

**House File 2532 - Introduced**

HOUSE FILE 2532  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 598)

**A BILL FOR**

1 An Act relating to classroom management and related  
2 practitioner preparation procedures for reporting alleged  
3 classroom violence and assaults, to corporal punishment,  
4 establishing a grant program and fund for creation of  
5 therapeutic classrooms, providing claims reimbursement  
6 to schools for the transportation of certain students to  
7 therapeutic classrooms, making appropriations, and including  
8 effective date provisions.

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

1 Section 1. Section 256.9, Code 2020, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 60. Develop, establish, and distribute  
4 to school districts evidence-based standards, guidelines, and  
5 expectations for the appropriate and inappropriate responses  
6 to behavior in the classroom that presents an imminent threat  
7 of bodily injury to a student or another person and for the  
8 reasonable, necessary, and appropriate physical restraint  
9 of a student, consistent with rules adopted by the state  
10 board pursuant to section 280.21. The director shall consult  
11 with the area education agencies to create comprehensive and  
12 consistent standards and guidance for professional development  
13 relating to successfully educating individuals in the least  
14 restrictive environment.

15 Sec. 2. Section 256.16, subsection 1, paragraph c, Code  
16 2020, is amended to read as follows:

17 c. Include in the professional education program,  
18 preparation that contributes to the education of students  
19 with disabilities and students who are gifted and talented,  
20 preparation in developing and implementing individualized  
21 education programs and behavioral intervention plans,  
22 preparation for educating individuals in the least restrictive  
23 environment and identifying that environment, and other  
24 strategies that address difficult and violent student  
25 behavior and improve academic engagement and achievement,  
26 and preparation in classroom management addressing high-risk  
27 behaviors including, but not limited to, behaviors related to  
28 substance abuse. Preparation required under this paragraph  
29 must be successfully completed before graduation from the  
30 practitioner preparation program.

31 Sec. 3. NEW SECTION. **256.25 Therapeutic classroom incentive**  
32 **grant program — fund.**

33 1. The department shall create a therapeutic classroom  
34 incentive grant program to provide competitive grants to school  
35 districts for the establishment of therapeutic classrooms.

1     2. A school district, which may collaborate and partner  
2 with one or more school districts, area education agencies,  
3 accredited nonpublic schools, nonprofit agencies, and  
4 institutions that provide children's mental health services,  
5 located in mental health and disability services regions  
6 providing children's behavioral health services in accordance  
7 with chapter 331, subchapter III, part 6, may apply for a grant  
8 under this program to establish a therapeutic classroom in the  
9 school district in accordance with this section.

10     3. The department shall develop a grant application  
11 and selection and evaluation criteria. Selection criteria  
12 shall include a method for prioritizing grant applications  
13 submitted by school districts located in mental health and  
14 disability services regions providing children's behavioral  
15 health services in accordance with chapter 331, subchapter III,  
16 part 6, with those proposing to serve the most students given  
17 highest priority.

18     4. *a.* The department may disburse moneys contained in  
19 the therapeutic classroom incentive fund as grants to school  
20 districts for the establishment of therapeutic classrooms.

21     *b.* The total amount of funding awarded for the establishment  
22 of therapeutic classrooms for a fiscal year shall not exceed  
23 an amount equivalent to the state cost per pupil multiplied by  
24 weighting of one and one-half pupil calculated for one hundred  
25 fifty pupils.

26     *c.* Grant awards shall be made for the establishment of  
27 therapeutic classrooms with one to five pupils, classrooms  
28 with six to ten pupils, and classrooms with eleven to fifteen  
29 pupils.

30     *d.* For purposes of calculating a therapeutic classroom grant  
31 award, the department shall determine grant awards based on the  
32 following:

33     (1) For classrooms with one to five pupils, using the state  
34 cost per pupil multiplied by weighting of one and one-half  
35 pupil multiplied by five.

1 (2) For classrooms with six to ten pupils, using the state  
2 cost per pupil multiplied by weighting of one and one-half  
3 pupil multiplied by ten.

