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SENATE FILE 224
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 55)

Passed Senate, Date 2-28-89 (p.549) Passed House, Date 4-10-89 (p.1436)
Vote: Ayes 35 Nays 12 Vote: Ayes 80 Nays 14
Approved May 11, 1989

A BILL FOR

1 An Act relating to student exercise of free expression in the
2 public schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 224

S-3119

- 1 Amend Senate File 224 as follows:
- 2 1. Page 1, by striking lines 5 through 12 and
- 3 inserting the following: ", including the right of
- 4 expression in official school publications."
- 5 2. Page 1, by striking lines 18 through 20 and
- 6 inserting the following:
- 7 "c. Materials which encourage students to do any
- 8 of the following:
- 9 (1) Commit unlawful acts."
- 10 3. Page 1, line 21, by striking the words "The
- 11 violation of" and inserting the following: "Violate".
- 12 4. Page 1, line 22, by striking the word "The"
- 13 and inserting the following: "Cause the".
- 14 5. Page 1, by striking lines 26 through 29 and
- 15 inserting the following: "violates this section."

By RICHARD VARN

S-3119 FILED FEBRUARY 27, 1989 *ADOPTED 2-28-89 (P549)*

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1 Section 1. NEW SECTION. 280.21 STUDENT EXERCISE OF FREE
2 EXPRESSION.

319-3 1. Except as limited by this section, students of the
4 public schools have the right to exercise freedom of speech
5 and of the press including, but not limited to, the use of
6 bulletin boards, the distribution of printed materials or
7 petitions, the wearing of buttons, badges, and other insignia,
8 the performance of theatrical and musical events, and the
9 right of expression in official school publications, whether
10 or not the publications, or other means of expression, are
11 supported financially by the school or by use of school
12 facilities.

13 2. Students shall not express, publish, or distribute any
14 of the following:

15 a. Materials which are obscene.

16 b. Materials which are libelous or slanderous under
17 chapter 659.

319-18 c. Materials which incite students so as to create a clear
19 and present danger of the commission of any of the following:

20 (1) Unlawful acts on school premises.

21 (2) The violation of lawful school regulations.

22 (3) The material and substantial disruption of the orderly
23 operation of the school.

319-24 3. There shall be no prior restraint of material prepared
25 for official school publications except when the material
26 violates this section. School officials have the burden of
27 showing justification, which shall include specific facts
28 which constitute the justification, prior to any limitation of
29 student expression under this section.

30 4. Each board of directors of a public school shall adopt
31 rules in the form of a written publications code, which shall
32 include reasonable provisions for the time, place, and manner
33 of conducting such activities within its jurisdiction. The
34 board shall make the code available to the students and their
35 parents.

1 5. Student editors of official school publications shall
2 assign and edit the news, editorial, and feature content of
3 their publications subject to the limitations of this section.
4 Journalism advisers of students producing official school
5 publications shall supervise the production of the student
6 staff, to maintain professional standards of English and
7 journalism, and to comply with this section.

8 6. "Official school publications" means material produced
9 by students in the journalism, newspaper, yearbook, or writing
10 classes and distributed to the student body either free or for
11 a fee.

12 7. This section does not prohibit a board of directors of
13 a public school from adopting otherwise valid rules relating
14 to oral communications by students upon the premises of each
15 school.

16 Sec. 2. Section 256.9, Code 1989, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 35. Develop a model written publications
19 code including reasonable provisions for the regulation of the
20 time, place, and manner of student expression.

21 EXPLANATION

22 This bill permits students the right of freedom of speech
23 and press in the public school forum. It prohibits obscene,
24 libelous, or slanderous materials as well as materials which
25 are likely to cause unlawful or disruptive acts. Also
26 prohibited are materials which would incite the violation of
27 school regulations.

28 The bill requires the local school boards to develop
29 written publications codes and also directs the director of
30 the department of education to develop a model code.

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34.24 *amends all*

1 Section 1. NEW SECTION. 280.21 STUDENT EXERCISE OF FREE
2 EXPRESSION.

3 1. Except as limited by this section, students of the
4 public schools have the right to exercise freedom of speech,
5 including the right of expression in official school
6 publications.

7 2. Students shall not express, publish, or distribute any
8 of the following:

9 a. Materials which are obscene.

10 b. Materials which are libelous or slanderous under
11 chapter 659.

12 c. Materials which encourage students to do any of the
13 following:

14 (1) Commit unlawful acts.

15 (2) Violate lawful school regulations.

