

Classroom Environment and Therapeutic Classrooms Bill Senate File 2360

Last Action:

Final Action

June 11, 2020

An Act relating to classroom management and related practitioner preparation procedures for reporting classroom violence and assaults, to corporal punishment, establishing a grant program and fund for creation of therapeutic classrooms, providing claims reimbursement to school districts for costs relating to therapeutic classrooms, making appropriations, and including effective date provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis

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FUNDING SUMMARY

FY 2022: Senate File 2360 appropriates a total of \$2.6 million from the General Fund for FY 2022. The funding includes:

- \$500,000 for the Department of Education to develop, establish, and distribute standards, guidelines, and expectations relating to behavior in the classroom, restraint of a student, professional development relating to educating individuals in the least restrictive environment, and research-based intervention strategies.
- \$1.6 million to the Department of Education for the Therapeutic Classroom Incentive Fund.
- \$500,000 to the Department of Education for reimbursement funding to school districts for the transportation of students to therapeutic classrooms.

STUDIES AND INTENT

Required Reports

Directs the Department of Education to review data collected through the claims process and prepare and submit a report to the General Assembly by December 1, 2023, on the efficacy of claims reimbursement and recommendations for changes as necessary.

Page 5, Line 34

SIGNIFICANT CODE CHANGES

Directs the Department of Education to provide guidance on responses to behavior in the classroom, restraint of a student, and educating individuals in the least restrictive environment and for evidence-based interventions.

Page 2, Line 3

Specifies that criteria for teacher preparation programs will include developing and implementing individualized education programs (IEPs), behavior intervention plans, preparation for educating individuals in the least restrictive environment, and strategies to address violent student behavior.

Page 2, Line 19

Requires the Department of Education to establish a Therapeutic Classroom Incentive Grant Program.

Page 2, Line 35

Establishes a Therapeutic Classroom Incentive Fund to provide grants for therapeutic classrooms.

Page 4, Line 22

Permits a school district to submit claims to the Department of Education for the transportation of students not assigned a weighting under Iowa Code section [256B.9](#) to therapeutic classrooms located more than 30 miles from the student's school district of enrollment or accredited nonpublic school. Payment of the claims are subject to a General Fund appropriation.

Page 5, Line 21

EXECUTIVE SUMMARY

SENATE FILE 2360

CLASSROOM ENVIRONMENT AND THERAPEUTIC CLASSROOMS BILL

Permits a school district that provides a therapeutic classroom to students enrolled in a public or nonpublic school to submit a claim for reimbursement if the student has not been assigned a weighting under Iowa Code section [256B.9](#).

Page 6, Line 16

Allows for a student attending an accredited nonpublic school or receiving competent private instruction who is assigned to a therapeutic classroom to be counted as a shared-time student for State foundation aid purposes.

Page 7, Line 2

Provides guidance for placement of special education students.

Page 7, Line 34

Restricts the inclusion of classroom clearances in IEPs and behavior intervention plans unless necessary to prevent or terminate an imminent threat of bodily injury to a student or another person in the classroom.

Page 8, Line 27

Amends the Transportation Equity Program's per-pupil cost calculations to deduct any funds received from reimbursement claims for transportation of students to therapeutic classrooms.

Page 9, Line 19

Requires the Board of Educational Examiners to address the failure of an administrator to protect the safety of staff and students and to address an administrator's failure to meet mandatory reporter obligations. Directs the Board of Educational Examiners to address the refusal of a practitioner to implement provisions of a student's IEP or behavioral intervention plan and to address a practitioner's habitual nonparticipation in professional development.

Page 9, Line 31

Specifies instances when a classroom teacher may clear students from a classroom. Requires the school to notify parents of students when a classroom clearance has occurred. Directs the principal to request a meeting with the parent or guardian of the student whose behavior caused the classroom clearance. Establishes mechanisms for teacher reporting of student violence or assault to the principal, reporting by the school district to the Department of Education, and annual reporting to the General Assembly. Grants immunity to a teacher or administrator from civil or criminal liability for reporting student violence or assault. Provides for protection of a teacher or administrator who submits a report of violence or assault to a local law enforcement agency.

Page 10, Line 17

Grants immunity from disciplinary action if physical contact is considered reasonable under defined circumstances.

Page 12, Line 20

EFFECTIVE DATE

EXECUTIVE SUMMARY

CLASSROOM ENVIRONMENT AND THERAPEUTIC CLASSROOMS BILL

SENATE FILE 2360

Specifies that the section of this Bill regarding teacher preparation programs takes effect July 1, 2021.

Page 14, Line 16

Specifies that the section of this Bill regarding the Therapeutic Classroom Incentive Grant Program takes effect upon enactment.