4 (3) For classrooms with eleven to fifteen pupils, using  
5 the state cost per pupil multiplied by weighting of one and  
6 one-half pupil multiplied by fifteen.

7 e. Grant moneys shall be distributed after December 31 but  
8 before the start of the school calendar for start-up costs for  
9 a new therapeutic classroom in the fall semester.

10 5. A therapeutic classroom incentive fund is established  
11 in the state treasury under the control of the department.  
12 Moneys credited to the fund are appropriated to the department  
13 for purposes of distributing grants under this section. The  
14 department may accept gifts, grants, bequests, and other  
15 private contributions, as well as state or federal moneys,  
16 for deposit in the fund. Moneys available in the therapeutic  
17 classroom incentive fund for a fiscal year shall be distributed  
18 as grants pursuant to this section. Notwithstanding section  
19 8.33, moneys in the fund at the close of the fiscal year shall  
20 not revert but shall remain available for expenditure for the  
21 purposes designated for subsequent fiscal years.

22 6. Placement of a child requiring special education under  
23 chapter 256B in a therapeutic classroom, whether or not the  
24 school district operating such classroom receives funds under  
25 this section, is subject to the provisions of chapter 256B,  
26 to the administrative rules adopted by the state board for  
27 purposes of chapter 256B, and to the federal Individuals with  
28 Disabilities Education Act, 20 U.S.C. §1400 et seq., and shall  
29 not violate such laws, rules, or regulations.

30 7. For purposes of this section, "*therapeutic classroom*"  
31 means a classroom designed for the purpose of providing support  
32 for any student whose emotional, social, or behavioral needs  
33 interfere with the student's ability to be successful in the  
34 current educational environment, with or without supports,  
35 until the student is able to successfully return to the

1 student's current education environment, with or without  
2 supports, including but not limited to the general education  
3 classroom.

4 Sec. 4. NEW SECTION. 256.25A Therapeutic classroom —  
5 claims.

6 1. If the general assembly appropriates funds to the  
7 department for the payment of claims for costs submitted by the  
8 school district for purposes of this section, a school district  
9 may submit a claim for reimbursement for services provided  
10 under paragraphs "a" and "b".

11 a. A school district that provides transportation services  
12 for students who are enrolled in the school district or in an  
13 accredited nonpublic school located within the boundaries of  
14 the school district, who have not been assigned a weighting  
15 under section 256B.9, but who are assigned to a therapeutic  
16 classroom that is located more than thirty miles from the  
17 school designated for attendance or accredited nonpublic school  
18 and is operated by another school district or accredited  
19 nonpublic school under an agreement between the school  
20 districts or between a school district and an accredited  
21 nonpublic school, may submit claims for reimbursement for the  
22 costs of providing such transportation.

23 b. A school district that provides a therapeutic classroom  
24 to students enrolled in school districts or accredited  
25 nonpublic schools that have certain individualized education  
26 programs or behavioral intervention plans, may submit claims  
27 for reimbursement for students assigned to such a classroom who  
28 are not assigned a weighting under section 256B.9, subsection  
29 1, paragraph "b", "c", or "d", and for pupils for whom  
30 behavioral intervention plans have been implemented.

31 2. Nonpublic school students assigned to a therapeutic  
32 classroom under subsection 1, paragraph "b", shall be enrolled  
33 in a school district as shared-time pupils under section  
34 257.6, subsection 1, paragraph "a", subparagraph (7), in order  
35 for the school district to submit a claim for reimbursement

1 for services provided to such students under subsection 1,  
2 paragraph "b".

3 3. a. The department shall prorate the amount of claims  
4 reimbursement under subsection 1, paragraph "a", if the  
5 amount of reimbursement claimed for all school districts under  
6 subsection 1, paragraph "a", exceeds five hundred thousand  
7 dollars.

8 b. The department shall prorate the amount of claims  
9 reimbursement for all school districts under subsection 1,  
10 paragraph "b", if the amount of reimbursement claimed for all  
11 school districts under subsection 1, paragraph "b", exceeds the  
12 amount appropriated by the general assembly for such purpose.

