

Senate Study Bill 3080 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON SINCLAIR)

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 supplementary weighting
6 for the transportation of certain students to therapeutic
7 classrooms, making an appropriation, and including effective
8 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 standards, guidelines, and expectations
5 for the appropriate and inappropriate responses to behavior
6 in the classroom that presents an imminent threat of bodily
7 injury to a student or another person and for the reasonable,
8 necessary, and appropriate physical restraint of a student.
9 The director shall consult with the area education agencies to
10 create comprehensive and consistent standards and guidance for
11 professional development relating to successfully educating
12 individuals in the least restrictive environment.

13 Sec. 2. Section 256.16, subsection 1, paragraph c, Code
14 2020, is amended to read as follows:

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

27 Sec. 3. NEW SECTION. **256.25 Therapeutic classroom incentive**
28 **grant program — fund.**

29 1. The department shall create a therapeutic classroom
30 incentive grant program to provide competitive grants to school
31 districts for the establishment of therapeutic classrooms.

32 2. A school district, which may collaborate and partner
33 with one or more school districts, area education agencies,
34 and accredited nonpublic schools located in mental health and
35 disability services regions providing children's behavioral

1 health services in accordance with chapter 331, subchapter III,
2 part 6, may apply for a grant under this program to establish a
3 therapeutic classroom in the school district in accordance with
4 this section.

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

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

16 *b.* The total amount of funding awarded for the establishment
17 of therapeutic classrooms for a fiscal year shall not exceed
18 an amount equivalent to the state cost per pupil multiplied by
19 weighting of one and one-half pupil calculated for one hundred
20 fifty pupils.

21 *c.* Grant awards shall be made for the establishment of
22 therapeutic classrooms with one to five pupils, classrooms
23 with six to ten pupils, and classrooms with eleven to fifteen
24 pupils.

25 *d.* For purposes of calculating a therapeutic classroom grant
26 award, the department shall determine grant awards based on the
27 following:

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

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

34 (3) For classrooms with eleven to fifteen pupils, using
35 the state cost per pupil multiplied by weighting of one and

1 one-half pupil multiplied by fifteen.

2 e. Grant moneys shall be distributed after July 1 but before
3 the start of the school calendar for start-up costs for a new
4 therapeutic classroom in the fall semester.

5 5. A therapeutic classroom incentive fund is established
6 in the state treasury under the control of the department.
7 The department may accept gifts, grants, bequests, and other
8 private contributions, as well as state or federal moneys,
9 for deposit in the fund. Moneys available in the therapeutic
10 classroom incentive fund for a fiscal year shall be distributed
11 as grants pursuant to this section.

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

14 2. a. It is the policy of this state to require school
15 districts and state-operated educational programs to provide
16 or make provision, as an integral part of public education,
17 for a free and appropriate public education sufficient to
18 meet the needs of all children requiring special education.
19 This chapter is not to be construed as encouraging separate
20 facilities or segregated programs designed to meet the needs
21 of children requiring special education when the children can
22 benefit from all or part of the education program as offered
23 by the local school district. ~~To the maximum extent possible,~~
24 children Children requiring special education shall, consistent
25 with the least restrictive environment requirements under the
26 federal Individuals with Disabilities Education Act, 20 U.S.C.
27 §1400 et seq., attend regular classes and shall be educated
28 with children who do not require special education.

29 b. (1) Whenever ~~possible~~ reasonable, hindrances to
30 learning and to the normal functioning of children requiring
31 special education within the regular school environment shall
32 be overcome by the provision of special aids and services
33 rather than by separate programs for those in need of special
34 education.

35 (2) Special classes, separate schooling, or other removal

1 of children requiring special education from the regular
2 educational environment, shall occur only when, and to
3 the extent that the nature or severity of the educational
4 disability is such, that education in regular classes, even
5 with the use of supplementary aids and services, cannot be
6 accomplished satisfactorily.