Page 14, Line 20

Specifies that the section of this Bill regarding the adoption of emergency rules takes effect upon enactment.

Page 14, Line 20

Senate File 2360 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section
2	1	1	Add	256.9.60
2	17	2	Amend	256.16.1.c
2	33	3	New	256.25
5	16	4	New	256.25A
7	32	5	Amend	256B.2.2
9	8	6	Amend	257.6.1.a.(7)
9	17	7	Amend	257.16C.2.d
9	29	8	Amend	272.2.1.a
10	15	9	New	279.51A
12	18	10	Amend	280.21.2
12	27	11	Add	280.21.4

2 1 Section 1. Section 256.9, Code 2020, is amended by adding
2 2 the following new subsection:

2 3 NEW SUBSECTION 60. Develop, establish, and distribute to
2 4 all school districts evidence-based standards, guidelines, and
2 5 expectations for the appropriate and inappropriate responses
2 6 to behavior in the classroom that presents an imminent threat
2 7 of bodily injury to a student or another person and for the
2 8 reasonable, necessary, and appropriate physical restraint
2 9 of a student, consistent with rules adopted by the state
2 10 board pursuant to section 280.21. The director shall consult
2 11 with the area education agencies to create comprehensive and
2 12 consistent standards and guidance for professional development
2 13 relating to successfully educating individuals in the least
2 14 restrictive environment, and for evidence-based interventions
2 15 consistent with the standards established pursuant to this
2 16 subsection.

2 17 Sec. 2. Section 256.16, subsection 1, paragraph c, Code
2 18 2020, is amended to read as follows:

2 19 c. Include in the professional education program,
2 20 preparation that contributes to the education of students
2 21 with disabilities and students who are gifted and talented,
2 22 preparation in developing and implementing individualized
2 23 education programs and behavioral intervention plans,
2 24 preparation for educating individuals in the least restrictive
2 25 environment and identifying that environment, and strategies
2 26 that address difficult and violent student behavior and
2 27 improve academic engagement and achievement, and preparation in
2 28 classroom management addressing high-risk behaviors including;
2 29 but not limited to; behaviors related to substance abuse.
2 30 Preparation required under this paragraph must be successfully
2 31 completed before graduation from the practitioner preparation
2 32 program.

2 33 Sec. 3. NEW SECTION 256.25 THERAPEUTIC CLASSROOM INCENTIVE
2 34 GRANT PROGRAM — FUND.

2 35 1. The department shall create a therapeutic classroom
3 1 incentive grant program to provide competitive grants to school
3 2 districts for the establishment of therapeutic classrooms.

3 3 2. A school district, which may collaborate and partner
3 4 with one or more school districts, area education agencies,
3 5 accredited nonpublic schools, nonprofit agencies, and
3 6 institutions that provide children's mental health services,

CODE: Directs the Department of Education to provide guidance to all school districts regarding appropriate and inappropriate responses to behavior in the classroom and the appropriate use of physical restraint of a student. Requires the Department to consult with area education agencies to provide professional development regarding educating individuals in the least restrictive environment, and for evidence-based interventions.

CODE: Specifies that teacher preparation programs will include the following:

- Preparation in developing and implementing individualized education programs (IEPs) and behavior intervention plans.
- Preparation for educating individuals in the least restrictive environment and identifying that environment.
- Strategies that address difficult and violent student behavior and improve academic engagement and achievement.

CODE: Directs the Department of Education to establish a Therapeutic Classroom Incentive Grant Program to provide competitive grants to school districts for the establishment of therapeutic classrooms.

CODE: Permits a school district to collaborate with listed entities to apply for a grant for the establishment of a therapeutic classroom in the school district.

3 7 located in mental health and disability services regions
3 8 providing children's behavioral health services in accordance
3 9 with chapter 331, subchapter III, part 6, may apply for a grant
3 10 under this program to establish a therapeutic classroom in the
3 11 school district in accordance with this section.

3 12 3. The department shall develop a grant application
3 13 and selection and evaluation criteria. Selection criteria
3 14 shall include a method for prioritizing grant applications
3 15 submitted by school districts located in mental health and
3 16 disability services regions providing children's behavioral
3 17 health services in accordance with chapter 331, subchapter
3 18 III, part 6, with those proposing to serve the most students
3 19 given highest priority. Grant awards shall be distributed as
3 20 equitably as possible among small, medium, and large school
3 21 districts. For purposes of this subsection, a small school
3 22 district is a district with an actual enrollment of fewer than
3 23 six hundred pupils; a medium school district is a district
3 24 with an actual enrollment that is at least six hundred pupils,
3 25 but less than two thousand five hundred pupils; and a large
3 26 school district is a district with an actual enrollment of two
3 27 thousand five hundred or more pupils.