13 4. The costs of providing transportation to nonpublic  
14 school pupils as provided in this section shall not be included  
15 in the computation of district cost under chapter 257, but  
16 shall be shown in the budget as an expense from miscellaneous  
17 income. Any transportation reimbursements received by a  
18 school district for transporting nonpublic school pupils shall  
19 not affect district cost limitations of chapter 257. The  
20 reimbursements provided in this section are miscellaneous  
21 income as defined in section 257.2.

22 5. a. Claims for reimbursement shall be made to the  
23 department by the school district providing transportation  
24 during a school year pursuant to subsection 1, paragraph "a". A  
25 claim shall not exceed the average transportation costs of the  
26 district per pupil transported except as otherwise provided.

27 b. Claims submitted under this section shall be on a form  
28 prescribed by the department, and the claim shall state the  
29 services provided, the number of eligible students served, and  
30 the actual costs incurred.

31 c. By June 15 of each year, school districts with eligible  
32 claims shall submit such claims to the department. By July of  
33 each year, the department shall draw warrants payable to school  
34 districts which have established claims.

35 6. The state board shall adopt rules pursuant to chapter 17A

1 to administer this section.

2 7. For purposes of this section, "*therapeutic classroom*"  
3 means the same as defined in section 256.25, subsection 7.

4 Sec. 5. Section 256B.2, subsection 2, Code 2020, is amended  
5 to read as follows:

6 2. a. It is the policy of this state to require school  
7 districts and state-operated educational programs to provide  
8 or make provision, as an integral part of public education,  
9 for a free and appropriate public education sufficient to  
10 meet the needs of all children requiring special education.  
11 This chapter is not to be construed as encouraging separate  
12 facilities or segregated programs designed to meet the needs  
13 of children requiring special education when the children can  
14 benefit from all or part of the education program as offered  
15 by the local school district. ~~To the maximum extent possible,~~  
16 ~~children~~ Children requiring special education shall, consistent  
17 with the least restrictive environment requirements under the  
18 federal Individuals with Disabilities Education Act, 20 U.S.C.  
19 §1400 et seq., attend regular classes and shall be educated  
20 with children who do not require special education.

21 b. (1) Whenever ~~possible~~ appropriate, hindrances to  
22 learning and to the normal functioning of children requiring  
23 special education within the regular school environment shall  
24 be overcome by the provision of special aids and services  
25 rather than by separate programs for those in need of special  
26 education.

27 (2) Special classes, separate schooling, or other removal  
28 of children requiring special education from the regular  
29 educational environment, shall occur only when, and to  
30 the extent that the nature or severity of the educational  
31 disability is such, that education in regular classes, even  
32 with the use of supplementary aids and services, cannot be  
33 accomplished satisfactorily.

34 (3) Individualized education programs for children  
35 requiring special education within the regular school

1 environment and behavioral intervention plans shall not  
2 include provisions for clearing all other students out of the  
3 regular classroom in order to calm the child requiring special  
4 education or the child for whom a behavioral intervention plan  
5 has been implemented except as provided in section 279.51A.

6 c. For those children who cannot adapt to the regular  
7 educational or home living conditions, and who are attending  
8 facilities under [chapters 263, 269, and 270](#), upon the request  
9 of the board of directors of an area education agency, the  
10 department of human services shall provide residential or  
11 detention facilities and the area education agency shall  
12 provide special education programs and services. The area  
13 education agencies shall cooperate with the board of regents to  
14 provide the services required by [this chapter](#).

15 Sec. 6. Section 257.6, subsection 1, paragraph a,  
16 subparagraph (7), Code 2020, is amended to read as follows:

17 (7) A student attending an accredited nonpublic school or  
18 receiving competent private instruction under [chapter 299A](#),  
19 who is assigned to a therapeutic classroom in accordance with  
20 section 256.25A or is participating in a program under chapter  
21 261E, shall be counted as a shared-time student in the school  
22 district in which the nonpublic school of attendance is located  
23 for state foundation aid purposes.

