

Sec. 19. CHILD PROTECTION TASK FORCE. The legislative council is requested to establish a task force for the 1994 interim to review federal and state laws, regulations, and policies regarding child protection, including the central child abuse registry, and to make recommendations for changes in the child protection system. The task force members shall include legislators, individuals knowledgeable concerning child protection and prevention of child abuse, and other interested persons. The task force shall submit a report of its findings and recommendations to the general assembly on or before January 9, 1995. The department of human services shall seek federal or private funding for the costs of the task force.

Sec. 20. EFFECTIVE DATE. Section 9 of this Act takes effect July 1, 1995.

Approved April 28, 1994

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## CHAPTER 1131

### SAFETY IN SCHOOLS

*H.F. 2383*

**AN ACT** relating to safety in schools.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 256.11C CHARACTER EDUCATION POLICY — PILOT PROGRAM.

1. It is the policy of the general assembly that Iowa's schools be the best and safest possible. To that end, each school is encouraged to instill the highest character and academic excellence in each student, in close cooperation with the student's parents, and with input from the community and educators.

Schools should make every effort, formally and informally, to stress character qualities that will maintain a safe and orderly learning environment, and that will ultimately equip students to be model citizens. These qualities include but are not limited to honesty; responsibility; respect and care for the person and property of others; self-discipline; understanding of, respect for, and obedience to law and citizenship; courage, initiative, commitment, and perseverance; kindness, compassion, service, and loyalty; fairness, moderation, and patience; and the dignity and necessity of hard work.

The department of education shall assist schools in accessing financial and curricular resources to implement programs stressing these character qualities. Schools are encouraged to use their existing resources to implement programs stressing these qualities.

2. The department of education shall establish a character education pilot program to evaluate methods for incorporating positive character qualities into all levels of the existing educational program. Schools involved in the pilot program may use phase III funds in the establishment of the program.

3. The department of education shall report to the state board and to the general assembly regarding the success of any pilot programs prior to the completion of the third year of a program.

Sec. 2. Section 279.9, Code 1993, is amended to read as follows:

279.9 USE OF TOBACCO.

~~Sueh~~ The rules shall prohibit the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance as defined in section 124.101, subsection 5, by any student of ~~sueh~~ the schools and the board may suspend or expel ~~any~~ a student for ~~any~~ a violation of ~~sueh~~ a rule under this section.

**Sec. 3. NEW SECTION. 279.9A INFORMATION SHARING.**

The rules referred to in section 279.9 shall provide that upon the request of school officials of a school to which the student seeks to transfer or has transferred, school officials of the sending school shall provide an accurate record of any suspension or expulsion actions taken, and the basis for those actions taken, against the student under sections 279.9, 280.19A, 282.3, 282.4, and 282.5. The designated representative shall disclose this information only to those school employees whose duties require them to be involved with the student. For purposes of this section, "school employees" means persons employed by a nonpublic school, school district, or any area education agency staff member who provides services to a school or school district.

**Sec. 4.** Section 280.19A, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Notwithstanding section 22.7, subsection 1, records kept regarding a student who has participated in a program under this section shall be requested by school officials of a public or nonpublic receiving school in which the student seeks to enroll, and shall be provided by the sending school. A school official who receives information under this section shall disclose this information only to those school officials and employees whose duties require them to be involved with the student. A school official or employee who discloses information received under this section in violation of this paragraph shall be subject to disciplinary action, including but not limited to reprimand, suspension, or termination. "School officials and employees" means those officials and persons employed by a nonpublic school or public school district, and area education agency staff members who provide services to schools or school districts.

**Sec. 5.** Section 280.21, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** To prevail in a civil action alleging a violation of this section the party bringing the action shall prove the violation by clear and convincing evidence.

**Sec. 6. NEW SECTION. 280.21A LEAVE — EPISODE OF VIOLENCE.**

1. A school employee who, in the course of employment, suffers a personal injury causing temporary total disability, or a permanent partial or total disability, resulting from an episode of violence toward that employee, for which workers' compensation under chapter 85 is payable, shall be entitled to receive workers' compensation, which the district shall supplement in order for the employee to receive full salary and benefits for the shortest of the following periods:

- a. One year from the date of the disability.
- b. The period during which the employee is disabled and incapable of employment.

During the period described in paragraph "a" or "b", the school employee shall not be required to use accumulated sick leave or vacation.

2. The school district may require the employee, as a condition of receiving benefits under this section, to provide a signed statement that justifies the use of this leave and, if medical attention is required, a certificate from a licensed physician that states the nature and duration of the leave.

3. For purposes of this section, "school employee" means a person employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district.

**Sec. 7.** Section 282.4, Code 1993, is amended to read as follows:

**282.4 EXPULSION — DISMISSAL.**

The board may, by a majority vote, expel any pupil from school for a violation of the regulations or rules established by the board, or when the presence of the pupil is detrimental to

the best interests of the school; and it. The board may confer upon any teacher, principal, or superintendent the power temporarily to dismiss a pupil, notice of such dismissal being at once given in writing to the president of the board.

A pupil who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to ratify the suspension or hold a disciplinary hearing to determine whether or not to order further sanctions against the pupil, which may include expelling the pupil. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and pupils from the pupil committing the assault.

A pupil shall not be suspended or expelled pursuant to this section if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

Sec. 8. Section 282.18, subsection 16, Code Supplement 1993, is amended to read as follows:

16. If a pupil, for which whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the ~~child~~ pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the ~~child~~ pupil has been reinstated, however, the ~~child~~ pupil shall be permitted to transfer in the same manner as if the ~~child~~ pupil had not been suspended or expelled by the sending district. If a ~~child~~ pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the ~~child~~ pupil shall be permitted to transfer to a receiving district under this section if the ~~child~~ pupil applies for and is reinstated in the sending district. However, if the ~~child~~ pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The parent or guardian of the ~~child~~ pupil shall be permitted to appeal the decision of the receiving district to the director of the department of education. If the director rules in favor of permitting the transfer, the ~~child~~ pupil shall be permitted to transfer, but the transfer shall be conditioned upon the expiration of the expulsion period without the student ~~pupil~~ incurring a new violation.

Approved April 28, 1994

## CHAPTER 1132

### LICENSING OF ATHLETIC TRAINERS

*H.F. 2387*

**AN ACT** providing for licensing of athletic trainers, imposing fees, and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION.** 152D.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the athletic trainer advisory board established pursuant to this chapter.
2. "Department" means the Iowa department of public health.
3. "Licensed athletic trainer" means a person licensed under this chapter.
4. "Practice of athletic training" means the prevention, physical evaluation, emergency care, and physical reconditioning relating to injuries and illnesses incurred through sports-induced trauma, which occurs during the preparation for or participation in a sports competition or during a physical training program, either of which is sponsored by an educational institution, amateur or professional athletic group, or other recognized organization, by a person who uses the title of licensed athletic trainer.