

**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  
5 innovation zone schools who exhibit disorderly conduct in  
6 the classroom, and authorizing teachers to request a meeting  
7 of a student's 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  
6 center operated by the school district in order to arrive at  
7 an overall school performance grade and report card for each  
8 attendance center. The criteria must include but are not  
9 limited to all of 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  
16 in paragraph "a" on the department's internet site with  
17 information for each attendance center listed separately.

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

23 b. For purposes of calculating the performance grade,  
24 if a student returns to the school after dropping out and  
25 subsequently drops out again, the student's second or  
26 subsequent dropping out of school shall not adversely affect  
27 the school district's or 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  
31 to create a safe learning environment, including by doing any  
32 of the 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

1 disorderly conduct.

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

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

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

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

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

14 (1) Exceptional.

15 (2) High performing.

16 (3) Commendable.

17 (4) Acceptable.

18 (5) Needs improvement.

19 (6) Priority.

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

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

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

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

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

32 (1) Graduation rates.

33 (2) Attendance rates.

34 (3) College-readiness rates.

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

1     *b.* When calculating the performance grade, the department  
2 may utilize other indicators of academic success and progress,  
3 including all of the following:

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

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

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

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

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

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

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

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

29    b. The federal Individuals with Disabilities Education Act,  
30 20 U.S.C. §1400 et seq., ~~and the~~

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

33    d. Section 279.65B.

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

1 1. As used in this section:

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

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

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

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

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

11 "*Principal*" includes all of the following:

12 (1) An assistant principal.

13 (2) A vice principal.

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

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

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

20 (1) Engages in disorderly conduct.

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

23 (3) Uses abusive or profane language.

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

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

35 Such student shall not be readmitted to the teacher's classroom

1 until, at the earliest, the immediately subsequent school day.

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

6 (1) Take such disciplinary action.

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

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

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

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

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

27 4. If a student who has an individualized education program  
28 was excluded from a teacher's classroom pursuant to subsection  
29 2, then all of the following shall apply:

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

1 team that takes place immediately subsequent to the student's  
2 exclusion from the classroom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 6. A school district employee shall be granted immunity  
34 from any civil or criminal liability which might otherwise  
35 be incurred or imposed as a result of physical contact that

1 occurs when the employee is addressing a student's conduct,  
2 statements, or other actions for which the student could be  
3 excluded from a teacher's classroom pursuant to subsection 2 if  
4 the physical contact complies with section 280.21, subsection  
5 2.

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

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

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

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

22 b. Impose the appropriate amount of punishment in accordance  
23 with policies adopted by the board of directors of the school  
24 district and federal law.

25 c. Perform functional behavior assessments as needed.

26 d. Adjust behavioral intervention plans as needed.

27 10. This section shall not be construed to do any of the  
28 following:

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

31 (1) Section 504 of the federal Rehabilitation Act, 29 U.S.C.  
32 §794.

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

35 (3) The federal Family Educational Rights and Privacy Act,

1 20 U.S.C. §1232g.

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

4 *b.* Supersede, abrogate, or preempt any federal law, rule,  
5 or regulation.

6 *c.* Relieve any person from any duties, obligations, or  
7 requirements imposed by federal law.

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

10 1. For purposes of this section:

11 *a.* "Administrator" means the same as defined in section  
12 256.145.

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

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

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

21 *a.* Be provided to the teacher in writing.

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

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

25 EXPLANATION

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

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

35 Pursuant to the federal Every Student Succeeds Act and 2013

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

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

31 The bill provides that if the principal determines that  
32 disciplinary action should be taken against a student who was  
33 excluded from a teacher's classroom pursuant to the bill's  
34 provisions, then the principal is required to take such  
35 disciplinary action and provide notice of such disciplinary

1 action to the student's parent or guardian. If a student  
2 was excluded from a teacher's classroom for the remainder  
3 of a school day three times in any 30-day period, then the  
4 principal is required to discipline the student by either  
5 assigning the student to in-school or out-of-school suspension  
6 or recommending to the superintendent that the student be  
7 placed in an alternative learning environment that has been  
8 approved by the superintendent. In addition, if a student  
9 was excluded from a teacher's classroom because the student's  
10 conduct, statements, or other actions were severe or pervasive,  
11 then, if requested by the teacher, the principal shall impose  
12 the maximum amount of punishment applicable to such conduct,  
13 statements, or other actions as provided in policies adopted by  
14 the board of directors of the school district or the governing  
15 board of the charter school or innovation zone school.

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

32 The bill grants school district, charter school, and  
33 innovation zone school employees immunity from any civil or  
34 criminal liability which might otherwise be incurred or imposed  
35 as a result of physical contact that occurs when the employee

1 is addressing a student's conduct, statements, or other actions  
2 for which the student could be excluded from a teacher's  
3 classroom if the physical contact complies with Code section  
4 280.21(2) (corporal punishment — burden of proof).

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

12 The bill requires the board of directors of a school district  
13 and the governing board of a charter school or innovation zone  
14 school to immediately grant a teacher a leave of absence for  
15 physical and mental recovery with full pay for at least five  
16 days if the teacher is injured due to a student's disorderly  
17 conduct.

18 The bill requires a principal to carry out the principal's  
19 responsibilities under the bill's provisions in an expeditious  
20 manner and to carry out other specified responsibilities in an  
21 expeditious manner.

22 The bill requires the policies adopted by the board of  
23 directors of each school district and the governing board  
24 of each charter school pursuant to Code section 279.65A  
25 (discipline of students who make threats of violence or  
26 cause incidents of violence) to be consistent with the bill's  
27 provisions.

28 The bill authorizes a teacher to request a meeting of  
29 a student's individualized education program team at any  
30 time by submitting an electronic or written request to an  
31 administrator. An administrator may deny such a request if the  
32 denial is provided to the teacher in writing and describes why  
33 applicable federal law does not require such a meeting.

34 The bill defines "administrator", "disorderly conduct",  
35 "principal", and "teacher".