

**Senate File 2360 - Introduced**

SENATE FILE 2360

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2190)

(SUCCESSOR TO SSB 3080)

**A BILL FOR**

1 An Act relating to classroom management and related  
2 practitioner preparation procedures for reporting classroom  
3 violence and assaults, to corporal punishment, establishing  
4 a grant program and fund for creation of therapeutic  
5 classrooms, providing claims reimbursement to school  
6 districts for costs relating to therapeutic classrooms,  
7 making appropriations, and including effective date  
8 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, and for evidence-based interventions  
15 consistent with the standards established pursuant to this  
16 subsection.

17 Sec. 2. Section 256.16, subsection 1, paragraph c, Code  
18 2020, is amended to read as follows:

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

33 Sec. 3. NEW SECTION. 256.25 Therapeutic classroom incentive  
34 grant program — fund.

35 1. The department shall create a therapeutic classroom

1 incentive grant program to provide competitive grants to school  
2 districts for the establishment of therapeutic classrooms.

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

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

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

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

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

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

35 (1) For classrooms with one to five pupils, using the state

1 cost per pupil multiplied by weighting of one and one-half  
2 pupil multiplied by five.

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

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

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

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

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

32 7. For purposes of this section, "*therapeutic classroom*"  
33 means a classroom designed for the purpose of providing support  
34 for any student whose emotional, social, or behavioral needs  
35 interfere with the student's ability to be successful in the

1 current educational environment, with or without supports,  
2 until the student is able to successfully return to the  
3 student's current education environment, with or without  
4 supports, including but not limited to the general education  
5 classroom.

6 Sec. 4. NEW SECTION. **256.25A Therapeutic classroom —**  
7 **claims.**

8 1. A school district may submit claims to the department  
9 for the costs of providing therapeutic classroom services and  
10 transportation services in accordance with this section.

11 a. (1) If the general assembly appropriates moneys for  
12 purposes of transportation claims reimbursement in accordance  
13 with this paragraph "a", a school district may submit a claim  
14 for reimbursement for transportation services for students  
15 who are enrolled in the school district or in an accredited  
16 nonpublic school located within the boundaries of the school  
17 district, who have not been assigned a weighting under section  
18 256B.9, but who are assigned to a therapeutic classroom that  
19 is located more than thirty miles from the school designated  
20 for attendance or accredited nonpublic school and is operated  
21 by another school district or accredited nonpublic school  
22 under an agreement between the school districts or between  
23 a school district and an accredited nonpublic school, may  
24 submit claims for reimbursement for the costs of providing such  
25 transportation.

26 (2) Claims for transportation reimbursement shall be  
27 made to the department by the school district providing  
28 transportation during a school year pursuant to subparagraph  
29 (1). Claims submitted under this section shall be on a form  
30 prescribed by the department, and the claim shall include the  
31 number of eligible pupils transported, the number of days  
32 each pupil was transported, and a listing of the actual costs  
33 incurred. On or before December 1, 2022, the director of  
34 the department shall review the data collected through the  
35 claims process and shall prepare and submit to the general

1 assembly a report containing an analysis of the efficacy of  
2 claims reimbursement in accordance with this section and  
3 recommendations for changes as appropriate.

4     *b.* (1) For each fiscal year beginning on or after July  
5 1, 2021, there is appropriated from the general fund of the  
6 state to the department an amount necessary to pay all approved  
7 claims submitted under this paragraph "b".

8     (2) A school district that provides a therapeutic classroom  
9 to students enrolled in a school district or an accredited  
10 nonpublic school may submit claims to the department for  
11 students assigned to such a classroom during the preceding  
12 school budget year who are not assigned a weighting under  
13 section 256B.9, subsection 1, paragraph "b", "c", or "d", and  
14 for whom behavioral intervention plans have been implemented.

15     (3) The amount of the claim shall be equal to the product of  
16 the following amounts:

17     (a) The product of one and five-tenths multiplied by the  
18 regular program district cost per pupil for the budget year  
19 during which the students identified under subparagraph (2)  
20 were assigned to the therapeutic classroom.

21     (b) The quotient of the total number of days the students  
22 identified under subparagraph (2) were served in a therapeutic  
23 classroom divided by the maximum number of school days in the  
24 school district's calendar.

25     (4) Using end-of-year data submitted by each school  
26 district through student-level data collection, the department  
27 shall make claim forms available to each eligible school  
28 district containing the available data.

