

House File 2538 - Introduced

HOUSE FILE 2538
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2122)

A BILL FOR

1 An Act relating to education, including by modifying provisions
2 related to the Iowa school performance profiles published
3 by the department of education, the discipline of students
4 enrolled in school districts, charter schools, and innovation
5 zone schools who exhibit disorderly conduct in the classroom,
6 and authorizing teachers to request a meeting of a student's
7 individualized education program team.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **256.20 School performance grades**
2 **and report cards.**

3 1. a. The department shall develop criteria and a process
4 for school districts to use to establish specific performance
5 goals and to evaluate the performance of each attendance center
6 operated by the school district in order to arrive at an overall
7 school performance grade and report card for each attendance
8 center. The criteria must include but are not limited to all of
9 the following:

- 10 (1) Student academic growth.
- 11 (2) Parental involvement.
- 12 (3) Student attendance.
- 13 (4) Employee turnover.
- 14 (5) Community activities and involvement.

15 b. The department shall post the information described in
16 paragraph "a" on the department's internet site with information
17 for each attendance center listed separately.

18 2. a. The department shall develop an achievement score that
19 calculates aggregate growth as well as aggregate proficiency
20 of students which when combined with other academic indicators
21 results in an overall school performance grade for each
22 attendance center in the school district.

23 b. For purposes of calculating the performance grade, if a
24 student returns to the school after dropping out and subsequently
25 drops out again, the student's second or subsequent dropping out
26 of school shall not adversely affect the school district's or
27 attendance center's performance grade.

28 c. (1) For purposes of calculating the performance grade,
29 the school district's or attendance center's performance grade
30 shall be positively affected by the school district's efforts to
31 create a safe learning environment, including by doing any of the
32 following:

33 (a) Suspending or expelling a student due to the student's
34 disorderly conduct.

35 (b) Contacting law enforcement due to a student's disorderly

1 conduct.

2 (2) For purposes of this paragraph, "disorderly conduct"
3 means intentional conduct to which any of the following applies:

4 (a) Constitutes violent behavior or a threat of violent
5 behavior.

6 (b) Disrupts, disturbs, or interferes with any services
7 provided by the school district.

8 (c) Disturbs the peace, order, or discipline within the
9 classroom.

10 3. a. The performance grade may also be used as one measure
11 to rank and classify schools into the following performance
12 categories:

13 (1) Exceptional.

14 (2) High performing.

15 (3) Commendable.

16 (4) Acceptable.

17 (5) Needs improvement.

18 (6) Priority.

19 b. The categories described in paragraph "a" may be used to
20 do all of the following:

21 (1) Define support and specialized assistance to schools
22 classified as needs improvement or priority.

23 (2) Recognize schools designated exceptional or high
24 performing.

25 c. The department shall calculate a closing gap score as
26 another measure to determine subgroup performance and to rank and
27 classify attendance centers.

28 4. a. When calculating the performance grade, the department
29 shall utilize other academic-related indicators, including but
30 not limited to all of the following:

31 (1) Graduation rates.

32 (2) Attendance rates.

33 (3) College-readiness rates.

34 (4) Efforts to create a safe learning environment.

35 b. When calculating the performance grade, the department

1 may utilize other indicators of academic success and progress,
2 including all of the following:

- 3 (1) Post-graduation data.
- 4 (2) Suspension and expulsion rates.
- 5 (3) Levels of student engagement.
- 6 (4) Parent satisfaction.
- 7 (5) Parent engagement.
- 8 (6) Employee working conditions.

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

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

15 Sec. 3. Section 256F.4, subsection 2, Code 2026, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. *v.* Be subject to and comply with the
18 requirements of section 279.65B relating to the discipline of
19 students who exhibit disorderly conduct in the classroom in the
20 same manner as a school district.

21 Sec. 4. Section 279.65A, subsection 3, Code 2026, is amended
22 to read as follows:

23 3. The policies must be consistent with ~~the~~ all of the
24 following:

25 a. The provisions of chapter 256B, and the administrative
26 rules adopted by the state board for purposes of chapter 256B,
27 ~~the.~~

28 b. The federal Individuals with Disabilities Education Act,
29 20 U.S.C. §1400 et seq., ~~and the~~

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

32 d. Section 279.65B.

