

**House File 2122 - Introduced**

HOUSE FILE 2122

BY HAYES

**A BILL FOR**

1 An Act relating to the discipline of students who exhibit  
2 disorderly conduct in the classroom and who are enrolled in  
3 school districts, charter schools, or innovation zone schools.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256E.7, subsection 2, Code 2026, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. On. Be subject to and comply with the  
4 requirements of section 279.65B relating to the discipline of  
5 students who exhibit disorderly conduct in the classroom in the  
6 same manner as a school district.

7 Sec. 2. Section 256F.4, subsection 2, Code 2026, is amended  
8 by adding the following new paragraph:

9 NEW PARAGRAPH. v. Be subject to and comply with the  
10 requirements of section 279.65B relating to the discipline of  
11 students who exhibit disorderly conduct in the classroom in the  
12 same manner as a school district.

13 Sec. 3. Section 279.65A, subsection 3, Code 2026, is amended  
14 to read as follows:

15 3. The policies must be consistent with ~~the~~ all of the  
16 following:

17 a. The provisions of chapter 256B~~7~~ and the administrative  
18 rules adopted by the state board for purposes of chapter 256B~~7~~  
19 the.

20 b. The federal Individuals with Disabilities Education Act,  
21 20 U.S.C. §1400 et seq., ~~and the~~

22 c. The federal Rehabilitation Act of 1973, as amended and  
23 codified in 29 U.S.C. §701 et seq.

24 d. Section 279.65B.

25 Sec. 4. NEW SECTION. **279.65B Discipline of students for**  
26 **disorderly conduct.**

27 1. As used in this section:

28 a. "Disorderly conduct" means intentional conduct to which  
29 any of the following applies:

30 (1) Constitutes violent behavior or a threat of violent  
31 behavior.

32 (2) Disrupts, disturbs, or interferes with any services  
33 provided by the school district.

34 (3) Disturbs the peace, order, or discipline within the  
35 classroom.

1     *b.* "Principal" means the same as defined in section 256.145.

2 "Principal" includes all of the following:

3     (1) An assistant principal.

4     (2) A vice principal.

5     (3) An administrator who is responsible for the day-to-day  
6 operations of an attendance center.

7     *c.* "Teacher" means the same as defined in section 256.145.

8     2. *a.* A teacher may exclude from the teacher's classroom and  
9 place under the supervision of the principal any student who does  
10 any of the following while in the teacher's classroom:

11     (1) Engages in disorderly conduct.

12     (2) Threatens, abuses, intimidates, or attempts to intimidate  
13 another student or any school employee.

14     (3) Uses abusive or profane language.

15     *b.* (1) A student who is enrolled in kindergarten through  
16 grade five, and who was excluded from a teacher's classroom  
17 pursuant to paragraph "a", shall not be readmitted to the  
18 teacher's classroom until after the principal provides written  
19 notice to the teacher indicating that the student will be  
20 readmitted.

21     (2) A student who is enrolled in grades six through twelve,  
22 and who was excluded from a teacher's classroom pursuant to  
23 paragraph "a", shall not be readmitted to the teacher's classroom  
24 until after the principal provides written notice to the teacher  
25 indicating that the student will be readmitted. Such student  
26 shall not be readmitted to the teacher's classroom until, at the  
27 earliest, the immediately subsequent school day.

28     3. *a.* If the principal determines that disciplinary action  
29 should be taken against a student who was excluded from a  
30 teacher's classroom pursuant to subsection 2, then the principal  
31 shall do all of the following:

32     (1) Take such disciplinary action.

33     (2) Provide written and, if possible, electronic notice of  
34 such disciplinary action to the student's parent or guardian.

35     *b.* (1) If a student was excluded from a teacher's classroom

1 for the remainder of a school day pursuant to subsection 2  
2 three times in any thirty-day period, then the principal shall  
3 discipline the student by doing any of the following:

4 (a) Assigning the student to either in-school or  
5 out-of-school suspension.

6 (b) Recommending to the superintendent that the student be  
7 placed in an alternative learning environment that has been  
8 approved by the superintendent.

9 (2) If a student was excluded from a teacher's classroom  
10 pursuant to subsection 2 because the student's conduct,  
11 statements, or other actions were severe or pervasive, and,  
12 if requested by the teacher, then the principal shall impose  
13 the maximum amount of punishment applicable to such conduct,  
14 statements, or other actions as provided in policies adopted by  
15 the board of directors of the school district, including placing  
16 the student in an alternative learning environment that has been  
17 approved by the superintendent.