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

1 3. The department shall prorate the amount of claims  
2 reimbursement under subsection 1, paragraph "a", if the  
3 amount of reimbursement claimed for all school districts under  
4 subsection 1, paragraph "a", exceeds the amount appropriated  
5 by the general assembly for such purpose plus any available  
6 remaining balances from prior fiscal years.

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

16 5. By June 15 of each year, school districts with eligible  
17 claims shall submit such claims to the department. By July 1  
18 of each year, the department shall draw warrants payable to  
19 school districts which have established claims.

20 6. The state board shall adopt rules pursuant to chapter 17A  
21 to administer this section.

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

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

26 2. a. It is the policy of this state to require school  
27 districts and state-operated educational programs to provide  
28 or make provision, as an integral part of public education,  
29 for a free and appropriate public education sufficient to  
30 meet the needs of all children requiring special education.  
31 This chapter is not to be construed as encouraging separate  
32 facilities or segregated programs designed to meet the needs  
33 of children requiring special education when the children can  
34 benefit from all or part of the education program as offered  
35 by the local school district. ~~To the maximum extent possible,~~

1 ~~children~~ Children requiring special education shall, consistent  
2 with the least restrictive environment requirements under the  
3 federal Individuals with Disabilities Education Act, 20 U.S.C.  
4 §1400 et seq., attend regular classes and shall be educated  
5 with children who do not require special education.

6 b. (1) Whenever ~~possible~~ appropriate, hindrances to  
7 learning and to the normal functioning of children requiring  
8 special education within the regular school environment shall  
9 be overcome by the provision of special aids and services  
10 rather than by separate programs for those in need of special  
11 education.

12 (2) Special classes, separate schooling, or other removal  
13 of children requiring special education from the regular  
14 educational environment, shall occur only when, and to  
15 the extent that the nature or severity of the educational  
16 disability is such, that education in regular classes, even  
17 with the use of supplementary aids and services, cannot be  
18 accomplished satisfactorily.

19 (3) Individualized education programs for children  
20 requiring special education within the regular school  
21 environment and behavioral intervention plans shall not  
22 include provisions for clearing all other students out of the  
23 regular classroom in order to calm the child requiring special  
24 education or the child for whom a behavioral intervention plan  
25 has been implemented except as provided in section 279.51A.

26 c. For those children who cannot adapt to the regular  
27 educational or home living conditions, and who are attending  
28 facilities under [chapters 263, 269, and 270](#), upon the request  
29 of the board of directors of an area education agency, the  
30 department of human services shall provide residential or  
31 detention facilities and the area education agency shall  
32 provide special education programs and services. The area  
33 education agencies shall cooperate with the board of regents to  
34 provide the services required by [this chapter](#).

35 Sec. 6. Section 257.6, subsection 1, paragraph a,



1 subparagraph (7), Code 2020, is amended to read as follows:

2 (7) A student attending an accredited nonpublic school or  
3 receiving competent private instruction under [chapter 299A](#),  
4 who is assigned to a therapeutic classroom in accordance with  
5 section 256.25A or is participating in a program under chapter  
6 261E, shall be counted as a shared-time student in the school  
7 district in which the nonpublic school of attendance is located  
8 for state foundation aid purposes.

9 Sec. 7. Section 257.16C, subsection 2, paragraph d, Code  
10 2020, is amended to read as follows:

11 d. A school district's transportation cost per pupil  
12 shall be determined by dividing the school district's actual  
13 transportation cost for all children transported in all school  
14 buses for a school year pursuant to section 285.1, subsection  
15 12, less the ~~amount~~ amounts received for transporting nonpublic  
16 school pupils under ~~section~~ sections 256.25 and 285.1, by the  
17 district's actual enrollment for the school year, excluding  
18 the shared-time enrollment for the school year as defined in  
19 section 257.6.

20 Sec. 8. Section 272.2, subsection 1, paragraph a, Code 2020,  
21 is amended to read as follows:

22 a. License practitioners, which includes the authority  
23 to establish criteria for the licenses; establish issuance  
24 and renewal requirements; create application and renewal  
25 forms; create licenses that authorize different instructional  
26 functions or specialties; develop a code of professional rights  
27 and responsibilities, practices, and ethics, which shall, among  
28 other things, address the failure of a practitioner to fulfill  
29 contractual obligations under [section 279.13](#) and address the  
30 failure of an administrator to address appropriately reports of  
31 violence and assault reported pursuant to section 279.51A; and  
32 develop any other classifications, distinctions, and procedures  
33 which may be necessary to exercise licensing duties. In  
34 addressing the failure of a practitioner to fulfill contractual  
35 obligations, the board shall consider factors beyond the

1 practitioner's control.

