



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	HF 604/HSB 206	House Committee: PASSED on 3/1 (23-0)
Committee:	Education	House Floor:
Floor Manager	Representative Wheeler	Senate Floor:
Date:	March 22, 2023	Governor:
Staff:	Kristin Rozeboom (1-3015)	

Teacher Empowerment

- Analysis reflects the strike-after amendment referenced below.
- The ombudsman shall investigate complaints received by licensed practitioners related to violence in the classroom.
- The district must provide the Code section or rules adopted by the State Board or the BOEE that requires the employee to participate in the professional development program.
- The district must provide notice of teacher immunity in regards to coming in physical contact with at student.
- Teacher must notify the parent/guardian within 24 hours if they witness student injury.
- Includes teacher whistleblower protection.
- Lays out a 3 strike system for student discipline. First offense, meet with school counselor and one day of in-school suspension. Second offense, meet with school counselor and 5 days of in-school suspension. Third offense, expel student from that class and if in high school, not receive credit for that class.

Section by Section Analysis

Section 1. Section 2C.9 New Subsection

The ombudsman shall investigate, on complaint, any complaint received by an individual licensed under the BOEE related to violence in the classroom, in school property, including any disclosure of information related to violence in the classroom or violence on school property. The ombudsman shall provide the results of the investigation to the Dept. and the BOEE. The ombudsman shall maintain secrecy in respect to the identities of the complainants.

Section 2. Section 256.9 New Subsection

The Dept. of Ed. shall develop and distribute to school districts a list of all professional development programs and other training programs which employees are required to participate pursuant to federal or state law.

Section 3. Section 256E.7(2) New paragraphs

Be subject to and comply with requirements relating to notifications to parents or guardians of a student in the event a classroom teacher witnesses the student suffer a bodily injury in the same manner as the district.

Be subject to and comply with the requirements relating to prohibiting retaliation against employees or contractors for disclosing certain information in the same manner as a school district.

Be subject to and comply with the requirements relating to the removal of disruptive students from the classroom in the same manner as a school district.

Section 4. Section 279.51A(4)

Amended to say that a classroom teacher shall report any incident of violence that results in injury or property damage or assault by a student enrolled in the school to the principal of the school within 24 hours after the incident occurs. The principal shall notify the parent or guardian within 24 hours after the teacher reports the incident to the principal.

Section 5. Section 279.77 New Section—Professional development--notification

If a school district requires an employee to participate in a professional development program, including a program that is included on the list developed by the Dept. of Ed, the district shall provide notice to the employee indicating the Code section, or rules adopted by the State Board or BOEE.

Section 6. Section 280.33 New Section—Notice to parents or guardians related to student injuries

A teacher may notify the parent/guardian within 24 hours of witnesses a student suffer a bodily injury.

Section 7. Section 279.79 New Section—Retaliation prohibition

The school board shall not take any disciplinary action against an employee or contractor of the school district for disclosing information to any public official or law enforcement agency, including disclosure to an ombudsman if the employee or contractor reasonably believes the information is a violation of law or rule, mismanagement, or gross abuse of funds, abuse of authority, or substantial and specific danger to public health or safety.

“Disciplinary action” includes termination of employment or the contractual relationship, suspension from employment, demotion, financial penalties. And written or verbal reprimands.

Section 8. Section 380.35 New Section—Removal of disruptive students from the classroom

The school board shall adopt a policy that describes when a teacher that describes when a teacher may remove a disruptive student from the classroom. The policy shall provide for escalating levels of discipline each time a disruptive student is removed from the classroom:

The policy shall include all of the following:

A teacher may remove a disruptive student from the classroom under the supervision of an SRO or an administrator located in the attendance center.

The first time a teacher removes a student in a semester, or the trimester, or quarter equivalent, the district shall do all of the following:

- Facilitate a counseling session between the student and a school counselor licensed by the BOEE.
- Place the student in one day of in school suspension after the counseling session takes place.

The second time a teacher removes a student, the district shall do all of the following:

- Facilitate a counseling session between the student and a school counselor licensed by the BOEE.
- Place the student in five consecutive school days of in-school suspension after the counseling session takes place.

The third time a teacher removes a disruptive student from a classroom the district shall permanently remove the student from the teacher’s class the student from the class and the school district shall consider placing the student in an alternate learning environment, including a therapeutic classroom.

Section 9. Section 280.21 New Subsection

A school district, accredited nonpublic school, or AEA shall provide to all teachers employed by the district, nonpublic school, or AEA a copy of their immunity rights in section 280.21 with the initial employment contract and with each notice of renewal of the employment contract.

Amendment Analysis

H-1152 by Wheeler—See above analysis for the strike after amendment.

H-XXXX—Clarifies that the parent/guardian of the child who does the injury or damage is the one who is contacted. In discipline policy adds “including but not limited to” the laid out plan. Fixes code reference changes, removes nonpublic schools from the last section of the bill.