16 (3) Cause the material and substantial disruption of the
17 orderly operation of the school.

18 3. There shall be no prior restraint of material prepared
19 for official school publications except when the material
20 violates this section.

21 4. Each board of directors of a public school shall adopt
22 rules in the form of a written publications code, which shall
23 include reasonable provisions for the time, place, and manner
24 of conducting such activities within its jurisdiction. The
25 board shall make the code available to the students and their
26 parents.

27 5. Student editors of official school publications shall
28 assign and edit the news, editorial, and feature content of
29 their publications subject to the limitations of this section.
30 Journalism advisers of students producing official school
31 publications shall supervise the production of the student
32 staff, to maintain professional standards of English and
33 journalism, and to comply with this section.

34 6. "Official school publications" means material produced
35 by students in the journalism, newspaper, yearbook, or writing

1 classes and distributed to the student body either free or for
2 a fee.

3 7. This section does not prohibit a board of directors of
4 a public school from adopting otherwise valid rules relating
5 to oral communications by students upon the premises of each
6 school.

7 Sec. 2. Section 256.9, Code 1989, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 35. Develop a model written publications
10 code including reasonable provisions for the regulation of the
11 time, place, and manner of student expression.

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SENATE FILE 224

H-3424

1 Amend Senate File 224 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 280.21 STUDENT EXERCISE
6 OF FREE EXPRESSION.

7 1. Students of the public schools have the right
8 to exercise freedom of speech and of the press
9 including, but not limited to, the use of bulletin
10 boards, the distribution of printed materials or
11 petitions, the wearing of buttons, badges, and other
12 insignia, the performance of theatrical and musical
13 events, and the right of expression in official school
14 publications, whether or not the publications, or
15 other means of expression, are supported financially
16 by the school or by use of school facilities.

17 2. Students shall have the right to peaceful
18 assembly for the purpose of exchanging views and
19 expressing their opinions. Any assembly planned by
20 students during regular school hours shall be held
21 only at a time and place approved in advance by the
22 principal administrator of the school or the principal
23 administrator's designee.

24 3. Each district board of directors may adopt
25 rules in the form of a written publications code,
26 which shall include reasonable provisions for the
27 time, place, and manner of conducting such activities
28 within its jurisdiction. The board shall make the
29 code available to the students and their parents.

30 4. There shall be no prior restraint by school
31 boards and administrators of material prepared for
32 official school publications. Student editors of
33 official school publications shall assign and edit the
34 news, editorial, and feature content of their
35 publications. Journalism advisers of students
36 producing official school publications shall supervise
37 the production of the student staff, to maintain
38 professional standards of English and journalism, to
39 prevent substantial disruption of school activities,
40 and to guard against personal injury to the rights of
41 others. A journalism advisor shall not be
42 disciplined, fired, transferred, or removed from the
43 journalism advisor's position for refusing to suppress
44 free expression rights of student journalists
45 protected under this section.

46 "Official school publications" means material
47 produced by students in the journalism, newspaper,
48 yearbook, or writing classes and distributed to the
49 student body either free of charge or for a fee.

50 5. This section does not prohibit a board of

H-3424

Page 2

1 directors of a public school from adopting otherwise
 2 valid rules relating to oral communications by
 3 students upon the premises of each school.

4 6. An expression made by students in the exercise
 5 of free speech, free press rights, or freedom of
 6 assembly shall not be deemed to be an expression of
 7 school policy, and school districts, boards,
 8 officials, and employees shall not be liable in any
 9 civil or criminal action for any student expression
 10 made or published by students, provided that the
 11 school officials have not interfered with the
 3623-12 student's decisions as to the content of the
 13 expression.

14 7. A student, individually or through the
 15 student's parent or guardian or the student's
 16 publication advisor, may institute legal proceedings
 17 for injunctive or declaratory relief to enforce the
 18 rights provided in this section.

19 Sec. 2. Section 256.9, Code 1989, is amended by
 20 adding the following new subsection:

21 NEW SUBSECTION. 35. Develop a model written
 22 publications code including reasonable provisions for
 23 the regulation of the time, place, and manner of
 3880-24 student expression."