2     Sec. 9. NEW SECTION. 279.51A Classroom environment —  
3 behavioral challenges — reports of violence or assault.

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

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

19     3. If the student whose behavior caused the classroom  
20 clearance has an individualized education program or a  
21 behavioral intervention plan, the classroom teacher may call  
22 for and be included in a review and potential revision of  
23 the student's individualized education program or behavioral  
24 intervention plan by the student's individualized education  
25 program team.

26     4. A classroom teacher employed by a school district shall  
27 report any incident of violence that results in injury or  
28 property damage or assault by a student enrolled in the school  
29 to the principal of the school.

30     5. Each school district shall report to the department of  
31 education, in a manner prescribed by the department, an annual  
32 count of all incidents of violence that result in injury or  
33 property damage or assault by a student in a school building,  
34 on school grounds, or at a school-sponsored function, and any  
35 time a student is referred for the use of or transfer to a

1 therapeutic classroom. The report shall include but not be  
2 limited to demographic information on students reported as  
3 victims and reported as perpetrators of incidents of violence  
4 that result in injury or property damage or assault, including  
5 but not limited to disaggregated information on race, gender,  
6 national origin, age, grade level, and disability, along with  
7 any other data required for the department to implement the  
8 federal Elementary and Secondary Education Act, as amended  
9 by the federal Every Student Succeeds Act, Pub. L. , with  
10 appropriate safeguards to ensure student privacy. The  
11 department shall compile and summarize the reports, categorized  
12 by behavior, and shall submit the summary to the general  
13 assembly by November 1 annually. A teacher or administrator  
14 who submits a report in accordance with this section and who  
15 meets the requirements of section 280.27 or section 613.21  
16 shall be immune from civil or criminal liability relating to  
17 such action, as well as for participating in any administrative  
18 or judicial proceeding resulting from or relating to the  
19 report pursuant to the provisions of sections 280.27 and  
20 613.21. The provisions of section 70A.29 shall apply to a  
21 teacher or administrator who submits a report in accordance  
22 with this section or who reports an incident of violence or  
23 assault to a local law enforcement agency in good faith and  
24 without fraudulent intent or the intent to deceive. Personal  
25 information regarding a student in a report submitted pursuant  
26 to this section shall be kept confidential as required under  
27 the federal Family Educational Rights and Privacy Act, 20  
28 U.S.C. §1232g, and in the same manner as personal information  
29 in student records maintained, created, collected, or assembled  
30 by or for a school corporation or educational institution in  
31 accordance with section 22.7, subsection 1.

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

35 Sec. 10. Section 280.21, subsection 1, Code 2020, is amended

1 to read as follows:

2 1. An employee of a public school district, accredited  
3 nonpublic school, or area education agency shall not inflict,  
4 or cause to be inflicted, corporal punishment upon a student.  
5 For purposes of this section, "corporal punishment" means the  
6 intentional physical punishment of a student. An employee's  
7 physical contact with the body of a student shall not be  
8 considered corporal punishment if it is reasonable and  
9 necessary under the circumstances and is not designed or  
10 intended to cause pain or if the employee uses reasonable  
11 force, as defined under section 704.1, for the protection of  
12 the employee, the student, or other students; to obtain the  
13 possession of a weapon or other dangerous object within a  
14 student's control; or for the protection of property. The  
15 ~~department~~ state board of education shall adopt rules under  
16 chapter 17A to implement this section.

17 Sec. 11. Section 280.21, subsection 2, unnumbered paragraph  
18 1, Code 2020, is amended to read as follows:

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

28 Sec. 12. Section 280.21, subsection 2, Code 2020, is amended  
29 by adding the following new paragraph:

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

33 Sec. 13. Section 280.21, Code 2020, is amended by adding the  
34 following new subsection:

35 NEW SUBSECTION. 4. To prevail in a disciplinary action

1 alleging a violation of this section or a disciplinary action  
2 alleging a violation of a related school policy, the party  
3 bringing the action shall prove the violation by clear and  
4 convincing evidence.

