



# Senate File 2360: Guidance for Safe Classroom Learning Environments

## Introduction

On June 29, 2020, Governor Reynolds signed [Senate File 2360](#), an Act, which provides a comprehensive approach to create a safe learning space for students and teachers.

## Purpose

The purpose of this guidance is to inform Iowa public school districts of the requirements of Senate File 2360 and to aid Iowa's school districts in interpreting and implementing this comprehensive legislation. The requirements of Senate File 2360 apply to all public school districts in Iowa.

## Summary

Senate File 2360 requires a comprehensive approach to create a safe learning space for students and teachers. The requirements are organized around five topics. The first two topics require immediate action by school districts, while subsequent topics require actions of the Department and other agencies. Included is a summary of the general requirements of the legislative section(s) related to the topic. Following are further details including definitions specific to each topic and requirements in table form: legislative authority, required or voluntary actions, by whom, and deadline.

- [Topic I: Response and Reporting of School Behavioral Challenges](#) – Restricts the use of classroom clears, requires parent notification and follow-up in response to a classroom clear, and requires notification and reporting of incidence of violence, assault and referral/transfer to a therapeutic classroom.
- [Topic II: Professional Responsibilities and Protections](#) – Amends the Board of Educational Examiners responsibilities by adding the requirement for the BOEE to address administrators who fail to protect students and staff, or meet mandatory reporter obligations. Additionally, the BOEE must address the refusal of a practitioner to implement an Individual Education Plan or behavior intervention plan and habitual nonparticipation in professional development. Adds protections for educators who respond to incidence of challenging/violent student behaviors.
- [Topic III: District Established Therapeutic Classrooms](#)
  - [III.A. Therapeutic Classroom Incentive Grant](#) – Creates a competitive therapeutic classroom incentive grant for school districts to establish therapeutic classroom(s). The grant is developed and awarded during the 2020–2021 school year and extends from July 1, 2021–June 30, 2022. The grant provides an up-front award for start-up costs during fiscal year 2022. More detail is found below in the Therapeutic Classroom Grant Incentive section of this guidance.
  - III.B. Therapeutic Classroom Claims – Outlines allowable reimbursement to school districts for the costs of providing therapeutic classroom services and transportation to therapeutic classrooms for students who have not been assigned a weighting through special education.

If obligated, the legislature appropriated \$500,000 from the general fund to the Department for therapeutic classroom claims transportation reimbursement starting July 1, 2021, through June 30, 2022. For each fiscal year beginning on or after July 1, 2022, there is appropriated from the general fund of the state to the department an amount necessary to pay all approved claims submitted under 256.25A paragraph "b" 256.25A b. (1) Additional information regarding the claims process will be provided prior to funds becoming available.

- [Topic IV: Evidence-based Standards and Guidance](#) – This section has two areas of emphasis. First, it requires the Department of Education to develop, establish, and distribute standards, guidelines, and expectations for appropriate and inappropriate response to classroom behavior that poses an imminent threat of bodily injury and consistent with rules for seclusion and restraint. Second, The Department, in consultation with the Area Education Agencies, must create comprehensive and consistent standards and guidance for professional development for successfully educating individuals in the least restrictive environment and for evidence-based interventions consistent with the standards. The Department is appropriated \$500,000 beginning July 1, 2021, for the development of the resources.
- [Topic V: Requirements of Institutes of Higher Education](#) – Requires Iowa Institutes of Higher Education to expand teacher training and professional education program requirements to include preparation in developing and implementing individualized education programs (IEPs) and behavioral intervention plans (BIPs), addressing difficult and violent student behavior, improving engagement and academic achievement, and educating individuals in the least restrictive environment.

## Requirements

### Topic I: Response and Reporting of School Behavioral Challenges

#### DEFINITIONS

“Bodily injury” means physical pain, illness, or any other impairment of physical condition.

“Classroom clear” means clearing all other students out of the classroom in order to calm a child.

“Parent” means an individual included in the definition of “parent” in rule 281—41.30(256B, 34CFR300), and also includes an individual authorized to make decisions for the child pursuant to a power of attorney for temporary delegation of custody or for making educational decisions.