3 28 4. a. The department may disburse moneys contained in
3 29 the therapeutic classroom incentive fund as grants to school
3 30 districts for the establishment of therapeutic classrooms.

3 31 b. The total amount of funding awarded for the establishment
3 32 of therapeutic classrooms for a fiscal year shall not exceed
3 33 an amount equivalent to the state cost per pupil multiplied by
3 34 weighting of one and one-half pupil calculated for one hundred
3 35 fifty pupils.

4 1 c. Grant awards shall be made for the establishment of
4 2 therapeutic classrooms with one to five pupils, classrooms
4 3 with six to ten pupils, and classrooms with eleven to fifteen
4 4 pupils.

4 5 d. For purposes of calculating a therapeutic classroom grant
4 6 award, the department shall determine grant awards based on the
4 7 following:

4 8 (1) For classrooms with one to five pupils, using the state
4 9 cost per pupil multiplied by weighting of one and one-half

CODE: Requires the Department of Education to develop grant selection criteria, with highest priority given to applications submitted by school districts located in Mental Health and Disability Services Regions providing children's behavioral health services and proposing to serve the most students. Directs the Department to distribute the Therapeutic Classroom Incentive Grants equitably across small (less than 600 pupils), medium (600-2,499 pupils), and large (more than 2,499 pupils) school districts.

CODE: Permits the Department of Education to award grants from the Therapeutic Classroom Incentive Fund to school districts for the establishment of therapeutic classrooms.

CODE: Specifies that the total statewide funding for grants under this Program shall not exceed the product of the budget year State cost per pupil (SCPP) multiplied by a weighting of 1.50 multiplied by 150 pupils.

DETAIL: Based on a 2.30% State percent of growth in FY 2021 and a SCPP of \$7,048, the total amount of funding awarded in FY 2022 shall not exceed \$1,585,800.

NOTE: Under current law, the FY 2022 SCPP remains at \$7,048.

CODE: Specifies that therapeutic classroom grants be awarded by estimated classroom size.

- A classroom of 1-5 shall receive the funding for 5 pupils.
- A classroom of 6-10 shall receive the funding for 10 pupils.
- A classroom of 11-15 shall receive the funding for 15 pupils.

4 10 pupil multiplied by five.
 4 11 (2) For classrooms with six to ten pupils, using the state
 4 12 cost per pupil multiplied by weighting of one and one-half
 4 13 pupil multiplied by ten.
 4 14 (3) For classrooms with eleven to fifteen pupils, using
 4 15 the state cost per pupil multiplied by weighting of one and
 4 16 one-half pupil multiplied by fifteen.

4 17 e. Grant moneys credited to the therapeutic classroom
 4 18 incentive fund established under subsection 5 shall be
 4 19 distributed after December 31 but before the start of the
 4 20 school calendar for start-up costs for a new therapeutic
 4 21 classroom in the fall semester.

4 22 5. A therapeutic classroom incentive fund is established
 4 23 in the state treasury under the control of the department.
 4 24 Moneys credited to the fund are appropriated to the department
 4 25 for purposes of distributing grants under this section. The
 4 26 department may accept gifts, grants, bequests, and other
 4 27 private contributions, as well as state or federal moneys,
 4 28 for deposit in the fund. Moneys available in the therapeutic
 4 29 classroom incentive fund for a fiscal year shall be distributed
 4 30 as grants pursuant to this section. Notwithstanding section
 4 31 8.33, moneys in the fund at the close of the fiscal year shall
 4 32 not revert but shall remain available for expenditure for the
 4 33 purposes designated for subsequent fiscal years.

4 34 6. Placement of a child requiring special education under
 4 35 chapter 256B in a therapeutic classroom, whether or not the
 5 1 school district operating such classroom receives funds under
 5 2 this section, is subject to the provisions of chapter 256B,
 5 3 to the administrative rules adopted by the state board for
 5 4 purposes of chapter 256B, and to the federal Individuals with
 5 5 Disabilities Education Act, 20 U.S.C. §1400 et seq., and shall
 5 6 not violate such laws, rules, or regulations.

5 7 7. For purposes of this section, "therapeutic classroom"
 5 8 means a classroom designed for the purpose of providing support
 5 9 for any student whose emotional, social, or behavioral needs
 5 10 interfere with the student's ability to be successful in the
 5 11 current educational environment, with or without supports,
 5 12 until the student is able to successfully return to the
 5 13 student's current education environment, with or without
 5 14 supports, including but not limited to the general education
 5 15 classroom.

5 16 Sec. 4.NEW SECTION 256.25A THERAPEUTIC CLASSROOM —
 5 17 CLAIMS.

CODE: Clarifies that moneys, which may include private contributions, credited to the Therapeutic Classroom Incentive Fund are available for distribution after December 31 but before the start of the school calendar for start-up costs for a new therapeutic classroom in the fall.