24 Sec. 7. Section 257.16C, subsection 2, paragraph d, Code  
25 2020, is amended to read as follows:

26 d. A school district's transportation cost per pupil  
27 shall be determined by dividing the school district's actual  
28 transportation cost for all children transported in all school  
29 buses for a school year pursuant to section 285.1, subsection  
30 12, less the ~~amount~~ amounts received for transporting nonpublic  
31 school pupils under [section sections 256.25 and 285.1](#), by the  
32 district's actual enrollment for the school year, excluding  
33 the shared-time enrollment for the school year as defined in  
34 section 257.6.

35 Sec. 8. NEW SECTION. **279.51A Classroom environment —**



1 **behavioral challenges — reports of violence or assault.**

2 1. A classroom teacher may clear students from the classroom  
3 only if necessary to prevent or terminate an imminent threat of  
4 bodily injury to a student or another person in the classroom.

5 2. If a classroom teacher clears all other students from the  
6 classroom in accordance with subsection 1, the school principal  
7 shall, by the end of the school day if possible but at least  
8 within twenty-four hours after the incident giving rise to  
9 the classroom clearance, notify the parents or guardians of  
10 all students assigned to the classroom that was cleared. The  
11 notification shall not identify, directly or indirectly, any  
12 students involved in the incident giving rise to the classroom  
13 clearance. The principal of the school shall request that the  
14 parent or guardian of the student whose behavior caused the  
15 classroom clearance meet with the principal, the classroom  
16 teacher, and other staff as appropriate.

17 3. If the student whose behavior caused the classroom  
18 clearance has an individualized education program or a  
19 behavioral intervention plan, the classroom teacher shall call  
20 for and be included in a review and potential revision of  
21 the student's individualized education program or behavioral  
22 intervention plan by the student's individualized education  
23 program team. The area education agency, in collaboration  
24 with the school district, may, when the parent or guardian  
25 meets with the individualized education program team during  
26 the reevaluation of the student's individualized education  
27 program, inform the parent or guardian of individual or family  
28 counseling services available in the area.

29 4. A classroom teacher employed by a school district  
30 shall report any alleged incident of violence or assault by  
31 a student enrolled in the school to the principal of the  
32 school. After two or more such incidents, the teacher may  
33 report the alleged incidents to the board of directors of  
34 the school district. If the teacher believes the threats of  
35 violence or assault have not been remedied by the board of

1 directors of the school district, the teacher may appeal the  
2 school board's decision, or lack thereof, to the state board  
3 of education as provided in section 256.7, subsection 6. The  
4 state board of education shall determine, based on the facts,  
5 whether the requested relief is warranted while appropriately  
6 weighing the educational rights of any students involved. The  
7 provisions of sections 70A.29, 280.27, and 613.21 shall apply  
8 to the appeal and any reports submitted in accordance with  
9 this section. After the second separate appeal by the teacher  
10 to the state board of education, a warning will be issued to  
11 the superintendent as a notice and to the administrator in  
12 question. If a third separate appeal is submitted to the state  
13 board of education pursuant to this subsection, the state board  
14 shall submit its findings of fact to the board of educational  
15 examiners, which shall initiate a licensee disciplinary  
16 investigation and a licensee disciplinary hearing against the  
17 superintendent and the administrator in question.

18 5. Each school district shall report to the department  
19 of education, in a manner prescribed by the department, an  
20 annual count of all alleged instances of violence or assault  
21 by a student in a school building, on school grounds, or  
22 at a school-sponsored function, and any time a student  
23 is referred for the use of or transfer to a therapeutic  
24 classroom. The report shall include but not be limited to  
25 demographic information including but not limited to race,  
26 gender, national origin, age, grade level, and disability,  
27 along with any other data required for the department to  
28 implement the federal Elementary and Secondary Education Act,  
29 as amended by the federal Every Student Succeeds Act, Pub. L.  
30 No. 114-95. The department shall compile and summarize the  
31 reports, categorized by alleged behavior, and shall submit the  
32 summary to the general assembly by November 1 annually. A  
33 teacher or administrator who submits a report in accordance  
34 with this subsection and who meets the requirements of section  
35 280.27 or section 613.21 shall be immune from civil or criminal