By CONNOLLY of Dubuque
 BROWN of Lucas

H-3424 FILED MARCH 16, 1989

lost 4-10-89 (p.1435)

SENATE FILE 224

H-3411

1 Amend Senate File 224, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 33, the
 4 following:

5 " . Any expression made by students in the
 6 exercise of free speech, including student expression
 7 in official school publications, shall not be deemed
 8 to be an expression of school policy, and the public
 3623-9 school district and school officials shall not be
 10 liable in any civil or criminal action for any student
 11 expression made or published by students, unless the
 3628-12 school officials have interfered with or altered the
 13 content of the student speech or expression, and then
 14 only to the extent of the interference or alteration
 15 of the speech or expression."

16 2. By renumbering as necessary.

By SPEAR of Lee

H-3411 FILED MARCH 16, 1989

adopted 4-10-89 (p.1436)

SENATE FILE 224

H-3431

1 Amend Senate File 224, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 808A.1, subsection 4, paragraph
6 d, Code 1989, is amended to read as follows:

7 d. A school locker, desk, or other facility or
8 space issued or assigned to, or chosen by, the student
9 for the storage of personal belongings of any kind,
10 which the student locks or is permitted to lock.

11 School officials may conduct periodic inspections of
12 all school lockers. However, ~~the school district~~
13 ~~shall provide notice to the students, at least twenty-~~
14 ~~four hours prior to the inspection, of the date and~~
15 ~~time of the inspection.~~

16 Sec. ____ . Section 808A.2, subsection 3, paragraph
17 c, Code 1989, is amended by striking the paragraph."

18 2. By renumbering as necessary.

By SPENNER of Henry

H-3431 FILED MARCH 17, 1989

W. H. Spencer 4-10-89 (p. 1436)

SENATE FILE 224

H-3523

1 Amend the amendment, H-3424, to Senate File 224, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking line 12 and inserting the
5 following: "content of the student's".

By CONNOLLY of Dubuque

H-3523 FILED MARCH 21, 1989

Adopted 4-10-89 (p. 1432)

SENATE FILE 224

H-3628

1 Amend the amendment, H-3411, to Senate File 224 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 9, by inserting before the word
5 "officials" the following: "employees or".

6 2. Page 1, line 12, by inserting after the word
7 "school" the following: "employees or".

By SPEAR of Lee

H-3628 FILED MARCH 27, 1989

Adopted 4-10-89 (p. 1436)

SENATE FILE 224

H-3706

1 Amend the amendment, H-3431, to Senate File 224, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 12, by inserting after the word
5 "lockers" the following: "and may conduct, in the
6 presence of qualified medical personnel, blood tests,
7 urine analyses, and strip searches".

By BROWN of Lucas

H-3706 FILED MARCH 29, 1989

Out of order 4-10-89 (p.1436)

SENATE FILE 224

H-3879

1 Amend the amendment, H-3431, to Senate File 224, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 15 through 17 and
5 inserting the following: "time-of-the-inspection:"
By SPENNER of Henry

H-3879 FILED APRIL 6, 1989

Out of order 4-10-89 (p.1436)

SENATE FILE 224

H-3880

1 Amend the amendment, H-3424, to Senate File 224, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 24 the
5 following:
6 "Sec. ____ . Section 808A.1, subsection 4, paragraph
7 d, Code 1989, is amended to read as follows:
8 d. A school locker, desk, or other facility or
9 space issued or assigned to, or chosen by, the student
10 for the storage of personal belongings of any kind,
11 which the student locks or is permitted to lock.
12 School officials may conduct periodic inspections of
13 all school lockers. ~~However, the school district~~
14 ~~shall provide notice to the students, at least twenty-~~
15 ~~four hours prior to the inspection, of the date and~~
16 ~~time of the inspection."~~
17 2. By renumbering as necessary.

By SPENNER of Henry

H-3880 FILED APRIL 6, 1989

withdrawn 4-10-89 (p.1432)

HOUSE AMENDMENT TO
SENATE FILE 224

S-3792

1 Amend Senate File 224, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 33, the
4 following:

5 "____. Any expression made by students in the
6 exercise of free speech, including student expression
7 in official school publications, shall not be deemed
8 to be an expression of school policy, and the public
9 school district and school employees or officials
10 shall not be liable in any civil or criminal action
11 for any student expression made or published by
12 students, unless the school employees or officials
13 have interfered with or altered the content of the
14 student speech or expression, and then only to the
15 extent of the interference or alteration of the speech
16 or expression."

17 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3792 FILED APRIL 19, 1989

Senate Concurred 4-27-89 (P-1712)

VARN, CH.
BOSWELL
HEDGE

SSB 55
EDUCATION

SENATE FILE 224
BY (PROPOSED COMMITTEE ON
EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to student exercise of free expression in the
2 public schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 280.21 STUDENT EXERCISE OF FREE
2 EXPRESSION.

