

Senate File 2428 - Enrolled

Senate File 2428

AN ACT

RELATING TO EDUCATION, INCLUDING BY MODIFYING PROVISIONS RELATED TO THE DUTIES OF THE DEPARTMENT OF EDUCATION; THE DISCIPLINE OF STUDENTS ENROLLED IN SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INNOVATION ZONE SCHOOLS WHO CAUSE VIOLENT OR NONVIOLENT DISRUPTIONS; THE RESPONSIBILITIES AND POWERS OF THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICT TEACHERS, AND OTHER EDUCATIONAL STAFF RELATED TO STUDENTS WHO HAVE INDIVIDUALIZED EDUCATION PROGRAMS OR PLANS UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT; SCHOOL DISTRICT PROFESSIONAL DEVELOPMENT PLANS; AND AUTHORIZING TEACHERS TO REQUEST A MEETING OF A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM TEAM.

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

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

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

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

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

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

1. The department shall develop and administer a pilot program that requires a rural school district and an urban school district to each establish an attendance center to be used to provide educational services, including special education services, to eligible students who are enrolled in the rural school district or urban school district, as applicable.

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

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

b. The department fully funds the rural school district's or urban school district's participation in the pilot program

using moneys appropriated by the general assembly for purposes of this section.

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

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

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

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

5. *a.* Annually, on or before June 1 of each year, the rural school district and urban school district shall submit to the department an annual report that contains all of the following:

(1) The number of eligible students who participated in the pilot program during the current school year.

(2) Information related to the academic performance of eligible students who participated in the pilot program during the current school year.

(3) Feedback from eligible students who participated in the pilot program during the current school year related to the effectiveness of the pilot program.

(4) Feedback from the parents or guardians of eligible students who participated in the pilot program during the current school year related to the effectiveness of the pilot program.

(5) Feedback from teachers who provided educational services to eligible students who participated in the pilot program during the current school year related to the effectiveness of the pilot program.

(6) Challenges associated with operating the pilot program.

(7) Recommendations related to how to improve the pilot program.

(8) Any other information requested by the department that will allow the department to monitor and assess the pilot program.

b. Annually, on or before June 30 of each year, the department shall compile the annual reports submitted to the department pursuant to paragraph "a" and shall submit the compilation to the general assembly.

6. As used in this section:

a. "Eligible student" means any of the following:

(1) Children requiring special education, as defined in section 256B.2.

(2) A student whose emotional, social, or behavioral needs interfere with the student's ability to be successful in the regular educational environment, even with the use of supplementary aids and services.

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

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

7. This section is repealed July 1, 2031.

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

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

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

NEW PARAGRAPH. *v.* Be subject to and comply with the requirements of section 279.65B relating to the discipline of students who cause violent or nonviolent disruptions in the

same manner as a school district.

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

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

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

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

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

d. Section 279.65B.

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

1. As used in this section:

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

- (1) Disorderly conduct.
- (2) Abusive or profane language.
- (3) Bullying, as defined under section 280.28.
- (4) Repeatedly disruptive behavior.

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

- (1) An assistant principal.
- (2) A vice principal.
- (3) An administrator who is responsible for the day-to-day operations of an attendance center.

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

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

- (1) Injury.
- (2) Property damage.
- (3) Assault, as defined under section 708.1.

2. a. (1) A teacher may remove or cause to be removed a student who causes a nonviolent disruption from the teacher's

classroom and place the student under the supervision of the principal of the attendance center in which the classroom is located, or the principal's designee, for at least thirty minutes, as determined by the principal or the principal's designee.

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

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

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

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

(5) If a student is removed from a teacher's classroom pursuant to subparagraph (1) more than once, the teacher or teachers who removed the student from the classroom; the principal of the attendance center in which the classroom or classrooms are located; a qualified guidance counselor licensed by the board of educational examiners under chapter 256, subchapter VII, part 3; the student's parent or legal guardian, if the student is not an emancipated minor; and the student shall participate in a meeting to discuss the student's nonviolent disruptions and to establish a behavioral plan and a course of discipline to correct the student's behavior, which may include locating the student in an alternative

learning environment, including a therapeutic classroom, when appropriate.

b. (1) A teacher shall remove or cause to be removed a student who causes a violent disruption from the teacher's classroom and place the student under the supervision of the principal of the attendance center in which the classroom is located, or the principal's designee.

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

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

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

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

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

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

(1) Take such disciplinary action.

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

b. (1) If a student was removed from a teacher's classroom pursuant to subsection 2 two or more times in a semester, or the trimester or quarter equivalent, then the principal shall

discipline the student by doing any of the following:

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

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

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

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

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

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

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

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

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

a. (1) All of the following individuals shall, if practicable, participate in the meeting of the student's

individualized education program team that takes place immediately subsequent to the student's exclusion from the classroom:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. A principal's readmission of a student to the teacher's classroom prior to the time such student should have been readmitted pursuant to subsection 2.

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

8. a. Each principal of an attendance center shall make a mental health professional, guidance counselor, or behavioral interventionist available to students, teachers, and other

school employees to address the immediate trauma associated with a violent disruption or nonviolent disruption, upon the request of a teacher.

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

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

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

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

c. Perform functional behavior assessments as needed.

d. Adjust behavioral intervention plans as needed.

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

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

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

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

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

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

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

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

Sec. 8. NEW SECTION. 279.89 Teacher authority to request a

meeting of a student's individualized education program team.

1. For purposes of this section:

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

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

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

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

a. Be provided to the teacher in writing.

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

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

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

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

(2) That each school district employee who is responsible for the implementation of a student's individualized education program, including regular education teachers, special education teachers, and any other service providers, reads all changes to the accommodations or modifications described in the student's individualized education program.

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

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

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

b. After a regular education teacher has read the most

recent changes to the accommodations or modifications described in a student's individualized education program, as required under paragraph "a", subparagraph (2), the regular education teacher shall provide written notice to the special education teacher who is on the student's individualized education program team indicating that the regular education teacher has read the most recent changes to the accommodations or modifications.

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

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

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

Sec. 10. Section 284.6, subsection 3, Code 2026, is amended to read as follows:

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

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

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

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

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

e. Include information related to all of the following:

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

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

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

Sec. 11. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding

shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

AMY SINCLAIR
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2428, Ninety-first General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2026

KIM REYNOLDS
Governor