1 liability relating to such action, as well as for participating  
2 in any administrative or judicial proceeding resulting from or  
3 relating to the report pursuant to the provisions of sections  
4 280.27 and 613.21. The provisions of section 70A.29 shall  
5 apply to a teacher or administrator who submits a report  
6 in accordance with this section or who reports an incident  
7 of violence or assault to a local law enforcement agency.  
8 Personal information regarding a student in a report submitted  
9 pursuant to this section shall be kept confidential as required  
10 under the federal Family Educational Rights and Privacy Act, 20  
11 U.S.C. §1232g, and in the same manner as personal information  
12 in student records maintained, created, collected, or assembled  
13 by or for a school corporation or educational institution in  
14 accordance with section 22.7, subsection 1.

15 6. For purposes of this section, unless the context  
16 otherwise requires, "*bodily injury*" means physical pain,  
17 illness, or any other impairment of physical condition.

18 Sec. 9. Section 280.21, subsection 1, Code 2020, is amended  
19 to read as follows:

20 1. An employee of a public school district, accredited  
21 nonpublic school, or area education agency shall not inflict,  
22 or cause to be inflicted, corporal punishment upon a student.  
23 For purposes of [this section](#), "*corporal punishment*" means the  
24 intentional physical punishment of a student. An employee's  
25 physical contact with the body of a student shall not be  
26 considered corporal punishment if, in the opinion of a  
27 reasonable person at the time of the incident, it is reasonable  
28 and necessary under the circumstances and is not designed or  
29 intended to cause pain or if the employee uses reasonable  
30 force, as defined under [section 704.1](#), for the protection of  
31 the employee, the student, or other students; to obtain the  
32 possession of a weapon or other dangerous object within a  
33 student's control; or for the protection of property. The  
34 ~~department~~ state board of education shall adopt rules under  
35 chapter 17A to implement [this section](#).

1     Sec. 10. Section 280.21, subsection 2, unnumbered paragraph  
2 1, Code 2020, is amended to read as follows:

3     A school employee who, in the reasonable course of the  
4 employee's employment responsibilities, comes into physical  
5 contact with a student shall be granted immunity from any civil  
6 or criminal liability, and immunity from any disciplinary  
7 action by the school employee's employer or the board of  
8 educational examiners, which might otherwise be incurred or  
9 imposed as a result of such physical contact, if the physical  
10 contact is reasonable under the circumstances and involves any  
11 of the following:

12     Sec. 11. Section 280.21, subsection 2, Code 2020, is amended  
13 by adding the following new paragraphs:

14     NEW PARAGRAPH. *j.* Relocating a student who is causing a  
15 severe distraction or disturbance that is detracting from the  
16 educational experience of other students.

17     NEW PARAGRAPH. *k.* Relocating a student who is not  
18 responding to verbal or written instructions that are intended  
19 to change the immediate behavior of the student or relocating a  
20 student who is exhibiting passive resistance behaviors.

21     Sec. 12. Section 280.21, Code 2020, is amended by adding the  
22 following new subsection:

23     NEW SUBSECTION. 4. To prevail in a disciplinary action  
24 alleging a violation of this section or a disciplinary action  
25 alleging a violation of a related school policy, the party  
26 bringing the action shall prove the violation by clear and  
27 convincing evidence.

28     Sec. 13. DEPARTMENT OF EDUCATION. There is appropriated  
29 from the general fund of the state to the department of  
30 education for the fiscal year beginning July 1, 2020, and  
31 ending June 30, 2021, the following amount, or so much thereof  
32 as is necessary, to be used for the purposes designated:

33     For developing, establishing, and distributing standards,  
34 guidelines, and expectations relating to behavior in the  
35 classroom, restraint of a student, and professional development

1 relating to educating individuals in the least restrictive  
2 environment in accordance with section 256.9, subsection 60,  
3 as enacted by this Act:

4 ..... \$ 500,000

5 Notwithstanding section 8.33, moneys received by the  
6 department pursuant to this section that remain unencumbered or  
7 unobligated at the close of the fiscal year shall not revert  
8 but shall remain available for expenditure for the purposes  
9 specified in this section for the following fiscal year.

