

Senate File 2190 - Introduced

SENATE FILE 2190
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3080)

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 may 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.

24 4. A classroom teacher employed by a school district shall
25 report any alleged incident of violence or assault by a student
26 enrolled in the school to the principal of the school.

27 5. Each school district shall report to the department
28 of education, in a manner prescribed by the department, an
29 annual count of all alleged instances of violence or assault
30 by a student in a school building, on school grounds, or
31 at a school-sponsored function, and any time a student
32 is referred for the use of or transfer to a therapeutic
33 classroom. The report shall include but not be limited to
34 demographic information including but not limited to race,
35 gender, national origin, age, grade level, and disability,

1 along with any other data required for the department to
2 implement the federal Elementary and Secondary Education Act,
3 as amended by the federal Every Student Succeeds Act, Pub. L.
4 No. 114-95. The department shall compile and summarize the
5 reports, categorized by alleged behavior, and shall submit the
6 summary to the general assembly by November 1 annually. A
7 teacher or administrator who submits a report in accordance
8 with this subsection and who meets the requirements of section
9 280.27 or section 613.21 shall be immune from civil or criminal
10 liability relating to such action, as well as for participating
11 in any administrative or judicial proceeding resulting from or
12 relating to the report pursuant to the provisions of sections
13 280.27 and 613.21. The provisions of section 70A.29 shall
14 apply to a teacher or administrator who submits a report
15 in accordance with this section or who reports an incident
16 of violence or assault to a local law enforcement agency.
17 Personal information regarding a student in a report submitted
18 pursuant to this section shall be kept confidential as required
19 under the federal Family Educational Rights and Privacy Act, 20
20 U.S.C. §1232g, and in the same manner as personal information
21 in student records maintained, created, collected, or assembled
22 by or for a school corporation or educational institution in
23 accordance with section 22.7, subsection 1.

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

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

29 1. An employee of a public school district, accredited
30 nonpublic school, or area education agency shall not inflict,
31 or cause to be inflicted, corporal punishment upon a student.
32 For purposes of [this section](#), "*corporal punishment*" means the
33 intentional physical punishment of a student. An employee's
34 physical contact with the body of a student shall not be
35 considered corporal punishment if, in the opinion of a

1 reasonable person at the time of the incident, it is reasonable
2 and necessary under the circumstances and is not designed or
3 intended to cause pain or if the employee uses reasonable
4 force, as defined under [section 704.1](#), for the protection of
5 the employee, the student, or other students; to obtain the
6 possession of a weapon or other dangerous object within a
7 student's control; or for the protection of property. The
8 ~~department~~ state board of education shall adopt rules under
9 chapter 17A to implement [this section](#).

10 Sec. 10. Section 280.21, subsection 2, unnumbered paragraph
11 1, Code 2020, is amended to read as follows:

12 A school employee who, in the reasonable course of the
13 employee's employment responsibilities, comes into physical
14 contact with a student shall be granted immunity from any civil
15 or criminal liability, and immunity from any disciplinary
16 action by the school employee's employer or the board of
17 educational examiners, which might otherwise be incurred or
18 imposed as a result of such physical contact, if the physical
19 contact is reasonable under the circumstances and involves any
20 of the following:

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

23 NEW PARAGRAPH. j. Relocating a student who is causing a
24 severe distraction or disturbance that is detracting from the
25 educational experience of other students.

26 NEW PARAGRAPH. k. Relocating a student who is not
27 responding to verbal or written instructions that are intended
28 to change the immediate behavior of the student or relocating a
29 student who is exhibiting passive resistance behaviors.

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

32 NEW SUBSECTION. 4. To prevail in a disciplinary action
33 alleging a violation of this section or a disciplinary action
34 alleging a violation of a related school policy, the party
35 bringing the action shall prove the violation by clear and

1 convincing evidence.

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

7 For developing, establishing, and distributing standards,
8 guidelines, and expectations relating to behavior in the
9 classroom, restraint of a student, and professional development
10 relating to educating individuals in the least restrictive
11 environment in accordance with section 256.9, subsection 60,
12 as enacted by this Act:

13 \$ 500,000

14 Notwithstanding section 8.33, moneys received by the
15 department pursuant to this section that remain unencumbered or
16 unobligated at the close of the fiscal year shall not revert
17 but shall remain available for expenditure for the purposes
18 specified in this section for the following fiscal year.

