

House Study Bill 206 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON WHEELER)

A BILL FOR

1 An Act relating to education, including authorizing the
2 ombudsman to investigate complaints received by individuals
3 who hold a license, certificate, authorization, or statement
4 of recognition issued by the board of educational examiners,
5 modifying the responsibilities of school districts,
6 accredited nonpublic schools, and charter schools,
7 and authorizing teachers employed by school districts,
8 accredited nonpublic schools, or charter schools to remove
9 disruptive students from the classroom.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 2C.9, Code 2023, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 2A. Investigate, on complaint, any
4 complaint received by an individual who holds a license,
5 certificate, authorization, or statement of recognition issued
6 by the board of educational examiners related to violence in
7 the classroom, on school property, and any other violations of
8 state law. The ombudsman shall maintain secrecy in respect to
9 the identities of the complainants.

10 Sec. 2. Section 256E.7, subsection 2, Code 2023, is amended
11 by adding the following new paragraphs:

12 NEW PARAGRAPH. *0j.* Be subject to and comply with the
13 requirements of section 280.33 relating to notifications to
14 the parents or guardians of a student in the event a classroom
15 teacher witnesses the student suffer a bodily injury in the
16 same manner as a school district.

17 NEW PARAGRAPH. *00j.* Be subject to and comply with the
18 requirements of section 280.34 relating to prohibiting
19 retaliation against employees or contractors for disclosing
20 certain specified information in the same manner as a school
21 district.

22 NEW PARAGRAPH. *000j.* Be subject to and comply with the
23 requirements of section 280.35 relating to the removal of
24 disruptive students from the classroom in the same manner as
25 a school district.

26 Sec. 3. NEW SECTION. **279.77 Professional development —**
27 **notification.**

28 If a school district requires an employee to participate
29 in a particular professional development program, the school
30 district shall provide notice to the employee indicating the
31 section of the Code, or rules adopted by the state board of
32 education or the board of educational examiners, the school
33 district determines requires the employee to participate in
34 the professional development program. For purposes of this
35 section, "*professional development program*" means the same as

1 defined in section 272.1.

2 Sec. 4. Section 280.21, Code 2023, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 5. A public school district, accredited
5 nonpublic school, or area education agency shall provide to all
6 teachers employed by the public school district, accredited
7 nonpublic school, or area education agency a copy of this
8 section after entering into an initial contract with the
9 teacher and each time the contract is renewed.

10 Sec. 5. NEW SECTION. **280.33 Notice to parents or guardians**
11 **related to student injuries.**

12 A teacher employed by a school district or an accredited
13 nonpublic school shall notify the parent or guardian of a
14 student enrolled in the school district or accredited nonpublic
15 school by telephonic means within twenty-four hours after the
16 teacher witnesses the student suffer a bodily injury.

17 Sec. 6. NEW SECTION. **280.34 Retaliation prohibition.**

18 The board of directors of a school district or the
19 authorities in charge of an accredited nonpublic school
20 shall not take any disciplinary action against an employee
21 or contractor of the school district or accredited nonpublic
22 school for disclosing information to any public official
23 or law enforcement agency, including a disclosure to the
24 ombudsman pursuant to section 2C.9, subsection 2A, if the
25 employee or contractor reasonably believes the information
26 evidences a violation of law or rule, mismanagement, a gross
27 abuse of funds, an abuse of authority, or a substantial and
28 specific danger to public health or safety. For purposes of
29 this section, "*disciplinary action*" includes termination of
30 employment or the contractual relationship, suspension from
31 employment, demotion, financial penalties, and written or
32 verbal reprimands.

33 Sec. 7. NEW SECTION. **280.35 Removal of disruptive students**
34 **from the classroom.**

35 1. As used in this section:

1 *a.* "Administrator" means the same as defined in section
2 272.1.

3 *b.* "School resource officer" means the same as defined in
4 34 U.S.C. §10389.

5 *c.* "Teacher" means the same as defined in section 272.1.

6 2. A teacher employed by a school district or an accredited
7 nonpublic school may remove a disruptive student from the
8 classroom under the supervision of a school resource officer or
9 the lead administrator located in the attendance center.