10 Sec. 14. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM  
11 INCENTIVE FUND. There is appropriated from the general fund  
12 of the state to the department education for the fiscal year  
13 beginning July 1, 2020, and ending June 30, 2021, the following  
14 amount, or so much thereof as is necessary, to be used for the  
15 purposes designated:

16 For deposit in the therapeutic classroom incentive fund  
17 established pursuant to section 256.25, as enacted by this Act:

18 ..... \$ 1,582,650

19 Sec. 15. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM  
20 TRANSPORTATION CLAIMS REIMBURSEMENT. There is appropriated  
21 from the general fund of the state to the department of  
22 education for the fiscal year beginning July 1, 2020, and  
23 ending June 30, 2021, the following amount, or so much thereof  
24 as is necessary, to be used for the purposes designated:

25 For payment of school district claims for reimbursement  
26 submitted under section 256.25A, subsection 1, paragraph "a",  
27 as enacted by this Act:

28 ..... \$ 500,000

29 Notwithstanding section 8.33, moneys received by the  
30 department pursuant to this section that remain unencumbered or  
31 unobligated at the close of the fiscal year shall not revert  
32 but shall remain available for expenditure for the purposes  
33 specified in this section for the following fiscal year.

34 Sec. 16. EMERGENCY RULES. The state board of education and  
35 board of educational examiners may adopt emergency rules under

1 section 17A.4, subsection 3, and section 17A.5, subsection 2,  
2 paragraph "b", to implement the provisions of this Act and  
3 the rules shall be effective immediately upon filing unless  
4 a later date is specified in the rules. Any rules adopted  
5 in accordance with this section shall also be published as a  
6 notice of intended action as provided in section 17A.4.

7 Sec. 17. EFFECTIVE DATE. The following takes effect July  
8 1, 2021:

9 The section of this Act amending section 256.16, subsection  
10 1, paragraph "c".

11 Sec. 18. EFFECTIVE DATE. The following, being deemed of  
12 immediate importance, take effect upon enactment:

13 1. The section of this Act enacting section 256.25.

14 2. The section of this Act relating to emergency rules.

15

EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill relates to classroom management by providing for  
19 development and distribution of guidelines, requiring approved  
20 practitioner preparation programs to include preparation  
21 relating to the development of individualized education  
22 programs (IEP) and to positive behavioral interventions  
23 and other strategies, prohibiting implementation of what is  
24 commonly referred to as a classroom clear in a student's  
25 IEP, establishing a therapeutic classroom incentive grant  
26 program and fund under the control of the department of  
27 education to provide competitive grants to school districts  
28 for the establishment of therapeutic classrooms, providing  
29 for the submission of reports of alleged violence or assaults  
30 by students to the department of education and the general  
31 assembly, making changes to provisions relating to corporal  
32 punishment, and appropriating moneys.

33 DEVELOPMENT AND DISTRIBUTION OF GUIDELINES. The bill  
34 directs the director of the department of education to  
35 develop and establish, and distribute to school districts,

1 evidence-based standards, guidelines, and expectations for  
2 responses to behavior in the classroom that presents an  
3 imminent threat of bodily injury to a student or another  
4 person. The director must consult with the area education  
5 agencies to create comprehensive and consistent standards and  
6 guidance for professional development relating to successfully  
7 educating individuals in the least restrictive environment.  
8 The bill defines "bodily injury" as physical pain, illness,  
9 or any other impairment of physical condition. The bill  
10 appropriates \$500,000 to the department from the general fund  
11 of the state for FY 2020-2021 for such purposes and allows the  
12 moneys to carryover for the following fiscal year.

13 PRACTITIONER PREPARATION REQUIREMENTS. Approved  
14 practitioner preparation programs must include preparation in  
15 developing and implementing IEPs and behavioral intervention  
16 plans, preparation for educating individuals in the least  
17 restrictive environment, and other strategies to address  
18 difficult and violent student behavior and improve academic  
19 engagement and achievement. This provision takes effect July  
20 1, 2021.

