



[HF 604](#) – Education, Disruptive Students and Teacher Complaints (LSB2259HV.1)
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Fiscal Note Version – As amended and passed by the House

Description

[House File 604](#) makes a number of changes to how school districts handle discipline, professional development, and employee complaints.

The Bill requires the Director of the Department of Education (DE) to develop and distribute a list of all professional development programs and other training programs in which employees of school districts are required to participate pursuant to federal or State law. If a school district or charter school requires an employee to take part in a particular professional development program, the Bill requires the district or school to provide notice to the employee indicating the section of the Iowa Code, State Board of Education rules, or Board of Educational Examiners rules that require the employee's participation.

The Bill permits teachers to remove disruptive students from a classroom under the supervision of a school resource officer or lead administrator. The Bill requires school districts and charter schools to adopt a policy that describes when a teacher may remove a disruptive student from the classroom. The policy must provide for escalating levels of discipline each time a disruptive student is removed from the classroom, including, at a minimum, all of the following:

- After the first removal of a student in a semester or semester equivalent, the school is required to facilitate a counseling session between the student and a school counselor and place the student in one school day of in-school suspension.
- After the second removal of a student in a semester or semester equivalent, the school is required to facilitate a counseling session between the student and a school counselor and place the student in five school days of in-school suspension.
- After the third removal of a student in a semester or semester equivalent, the school is required to consider placing the student in an alternative learning environment, including a therapeutic classroom.

The Bill requires any teacher employed by a school district to report any incident of violence that results in injury or property damage or an assault by a student enrolled in the school to the principal or lead administrator of the school. The principal or lead administrator is then required to notify the parent of the student responsible for the incident within 24 hours.

Finally, the Bill allows the State Ombudsman to investigate, upon complaint, any complaint received by a licensed school official related to violence in the classroom or on school property. The Ombudsman is required to maintain secrecy in respect to the identities of the complainants and to provide the results of the investigation to the Board of Educational Examiners and the DE. The Bill also prohibits school districts from taking any disciplinary action against any school employee or contractor who discloses information to any public official or law enforcement agency, including the Ombudsman.

Background

Under Iowa Code chapter [2C](#), the State Ombudsman may accept a complaint from any source regarding any administrative action of any agency, including school districts. The Bill specifies that the Ombudsman may investigate violence in the classroom or on school property “upon complaint.” Iowa Code chapter 2C also allows the Ombudsman to investigate more than violations of the law, including any administrative action that might be:

- Contrary to law or regulation.
- Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency’s functioning, even though in accordance with law.
- Based on a mistake of law or arbitrary in ascertainties of fact.
- Based on improper motivation or irrelevant consideration.
- Unaccompanied by an adequate statement of reasons.

According to the Department of Education, there were 63,667 instances of students being removed from classrooms in the 2021-2022 school year. Of those, approximately 29,991 (47.1%) involved violence.

Assumptions

- An entry-level Assistant Ombudsman 1 can review approximately 400 cases per year.
- The salary and benefits for an entry-level Assistant Ombudsman 1 is approximately \$89,000 per year.
- It is not possible to estimate the number of cases of removal that will be reported to the Ombudsman. For the purposes of this estimate, between 1.0% and 4.0% of classroom removals may be reported to and require investigation by the Ombudsman.

Fiscal Impact

There is no fiscal impact to school districts from the provisions regarding professional development programs or school discipline.

The estimated cost to the State of the provisions regarding the Ombudsman is between \$89,000 and \$267,000 per year to investigate between 300 and 1,200 cases. For every 1.25% of the total cases of removal for violence that are reported to the State Ombudsman, 1.0 additional full-time equivalent (FTE) position would be required at a cost of \$89,000 per year.

Sources

Office of Ombudsman
Department of Education

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