5 Sec. 14. DEPARTMENT OF EDUCATION. There is appropriated  
6 from the general fund of the state to the department of  
7 education for the fiscal year beginning July 1, 2020, and  
8 ending June 30, 2021, the following amount, or so much thereof  
9 as is necessary, to be used for the purposes designated:

10 For developing, establishing, and distributing standards,  
11 guidelines, and expectations relating to behavior in the  
12 classroom, restraint of a student, and professional development  
13 relating to educating individuals in the least restrictive  
14 environment, and for research-based intervention strategies  
15 consistent with such standards, guidelines, and expectations,  
16 in accordance with section 256.9, subsection 60, as enacted by  
17 this Act:

18 ..... \$ 500,000

19 Notwithstanding section 8.33, moneys received by the  
20 department pursuant to this section that remain unencumbered or  
21 unobligated at the close of the fiscal year shall not revert  
22 but shall remain available for expenditure for the purposes  
23 specified in this section for the following fiscal year.

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

30 For deposit in the therapeutic classroom incentive fund  
31 established pursuant to section 256.25, as enacted by this Act:  
32 ..... \$ 1,582,650

33 Sec. 16. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM  
34 TRANSPORTATION CLAIMS REIMBURSEMENT. There is appropriated  
35 from the general fund of the state to the department of

1 education for the fiscal year beginning July 1, 2020, and  
2 ending June 30, 2021, the following amount, or so much thereof  
3 as is necessary, to be used for the purposes designated:

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

7 ..... \$ 500,000

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

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

21 Sec. 18. EFFECTIVE DATE. The following takes effect July  
22 1, 2021:

23 The section of this Act amending section 256.16, subsection  
24 1, paragraph "c".

25 Sec. 19. EFFECTIVE DATE. The following, being deemed of  
26 immediate importance, take effect upon enactment:

- 27 1. The section of this Act enacting section 256.25.
- 28 2. The section of this Act relating to emergency rules.

29

EXPLANATION

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

32 This bill relates to classroom management by providing for  
33 development and distribution of guidelines, requiring approved  
34 practitioner preparation programs to include preparation  
35 relating to the development of individualized education

1 programs (IEP) and to positive behavioral interventions  
2 and other strategies, prohibiting implementation of what is  
3 commonly referred to as a classroom clear in a student's IEP,  
4 establishing a therapeutic classroom incentive grant program  
5 and fund under the control of the department of education  
6 to provide competitive grants to school districts for the  
7 establishment of therapeutic classrooms, providing for the  
8 submission of reports of violence or assaults by students to  
9 the department of education and the general assembly, making  
10 changes to provisions relating to corporal punishment, and  
11 appropriating moneys.

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

28 PRACTITIONER PREPARATION REQUIREMENTS. Approved  
29 practitioner preparation programs must include preparation  
30 in developing and implementing individualized education  
31 programs and behavioral intervention plans, preparation for  
32 educating individuals in the least restrictive environment,  
33 and strategies to address difficult and violent student  
34 behavior and improve academic engagement and achievement. This  
35 provision takes effect July 1, 2021.

1 THERAPEUTIC CLASSROOM INCENTIVE GRANT AND FUND. A school  
2 district, which may collaborate and partner with one or  
3 more school districts, area education agencies, accredited  
4 nonpublic schools, nonprofit agencies, and institutions that  
5 provide children's mental health services, located in mental  
6 health and disability services regions providing children's  
7 behavioral health services, may apply for a grant to establish  
8 a therapeutic classroom in the school district.

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

14 If state, federal, or private moneys deposited in the  
15 therapeutic classroom incentive fund are sufficient, the  
16 department of education may issue grants to school districts  
17 for the establishment of therapeutic classrooms. The bill  
18 appropriates \$1,582,650 to the fund. Grant moneys shall be  
19 distributed after December 31 but before the start of the  
20 school calendar for start-up costs for a new therapeutic  
21 classroom in the fall semester.

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

26 The therapeutic classroom incentive fund is established  
27 in the state treasury under the control of the department of  
28 education. The department may accept gifts, grants, bequests,  
29 and other private contributions, as well as state or federal  
30 moneys, for deposit in the fund.

31 Placement of a child requiring special education in such a  
32 classroom is subject to the state board's rules and to federal  
33 law. The bill defines "therapeutic classroom". Provisions  
34 relating to the therapeutic classroom incentive grant and fund  
35 take effect upon enactment.



