

House File 604 - Enrolled

House File 604

AN ACT

RELATING TO EDUCATION, INCLUDING AUTHORIZING THE OMBUDSMAN TO INVESTIGATE COMPLAINTS RECEIVED BY INDIVIDUALS WHO HOLD A LICENSE, CERTIFICATE, AUTHORIZATION, OR STATEMENT OF RECOGNITION ISSUED BY THE BOARD OF EDUCATIONAL EXAMINERS, AND MODIFYING THE RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, AND CHARTER SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 2C.9, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Investigate, on complaint, any complaint received by an individual who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners related to violence in the classroom or violence on school property, including any disclosure of information to which section 279.78 applies related to violence in the classroom or violence on school property. The ombudsman shall provide the results of the investigation to the department of education and the board of educational examiners. The ombudsman shall maintain secrecy in respect to the identities of the complainants.

Sec. 2. Section 256.9, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 66. Develop and distribute to school districts a list of all professional development programs and other training programs in which employees of school districts are required to participate pursuant to federal law or state law, including chapter 284.

NEW SUBSECTION. 67. Develop and distribute to school districts and charter schools model policies that, if adopted by a school district or charter school, would satisfy the school district's or charter school's responsibilities under section 279.79 relating to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault.

Sec. 3. Section 256E.7, subsection 2, Code 2023, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0j.* Be subject to and comply with the requirements of section 279.78 relating to prohibiting retaliation against employees or contractors for disclosing certain specified information in the same manner as a school district.

NEW PARAGRAPH. *00j.* Be subject to and comply with the requirements of section 279.79 relating to the adoption of policies related to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault in the same manner as a school district.

NEW PARAGRAPH. *000j.* Be subject to and comply with the

requirements of section 279.80 relating to student handbooks in the same manner as a school district.

Sec. 4. Section 279.51A, subsection 4, Code 2023, is amended to read as follows:

4. a. A classroom teacher employed by a school district shall report any threat of violence or incident of violence that results in injury or property damage or assault by a student enrolled in the school to the principal or the lead administrator of the school within twenty-four hours after the threat of violence or incident of violence occurs, and the classroom teacher may notify the parent or guardian of the student who made the threat of violence or caused the incident of violence, and the parent or guardian of the student to whom the threat of violence was made or the incident of violence occurred, of the threat of violence or incident of violence.

b. The principal or lead administrator of the school shall notify the parent or guardian of the student enrolled in the school who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault, and the parent or guardian of the student to whom the threat of violence was made or the incident of violence occurred, of the threat of violence or incident of violence within twenty-four hours after the classroom teacher reports the threat of violence or incident of violence to the principal or lead administrator pursuant to paragraph "a".

Sec. 5. NEW SECTION. 279.77 Professional development — notification.

If a school district requires an employee to participate in a particular professional development program, including a program that is included on the list developed by the department of education pursuant to section 256.9, subsection 66, the school district shall provide notice to the employee indicating the section of the Code, or rules adopted by the state board of education or the board of educational examiners, the school district determines requires the employee to participate in the professional development program.

Sec. 6. NEW SECTION. 279.78 Retaliation prohibition.

The board of directors of a school district shall not take any disciplinary action against an employee or contractor of

the school district for disclosing information to any public official or law enforcement agency, including a disclosure to the ombudsman pursuant to section 2C.9, subsection 2A, if the employee or contractor reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. For purposes of this section, "*disciplinary action*" includes termination of employment or the contractual relationship, suspension from employment, demotion, financial penalties, failing to take action regarding an employee's or contractor's promotion or proposed promotion, failing to provide an advantage in employment or the contractual relationship, and written or verbal reprimands.

Sec. 7. NEW SECTION. 279.79 Discipline of students who make threats of violence or cause incidents of violence.

The board of directors of each school district shall adopt, in collaboration with teachers and administrative staff employed by the school district, policies for different grade levels that describe how a school district may discipline a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault. All of the following shall apply to the policies:

1. The policies must incorporate strategies that are designed to correct the student's behavior.
2. The policies must provide for parent or guardian conferences, counseling sessions, or mental health counseling sessions, when appropriate. The policies must provide that the school district must receive the prior written consent of the student's parent or guardian before requiring the student to participate in a counseling session or a mental health counseling session.
3. The policies must be consistent with the provisions of chapter 256B, the administrative rules adopted by the state board for purposes of chapter 256B, the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., and the federal Rehabilitation Act of 1973, as amended and codified in 29 U.S.C. §701 et seq.
4. The policies must provide for escalating levels of

discipline each time the student makes a threat of violence or causes an incident of violence that results in injury or property damage or assault.

5. The policies must allow for the school district to select the level of discipline that the school district determines corresponds to the severity of the threat of violence or incident of violence.

6. The policies must allow the school district to suspend the student, permanently remove the student from a particular class, expel the student, or place the student in an alternative learning environment, including a therapeutic classroom, when appropriate.

7. The policies must require an individualized education program meeting if the student who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault has an individualized education program.

8. The policies must be published on the school district's internet site and in applicable student handbooks.

Sec. 8. NEW SECTION. 279.80 Student handbooks.

1. Annually, on or before the beginning of the school calendar, each school district shall publish one or more student handbooks and provide to the parent or guardian of each student enrolled in the school district a printed or electronic copy of a student handbook that includes basic information related to the expectations of students in the grade level or attendance center to which the student handbook applies, including information related to academics, attendance, discipline, health and safety, and daily schedules.

2. Each school district shall require that the parent or guardian of each student enrolled in the school district acknowledge receipt of the applicable student handbook, either in writing or electronically.

Sec. 9. Section 280.21, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A public school district or area education agency shall provide to all teachers employed by the public school district or area education agency a copy of this

section with the initial employment contract and with each notice of renewal of the employment contract.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 604, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

KIM REYNOLDS
Governor