33 Sec. 5. NEW SECTION. **279.65B Discipline of students for**
34 **disorderly conduct.**

35 1. As used in this section:

1 a. "Disorderly conduct" means intentional conduct to which
2 any of the following applies:

3 (1) Constitutes violent behavior or a threat of violent
4 behavior.

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

7 (3) Disturbs the peace, order, or discipline within the
8 classroom.

9 b. "Principal" means the same as defined in section 256.145.
10 "Principal" includes all of the following:

11 (1) An assistant principal.

12 (2) A vice principal.

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

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

16 2. a. A teacher may exclude from the teacher's classroom and
17 place under the supervision of the principal any student who does
18 any of the following while in the teacher's classroom:

19 (1) Engages in disorderly conduct.

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

22 (3) Uses abusive or profane language.

23 b. (1) A student who is enrolled in kindergarten through
24 grade five, and who was excluded from a teacher's classroom
25 pursuant to paragraph "a", shall not be readmitted to the
26 teacher's classroom until after the principal provides written
27 notice to the teacher indicating that the student will be
28 readmitted.

29 (2) A student who is enrolled in grades six through twelve,
30 and who was excluded from a teacher's classroom pursuant to
31 paragraph "a", shall not be readmitted to the teacher's classroom
32 until after the principal provides written notice to the teacher
33 indicating that the student will be readmitted. Such student
34 shall not be readmitted to the teacher's classroom until, at the
35 earliest, the immediately subsequent school day.

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

5 (1) Take such disciplinary action.

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

8 b. (1) If a student was excluded from a teacher's classroom
9 for the remainder of a school day pursuant to subsection 2
10 three times in any thirty-day period, then the principal shall
11 discipline the student by doing any of the following:

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

14 (b) Recommending to the superintendent that the student be
15 located in an alternative learning environment that has been
16 approved by the superintendent.

17 (2) If a student was excluded from a teacher's classroom
18 pursuant to subsection 2 because the student's conduct,
19 statements, or other actions were severe or pervasive, and,
20 if requested by the teacher, then the principal shall impose
21 the maximum amount of punishment applicable to such conduct,
22 statements, or other actions as provided in policies adopted by
23 the board of directors of the school district, including placing
24 the student in an alternative learning environment that has been
25 approved by the superintendent.

26 4. If a student who has an individualized education program
27 was excluded from a teacher's classroom pursuant to subsection 2,
28 then all of the following shall apply:

29 a. Any employees of the school district who do not hold a
30 license issued by the board of educational examiners, including
31 para-educators and bus drivers, and who were directly involved
32 in the student's conduct, statements, or other actions that led
33 to exclusion from the classroom, shall participate in the meeting
34 of the student's individualized education program team that takes
35 place immediately subsequent to the student's exclusion from the

1 classroom.

2 b. In the meeting of the student's individualized education
3 program team that takes place immediately subsequent to
4 the student's exclusion from the classroom, the student's
5 individualized education program team shall discuss all of the
6 following:

7 (1) The appropriateness of the student's current educational
8 programming.

9 (2) Whether adjustments need to be made to the student's
10 individualized education program to address the student's
11 behaviors.

12 (3) Whether the student's current placement or an alternative
13 learning environment would best provide the student with a free
14 appropriate public education.

15 (4) The accommodations, modifications, and adaptations that
16 are required to allow the student to be successful in a general
17 education setting, what supports are needed to assist the
18 teacher and other school district employees in providing those
19 accommodations, modifications, and adaptations, and whether it
20 is possible for the school district to provide those supports,
21 accommodations, modifications, and adaptations.

22 (5) Whether and to what extent the provision of special
23 education services and activities in the general education
24 environment will impact the student and the other students in the
25 classroom.

26 c. If the student was excluded from the classroom five or
27 more times within any fifteen-consecutive-school-day period, then
28 the student's individualized education program team shall meet to
29 discuss the student's behavior.

