

ISFIS Memo on Student Discipline Policies: Implementing HF 604 Discipline Policies

[HF 604](#) requires school boards to adopt, in collaboration with teachers and administrative staff employed by the school district, policies for different grade levels that describe how a school district 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. HF 604 specifically requires the policies to include:

- 1) Strategies designed to correct the student's behavior
- 2) Parent or guardian conferences, counseling session or mental health counseling sessions when appropriate (counseling sessions and mental health sessions require prior written parent consent)
- 3) Consistent with federal IDEA law and Iowa Code 256 (special education statute and rules)
- 4) Escalating levels of discipline each time the student makes a threat of violence or causes an incident of violence that results in injury, property damage or assault.
- 5) Allow for school district to select the level of discipline that the district determines corresponds to the severity of the threat or incident of violence (policy could specifically allow in both directions – even if expulsion is not on the list for first offense, it might be appropriate given severity of violence, for example).
- 6) Must allow the district to suspend, permanently remove from a particular class, expel, or place in an alternative learning environment, including a therapeutic classroom, when appropriate. (Policy could also say each of these choices depends on the district capacity to provide the option at the time and whether such as placement is available.)
- 7) Must require IEP meeting if the student has an IEP (the policy could mandate the IEP meeting but allow administrator discretion to not have the IEP meeting if the student's IEP allows for the range of staff responses necessary to deal with the issue and the severity of the incident).
- 8) Policy must be published on the school district website and in applicable student handbooks.

Locally determine: the best discipline action items and definitions: DE model policies contain all of these requirements, but many of the action items on each list for first and subsequent offenses may not be the action items your district would choose or has the capacity to support. Review each carefully to determine if this is the appropriate action to include in your board policy. Supplement with your own actions, too. Find the DE sample policies here: [Model Policies for Discipline of Students Who Make Threats of Violence or Cause Incidents of Violence](#).

Credibility of threats: not all statements of threat by children are credible. Consider including the concept of a credible threat in your policy definitions (for example, did the student have a plan and the capacity or wherewithal to carry out the threat so it would be reasonable for the intended recipient of the threat to fear harm?).

Required collaboration: with teachers and administrators in your district while developing these policies. Documentation for compliance should indicate how such collaboration took place.

Student Handbooks: requires written or electronic parent receipt of the student handbook before the beginning of the school year and requires the student handbook to include the discipline policy. Impossible, since your school board did not yet have the DE sample policy. See Sec. 8 below for specific requirements. Consider how to best implement the intent of the law as soon as feasibly possible.

Specific Language from HF 604 follows:

HF 604 Sec. 8. NEW SECTION. **279.80 Student handbooks.**

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

2. Each school district shall require that the parent or guardian of each student enrolled in the school district acknowledge receipt of the applicable student handbook, either in writing or electronically.

HF 604 language on discipline policies:

Sec. 4. Section 279.51A, subsection 4, Code 2023, is amended to read as follows:

4. a. A classroom teacher employed by a school district 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 twenty-four hours after the threat of violence or incident of violence occurs, and the classroom 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.

b. The principal or lead administrator of the school shall notify the parent or guardian of the student enrolled in the school who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault, 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 within twenty-four hours after the classroom teacher reports the threat of violence or incident of violence to the principal or lead administrator pursuant to paragraph "a".

Sec. 7. NEW SECTION. **279.79 Discipline of students who make threats of violence or cause incidents of violence.**

The board of directors of each school district shall adopt, in collaboration with teachers and administrative staff employed by the school district, policies for different grade levels that describe how a school district 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 to the policies:

1. The policies must incorporate strategies that are designed to correct the student's behavior.

2. The policies must provide for parent or guardian conferences, counseling sessions, or mental health counseling sessions, when appropriate. The policies must provide that the school district must receive the prior written consent of the student's parent or guardian before requiring the student to participate in a counseling session or a mental health counseling session.

3. The policies must be consistent with the provisions of chapter 256B,

the administrative rules adopted by the state board for purposes of chapter 256B, the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., and the federal Rehabilitation Act of 1973, as amended and codified in 29 U.S.C. §701 et seq.

4. The 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 injury or property damage or assault.

5. The policies must allow for the school district to select the level of discipline that the school district determines corresponds to the severity of the threat of violence or incident of violence.

6. The policies must allow the school district to suspend the student, permanently remove the student from a particular class, expel the student, or place the student in an alternative learning environment, including a therapeutic classroom, when appropriate.

7. The policies must require an individualized education program meeting if the student who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault has an individualized education program.

8. The policies must be published on the school district's internet site and in applicable student handbooks.