CODE: Establishes a Therapeutic Classroom Incentive Fund for the purposes of distributing grants for the establishment of therapeutic classrooms. Specifies that the funds in the Therapeutic Classroom Incentive Fund will not revert at the end of a fiscal year and will remain available for future fiscal years.

CODE: Specifies that placement of a child requiring special education in a therapeutic classroom is subject to the administrative rules adopted by the State Board of Education and the federal Individuals with Disabilities Education [Act](#), and must not violate such laws, rules, or regulations.

CODE: Defines "therapeutic classroom" for purposes of new Iowa Code section 256.25.

5 18 1. A school district may submit claims to the department
5 19 for the costs of providing therapeutic classroom services and
5 20 transportation services in accordance with this section.

CODE: Permits a school district to submit claims to the Department of Education for the costs of providing therapeutic classroom services and transportation services.

5 21 a. (1) If the general assembly appropriates moneys for
5 22 purposes of transportation claims reimbursement in accordance
5 23 with this paragraph "a", a school district may submit a claim
5 24 for reimbursement for transportation services for students
5 25 who are enrolled in the school district or in an accredited
5 26 nonpublic school located within the boundaries of the school
5 27 district, who have not been assigned a weighting under section
5 28 256B.9, but who are assigned to a therapeutic classroom that is
5 29 located more than thirty miles from the school designated for
5 30 attendance or accredited nonpublic school and is operated by
5 31 another school district or accredited nonpublic school under
5 32 an agreement between the school districts or between a school
5 33 district and an accredited nonpublic school.

CODE: Permits a school district to submit claims to the Department for the transportation of students not assigned a weighting under Iowa Code section [256B.9](#) to therapeutic classrooms located more than 30 miles from the student's school district of enrollment or accredited nonpublic school. Payments of the claims are subject to an appropriations.

5 34 (2) Claims for transportation reimbursement shall be
5 35 made to the department by the school district providing
6 1 transportation during a school year pursuant to subparagraph
6 2 (1). Claims submitted under this paragraph "a" shall be on a
6 3 form prescribed by the department, and the claim shall include
6 4 the number of eligible pupils transported, the number of days
6 5 each pupil was transported, and a listing of the actual costs
6 6 incurred. On or before December 1, 2023, the director of
6 7 the department shall review the data collected through the
6 8 claims process and shall prepare and submit to the general
6 9 assembly a report containing an analysis of the efficacy of
6 10 claims reimbursement in accordance with this section and
6 11 recommendations for changes as appropriate.

CODE: Requires the Department to review data collected through the claims process and prepare and submit a report to the General Assembly by December 1, 2023, on the efficacy of claims reimbursement and recommendations for changes as necessary.

6 12 b. (1) For each fiscal year beginning on or after July
6 13 1, 2022, there is appropriated from the general fund of the
6 14 state to the department an amount necessary to pay all approved
6 15 claims submitted under this paragraph "b".

CODE: Establishes an appropriation beginning on or after July 1, 2022, to the Department of Education for payment of all approved claims as detailed under this section.

6 16 (2) A school district that provides a therapeutic classroom
6 17 to students enrolled in a school district or an accredited
6 18 nonpublic school may submit claims to the department for
6 19 students assigned to such a classroom during the preceding
6 20 school budget year who are not assigned a weighting under
6 21 section 256B.9, subsection 1, paragraph "b", "c", or "d", and
6 22 for whom behavioral intervention plans have been implemented.

CODE: Permits a school district that provides a therapeutic classroom to students enrolled in a public or nonpublic school to submit a claim to the Department for reimbursement if the student has not been assigned a weighting under Iowa Code section [256B.9](#).

6 23 (3) The amount of the claim shall be equal to the product of
6 24 the following amounts:

CODE: Specifies the calculation for claim reimbursement for a school district that provides a therapeutic classroom to students enrolled in a

6 25 (a) The product of one and five-tenths multiplied by the
6 26 regular program district cost per pupil for the budget year
6 27 during which the students identified under subparagraph (2)
6 28 were assigned to the therapeutic classroom.
6 29 (b) The quotient of the total number of days the students
6 30 identified under subparagraph (2) were served in a therapeutic
6 31 classroom divided by the maximum number of school days in the
6 32 school district's calendar.

6 33 (4) Using end-of-year data submitted by each school
6 34 district through student-level data collection, the department
6 35 shall make claim forms available to each eligible school
7 1 district containing the available data.

7 2 2. Nonpublic school students assigned to a therapeutic
7 3 classroom under subsection 1, paragraph "b", shall be enrolled
7 4 in a school district as shared-time pupils under section
7 5 257.6, subsection 1, paragraph "a", subparagraph (7), in order
7 6 for the school district to submit a claim for reimbursement
7 7 for services provided to such students under subsection 1,
7 8 paragraph "b".