21 THERAPEUTIC CLASSROOM INCENTIVE GRANT AND FUND. A school  
22 district, which may collaborate and partner with one or  
23 more school districts, area education agencies, accredited  
24 nonpublic schools, nonprofit agencies, and institutions that  
25 provide children's mental health services, located in mental  
26 health and disability services regions providing children's  
27 behavioral health services, may apply for a grant to establish  
28 a therapeutic classroom in the school district.

29 The department is directed to develop a grant application  
30 and selection and evaluation criteria, and to give priority to  
31 grant applications submitted by school districts located in  
32 regions providing children's behavioral health services, with  
33 highest priority to those proposing to serve the most students.

34 If state, federal, or private moneys deposited in the  
35 therapeutic classroom incentive fund are sufficient, the

1 department of education may issue grants to school districts  
2 for the establishment of therapeutic classrooms. The bill  
3 appropriates \$1,582,650 to the fund. Grant moneys shall be  
4 distributed after December 31 but before the start of the  
5 school calendar for start-up costs for a new therapeutic  
6 classroom in the fall semester.

7 The total amount of funding awarded for the establishment  
8 of therapeutic classrooms for a fiscal year shall not exceed  
9 an amount equivalent to the state cost per pupil multiplied by  
10 weighting of 1.5 pupils calculated for 150 pupils.

11 The therapeutic classroom incentive fund is established  
12 in the state treasury under the control of the department of  
13 education. The department may accept gifts, grants, bequests,  
14 and other private contributions, as well as state or federal  
15 moneys, for deposit in the fund.

16 Placement of a child requiring special education in such a  
17 classroom is subject to the state board's rules and to federal  
18 law. The bill defines "therapeutic classroom". Provisions  
19 relating to the therapeutic classroom incentive grant and fund  
20 take effect upon enactment.

21 THERAPEUTIC CLASSROOM REIMBURSEMENT CLAIMS. Subject to an  
22 appropriation by the general assembly, the bill authorizes  
23 school districts to submit claims for reimbursement to the  
24 department of education for the costs of providing therapeutic  
25 classrooms for school district and accredited nonpublic school  
26 students enrolled in the school district who have certain IEPs  
27 or for whom behavior intervention plans have been implemented;  
28 and for the costs of providing transportation services for  
29 students who are enrolled in the school district or in an  
30 accredited nonpublic school located within the boundaries of  
31 the school district, but who are assigned to a therapeutic  
32 classroom that is located more than 30 miles from the school  
33 designated for attendance or accredited nonpublic school and  
34 is operated by another school district or accredited nonpublic  
35 school under an agreement between the school districts or



1 between a school district and an accredited nonpublic school.

2 Claims cannot be filed for transportation services for  
3 students who are not assigned weighting under Code section  
4 256B.9, nor can claims be filed for the costs or providing  
5 therapeutic classrooms for students with an IEP who are  
6 assigned a weighting under Code section 256B.9, subsection 1,  
7 paragraph "b", "c", or "d". The bill describes the information  
8 claims must include.

9 An accredited nonpublic school pupil shall be enrolled in a  
10 school district as a shared-time pupil for the school district  
11 to be eligible to submit such claims.

12 The bill appropriates \$500,000 from the general fund of the  
13 state to the department of education for the transportation  
14 reimbursement claims, allows the moneys to carryover to the  
15 following fiscal year, and established conditions for which the  
16 department must prorate the amount of claims reimbursement.  
17 The bill makes conforming changes relating to state assistance  
18 to school districts for transportation costs.