7 (3) Individualized education programs for children
8 requiring special education within the regular school
9 environment shall not include provision for clearing all other
10 students out of the regular classroom in order to calm the
11 child requiring special education.

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

21 Sec. 5. Section 257.11, Code 2020, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 7A. *Transportation to therapeutic*
24 *classrooms.* In order to provide additional funds for school
25 districts to fund transportation services for pupils who are
26 enrolled in the school district or in an accredited nonpublic
27 school located within the boundaries of the school district,
28 but who are assigned to a therapeutic classroom that is
29 located more than thirty miles from the school district of
30 enrollment or accredited nonpublic school and is operated by
31 another school district or accredited nonpublic school under
32 an agreement between the school districts or between a school
33 district and an accredited nonpublic school, a supplementary
34 weighting plan for such pupils is adopted. A supplementary
35 weighting of two-tenths per pupil shall be assigned to

1 such pupils. The department shall prorate the amount of
2 supplementary weighting paid in accordance with this section if
3 the amount of additional funding for all school districts under
4 this section exceeds five hundred thousand dollars.

5 **Sec. 6. NEW SECTION. 279.51A Classroom environment —**
6 **behavioral challenges — reports of violence or assault.**

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

10 2. If a classroom teacher clears all other students from
11 the classroom in accordance with subsection 1, the school
12 district shall, by the end of the school day if possible but at
13 least within twenty-four hours after the incident giving rise
14 to the classroom clearance, notify the parents or guardians
15 of all students assigned to the classroom that was cleared.
16 The principal of the school shall request that the parent or
17 guardian of the student whose behavior caused the classroom
18 clearance meet with the principal, the classroom teacher, and
19 other staff as appropriate, prior to the student's return to
20 the classroom.

21 3. If the student whose behavior caused the classroom
22 clearance has an individualized education program, the
23 classroom teacher may call for and be included in a
24 reevaluation of the student's individualized education program
25 by the student's individualized education program team.

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

29 5. A teacher or administrator employed by a school district
30 may report alleged incidents of violence or assault by a
31 student enrolled in the school district to the commissioner of
32 public safety. The commissioner, pursuant to section 692.19,
33 shall compile and summarize the reports, categorized by alleged
34 behavior, and shall submit the summary to the general assembly
35 and the department of education pursuant to section 692.19. A

1 teacher or administrator who submits a report in accordance
2 with this subsection and who meets the requirements of section
3 280.27 or section 613.21 shall be immune from civil or criminal
4 liability relating to such action, as well as for participating
5 in any administrative or judicial proceeding resulting from or
6 relating to the report pursuant to the provisions of sections
7 280.27 and 613.21. Personal information regarding a student
8 in a report submitted pursuant to this section shall be kept
9 confidential in the same manner as personal information in
10 student records maintained, created, collected, or assembled
11 by or for a school corporation or educational institution in
12 accordance with section 22.7, subsection 1.

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

16 Sec. 7. Section 280.21, subsection 1, Code 2020, is amended
17 to read as follows:

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

34 Sec. 8. Section 280.21, subsection 2, unnumbered paragraph
35 1, Code 2020, is amended to read as follows:

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

10 Sec. 9. Section 280.21, subsection 2, Code 2020, is amended
11 by adding the following new paragraphs:

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

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

19 Sec. 10. Section 280.21, Code 2020, is amended by adding the
20 following new subsection:

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

26 Sec. 11. Section 692.19, Code 2020, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 9. Shall compile and summarize reported
29 incidents of violence or assault by a student enrolled in a
30 school district submitted in accordance with section 279.51A,
31 and shall submit the summary by September 1 annually to the
32 general assembly and the department of education.

