

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	HF 2538/HF 2122	House Committee:	Passed on 2/11 (16-7)
Committee:	Education	House Floor:	
Floor Manager:	Representative Wheeler	Senate Floor:	
Date:	March 9, 2026	Governor:	
Staff:	Kristin Rozeboom (1-3015)		

### Classroom Behavior

- Analysis reflects the Wheeler second degree strike-after amendment.
- Requires the Dept. of Ed. to develop training materials related to least restrictive environment.
- Codifies Risk Assessment monitoring by the Dept. of Ed. for underreporting or late reporting data on school discipline.
- Allows teachers to exclude a student from the classroom if they meet certain criteria.
- Students who are removed from the classroom cannot return until a meeting between the teacher and principal takes place.
- Districts must have an Oversight Review Committee that established policy for when a student should be allowed back in the classroom.
- Allows teachers to appeal to the school board.
- Requires teachers to read IEPs and 504 plans.
- Requires paras to be at the IEP meetings.
- Teachers may request an IEP team to meet.
- The IEP team shall discuss appropriateness of the learning environment or if modifications need to be made.
- Teachers shall be granted a leave of absence with full pay for physical or mental abuse up to 5 days and more if a doctor's note requires it.
- School district's professional learning plan shall include instruction on FAPE, IEPs, and least restrictive environment under IDEA.

### Section by Section Analysis

Section 1. Section 256.9 New Subsection

The Dept. of Ed. will develop and distribute to school districts a training program and training materials for members of a student's IEP team that is related to the least restrictive environment requirements under federal IDEA.

Section 2. Section 256.11(1)

Amended to say in applying and taking monitoring enforcement action under the accreditation subsections, the Dept. shall consider the timeliness and accuracy of the information a school district or nonpublic school provides to the Dept., including potential underreporting or late reporting of data related to school discipline and school safety necessary to monitor and implement the provisions of chapter 280.

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

Charter schools are subject to and must comply with classroom discipline updates.

Section 4. Section 256F.4(2) New Paragraph

Charter schools are subject to and must comply with classroom discipline updates.

Section 5. Section 279.65A(3)

Amended to include the below section in the student discipline code section.

Section 6. Section 279.65B Discipline of Students for Disorderly Conduct—New section

“Disorderly conduct” means intentional conduct to which any of the following applies:

- Constitutes violent behavior or a threat of violent behavior.
- Disrupts, disturbs, or interferes with any services provided by the school district.
- Disturbs the peace, order, or discipline within the classroom.

“Principal” means the same as defined in section 256.145 and includes all of the following:

- Assistant principal
- Vice principal
- An administrator who is responsible for day-to-day operations of an attendance center

“Teacher” means the same as defined in 256.145

A teacher may exclude a student from their classroom and place them under the supervision of the principal if they do any of the following while in the classroom:

- Engages in disorderly conduct
- Threatens, abuses, intimidates, or attempts to intimidate another student or any school employee.
- Uses abusive or profane language

A student who is enrolled in K-5, and who was excluded from a teacher’s classroom shall not be readmitted to the teacher’s classroom until after the principal and teacher meet to discuss the readmission of the student.

A student who is enrolled in grades 6-12, and who was excluded from the classroom, shall not be readmitted to the teacher’s classroom until after the principal and teacher meet to discuss the readmission of the student. Such student shall not be readmitted to the teacher’s classroom until, at the earliest, the immediately subsequent day.

If the principal determines that disciplinary action should be taken, then the principal should do all of the following:

- Take such disciplinary action
- Provide written and, if possible, electronic notice of action to the student’s parent or guardian.

If a student was excluded for the remainder of a school two or more times in a semester, or the trimester or quarter equivalent, the principal shall discipline by doing any of the following:

- Assigning the student to in school or out-of-school suspension
- Recommending to the superintendent that the student be placed in an alternative learning environment that has been approved by the superintendent.

If a student was excluded from the classroom because the student’s conduct, statements, or other actions were severe or pervasive, and if requested by the teacher, the principal shall impose the maximum amount of punishment applicable as provided in policies adopted by the school, including placing a student in an alternative learning environment approved by the superintendent.

The school board shall require each attendance center within a district to create an oversight review committee that is responsible for developing policy, consistent with this section, that establishes when a student who has been excluded from the classroom may be readmitted to the classroom.

The oversight review committee must consist of all of the following members:

- Two teachers who work in the attendance center and who must be selected by the teachers of the attendance center.
- One professional staff member who works in the attendance center and who must be selected by the principal of the attendance center.