3 1. Except as limited by this section, students of the
4 public schools have the right to exercise freedom of speech
5 and of the press including, but not limited to, the use of
6 bulletin boards, the distribution of printed materials or
7 petitions, the wearing of buttons, badges, and other insignia,
8 the performance of theatrical and musical events, and the
9 right of expression in official school publications, whether
10 or not the publications, or other means of expression, are
11 supported financially by the school or by use of school
12 facilities.

13 2. Students shall not express, publish, or distribute any
14 of the following:

15 a. Materials which are obscene.

16 b. Materials which are libelous or slanderous under
17 chapter 659.

18 c. Materials which incite students so as to create a clear
19 and present danger of the commission of any of the following:

20 (1) Unlawful acts on school premises.

21 (2) The violation of lawful school regulations.

22 (3) The material and substantial disruption of the orderly
23 operation of the school.

24 3. There shall be no prior restraint of material prepared
25 for official school publications except when the material
26 violates this section. School officials have the burden of
27 showing justification, which shall include specific facts
28 which constitute the justification, prior to any limitation of
29 student expression under this section.

30 4. Each board of directors of a public school shall adopt
31 rules in the form of a written publications code, which shall
32 include reasonable provisions for the time, place, and manner
33 of conducting such activities within its jurisdiction. The
34 board shall make the code available to the students and their
35 parents.

1 5. Student editors of official school publications shall
2 assign and edit the news, editorial, and feature content of
3 their publications subject to the limitations of this section.
4 Journalism advisers of students producing official school
5 publications shall supervise the production of the student
6 staff, to maintain professional standards of English and
7 journalism, and to comply with this section.

8 6. "Official school publications" means material produced
9 by students in the journalism, newspaper, yearbook, or writing
10 classes and distributed to the student body either free or for
11 a fee.

12 7. This section does not prohibit a board of directors of
13 a public school from adopting otherwise valid rules relating
14 to oral communications by students upon the premises of each
15 school.

16 Sec. 2. Section 256.9, Code 1989, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 35. Develop a model written publications
19 code including reasonable provisions for the regulation of the
20 time, place, and manner of student expression.

21 EXPLANATION

22 This bill permits students the right of freedom of speech
23 and press in the public school forum. It prohibits obscene,
24 libelous, or slanderous materials as well as materials which
25 are likely to cause unlawful or disruptive acts. Also
26 prohibited are materials which would incite the violation of
27 school regulations.

28 The bill requires the local school boards to develop
29 written publications codes and also directs the director of
30 the department of education to develop a model code.

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SENATE FILE 224

AN ACT

REGATING TO STUDENT EXERCISE OF FREE EXPRESSION IN THE PUBLIC
SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 280.21 STUDENT EXERCISE OF FREE
EXPRESSION.

1. Except as limited by this section, students of the public schools have the right to exercise freedom of speech, including the right of expression in official school publications.
2. Students shall not express, publish, or distribute any of the following:
 - a. Materials which are obscene.
 - b. Materials which are libelous or slanderous under chapter 659.
 - c. Materials which encourage students to do any of the following:
 - (1) Commit unlawful acts.
 - (2) Violate lawful school regulations.
 - (3) Cause the material and substantial disruption of the orderly operation of the school.

3. There shall be no prior restraint of material prepared for official school publications except when the material violates this section.

4. Each board of directors of a public school shall adopt rules in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its jurisdiction. The board shall make the code available to the students and their parents.

5. Student editors of official school publications shall assign and edit the news, editorial, and feature content of their publications subject to the limitations of this section. Journalism advisers of students producing official school publications shall supervise the production of the student staff, to maintain professional standards of English and journalism, and to comply with this section.

6. Any expression made by students in the exercise of free speech, including student expression in official school publications, shall not be deemed to be an expression of school policy, and the public school district and school employees or officials shall not be liable in any civil or criminal action for any student expression made or published by students, unless the school employees or officials have interfered with or altered the content of the student speech or expression, and then only to the extent of the interference or alteration of the speech or expression.

7. "Official school publications" means material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

8. This section does not prohibit a board of directors of a public school from adopting otherwise valid rules relating to oral communications by students upon the premises of each school.

Sec. 2. Section 256.9, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 35. Develop a model written publications code including reasonable provisions for the regulation of the time, place, and manner of student expression.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 224, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 11, 1989

TERRY E. BRANSTAD
Governor