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

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

27 \$ 1,582,650

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

34 For payment of school district claims for reimbursement
35 submitted under section 256.25A, subsection 1, paragraph "a",

1 as enacted by this Act:

2 \$ 500,000

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

8 Sec. 16. EMERGENCY RULES. The state board of education and
9 board of educational examiners may adopt emergency rules under
10 section 17A.4, subsection 3, and section 17A.5, subsection 2,
11 paragraph "b", to implement the provisions of this Act and
12 the rules shall be effective immediately upon filing unless
13 a later date is specified in the rules. Any rules adopted
14 in accordance with this section shall also be published as a
15 notice of intended action as provided in section 17A.4.

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

18 The section of this Act amending section 256.16, subsection
19 1, paragraph "c".

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

- 22 1. The section of this Act enacting section 256.25.
- 23 2. The section of this Act relating to emergency rules.

24 EXPLANATION

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

27 This bill relates to classroom management by providing for
28 development and distribution of guidelines, requiring approved
29 practitioner preparation programs to include preparation
30 relating to the development of individualized education
31 programs (IEP) and to positive behavioral interventions
32 and other strategies, prohibiting implementation of what is
33 commonly referred to as a classroom clear in a student's
34 IEP, establishing a therapeutic classroom incentive grant
35 program and fund under the control of the department of

1 education to provide competitive grants to school districts
2 for the establishment of therapeutic classrooms, providing
3 for the submission of reports of alleged violence or assaults
4 by students to the department of education and the general
5 assembly, making changes to provisions relating to corporal
6 punishment, and appropriating moneys.

7 DEVELOPMENT AND DISTRIBUTION OF GUIDELINES. The bill
8 directs the director of the department of education to
9 develop and establish, and distribute to school districts,
10 evidence-based standards, guidelines, and expectations for
11 responses to behavior in the classroom that presents an
12 imminent threat of bodily injury to a student or another
13 person. The director must consult with the area education
14 agencies to create comprehensive and consistent standards and
15 guidance for professional development relating to successfully
16 educating individuals in the least restrictive environment.
17 The bill defines "bodily injury" as physical pain, illness,
18 or any other impairment of physical condition. The bill
19 appropriates \$500,000 to the department from the general fund
20 of the state for FY 2020-2021 for such purposes and allows the
21 moneys to carryover for the following fiscal year.

22 PRACTITIONER PREPARATION REQUIREMENTS. Approved
23 practitioner preparation programs must include preparation in
24 preparation for educating individuals in the least restrictive
25 environment and other strategies to address difficult and
26 violent student behavior and improve academic engagement and
27 achievement. This provision takes effect July 1, 2021.

28 THERAPEUTIC CLASSROOM INCENTIVE GRANT AND FUND. A school
29 district, which may collaborate and partner with one or
30 more school districts, area education agencies, accredited
31 nonpublic schools, nonprofit agencies, and institutions that
32 provide children's mental health services, located in mental
33 health and disability services regions providing children's
34 behavioral health services, may apply for a grant to establish
35 a therapeutic classroom in the school district.

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

6 If state, federal, or private moneys deposited in the
7 therapeutic classroom incentive fund are sufficient, the
8 department of education may issue grants to school districts
9 for the establishment of therapeutic classrooms. The bill
10 appropriates \$1,582,650 to the fund. Grant moneys shall be
11 distributed after December 31 but before the start of the
12 school calendar for start-up costs for a new therapeutic
13 classroom in the fall semester.

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

18 The therapeutic classroom incentive fund is established
19 in the state treasury under the control of the department of
20 education. The department may accept gifts, grants, bequests,
21 and other private contributions, as well as state or federal
22 moneys, for deposit in the fund.

23 Placement of a child requiring special education in such a
24 classroom is subject to the state board's rules and to federal
25 law. The bill defines "therapeutic classroom". Provisions
26 relating to the therapeutic classroom incentive grant and fund
27 take effect upon enactment.

28 THERAPEUTIC CLASSROOM REIMBURSEMENT CLAIMS. Subject to an
29 appropriation by the general assembly, the bill authorizes
30 school districts to submit claims for reimbursement to the
31 department of education for the costs of providing therapeutic
32 classrooms for school district and accredited nonpublic school
33 students enrolled in the school district who have certain IEPs
34 or for whom behavior intervention plans have been implemented;
35 and for the costs of providing transportation services for

1 students who are enrolled in the school district or in an
2 accredited nonpublic school located within the boundaries of
3 the school district, but who are assigned to a therapeutic
4 classroom that is located more than 30 miles from the school
5 designated for attendance or accredited nonpublic school and
6 is operated by another school district or accredited nonpublic
7 school under an agreement between the school districts or
8 between a school district and an accredited nonpublic school.