If a student who has an IEP was excluded from a teacher's classroom then all of the following shall apply:

- All of the following individuals shall, if practicable, participate in the meeting of the student's IEP team that takes place immediately subsequent to the student's exclusion from the classroom:
  - The teacher who excluded the student from the classroom.
  - Any teacher who is not described above and who provides classroom instruction to the student.
  - Any other employee of the school district who does not hold a license issued by the BOEE, including paraeducators and bus drivers, and who was directly involved in the student's conduct, statements, or other actions that led to the student's exclusion from the classroom.
- If a teacher or other employee is not able to participate in the meeting of the student's IEP that takes place immediately subsequent to the student's exclusion from the classroom, then the teacher or other employee shall review the minutes or summary of the meeting and shall provide written notice to the IEP team indicating that the teacher or other employee has read the minutes or summary.

In the IEP meeting that takes place immediately subsequent to the student's exclusion from the classroom, the student's IEP team shall discuss all of the following:

- The appropriateness of the student's current educational programming.
- Whether adjustments need to be made to the student's IEP to address the student's behaviors.
- Whether the student's current placement or an alternative learning environment would best provide the student with a free appropriate public education.
- The accommodations, modifications, and adaptations that are required to allow the student to be successful in a general education setting, what supports are needed to assist the teacher and other school district employees in providing those accommodations, modifications, and adaptations, and whether it is possible for the school district to provide those supports, accommodations, modifications, and adaptations.
- Whether and to what extent the provision of special education services and activities in the general education environment will impact the student and the other students in the classroom.

If a teacher or other employee is not able to participate in the meeting of the student's IEP team that takes place immediately subsequent to the student's exclusion from the classroom, then the IEP team shall prepare minutes or a summary of the meeting and provide the minutes or summary to the teacher or other employee.

If the student was excluded from the classroom 5 or more times within any 15 consecutive school day period, then the IEP team shall meet to discuss the student's behavior.

A teacher may appeal all the following to the school board:

- A principal's refusal to allow the teacher to exclude a student from the teacher's classroom.
- A principal's readmission of a student to the teacher's classroom prior to when they should have been readmitted.

The school board shall not take any disciplinary action against a teacher for exercising the teacher's appeal rights. "Disciplinary action" includes termination of employment or the contractual relationship, suspension from employment, demotion, financial penalties, failing to take action regarding a teacher's promotion or proposed promotion, failing to provide an advantage in employment or the contractual relationship, and written or verbal reprimands.

All of the following shall apply if the school board violates the above:

- The teacher may enforce the teacher’s rights through a civil action.
- The school board is liable to the aggrieved teacher for affirmative relief including reinstatement, with or without back pay, civil damages in an amount not to exceed three times the annual wages and benefits received by the aggrieved teacher prior to the violation and any other equitable relief the court deems appropriate, including attorney fees and costs.
- When the school board commits, is committing, or proposes to commit an act in violation, an injunction may be granted through district court. The action may be brought by an aggrieved teacher, the county attorney, or the person providing human resource management for the school board.

The school board shall immediately grant a teacher a leave of absence for physical and mental recovery with full pay for not more than five days if the teacher is injured due to a student’s disorderly conduct, provided however that the school board may grant a teacher a leave of absence for 6 or more days if the teacher provides to the school board a note from a physician indicating that a leave of absence is needed.

Each principal shall carry out the responsibilities in an expeditious manner and shall do all of the following in an expeditious manner:

- Carry out all manifestation determination review meetings as required under section 504.
- Impose the appropriate amount of punishment in accordance with school policies and federal law.
- Perform functional behavior assessments as needed.
- Adjust behavioral intervention plans as needed.

This section shall not be construed to do any of the following:

- Infringe on any right provided to any student under federal law, including but not limited to all of the following:
  - Section 504
  - IDEA
  - FERPA
  - ADA
- Supersede, abrogate, or preempt any federal law, rule, or regulation.
- Relieve any person from any duties, obligations, or requirements imposed by federal law.

Section 7. Section 279.89 Teacher Authority to Request a Meeting of a Student’s Individual Education Program Team—New Section

A teacher may request a meeting of a student’s IEP team at any time by submitting an electronic or written request to an administrator.

An administrator may deny a teacher’s request for a meeting of a student’s IEP team provided that such a denial must satisfy all of the following requirements:

- Be provided to the teacher in writing.
- Describe why applicable federal law does not require the meeting of the student’s IEP team.

Section 8. Section 279.90 Individualized Education Programs and Section 504 Plan Requirements

The school board shall ensure all of the following:

- That each student’s IEP is accessible to, and read by, each school district employee who is responsible for the implementation of the student’s IEP, including regular education teachers, special education teachers, and any other service providers.
- Each teacher and service provider is informed of all of the following:
  - The teacher’s or service provider’s specific responsibilities related to implementing the student’s IEP.
  - The specific accommodations, modification, and supports that must be provided for the student in accordance with the student’s IEP.