7 9 3. The department shall prorate the amount of claims
7 10 reimbursement under subsection 1, paragraph "a", if the
7 11 amount of reimbursement claimed for all school districts under
7 12 subsection 1, paragraph "a", exceeds the amount appropriated
7 13 by the general assembly for such purpose plus any available
7 14 remaining balances from prior fiscal years.

7 15 4. The costs of providing transportation to nonpublic
7 16 school pupils as provided in this section shall not be included
7 17 in the computation of district cost under chapter 257, but
7 18 shall be shown in the budget as an expense from miscellaneous
7 19 income. Any transportation reimbursements received by a
7 20 school district for transporting nonpublic school pupils shall
7 21 not affect district cost limitations of chapter 257. The
7 22 reimbursements provided in this section are miscellaneous
7 23 income as defined in section 257.2.

7 24 5. By June 15 of each year, school districts with eligible
7 25 claims shall submit such claims to the department. By July 1
7 26 of each year, the department shall draw warrants payable to
7 27 school districts which have established claims.

7 28 6. The state board shall adopt rules pursuant to chapter 17A
7 29 to administer this section.

public or nonpublic school.

DETAIL: Claims reimbursement under this section is calculated as follows: budget year regular program district cost per pupil multiplied by a weighting of 1.50 multiplied by the quotient of the number of days the student was served in the therapeutic classroom divided by the maximum number of days in the school district's calendar.

CODE: Requires the Department of Education to provide claim forms to each eligible school district that includes end-of-year data already collected through established reporting.

CODE: Allows for a student attending an accredited nonpublic school or receiving competent private instruction who is assigned to a therapeutic classroom to be counted as a shared-time student for State foundation aid purposes.

DETAIL: Shared time students under Iowa Code section [257.6](#) are counted on a public school district's Aid and Levy Worksheet.

CODE: Requires the Department of Education to prorate reimbursement of therapeutic classroom transportation claims if the amount of claims statewide exceeds the amount appropriated plus any prior fiscal years' remaining balances.

CODE: Specifies that the cost and reimbursement of providing transportation to nonpublic school students to a therapeutic classroom will be shown in the school budget as an expense from miscellaneous income.

CODE: Directs school districts with eligible claims to submit claims by June 15 of each year. The Department shall pay all established claims by July 1 of each year.

CODE: Requires the State Board of Education to adopt administrative rules regarding therapeutic classroom claims.

7 30 7. For purposes of this section, "therapeutic classroom"
7 31 means the same as defined in section 256.25, subsection 7.

CODE: Specifies that the definition of "therapeutic classroom" is the same as previously defined in this Bill.

7 32 Sec. 5. Section 256B.2, subsection 2, Code 2020, is amended
7 33 to read as follows:

7 34 2.a. It is the policy of this state to require school
7 35 districts and state-operated educational programs to provide
8 1 or make provision, as an integral part of public education,
8 2 for a free and appropriate public education sufficient to
8 3 meet the needs of all children requiring special education.
8 4 This chapter is not to be construed as encouraging separate
8 5 facilities or segregated programs designed to meet the needs
8 6 of children requiring special education when the children can
8 7 benefit from all or part of the education program as offered
8 8 by the local school district. ~~To the maximum extent possible,~~
8 9 ~~children~~ Children requiring special education shall, consistent
8 10 with the least restrictive environment requirements under the
8 11 federal Individuals with Disabilities Education Act, 20 U.S.C.
8 12 §1400 et seq., attend regular classes and shall be educated
8 13 with children who do not require special education.

CODE: Provides guidance for placement of special education students.

8 14 b. (1) Whenever ~~possible~~ appropriate, hindrances to
8 15 learning and to the normal functioning of children requiring
8 16 special education within the regular school environment shall
8 17 be overcome by the provision of special aids and services
8 18 rather than by separate programs for those in need of special
8 19 education.

8 20 (2) Special classes, separate schooling, or other removal
8 21 of children requiring special education from the regular
8 22 educational environment, shall occur only when, and to
8 23 the extent that the nature or severity of the educational
8 24 disability is such, that education in regular classes, even
8 25 with the use of supplementary aids and services, cannot be
8 26 accomplished satisfactorily.

8 27 (3) Individualized education programs for children
8 28 requiring special education within the regular school
8 29 environment and behavioral intervention plans shall not
8 30 include provisions for clearing all other students out of the
8 31 regular classroom in order to calm the child requiring special
8 32 education or the child for whom a behavioral intervention plan
8 33 has been implemented except as provided in section 279.51A.