30 5. a. A teacher may appeal all of the following to the board
31 of directors of the school district:

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

35 (2) A principal's readmission of a student to the teacher's

1 classroom prior to the time such student should have been
2 readmitted pursuant to subsection 2, paragraph "b".

3 b. The board of directors of a school district shall not
4 take any disciplinary action against a teacher for exercising the
5 teacher's appeal rights described in paragraph "a". For purposes
6 of this paragraph, "disciplinary action" includes termination
7 of employment or the contractual relationship, suspension from
8 employment, demotion, financial penalties, failing to take action
9 regarding a teacher's promotion or proposed promotion, failing
10 to provide an advantage in employment or the contractual
11 relationship, and written or verbal reprimands.

12 c. All of the following shall apply if the board of directors
13 of a school district violates paragraph "b":

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

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

23 (3) When the board of directors of a school district commits,
24 is committing, or proposes to commit an act in violation of
25 paragraph "b", an injunction may be granted through an action in
26 district court to prohibit the board of directors of the school
27 district from continuing such acts. The action for injunctive
28 relief may be brought by an aggrieved teacher, the county
29 attorney, or the person providing human resource management for
30 the board of directors of the school district.

31 6. A school district employee shall be granted immunity from
32 any civil or criminal liability which might otherwise be incurred
33 or imposed as a result of physical contact that occurs when
34 the employee is addressing a student's conduct, statements, or
35 other actions for which the student could be excluded from a

1 teacher's classroom pursuant to subsection 2 if the physical
2 contact complies with section 280.21, subsection 2.

3 7. If a teacher faces legal action, disciplinary action, or
4 professional sanctions for an action the teacher takes under
5 the teacher's approved classroom management plan, there shall be
6 a rebuttable presumption in such proceeding that the teacher's
7 action was necessary to restore and maintain the safety or
8 instruction atmosphere of the teacher's classroom.

9 8. The board of directors of a school district shall
10 immediately grant a teacher a leave of absence for physical and
11 mental recovery with full pay for at least five days if the
12 teacher is injured due to a student's disorderly conduct.

13 9. Each principal shall carry out the principal's
14 responsibilities under this section in an expeditious manner, and
15 shall do all of the following in an expeditious manner:

16 a. Carry out all manifestation determination review meetings,
17 as required under section 504 of the federal Rehabilitation Act,
18 29 U.S.C. §794.

19 b. Impose the appropriate amount of punishment in accordance
20 with policies adopted by the board of directors of the school
21 district and federal law.

22 c. Perform functional behavior assessments as needed.

23 d. Adjust behavioral intervention plans as needed.

24 10. This section shall not be construed to do any of the
25 following:

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

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

30 (2) The federal Individuals with Disabilities Education Act,
31 20 U.S.C. §1400 et seq.

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

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

1 b. Supersede, abrogate, or preempt any federal law, rule, or
2 regulation.

3 c. Relieve any person from any duties, obligations, or
4 requirements imposed by federal law.

5 Sec. 6. NEW SECTION. **279.89 Teacher authority to request a**
6 **meeting of a student's individualized education program team.**

7 1. For purposes of this section:

8 a. "Administrator" means the same as defined in section
9 256.145.

10 b. "Teacher" means the same as defined in section 256.145.

11 2. A teacher may request a meeting of a student's
12 individualized education program team at any time by submitting
13 an electronic or written request to an administrator.

14 3. An administrator may deny a teacher's request for a
15 meeting of a student's individualized education program team
16 submitted pursuant to subsection 2; provided, however, that such
17 a denial must satisfy all of the following requirements:

18 a. Be provided to the teacher in writing.

19 b. Describe why applicable federal law does not require the
20 meeting of the student's individualized education program team.

21 Sec. 7. REPEAL. 2013 Iowa Acts, chapter 121, is repealed.

22 **EXPLANATION**

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

25 This bill relates to education, including by modifying
26 provisions related to the Iowa school performance profiles
27 published by the department of education; the discipline of
28 students enrolled in school districts, charter schools, and
29 innovation zone schools who exhibit disorderly conduct in the
30 classroom; and authorizing teachers to request a meeting of a
31 student's individualized education program team.