19 CLASSROOM CLEAR REQUIREMENTS — APPEALS AND NOTIFICATIONS.  
20 Though an IEP developed for a child requiring special education  
21 and a behavioral intervention plan implemented for a child  
22 shall not include provision for clearing all other students  
23 out of the regular classroom in order to calm the child, a  
24 classroom teacher may clear students from a classroom if a  
25 student's behavior presents an immediate danger to the health  
26 or safety of persons in the classroom. If a teacher clears  
27 a classroom in such a situation, the school principal must,  
28 by the end of the school day optimally or at least within  
29 24 hours of the incident, notify the parents or guardians of  
30 all students assigned to the classroom of the action taken  
31 to clear the classroom. The notification shall not identify  
32 the student. The principal of the school shall request that  
33 the parent or guardian of the student whose behavior caused  
34 the classroom clearance meet with the principal, the classroom  
35 teacher, and other staff as appropriate.

1 If the student has an IEP, the classroom teacher shall call  
2 for and be included in a review and potential revision of the  
3 student's IEP or by the student's IEP team. When the student's  
4 parent or guardian meets with the team, the area education  
5 agency, in collaboration with the school district may inform  
6 the parent or guardian of locally available individual or  
7 family counseling services.

8 A classroom teacher must report any alleged incident of  
9 violence or assault by a student to the principal. After two  
10 or more such incidents, the teacher may report the alleged  
11 incidents to the school board. If the teacher believes the  
12 threats of violence or assault have not been remedied by  
13 the school board, the teacher may appeal the school board's  
14 decision, or lack thereof, to the state board of education.  
15 The state board shall determine, based on the facts, whether  
16 the requested relief is warranted while appropriately weighing  
17 the educational rights of any students involved. Immunity and  
18 whistleblower protections apply to the appeal and any reports  
19 submitted. After the second separate appeal by the teacher to  
20 the state board, a warning will be issued to the superintendent  
21 as a notice and to the administrator in question. If a third  
22 separate appeal is submitted, the state board shall submit  
23 its findings of fact to the board of educational examiners,  
24 which must initiate a licensee disciplinary investigation and a  
25 licensee disciplinary hearing against the superintendent and  
26 the administrator in question.

27 REPORTS OF ALLEGED INSTANCES OF VIOLENCE OR ASSAULT. Each  
28 school district shall report to the department of education,  
29 in a manner prescribed by the department, an annual count of  
30 all alleged instances of violence or assault by a student in a  
31 school building, on school grounds, or at a school-sponsored  
32 function, and any time a student is referred for the use of  
33 or transfer to a therapeutic classroom. The bill describes  
34 the information the report must include, and requires that  
35 the department summarize the reports and submit the summary

1 to the general assembly by November 1 annually. A teacher  
2 or administrator who submits such a report and meets certain  
3 statutory requirements is immune from civil or criminal  
4 liability and reprisals against such teacher or administrator  
5 are prohibited. Personal information regarding a student in  
6 such a report is confidential.

7 CORPORAL PUNISHMENT. The bill also adds to exemptions under  
8 the statutory provisions relating to corporal punishment of a  
9 student, provides circumstances under which a school employee  
10 shall be granted immunity from civil and criminal liability,  
11 and immunity from disciplinary action by the employer or the  
12 board of educational examiners, which results from reasonable  
13 and necessary physical contact with a student, and establishes  
14 an evidentiary standard for a disciplinary action.

15 Under the bill, if an employee's physical contact with the  
16 body of a student meets current statutory requirements and  
17 is reasonable and necessary under the circumstances in the  
18 opinion of a reasonable person at the time of the incident, the  
19 physical contact shall not be considered corporal punishment.

20 To the current circumstances under which a school employee  
21 shall be granted immunity, the bill adds relocating a student  
22 who is causing a severe distraction or disturbance that is  
23 detracting from the educational experience of other students,  
24 and relocating a student who is not responding to verbal or  
25 written instructions that are intended to change the immediate  
26 behavior of the student or relocating a student who is  
27 exhibiting passive resistance behaviors.

28 To prevail in a disciplinary action alleging violation of  
29 the corporal punishment provisions or a related school policy,  
30 the bill provides that the party bringing the action must prove  
31 the violation by clear and convincing evidence.

32 EMERGENCY RULEMAKING AUTHORITY. The bill authorizes the  
33 state board of education to adopt emergency rules to implement  
34 the bill. This provision takes effect upon enactment.