#### INITIAL TECHNICAL ASSISTANCE

- [Sample Notice to Parents about Senate File 2360: Safe Classroom Learning Environments](#)
- [Top 10 Points about SF 2360: Classroom Clears & Reporting of Violence/Assault](#)

TABLE 1: LEGISLATIVE AUTHORITY, ACTION, REQUIRED OR PERMITTED, BY WHOM, AND DEADLINE (UNLESS OTHERWISE NOTED, ALL REQUIREMENTS TAKE EFFECT IMMEDIATELY)

Item	Legislative Authority	Action	Required or Permitted	By Whom
1	Sec. 5., amendment to 256B.2(2); IDEA, 20 U.S.C. § 1400, et. seq.	Individualized Education Programs (IEPs) and Behavioral intervention Plans (BIPs) of children eligible for special education must not include provisions for a classroom clear. Individual Education Plan teams must remove such provision from the IEP and/or BIP at the earliest convenience through an amendment or annual review of the IEP.	Required	School District and state-operated educational programs

Item	Legislative Authority	Action	Required or Permitted	By Whom
2	Sec. 9., new section 279.51A	A classroom teacher may clear students from the classroom only if necessary to prevent or terminate an imminent threat of bodily injury to a student or another person in the classroom. A threat is imminent when it is reasonably likely and about to inflict pain, illness, or any other impairment of physical condition.	Permitted only if imminent threat of bodily injury	Classroom Teacher
3	Sec. 9., new section 279.51A	If a classroom teacher clears all other students from the classroom, the school principal must within 24 hours, but preferably by the end of the school day, notify the parents or guardians of all students assigned to the classroom that it was cleared. The notification must not identify, directly or indirectly, any students involved in the incident giving rise to the classroom clearance.	Required	Principal
4	Sec. 9., new section 279.51A	The school must request a meeting with the parent of a child whose behavior caused the classroom clear. In addition: <ul style="list-style-type: none"> <li>• <b>When the student does not have an IEP and/or behavior intervention plan:</b> <u>The principal must</u> request that the parent/guardian meet with the principal, the classroom teacher and other staff as appropriate.</li> <li>• <b>When the student has a behavior intervention plan (but no IEP):</b> <u>The principal must</u> request a meeting and <u>the classroom teacher must</u> call for and be included in the review and potential revisions of the behavior intervention plan.</li> <li>• <b>When the student has an IEP (with or without a behavior intervention plan):</b> <u>The principal must</u> request a meeting and <u>the classroom teacher must</u> call and be included in the review and potential revisions of the IEP (and behavior intervention plan if the student has one).</li> </ul>	Required	Principal, Classroom Teacher
5	Sec. 9., new section 279.51A	<b>When the student whose behavior caused the classroom clear has an IEP:</b> During the review and/or reevaluation of the IEP, the AEA, in collaboration with the district, <u>may</u> inform the parent/guardian of individual or family counseling services available in the area.	Permitted	AEAs
6	Sec. 9., new section 279.51A	A classroom teacher must report to the principal any incident of assault or violence that results in injury or property damage by a student enrolled in the school.	Required	Classroom Teacher

Item	Legislative Authority	Action	Required or Permitted	By Whom
7	Sec. 9., new section 279.51A	<p>The school district must report to the Department of Education an annual count of disaggregated incidents of: assault, violence that result in injury, violence resulting in property damage, referral/transfer to a therapeutic classroom.</p> <p>Incidents must be included if they occurred by a student in a school building, on school grounds, or at a school-sponsored function.</p> <p>The report must include demographic information on students reported as victims and perpetrators, disaggregated by race, gender, national origin, age, grade level, and disability status, along with any other data required by the Department to implement ESSA, and with safeguards to ensure student privacy.</p>	Required	School District
8	Sec. 9., new section 279.51A	The Department must compile, summarize, and submit a report to the general assembly each year by November 1.	Required	The Department

## Topic II: Professional Responsibilities and Protections

### DEFINITIONS

This definition comes from a related area of law, which is cited in Senate File 2360: “Reprisal” means discharge an employee from or take or fail to take action regarding an employee’s appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in employment (Iowa Code section 70A.29).