- After a regular teacher has read a student's IEP, the regular education teacher shall provide written notice to the special education teacher who is on the student's IEP team indicating that the regular education teacher has read the IEP.

Each teacher employed by the district who teaches a student who has a 504 plan shall read the plan. After the teacher has read the plan, the teacher shall provide written notice to any special education teacher who provides special education services to the student, or to the principal of the attendance center, indicating that the teacher has read the plan.

At least one para-educator or other employee of the district who assists a teacher in providing classroom instruction to a student who has an IEP or 504 plan shall attend all meetings related to the IEP or 504 plan. If practicable, meetings related to a student's IEP or 504 plan that a paraeducator or other employee is required to attend shall take place during normal business hours.

The school board of each school district shall provide training to all members of an IEP team related to the least restrictive environment requirements under IDEA that is based on the training and materials distributed by the Director of the Dept. of Ed. to the district.

Section 9. Section 284.6(3)

Amends the district's professional development plan to include programs and offerings for all teachers to support serving students with disabilities and include information related to the following:

- The general requirements related to FAPE, including the district's obligation to identify and evaluate a student who may have a disability.
- The provision of supports and services through a student's IEP, including each individual teacher's responsibilities relating to the development and implementation of a student's IEP.
- The general requirements related to providing education to a student with a disability consistent with the least restrictive environment required under IDEA.

Section 10. State Mandate Specified

The state cost of requiring compliance with any state mandate shall be paid by the district from school foundation aid. This shall be deemed to meet all of the state funding-related requirements and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

## Amendment Analysis

**Amendment H-8097 by Boden—**

- The Director must develop and distribute to school districts a training program and training materials for members of a student's IEP team that is related to the least restrictive environment required by IDEA.
- The school board shall ensure the following:
  - Each student's IEP is accessible and read by each district employee who is responsible for the implementation of the student's IEP, including regular education teachers, special education teachers, and any other service providers.
  - Each teacher and service provider is informed of all of the following:
    - The teacher's or service provider's specific responsibilities related to implementation their IEP.
    - The specific accommodations, modifications, and support that must be provided in accordance with the IEP.

- After a regular education teacher has read an IEP, the teacher shall provide written notice to the special education teacher.
- Each teacher employed by the district who teaches a student with a 504 plan shall read the plan. After the teacher has read the plan, the teacher shall provide written notice to the special education teacher..
- Each para-educator and any other employee of the district who assists a teacher in providing classroom instruction to a student with an IEP or 504 plan, shall attend all meetings related to the plan unless the student’s parent or guardian objects to their attendance.
- The school board shall provide training to all members of the IEP team related to least restrictive environment requirements under IDEA that is based on the training program and materials distributed by the Dept. of Ed.

**Second degree Amendment H-XXXX by Wheeler—analysis reflects this strike after.**

**Second Degree Amendment H-8108 by Matson—(out of order)strikes requirement for paras to attend IEP meetings unless objected to by the parent or guardian.**

**Amendment H-8098 by Hayes— (will be knocked out of order)**

- Strikes the whole performance profile section.
- In accreditation standards, amended to say the Dept. in applying and taking monitoring and enforcement action, the Dept. shall consider the timeliness and accuracy of the information a school district or nonpublic school provides to the Dept., including potential underreporting or late reporting of data related to school discipline and school safety necessary to monitor and implement provisions of Chapter 280.
- Adds that prior to a student is readmitted into the classroom, the principal and teacher will meet to discuss readmission.
- Instead of 3 times in 30 days, say 2 or more times in a semester for a the principal to take action.
- Adds language saying the school board shall create an Oversight Review Committee that is responsible for developing a policy that establishes when a student who has been excluded from the classroom may be readmitted to the classroom. The oversight review committee must consist of 2 teachers who work in the attendance center and who must be selected by the teachers of the attendance center and one professional staff member who works in the attendance center and be selected by the principal.
- Amends the teacher leave of absence language to up to 5 days with pay and then if more than that if the teacher provides a doctor’s note.
- A district professional development plan must include programs and offerings for all teachers to support serving students with disabilities, include information related to all of the following:
  - General requirements related to providing a free appropriate public education, including the district’s obligation to identify and evaluate a student who may have a disability.
  - The provision of supports and services through a student’s IEP, including each individual teacher’s responsibilities relating to the development implementation of a student’s IEP.
  - The general requirements related to providing education to a student with a disability consistent with the least restrictive environment requirements under IDEA.
- Strikes section 7.