18 4. a. A teacher may appeal all of the following to the board  
19 of directors of the school district:

20 (1) A principal's refusal to allow the teacher to exclude a  
21 student from the teacher's classroom pursuant to subsection 2,  
22 paragraph "a".

23 (2) A principal's readmission of a student to the teacher's  
24 classroom prior to the time such student should have been  
25 readmitted pursuant to subsection 2, paragraph "b".

26 b. The board of directors of a school district shall not  
27 take any disciplinary action against a teacher for exercising the  
28 teacher's appeal rights described in paragraph "a". For purposes  
29 of this paragraph, "disciplinary action" includes termination  
30 of employment or the contractual relationship, suspension from  
31 employment, demotion, financial penalties, failing to take action  
32 regarding a teacher's promotion or proposed promotion, failing  
33 to provide an advantage in employment or the contractual  
34 relationship, and written or verbal reprimands.

35 c. All of the following shall apply if the board of directors

1 of a school district violates paragraph "b":

2 (1) The teacher may enforce the teacher's rights under this  
3 section through a civil action.

4 (2) The board of directors of the school district is  
5 liable to the aggrieved teacher for affirmative relief including  
6 reinstatement, with or without back pay, civil damages in an  
7 amount not to exceed three times the annual wages and benefits  
8 received by the aggrieved teacher prior to the violation of  
9 paragraph "b", and any other equitable relief the court deems  
10 appropriate, including attorney fees and costs.

11 (3) When the board of directors of a school district commits,  
12 is committing, or proposes to commit an act in violation of  
13 paragraph "b", an injunction may be granted through an action in  
14 district court to prohibit the board of directors of the school  
15 district from continuing such acts. The action for injunctive  
16 relief may be brought by an aggrieved teacher, the county  
17 attorney, or the person providing human resource management for  
18 the board of directors of the school district.

19 5. A school district employee shall be granted immunity from  
20 any civil or criminal liability which might otherwise be incurred  
21 or imposed as a result of physical contact that occurs when  
22 the employee is addressing a student's conduct, statements, or  
23 other actions for which the student could be excluded from a  
24 teacher's classroom pursuant to subsection 2 if the physical  
25 contact complies with section 280.21, subsection 2.

26 6. If a teacher faces legal action, disciplinary action, or  
27 professional sanctions for an action the teacher takes under  
28 the teacher's approved classroom management plan, there shall be  
29 a rebuttable presumption in such proceeding that the teacher's  
30 action was necessary to restore and maintain the safety or  
31 instruction atmosphere of the teacher's classroom.

32 7. The board of directors of a school district shall  
33 immediately grant a teacher a leave of absence for physical and  
34 mental recovery with full pay for at least five days if the  
35 teacher is injured due to a student's disorderly conduct.

1 8. Each principal shall carry out the principal's  
2 responsibilities under this section in an expeditious manner, and  
3 shall do all of the following in an expeditious manner:

4 a. Carry out all manifestation determination review meetings,  
5 as required under section 504 of the federal Rehabilitation Act,  
6 29 U.S.C. §794.

7 b. Impose the appropriate amount of punishment in accordance  
8 with policies adopted by the board of directors of the school  
9 district and federal law.

10 c. Perform functional behavior assessments as needed.

11 d. Adjust behavioral intervention plans as needed.

12 9. This section shall not be construed to do any of the  
13 following:

14 a. Infringe on any right provided to any student under  
15 federal law, including but not limited to all of the following:

16 (1) Section 504 of the federal Rehabilitation Act, 29 U.S.C.  
17 §794.

18 (2) The federal Individuals with Disabilities Education Act,  
19 20 U.S.C. §1400 et seq.

20 (3) The federal Family Educational Rights and Privacy Act, 20  
21 U.S.C. §1232g.

22 (4) The federal Americans with Disabilities Act of 1990, 42  
23 U.S.C. §12101 et seq.

24 b. Supersede, abrogate, or preempt any federal law, rule, or  
25 regulation.

26 c. Relieve any person from any duties, obligations, or  
27 requirements imposed by federal law.

28 **EXPLANATION**

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

31 This bill relates to the discipline of students who exhibit  
32 disorderly conduct in the classroom and who are enrolled in  
33 school districts, charter schools, or innovation zone schools.