**TABLE 2: LEGISLATIVE AUTHORITY, ACTION REQUIRED OR PERMITTED, BY WHOM, AND DEADLINE**  
(UNLESS OTHERWISE NOTED, ALL REQUIREMENTS TAKE EFFECT IMMEDIATELY)

Item	Legislative Authority	Action	Required or Permitted	By Whom
1	Sec. 8., amendment to 272.2(1a)	The Board of Educational Examiners (BOEE) must address failure of an administrator to protect the safety of staff and students, and the failure to meet mandatory reporter obligations. The BOEE must address the refusal of a practitioner to implement an individualized education program or behavioral intervention plan, and habitual nonparticipation in professional development.	Required	License Practitioners/ Board of Education Examiners
2	Sec. 9., new section 279.51A; 279.13; Sec. 10., amendment to 280.21(2)	<b>Immunity from Civil or Criminal Liability.</b> While protections from civil or criminal liability already existed (280.27; 613.21) for educators who act in good faith and reasonably in making a report of violence, abuse, or other inappropriate activity that occurs on school grounds/school-sponsored events, Senate File 2360 extends these protections to educators and administrators who report incidents of assault and violence and educators and administrators who have reasonable physical	N/A	Educators and Administrators

*Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.*

Item	Legislative Authority	Action	Required or Permitted	By Whom
		<p>contact under <u>any one (as opposed to all)</u> of the following circumstances:</p> <ul style="list-style-type: none"> <li>a. Encouraging, supporting, or disciplining the student.</li> <li>b. Protecting the employee, the student, or other students.</li> <li>c. Obtaining possession of a weapon or other dangerous object within a student's control.</li> <li>d. Protecting employee, student, or school property.</li> <li>e. Quelling a disturbance or preventing an act threatening physical harm to any person.</li> <li>f. Removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises.</li> <li>g. Preventing a student from the self-infliction of harm.</li> <li>h. Self-defense.</li> <li>i. Any other legitimate educational activity.</li> </ul> <p><b>Immunity from Judicial/Administrative Proceedings.</b> The Senate File also extends this immunity to participating in any administrative or judicial proceedings related to the report of violence or assault.</p>		
3	Sec.11., new subsection to 280.21; Sec. 9., new section 279.51A	Prohibits a school employee's employer and the board of educational examiners from reprisal or retaliation against a school employee who, in the reasonable course of the employee's employment responsibilities, comes into physical contact with a student in accordance with this section (280.21) or 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.	Required	School Employee's Employer and the Board of Educational Examiners

## Topic III: District Established Therapeutic Classrooms

### DEFINITIONS

“Therapeutic classroom” means a classroom designed for the purpose of providing support for any student whose emotional, social, or behavioral needs interfere with the student’s ability to be successful in the current educational environment, with or without supports, until the student is able to successfully return to the student’s current education environment, with or without supports, including but not limited to the general education classroom.

### DETAILED SUMMARY

#### Overview

This legislation outlines requirements for special education students placed in therapeutic classrooms as well as assurances that students with disabilities are placed in accordance with requirements for Least Restrictive Environment.

*Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.*

Additionally, the legislation outlines a process for reimbursement of transportation to a therapeutic classroom and therapeutic classroom services for students without Individual Education Plans.

Lastly, the Department of Education is required to create a competitive therapeutic classroom incentive grant program to support public school districts in establishing therapeutic classrooms. Because the therapeutic classroom incentive grant program is voluntary and does not apply to all school districts, this initial guidance will provide general summary information and a timeline for the grant application process. Detailed information regarding the grant application, claims and reimbursement will be issued on or before February 28, 2021.

### TOPIC III.A. THERAPEUTIC CLASSROOM INCENTIVE GRANT

#### Grant Awards

The legislature appropriated \$1,582,650.00 for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for the establishment of therapeutic classrooms. Grants will be awarded based on a competitive process, equitably across small, medium and large school districts, prioritizing programs serving the most students and based on the below allocations:

- Classrooms with one to five pupils (state cost per pupil x 1.5 x 5)
- Classrooms with six to ten pupils (state cost per pupil x 1.5 x 10)
- Classrooms with eleven to fifteen pupils (state cost per pupil x 1.5 x 15)

#### Grant Timeline

The Department will issue detailed information and guidance regarding the Therapeutic Classroom Incentive Grant as part of the Therapeutic Classroom Incentive Grant Program application. A timeline for the grant application process is outlined below.