1 If the general assembly appropriates moneys for such  
2 purposes, a school district may submit a claim for  
3 reimbursement for transportation services for students who are  
4 enrolled in the school district or in an accredited nonpublic  
5 school located within the boundaries of the school district,  
6 who have not been assigned a weighting under Code section  
7 256B.9, but who are assigned to a therapeutic classroom that  
8 is located more than 30 miles from the school designated for  
9 attendance or accredited nonpublic school and is operated  
10 by another school district or accredited nonpublic school  
11 under an agreement between the school districts or between a  
12 school district and an accredited nonpublic school. The bill  
13 appropriates \$500,000 from the general fund of the state to the  
14 department of education for the transportation reimbursement  
15 claims, allows the moneys to carryover to the following fiscal  
16 year, and establishes conditions for which the department must  
17 prorate the amount of claims reimbursement. Such claims shall  
18 include the number of eligible pupils transported, the number  
19 of days each pupil was transported, and a listing of the actual  
20 costs incurred. On or before December 1, 2022, the department  
21 shall review the data collected through the claims process  
22 and shall prepare and submit to the general assembly a report  
23 containing an analysis of the efficacy of claims reimbursement  
24 and recommendations for changes as appropriate.

25 A school district that provides a therapeutic classroom  
26 to students enrolled in a school district or an accredited  
27 nonpublic school may submit claims to the department for  
28 students assigned to such a classroom during the preceding  
29 school budget year who are not assigned a weighting under Code  
30 section 256B.9, subsection 1, paragraph "b", "c", or "d", and  
31 for whom behavioral intervention plans have been implemented.  
32 The bill includes a formula for determining the amount of the  
33 claim. The bill provides, for each fiscal year beginning on  
34 or after July 1, 2021, an appropriation from the general fund  
35 of the state to the department an amount necessary to pay all

1 approved claims.

2 An accredited nonpublic school pupil shall be enrolled in a  
3 school district as a shared-time pupil for the school district  
4 to be eligible to submit such claims.

5 The bill directs the department to draw warrants payable to  
6 school districts for such claims by July 1.

7 The bill makes conforming changes relating to state  
8 assistance to school districts for transportation costs.

9 BOARD OF EDUCATIONAL EXAMINERS. The bill requires the  
10 board of educational examiners to address, in its code  
11 of professional rights and responsibilities, practices,  
12 and ethics, the failure of an administrator to address  
13 appropriately reports of violence and assault reported pursuant  
14 to Code section 279.51A.

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

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

35 A classroom teacher must report any incident of violence or

1 assault by a student to the principal.

2       REPORTS OF INSTANCES OF VIOLENCE OR ASSAULT. Each school  
3 district shall report to the department of education, in a  
4 manner prescribed by the department, an annual count of all  
5 instances of violence or assault by a student in a school  
6 building, on school grounds, or at a school-sponsored function,  
7 and any time a student is referred for the use of or transfer to  
8 a therapeutic classroom. The bill describes the information  
9 the report must include, and requires that the department  
10 summarize the reports and submit the summary to the general  
11 assembly by November 1 annually. A teacher or administrator  
12 who submits such a report and meets certain statutory  
13 requirements is immune from civil or criminal liability and  
14 reprisals against such teacher or administrator are prohibited.  
15 Personal information regarding a student in such a report is  
16 confidential.

17       CORPORAL PUNISHMENT. The bill also adds to exemptions under  
18 the statutory provisions relating to corporal punishment of a  
19 student, provides circumstances under which a school employee  
20 shall be granted immunity from civil and criminal liability,  
21 and immunity from disciplinary action by the employer or the  
22 board of educational examiners, which results from reasonable  
23 and necessary physical contact with a student, and establishes  
24 an evidentiary standard for a disciplinary action.

25       Currently, if an employee's physical contact with the body  
26 of a student meets current statutory requirements and is  
27 reasonable and necessary under the circumstances, the physical  
28 contact shall not be considered corporal punishment.

29       To the current circumstances under which a school employee  
30 shall be granted immunity, the bill adds relocating a student  
31 who is causing a severe distraction or disturbance that is  
32 detracting from the educational experience of other students.

33       To prevail in a disciplinary action alleging violation of  
34 the corporal punishment provisions or a related school policy,  
35 the bill provides that the party bringing the action must prove

1 the violation by clear and convincing evidence.

2 EMERGENCY RULEMAKING AUTHORITY. The bill authorizes the  
3 state board of education to adopt emergency rules to implement  
4 the bill. This provision takes effect upon enactment.