34 The bill authorizes a teacher to exclude from the teacher's  
35 classroom and place under the supervision of the principal

1 any student who, while in the teacher's classroom, engages in  
2 disorderly conduct; threatens, abuses, intimidates, or attempts  
3 to intimidate another student or any school employee; or uses  
4 abusive or profane language. A student who is enrolled in  
5 kindergarten through grade five, and who was excluded from a  
6 teacher's classroom, shall not be readmitted to the teacher's  
7 classroom until after the principal provides written notice to  
8 the teacher indicating that the student will be readmitted. A  
9 student who is enrolled in grades 6 through 12, and who was  
10 excluded from a teacher's classroom, shall not be readmitted  
11 to the teacher's classroom until after the principal provides  
12 written notice to the teacher indicating that the student will  
13 be readmitted, and such student shall not be readmitted to  
14 the teacher's classroom until, at the earliest, the immediately  
15 subsequent school day.

16 The bill provides that if the principal determines that  
17 disciplinary action should be taken against a student who was  
18 excluded from a teacher's classroom pursuant to the bill's  
19 provisions, then the principal is required to take such  
20 disciplinary action and provide notice of such disciplinary  
21 action to the student's parent or guardian. If a student  
22 was excluded from a teacher's classroom for the remainder  
23 of a school day three times in any 30-day period, then the  
24 principal is required to discipline the student by either  
25 assigning the student to in-school or out-of-school suspension  
26 or recommending to the superintendent that the student be placed  
27 in an alternative learning environment that has been approved by  
28 the superintendent. In addition, if a student was excluded from  
29 a teacher's classroom because the student's conduct, statements,  
30 or other actions were severe or pervasive, then, if requested  
31 by the teacher, the principal shall impose the maximum amount  
32 of punishment applicable to such conduct, statements, or other  
33 actions as provided in policies adopted by the board of directors  
34 of the school district or the governing board of the charter  
35 school or innovation zone school.

1 The bill authorizes a teacher to appeal a principal's refusal  
2 to allow the teacher to exclude a student from the teacher's  
3 classroom, and a principal's readmission of a student to a  
4 teacher's classroom prior to the time such student should have  
5 been readmitted, to the board of directors of the school district  
6 or the governing board of the charter school or innovation zone  
7 school. The bill prohibits the board of directors of a school  
8 district or the governing board of a charter school or innovation  
9 zone school from taking any disciplinary action against a teacher  
10 for exercising the teacher's appeal rights provided in the bill.  
11 The bill establishes enforcement mechanisms in the event the  
12 board of directors of the school district or the governing  
13 board of the charter school or innovation zone school does  
14 take a disciplinary action against a teacher for exercising the  
15 teacher's appeal rights provided in the bill.

16 The bill grants school district, charter school, and  
17 innovation zone school employees immunity from any civil or  
18 criminal liability which might otherwise be incurred or imposed  
19 as a result of physical contact that occurs when the employee is  
20 addressing a student's conduct, statements, or other actions for  
21 which the student could be excluded from a teacher's classroom  
22 if the physical contact complies with Code section 280.21(2)  
23 (corporal punishment — burden of proof).

24 The bill provides that if a teacher faces legal action,  
25 disciplinary action, or professional sanctions for an action the  
26 teacher takes under the teacher's approved classroom management  
27 plan, there shall be a rebuttable presumption in such proceeding  
28 that the teacher's action was necessary to restore and maintain  
29 the safety or instruction atmosphere of the teacher's classroom.

30 The bill requires the board of directors of a school district  
31 and the governing board of a charter school or innovation zone  
32 school to immediately grant a teacher a leave of absence for  
33 physical and mental recovery with full pay for at least five days  
34 if the teacher is injured due to a student's disorderly conduct.

35 The bill requires a principal to carry out the principal's

1 responsibilities under the bill's provisions in an expeditious  
2 manner and to carry out other specified responsibilities in an  
3 expeditious manner.

4 The bill requires the policies adopted by the board of  
5 directors of each school district and the governing board of  
6 each charter school pursuant to Code section 279.65A (discipline  
7 of students who make threats of violence or cause incidents of  
8 violence) to be consistent with the bill's provisions.

9 The bill defines "disorderly conduct", "principal", and  
10 "teacher".

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