or to a student who has a plan under section 504 of
35 the federal Rehabilitation Act, 29 U.S.C. §794, shall attend

1 all meetings related to the student's individualized education
2 program or plan under section 504 of the federal Rehabilitation
3 Act, 29 U.S.C. §794. If practicable, meetings related to
4 a student's individualized education program or plan under
5 section 504 of the federal Rehabilitation Act, 29 U.S.C. §794,
6 that a para-educator or other employee is required to attend
7 pursuant to this subsection shall take place during normal
8 business hours.

9 4. The board of directors of each school district shall
10 provide training to all members of a student's individualized
11 education program team related to the least restrictive
12 environment requirements under the federal Individuals with
13 Disabilities Education Act, 20 U.S.C. §1400 et seq., that
14 is based on the training program and training materials
15 distributed by the director of the department of education to
16 the school district pursuant to section 256.9, subsection 80.
17 Sec. 10. Section 284.6, subsection 3, Code 2026, is amended
18 to read as follows:

19 3. A school district shall develop a district professional
20 development plan. The district professional development plan
21 ~~shall include~~ must satisfy all of the following requirements:

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

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

29 c. Indicate the school district's approved professional
30 development provider or providers.

31 d. Include programs and offerings for all teachers to
32 support serving students with disabilities.

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

34 (1) The general requirements related to providing a free
35 appropriate public education, including the school district's

1 obligation to identify and evaluate a student who may have a
2 disability.

3 (2) The provision of supports and services through
4 a student's individualized education program, including
5 each individual teacher's responsibilities relating to the
6 development and implementation of a student's individualized
7 education program.

8 (3) The general requirements related to providing education
9 to a student with a disability consistent with the least
10 restrictive environment requirements under the federal
11 Individuals with Disabilities Education Act, 20 U.S.C. §1400
12 et seq.

13 Sec. 11. STATE MANDATE FUNDING SPECIFIED. In accordance
14 with section 25B.2, subsection 3, the state cost of requiring
15 compliance with any state mandate included in this Act shall
16 be paid by a school district from state school foundation aid
17 received by the school district under section 257.16. This
18 specification of the payment of the state cost shall be deemed
19 to meet all of the state funding-related requirements of
20 section 25B.2, subsection 3, and no additional state funding
21 shall be necessary for the full implementation of this Act
22 by and enforcement of this Act against all affected school
23 districts.>

24 2. Title page, by striking lines 1 through 3 and inserting
25 <An Act relating to education, including by modifying
26 provisions related to the duties of the department of
27 education; the discipline of students enrolled in school
28 districts, charter schools, and innovation zone schools who
29 cause violent or nonviolent disruptions; the responsibilities
30 and powers of the department of education, school district
31 teachers, and other educational staff related to students
32 who have individualized education programs or plans under
33 section 504 of the federal Rehabilitation Act; school district
34 professional development plans; and authorizing teachers to
35 request a meeting of a student's individualized education

1 program team.>