CODE: Restricts the inclusion of classroom clearances in IEPs and behavior intervention plans unless necessary to prevent or terminate an imminent threat of bodily injury to a student or another person in the classroom.

8 34 c. For those children who cannot adapt to the regular
8 35 educational or home living conditions, and who are attending
9 1 facilities under chapters 263, 269, and 270, upon the request
9 2 of the board of directors of an area education agency, the
9 3 department of human services shall provide residential or

9 4 detention facilities and the area education agency shall
9 5 provide special education programs and services. The area
9 6 education agencies shall cooperate with the board of regents to
9 7 provide the services required by this chapter.

9 8 Sec. 6. Section 257.6, subsection 1, paragraph a,
9 9 subparagraph (7), Code 2020, is amended to read as follows:

9 10 (7) A student attending an accredited nonpublic school or
9 11 receiving competent private instruction under chapter 299A,
9 12 who is assigned to a therapeutic classroom in accordance with
9 13 section 256.25A or is participating in a program under chapter
9 14 261E, shall be counted as a shared-time student in the school
9 15 district in which the nonpublic school of attendance is located
9 16 for state foundation aid purposes.

CODE: Allows for a student attending an accredited nonpublic school or receiving competent private instruction who is assigned to a therapeutic classroom to be counted as a shared-time student for State foundation aid purposes.

9 17 Sec. 7. Section 257.16C, subsection 2, paragraph d, Code
9 18 2020, is amended to read as follows:

9 19 d. A school district's transportation cost per pupil
9 20 shall be determined by dividing the school district's actual
9 21 transportation cost for all children transported in all
9 22 school buses for a school year pursuant to section 285.1,
9 23 subsection 12, less the amount of transportation costs
9 24 reimbursed under section 256.25A and the amount received for
9 25 transporting nonpublic school pupils under section 285.1, by
9 26 the district's actual enrollment for the school year, excluding
9 27 the shared-time enrollment for the school year as defined in
9 28 section 257.6.

CODE: Amends the Transportation Equity Program's per-pupil cost calculations to deduct any funds received from reimbursement claims for transportation of students to therapeutic classrooms.

9 29 Sec. 8. Section 272.2, subsection 1, paragraph a, Code 2020,
9 30 is amended to read as follows:

9 31 a. License practitioners, which includes the authority
9 32 to establish criteria for the licenses; establish issuance
9 33 and renewal requirements; create application and renewal
9 34 forms; create licenses that authorize different instructional
9 35 functions or specialties; develop a code of professional rights
10 1 and responsibilities, practices, and ethics, which shall,
10 2 among other things, address the failure of a practitioner
10 3 to fulfill contractual obligations under section 279.13,
10 4 the failure of an administrator to protect the safety of
10 5 staff and students, the failure of an administrator to meet
10 6 mandatory reporter obligations, the refusal of a practitioner
10 7 to implement provisions of an individualized education
10 8 program or behavioral intervention plan, and habitual
10 9 nonparticipation in professional development; and develop any
10 10 other classifications, distinctions, and procedures which may

CODE: Requires the Board of Educational Examiners to address the failure of an administrator to appropriately respond to reports of classroom violence and assault as specified in Iowa Code section [272.2](#).

10 11 be necessary to exercise licensing duties. In addressing the
10 12 failure of a practitioner to fulfill contractual obligations,
10 13 the board shall consider factors beyond the practitioner's
10 14 control.

10 15 Sec. 9.NEW SECTION 279.51A CLASSROOM ENVIRONMENT —
10 16 BEHAVIORAL CHALLENGES — REPORTS OF VIOLENCE OR ASSAULT.

10 17 1. A classroom teacher may clear students from the classroom
10 18 only if necessary to prevent or terminate an imminent threat of
10 19 bodily injury to a student or another person in the classroom.

CODE: Specifies when a classroom teacher may clear students from a classroom.

10 20 2. If a classroom teacher clears all other students from the
10 21 classroom in accordance with subsection 1, the school principal
10 22 shall, by the end of the school day if possible but at least
10 23 within twenty-four hours after the incident giving rise to
10 24 the classroom clearance, notify the parents or guardians of
10 25 all students assigned to the classroom that was cleared. The
10 26 notification shall not identify, directly or indirectly, any
10 27 students involved in the incident giving rise to the classroom
10 28 clearance. The principal of the school shall request that the
10 29 parent or guardian of the student whose behavior caused the
10 30 classroom clearance meet with the principal, the classroom
10 31 teacher, and other staff as appropriate.

CODE: Requires schools to notify parents of students in a classroom when the students have been cleared from the classroom. Requires the principal to request a meeting with the parent or guardian of the student whose behavior caused the classroom clearance.