January – February 2021	March – April 2021	April – May 2021	July – August 2021
Informational webinar, FAQ provided;  Competitive Grant application open	Grant application submissions due	Grant awards determined and announced	Grant agreements finalized;  Grant funds must be distributed prior to the first day of school

*Funds are contingent upon obligation for fiscal year beginning July 1, 2021, through June 30, 2022.*

**TABLE 3: LEGISLATIVE AUTHORITY, ACTION REQUIRED OR PERMITTED, BY WHOM, AND DEADLINE (UNLESS OTHERWISE NOTED, ALL REQUIREMENTS TAKE EFFECT IMMEDIATELY)**

Item	Legislative Authority	Action	Required or Permitted	By Whom
1	Sec. 3 new section 256.25	The Department must create a therapeutic classroom incentive grant program to provide competitive grants to school districts for the establishment of therapeutic classrooms.	Required	The Department
2	Sec. 3., new section 256.25	The department must develop a grant application and selection and evaluation criteria. Selection criteria for the grant applications must: include a method for prioritizing grant applications submitted by school districts located in mental health and disability services regions providing children's behavioral health services, with those proposing to serve the most students given highest priority, and must be distributed as equitably as possible among small, medium, and large school districts. Details to be included in the grant application.	Required	The Department

*Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.*

Item	Legislative Authority	Action	Required or Permitted	By Whom
3	Sec. 3., new section 256.25	A school district is allowed to collaborate and partner with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, and institutions that provide children's mental health services in mental health and disability services regions, in applying for the grant. School districts may, but are not required to apply for the therapeutic classroom grant when it becomes available.	Permitted	School District
4	Sec. 3., new section 256.25; IAC 281-41; IDEA, 20 U.S.C. § 1400, et. seq.	Placement of a child requiring special education in a therapeutic classroom must be the least restrictive environment. Placement decisions must follow Chapter 256B (Special Education), the Iowa Administrative Rules for Special Education, and the Individuals with Disabilities Education Act.	Required	School District
5	Sec. 4., new section to 256.25A pursuant to chapter 17A	The state board must adopt rules pursuant to chapter 17A to administer this section.  <i>Note: These rules are currently being prepared.</i>	Required	The State Board of Education

## Topic IV: Evidence-Based Standards and Guidance for Classroom Behaviors and Professional Development

TABLE 4: ITEM, LEGISLATIVE AUTHORITY, ACTION, REQUIRED OR PERMITTED, BY WHOM, AND DEADLINE

Item	Legislative Authority	Action	Required or Permitted	By Whom
1	Sec. 1., new subsection to 256.9 and consistent with rules adopted by the state board pursuant to section 280.21.	By June 30, 2022, the Department will develop, establish, and distribute to all school districts evidence-based standards, guidelines, and expectations for the appropriate and inappropriate responses to behavior in the classroom that present an imminent threat of bodily injury to a student or another person and for the reasonable, necessary, and appropriate physical restraint of a student.	Required	The Department
2	Sec. 1., new subsection to 256.9 and consistent with rules adopted by the state board pursuant to section 280.21.	By June, 30, 2022, the Department, in consultation with the AEAs, must create comprehensive and consistent standards and guidance for professional development regarding least restrictive environment and evidence-based interventions.	Required	The Department
3	Sec. 12.	The Department is appropriated \$500,000 from the general fund for the development and distribution of standards, guidelines relating to classroom behavior and restraint, and for professional development of least restrictive environments and research-based strategies beginning July 1, 2021, and ending June 30, 2022.	N/A	N/A

Item	Legislative Authority	Action	Required or Permitted	By Whom
4	Sec. 5., amendment to 256B.2(2)	This amendment requires teams to make placement decisions based on individual student performance data and participation with peers without disabilities. It also requires teams to frequently review those decisions to determine whether changes need to be made to ensure the individual is being educated in his/her least restrictive environment. While there is a presumption that the general education environment is the least restrictive environment, data may overcome that presumption. "General education classroom" is not synonymous with "least restrictive environment."	Required	School Districts and state-operated educational programs

## Topic V: Requirements for Institutes of Higher Education

TABLE 5: LEGISLATIVE AUTHORITY, ACTION, REQUIRED OR PERMITTED, BY WHOM, AND DEADLINE

Item	Legislative Authority	Action	Required or Permitted	By Whom
1	Sec.2., amendment to 256.16(1c)	By July 1, 2021, Iowa Institutes of Higher Education are required to include in the professional education program, preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement.	Required	Iowa Institutes of Higher Education