10 3. *a.* The first time a teacher removes a disruptive student
11 from the classroom pursuant to subsection 2 in a semester, or
12 the trimester or quarter equivalent, the school district or
13 accredited nonpublic school shall do all of the following:

14 (1) Facilitate a counseling session between the student
15 and a school counselor licensed by the board of educational
16 examiners under chapter 272.

17 (2) Place the student in one day of in-school suspension
18 after the counseling session described in subparagraph (1)
19 takes place.

20 *b.* The second time a teacher removes a disruptive student
21 from the classroom pursuant to subsection 2 in a semester, or
22 the trimester or quarter equivalent, the school district or
23 accredited nonpublic school shall do all of the following:

24 (1) Facilitate a counseling session between the student
25 and a school counselor licensed by the board of educational
26 examiners under chapter 272.

27 (2) Place the student in five consecutive school days of
28 in-school suspension after the counseling session described in
29 subparagraph (1) takes place.

30 *c.* The third time a teacher removes a disruptive student
31 from the classroom pursuant to subsection 2 in a school year,
32 the school district or accredited nonpublic school shall
33 permanently expel the student from the teacher's class and,
34 if the student is enrolled in grades nine through twelve, the
35 student shall not receive high school credit for the class.

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EXPLANATION

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

This bill relates to education, including authorizing the ombudsman to investigate complaints received by individuals who hold a license, certificate, authorization, or statement of recognition issued by the board of educational examiners, modifying the responsibilities of school districts, accredited nonpublic schools, and charter schools, and authorizing teachers employed by school districts, accredited nonpublic schools, or charter schools to remove disruptive students from the classroom.

The bill allows the ombudsman to investigate any complaint received by an individual who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners (BOEE) related to violence in the classroom, on school property, and any other violations of state law. The ombudsman must maintain secrecy in respect to the identities of the complainants.

The bill provides that if a school district requires an employee to participate in a particular professional development program, the school district is required to provide notice to the employee indicating the section of the Code, or rules adopted by the state board of education or the BOEE, that the school district determines requires the employee to participate in the professional development program.

Pursuant to Code section 280.21, an employee of a school district, accredited nonpublic school, or area education agency is prohibited from inflicting corporal punishment upon a student. Code section 280.21 provides that physical contact with a student that is reasonable and necessary under the circumstances and that is not designed or intended to cause pain is not corporal punishment. The bill requires school districts, accredited nonpublic schools, and area education agencies to provide to all teachers a copy of Code section

1 280.21 after entering into an initial contract with the teacher
2 and each time the contract is renewed.

3 The bill requires a teacher employed by a school district,
4 accredited nonpublic school, or charter school to notify the
5 parent or guardian of a student enrolled in the school by
6 telephonic means within 24 hours after the teacher witnesses
7 the student suffer a bodily injury.

8 The bill prohibits school districts, accredited nonpublic
9 schools, and charter schools from taking any disciplinary
10 action against an employee or a contractor for disclosing
11 information to any public official or law enforcement agency if
12 the employee or contractor reasonably believes the information
13 evidences a violation of law or rule, mismanagement, a gross
14 abuse of funds, an abuse of authority, or a substantial and
15 specific danger to public health or safety. "Disciplinary
16 action" includes termination of employment or the contractual
17 relationship, suspension from employment, demotion, financial
18 penalties, and written or verbal reprimands.

19 The bill allows a teacher employed by a school district,
20 accredited nonpublic school, or charter school to remove a
21 disruptive student from the classroom under the supervision of
22 a school resource officer or the lead administrator located
23 in the attendance center. The first time a teacher removes a
24 disruptive student from the classroom in a semester the school
25 is required to facilitate a counseling session between the
26 student and a school counselor and place the student in one
27 school day of in-school suspension after the counseling session
28 takes place. The second time a teacher removes a disruptive
29 student from the classroom in a semester the school is required
30 to facilitate a counseling session between the student and a
31 school counselor and place the student in five consecutive
32 school days of in-school suspension after the counseling
33 session takes place. The third time a teacher removes a
34 disruptive student from the classroom in a school year the
35 school is required to permanently expel the student from the

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1 teacher's class and, if the student is enrolled in grades 9
2 through 12, the student shall not receive high school credit
3 for the class.