9 Claims cannot be filed for transportation services for
10 students who are not assigned weighting under Code section
11 256B.9, nor can claims be filed for the costs or providing
12 therapeutic classrooms for students with an IEP who are
13 assigned a weighting under Code section 256B.9, subsection 1,
14 paragraph "b", "c", or "d". The bill describes the information
15 claims must include.

16 An accredited nonpublic school pupil shall be enrolled in a
17 school district as a shared-time pupil for the school district
18 to be eligible to submit such claims.

19 The bill appropriates \$500,000 from the general fund of the
20 state to the department of education for the transportation
21 reimbursement claims, allows the moneys to carryover to the
22 following fiscal year, and established conditions for which the
23 department must prorate the amount of claims reimbursement.
24 The bill makes conforming changes relating to state assistance
25 to school districts for transportation costs.

26 CLASSROOM CLEAR REQUIREMENTS. Though an IEP developed
27 for a child requiring special education and a behavioral
28 intervention plan implemented for a child shall not include
29 provision for clearing all other students out of the regular
30 classroom in order to calm the child, a classroom teacher
31 may clear students from a classroom if a student's behavior
32 presents an immediate danger to the health or safety of persons
33 in the classroom. If a teacher clears a classroom in such a
34 situation, the school principal must, by the end of the school
35 day optimally or at least within 24 hours of the incident,

1 notify the parents or guardians of all students assigned to
2 the classroom of the action taken to clear the classroom. The
3 notification shall not identify the student. The principal of
4 the school shall request that the parent or guardian of the
5 student whose behavior caused the classroom clearance meet
6 with the principal, the classroom teacher, and other staff as
7 appropriate.

8 If the student has an IEP, the classroom teacher may call
9 for and be included in a review and potential revision of the
10 student's IEP or by the student's IEP team.

11 A classroom teacher must report any alleged incident of
12 violence or assault by a student to the principal.

13 REPORTS OF ALLEGED INSTANCES OF VIOLENCE OR ASSAULT. Each
14 school district shall report to the department of education,
15 in a manner prescribed by the department, an annual count of
16 all alleged instances of violence or assault by a student in a
17 school building, on school grounds, or at a school-sponsored
18 function, and any time a student is referred for the use of
19 or transfer to a therapeutic classroom. The bill describes
20 the information the report must include, and requires that
21 the department summarize the reports and submit the summary
22 to the general assembly by November 1 annually. A teacher
23 or administrator who submits such a report and meets certain
24 statutory requirements is immune from civil or criminal
25 liability and reprisals against such teacher or administrator
26 are prohibited. Personal information regarding a student in
27 such a report is confidential.

28 CORPORAL PUNISHMENT. The bill also adds to exemptions under
29 the statutory provisions relating to corporal punishment of a
30 student, provides circumstances under which a school employee
31 shall be granted immunity from civil and criminal liability,
32 and immunity from disciplinary action by the employer or the
33 board of educational examiners, which results from reasonable
34 and necessary physical contact with a student, and establishes
35 an evidentiary standard for a disciplinary action.

1 Under the bill, if an employee's physical contact with the
2 body of a student meets current statutory requirements and
3 is reasonable and necessary under the circumstances in the
4 opinion of a reasonable person at the time of the incident, the
5 physical contact shall not be considered corporal punishment.

6 To the current circumstances under which a school employee
7 shall be granted immunity, the bill adds relocating a student
8 who is causing a severe distraction or disturbance that is
9 detracting from the educational experience of other students,
10 and relocating a student who is not responding to verbal or
11 written instructions that are intended to change the immediate
12 behavior of the student or relocating a student who is
13 exhibiting passive resistance behaviors.

14 To prevail in a disciplinary action alleging violation of
15 the corporal punishment provisions or a related school policy,
16 the bill provides that the party bringing the action must prove
17 the violation by clear and convincing evidence.

18 EMERGENCY RULEMAKING AUTHORITY. The bill authorizes the
19 state board of education to adopt emergency rules to implement
20 the bill. This provision takes effect upon enactment.