

HOUSE REPUBLICAN STAFF ANALYSIS

Bill: HF 604/HSB 206	House Committee: PASSED on 3/1 (23-0)
Committee: Education	House Floor: PASSED on 5/1 (94-0)
Floor Manager Representative Boden	Senate Floor: PASSED on 4/26 (49-0)
Date: May 1, 2023	Governor:
Staff: Kristin Rozeboom (1-3015)	

Teacher Empowerment

- Analysis reflects the Senate strike-after amendment.
- The ombudsman shall investigate complaints received by licensed practitioners related to violence in the classroom.
- The Dept shall develop and distribute to districts a list of all professional development programs and other training programs which employees are required to participate due to federal or state law.
- The Dept. shall develop and distribute to districts model policies that would satisfy the responsibilities relating to student discipline for a student making a threat of violence or causing an incident of violence.
- The district must provide teachers the policy on teacher immunity in regards to coming in physical contact with at student.
- Teacher shall notify the principal or lead administrator within 24 hours of the threat or violence or incident of violence and the principal or lead administrator shall contact the parent/guardian of the one who made the threat or caused the incident and the one who was subject to the threat or incident within 24 hours.
- Includes teacher whistleblower protection.
- Requires schools to develop an escalated discipline policy that reflects the grade and severity of the problem. The policy shall include the ability to suspend, permanently remove from class, expel, or move to an alternative learning environment. The policy shall include the ability for the student to attend counseling sessions or mental health counseling sessions if there is prior parental consent.
- Fiscal Note: no cost to school districts. It costs the ombudsman's office between \$89,000 and \$267,000 per year to investigate between 300 and 1,200 cases per year. The actual cost would be dependent upon how many cases are reported to the ombudsman's office.

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 due to federal or state law.

The Dept. of Ed. shall develop and distribute to school districts and charter schools model policies that would satisfy the district's or charter school's responsibilities relating to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault.

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

Be subject to and comply with 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 adoption of policies related to the discipline of a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault.

Be subject to and comply with the requirements relating to the student handbooks in the same manner as a school district.

Section 4. Section 279.51A(4)

Amended to say that a classroom teacher shall report any threat of violence or incident of violence that results in injury or property damage or assault by a student enrolled in the school to the principal or the lead administrator of the school within 24 hours after the threat of violence or incident occurs and the teacher may notify the parent or guardian of the student who made the threat of violence or caused the incident of violence and the parent or guardian of the student to whom the threat of violence was made or the incident of violence occurred, of the threat of violence or incident of violence.

The principal or lead administrator shall notify the parent or guardian of the student who made the threat of violence or caused an incident of violence and the parent or guardian of the student to whom the threat was made or the incident occurred within 24 hours after the teacher reports the threat of violence or incident to the principal or lead administrator.

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 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 or 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 7. Section 279.79 New Section—Discipline of students who made threats of violence or cause incidents of violence

The board shall adopt, in collaboration with teachers and administrative staff employed by the district, policies for different grade levels that describe how a school may discipline a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault.

All of the following shall apply:

- Policies must incorporate strategies that are designed to correct the student’s behavior.
- Policies must provide for parent/guardian conferences, counseling sessions, or mental health counseling sessions, when appropriate. The district must receive prior written consent before requiring the student to participate in the counseling or mental health counseling session.
- Policies must be consistent IEDA and the federal Rehabilitation Act.
- Policies must provide for escalating levels of discipline each time the student makes a threat of violence or causes an incident of violence that results in property damage or assault.
- The policies must allow for the district to select the level of discipline that the school determines corresponds to the severity of the threat of violence or incident of violence.
- The policies must allow the district to suspend, permanently remove from a particular class, expel the student, or place the student in an alternative learning environment, including a therapeutic classroom.
- Policies must require an IEP meeting if the student who made the threat or caused the incident has an IEP.
- Policies must be published on the district’s website and in the student handbook.

Section 8. Section 279.80 New Section—Student handbooks

Annually, on or before the beginning of the school calendar, each district shall publish one or more student handbooks and provide the parent/guardian a printed or electronic copy of the handbook that contains basic information related to the expectations of students in the grade level or attendance center to which the handbook applies, including information related to academics, attendance, discipline, health and safety, and daily schedules.

Each district shall require the parent/guardian to acknowledge receipt of the applicable handbook either in writing or electronically.

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.