10 32 3. If the student whose behavior caused the classroom
10 33 clearance has an individualized education program or a
10 34 behavioral intervention plan, the classroom teacher shall call
10 35 for and be included in a review and potential revision of
11 1 the student's individualized education program or behavioral
11 2 intervention plan by the student's individualized education
11 3 program team. The area education agency, in collaboration
11 4 with the school district, may, when the parent or guardian
11 5 meets with the individualized education program team during
11 6 the reevaluation of the student's individualized education
11 7 program, inform the parent or guardian of individual or family
11 8 counseling services available in the area.

CODE: Allows for the review of a student's IEP or behavior intervention plan upon a classroom clearance.

11 9 4. A classroom teacher employed by a school district shall
11 10 report any incident of violence that results in injury or
11 11 property damage or assault by a student enrolled in the school
11 12 to the principal of the school.

CODE: Requires a classroom teacher to report any incident of violence or assault by an enrolled student to the principal.

11 13 5. Each school district shall report to the department of
11 14 education, in a manner prescribed by the department, an annual
11 15 count of all incidents of violence that result in injury or
11 16 property damage or assault by a student in a school building,
11 17 on school grounds, or at a school-sponsored function, and any

CODE: Creates a reporting mechanism to the Department of Education for reporting violence that results in injury, property damage, or assault by a student and requires the Department of Education to submit a report annually to the General Assembly by November 1.

11 18 time a student is referred for the use of or transfer to a
11 19 therapeutic classroom. The report shall include but not be
11 20 limited to demographic information on students reported as
11 21 victims and reported as perpetrators of incidents of violence
11 22 that result in injury or property damage or assault, including
11 23 but not limited to disaggregated information on race, gender,
11 24 national origin, age, grade level, and disability, along with
11 25 any other data required for the department to implement the
11 26 federal Elementary and Secondary Education Act, as amended by
11 27 the federal Every Student Succeeds Act, Pub.L.No.114-95,
11 28 with appropriate safeguards to ensure student privacy. The
11 29 department shall compile and summarize the reports, categorized
11 30 by behavior, and shall submit the summary to the general
11 31 assembly by November 1 annually. A teacher or administrator
11 32 who submits a report in accordance with this section and who
11 33 meets the requirements of section 280.27 or section 613.21
11 34 shall be immune from civil or criminal liability relating to
11 35 such action, as well as for participating in any administrative
12 1 or judicial proceeding resulting from or relating to the
12 2 report pursuant to the provisions of sections 280.27 and
12 3 613.21. The provisions of section 70A.29 shall apply to a
12 4 teacher or administrator who submits a report in accordance
12 5 with this section or who reports an incident of violence or
12 6 assault to a local law enforcement agency in good faith and
12 7 without fraudulent intent or the intent to deceive. Personal
12 8 information regarding a student in a report submitted pursuant
12 9 to this section shall be kept confidential as required under
12 10 the federal Family Educational Rights and Privacy Act, 20
12 11 U.S.C. §1232g, and in the same manner as personal information
12 12 in student records maintained, created, collected, or assembled
12 13 by or for a school corporation or educational institution in
12 14 accordance with section 22.7, subsection 1.

Specifies that a teacher or administrator will be immune from civil or criminal liability for reporting student assault. Provides for protection of a teacher or administrator who submits a report of violence or assault to a local law enforcement agency in good faith and without fraudulent intent or the intent to deceive.

12 15 6. For purposes of this section, unless the context
12 16 otherwise requires, "bodily injury" means physical pain,
12 17 illness, or any other impairment of physical condition.

CODE: Defines "bodily injury" as physical pain, illness, or any other impairment of physical condition.

12 18 Sec. 10. Section 280.21, subsection 2, unnumbered paragraph
12 19 1, Code 2020, is amended to read as follows:

12 20 A school employee who, in the reasonable course of the
12 21 employee's employment responsibilities, comes into physical
12 22 contact with a student shall be granted immunity from any civil
12 23 or criminal liability which might otherwise be incurred or
12 24 imposed as a result of such physical contact, if the physical
12 25 contact is reasonable under the circumstances and involves any
12 26 of the following:

CODE: Grants immunity from civil or criminal liability for physical contact that is considered reasonable under defined circumstances.

12 27 Sec. 11. Section 280.21, Code 2020, is amended by adding the
12 28 following new subsection:

12 29 NEW SUBSECTION 4. A school employee's employer and the
12 30 board of educational examiners shall not engage in reprisal or
12 31 retaliation against a school employee who, in the reasonable
12 32 course of the employee's employment responsibilities, comes
12 33 into physical contact with a student in accordance with this
12 34 section.

CODE: Specifies that the school employee's employer and the Board of Educational Examiners will not retaliate against a school employee who, in the reasonable course of the employee's employment responsibilities, comes into physical contact with a student.