32 Pursuant to the federal Every Student Succeeds Act and 2013
33 Iowa Acts, chapter 121, section 73, the department of education
34 is required to publish on the department's internet site an
35 online tool showing how public schools performed on certain

1 required measures. The bill repeals 2013 Iowa Acts, chapter
2 121, and codifies the substance of the requirements contained
3 in section 73 in new Code section 256.20. The bill provides
4 that for purposes of calculating a performance grade for a
5 school district or an attendance center, a school district's
6 or attendance center's performance grade shall be positively
7 affected by the school district's efforts to create a safe
8 learning environment, including by suspending or expelling a
9 student due to the student's disorderly conduct or contacting law
10 enforcement due to the student's disorderly conduct.

11 The bill authorizes a teacher to exclude from the teacher's
12 classroom and place under the supervision of the principal
13 any student who, while in the teacher's classroom, engages in
14 disorderly conduct; threatens, abuses, intimidates, or attempts
15 to intimidate another student or any school employee; or uses
16 abusive or profane language. A student who is enrolled in
17 kindergarten through grade five, and who was excluded from a
18 teacher's classroom, shall not be readmitted to the teacher's
19 classroom until after the principal provides written notice to
20 the teacher indicating that the student will be readmitted. A
21 student who is enrolled in grades 6 through 12, and who was
22 excluded from a teacher's classroom, shall not be readmitted
23 to the teacher's classroom until after the principal provides
24 written notice to the teacher indicating that the student will
25 be readmitted, and such student shall not be readmitted to
26 the teacher's classroom until, at the earliest, the immediately
27 subsequent school day.

28 The bill provides that if the principal determines that
29 disciplinary action should be taken against a student who was
30 excluded from a teacher's classroom pursuant to the bill's
31 provisions, then the principal is required to take such
32 disciplinary action and provide notice of such disciplinary
33 action to the student's parent or guardian. If a student
34 was excluded from a teacher's classroom for the remainder
35 of a school day three times in any 30-day period, then the

1 principal is required to discipline the student by either
2 assigning the student to in-school or out-of-school suspension
3 or recommending to the superintendent that the student be placed
4 in an alternative learning environment that has been approved by
5 the superintendent. In addition, if a student was excluded from
6 a teacher's classroom because the student's conduct, statements,
7 or other actions were severe or pervasive, then, if requested
8 by the teacher, the principal shall impose the maximum amount
9 of punishment applicable to such conduct, statements, or other
10 actions as provided in policies adopted by the board of directors
11 of the school district or the governing board of the charter
12 school or innovation zone school.

13 The bill authorizes a teacher to appeal a principal's refusal
14 to allow the teacher to exclude a student from the teacher's
15 classroom, and a principal's readmission of a student to a
16 teacher's classroom prior to the time such student should have
17 been readmitted, to the board of directors of the school district
18 or the governing board of the charter school or innovation zone
19 school. The bill prohibits the board of directors of a school
20 district or the governing board of a charter school or innovation
21 zone school from taking any disciplinary action against a teacher
22 for exercising the teacher's appeal rights provided in the bill.
23 The bill establishes enforcement mechanisms in the event the
24 board of directors of the school district or the governing
25 board of the charter school or innovation zone school does
26 take a disciplinary action against a teacher for exercising the
27 teacher's appeal rights provided in the bill.

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

1 The bill provides that if a teacher faces legal action,
2 disciplinary action, or professional sanctions for an action the
3 teacher takes under the teacher's approved classroom management
4 plan, there shall be a rebuttable presumption in such proceeding
5 that the teacher's action was necessary to restore and maintain
6 the safety or instruction atmosphere of the teacher's classroom.

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

12 The bill requires a principal to carry out the principal's
13 responsibilities under the bill's provisions in an expeditious
14 manner and to carry out other specified responsibilities in an
15 expeditious manner.

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

21 The bill authorizes a teacher to request a meeting of a
22 student's individualized education program team at any time by
23 submitting an electronic or written request to an administrator.
24 An administrator may deny such a request if the denial is
25 provided to the teacher in writing and describes why applicable
26 federal law does not require such a meeting.

27 The bill defines "administrator", "disorderly conduct",
28 "principal", and "teacher".