33 Sec. 12. DEPARTMENT OF EDUCATION. There is appropriated
34 from the general fund of the state to the department of
35 education for the fiscal year beginning July 1, 2020, and

1 ending June 30, 2021, the following amount, or so much thereof
2 as is necessary, to be used for the purposes designated:

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

9 \$ 500,000

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

18 Sec. 14. EFFECTIVE DATE. The following takes effect July
19 1, 2021:

20 The section of this Act amending section 256.16, subsection
21 1, paragraph "c".

22 Sec. 15. EFFECTIVE DATE. The following, being deemed of
23 immediate importance, take effect upon enactment:

- 24 1. The section of this Act enacting section 256.25.
- 25 2. The section of this Act relating to emergency rules.

26 EXPLANATION

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

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

1 establishing a therapeutic classroom incentive grant program
2 and fund under the control of the department of education
3 to provide competitive grants to school districts for the
4 establishment of therapeutic classrooms, appropriating moneys
5 for the transportation of students to therapeutic classrooms,
6 providing for the submission of reports of alleged violence or
7 assaults by students to the commissioner of public safety, and
8 making changes to provisions relating to corporal punishment.

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

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

29 CLASSROOM CLEAR REQUIREMENTS. Though an IEP developed for a
30 child requiring special education shall not include provision
31 for clearing all other students out of the regular classroom in
32 order to calm the child, a classroom teacher may clear students
33 from a classroom if a student's behavior presents an immediate
34 danger to the health or safety of persons in the classroom. If
35 a teacher clears a classroom in such a situation, the school

1 district must, by the end of the school day optimally or at
2 least within 24 hours of the incident, notify the parents
3 or guardians of all students assigned to the classroom of
4 the action taken to clear the classroom. The principal of
5 the school shall request that the parent or guardian of the
6 student whose behavior caused the classroom clearance meet
7 with the principal, the classroom teacher, and other staff as
8 appropriate, prior to the student's return to the classroom.
9 If the student has an IEP, the classroom teacher may call for
10 and be included in a reevaluation of the student's IEP by the
11 student's IEP team.

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

14 REPORTS TO COMMISSIONER OF PUBLIC SAFETY. A teacher or
15 administrator may report alleged incidents of violence or
16 assault by a student enrolled in the school district to the
17 commissioner of public safety, who shall compile and summarize
18 the reports and submit the summary by September 1 annually
19 to the general assembly and the department of education. A
20 teacher or administrator who submits such a report and meets
21 certain statutory requirements is immune from civil or criminal
22 liability. Personal information regarding a student in such a
23 report is confidential.

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

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

1 If state, federal, or private moneys deposited in the
2 therapeutic classroom incentive fund are sufficient, the
3 department of education may issue grants to school districts
4 for the establishment of therapeutic classrooms. Grant moneys
5 shall be distributed after July 1 but before the start of
6 the school calendar for start-up costs for a new therapeutic
7 classroom in the fall semester.

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

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

17 Provisions relating to the therapeutic classroom incentive
18 grant and fund take effect upon enactment.

19 **TRANSPORTATION TO THERAPEUTIC CLASSROOMS.** Pupils who are
20 enrolled in a school district or in an accredited nonpublic
21 school located within the boundaries of the school district,
22 but who are assigned to a therapeutic classroom that is located
23 more than 30 miles from the school district of enrollment and
24 is operated by another school district or accredited nonpublic
25 school under an agreement between the school districts or
26 between a school district and an accredited nonpublic school,
27 are assigned a supplementary weighting of two-tenths per pupil.
28 The department shall prorate the amount of supplementary
29 weighting paid if the amount of additional funding for all
30 school districts exceeds \$500,000.

31 **CORPORAL PUNISHMENT.** The bill also adds to exemptions under
32 the statutory provisions relating to corporal punishment of a
33 student, provides circumstances under which a school employee
34 shall be granted immunity from civil and criminal liability,
35 and immunity from disciplinary action by the employer or the

1 department of education, which results from reasonable and
2 necessary physical contact with a student, and establishes an
3 evidentiary standard for a disciplinary action.

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

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

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

21 EMERGENCY RULEMAKING AUTHORITY. The bill authorizes the
22 state board of education to adopt emergency rules to implement
23 the bill. This provision takes effect upon enactment.