12 35 Sec. 12. DEPARTMENT OF EDUCATION. There is appropriated
13 1 from the general fund of the state to the department of
13 2 education for the fiscal year beginning July 1, 2021, and
13 3 ending June 30, 2022, the following amount, or so much thereof
13 4 as is necessary, to be used for the purposes designated:

13 5 For developing, establishing, and distributing standards,
13 6 guidelines, and expectations relating to behavior in the
13 7 classroom, restraint of a student, and professional development
13 8 relating to educating individuals in the least restrictive
13 9 environment, and for research-based intervention strategies
13 10 consistent with such standards, guidelines, and expectations,
13 11 in accordance with section 256.9, subsection 60, as enacted by
13 12 this Act:
13 13 \$ 500,000

General Fund appropriation for FY 2022 of \$500,000 to the Department of Education for developing standards and guidance on behavior in the classroom, restraint of a student, least restrictive environment, and research-based intervention strategies.

13 14 Notwithstanding section 8.33, moneys received by the
13 15 department pursuant to this section that remain unencumbered or
13 16 unobligated at the close of the fiscal year shall not revert
13 17 but shall remain available for expenditure for the purposes
13 18 specified in this section for the following fiscal year.

Specifies that any unobligated funds from the appropriation in this Section will not revert at the end of FY 2022, and will remain available for use in FY 2023.

13 19 Sec. 13. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM
13 20 INCENTIVE FUND. There is appropriated from the general fund
13 21 of the state to the department education for the fiscal year
13 22 beginning July 1, 2021, and ending June 30, 2022, the following
13 23 amount, or so much thereof as is necessary, to be used for the
13 24 purposes designated:
13 25 For deposit in the therapeutic classroom incentive fund
13 26 established pursuant to section 256.25, as enacted by this Act:
13 27 \$ 1,582,650

General Fund appropriation for FY 2022 of \$1,582,650 to the Department of Education for deposit in the Therapeutic Classroom Incentive Fund as established by this Bill.

NOTE: The General Fund appropriation was calculated using an estimated State percent of growth of 2.10% for State aid in FY 2021. However, the State percent of growth for FY 2021 is 2.30%. Under current law, the State percent of growth for FY 2022 is 0.00%.

13 28 Sec. 14. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM
13 29 TRANSPORTATION CLAIMS REIMBURSEMENT. There is appropriated
13 30 from the general fund of the state to the department of
13 31 education for the fiscal year beginning July 1, 2021, and
13 32 ending June 30, 2022, the following amount, or so much thereof
13 33 as is necessary, to be used for the purposes designated:

13 34 For payment of school district claims for reimbursement
 13 35 submitted under section 256.25A, subsection 1, paragraph "a",
 14 1 as enacted by this Act:
 14 2 \$ 500,000

General Fund appropriation in FY 2022 for \$500,000 to the Department of Education for reimbursement to school district claims for therapeutic classroom transportation.

14 3 Notwithstanding section 8.33, moneys received by the
 14 4 department pursuant to this section that remain unencumbered or
 14 5 unobligated at the close of the fiscal year shall not revert
 14 6 but shall remain available for expenditure for the purposes
 14 7 specified in this section for the following fiscal year.

Specifies that any unobligated funds from the appropriation in this section will not revert at the end of FY 2022, and will remain available for use in FY 2023.

14 8 Sec. 15. EMERGENCY RULES. The state board of education and
 14 9 board of educational examiners may adopt emergency rules under
 14 10 section 17A.4, subsection 3, and section 17A.5, subsection 2,
 14 11 paragraph "b", to implement the provisions of this Act and
 14 12 the rules shall be effective immediately upon filing unless
 14 13 a later date is specified in the rules. Any rules adopted
 14 14 in accordance with this section shall also be published as a
 14 15 notice of intended action as provided in section 17A.4.

Allows the State Board of Education and the Board of Educational Examiners to adopt emergency administrative rules to implement the provisions of this Bill.

14 16 Sec. 16. EFFECTIVE DATE. The following takes effect July
 14 17 1, 2021:
 14 18 The section of this Act amending section 256.16, subsection
 14 19 1, paragraph "c".

Specifies that the section of this Bill regarding teacher preparation programs takes effect on July 1, 2021.

14 20 Sec. 17. EFFECTIVE DATE. The following, being deemed of
 14 21 immediate importance, take effect upon enactment:
 14 22 1. The section of this Act enacting section 256.25.
 14 23 2. The section of this Act relating to emergency rules.

Specifies that the section of this Bill regarding the Therapeutic Classroom Incentive Grant Program takes effect upon enactment.

Specifies that the section of this Bill regarding the adoption of emergency administrative rules takes effect upon enactment.