

Senate amendment to
House File 744

H-1359

1 Amend House File 744, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 3, after line 9 by inserting:

4 <Sec. _____. NEW SECTION. 261H.7 Student government
5 organizations — student fees — appeals — liability.

6 1. Each institution of higher education governed by
7 the state board of regents shall make a student government
8 organization's access to and authority over any moneys
9 disbursed to the student government organization by
10 the institution contingent upon the student government
11 organization's compliance with the first amendment to the
12 Constitution of the United States and the provisions of this
13 chapter.

14 2. If, after exhaustion of all administrative or
15 judicial appeals, it is determined that a student government
16 organization knowingly and intentionally violated the first
17 amendment rights of a member of the campus community or that
18 an action or decision of a student government organization is
19 in violation of this section, the institution shall suspend
20 the student government organization's authority to manage and
21 disburse student fees for a period of one year. During this
22 period of suspension, such student fees shall be managed and
23 disbursed by the institution.

24 Sec. _____. Section 262.9, Code 2021, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 39. Appoint annually from among its
27 membership a three-member nonpartisan free speech committee
28 that shall receive complaints under section 261H.5 relating
29 to the institutions of higher learning governed by the state
30 board.

31 Sec. _____. Section 272.2, subsection 14, Code 2021, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. e. The board may deny a license to or
34 revoke the license of a person upon the board's finding by a
35 preponderance of evidence that the person discriminated against

1 a student in violation of section 261H.2, subsection 3, or
2 section 279.73.>

3 2. Page 3, after line 30 by inserting:

4 <Sec. _____. Section 280.22, subsections 4 and 5, Code 2021,
5 are amended to read as follows:

6 4. Each board of directors of a public school shall adopt
7 rules in the form of a written publications code, which shall
8 include reasonable provisions for the time, place, and manner
9 of conducting such activities within its jurisdiction. The
10 code shall incorporate all of the provisions of this section.

11 The board shall make the code available to the students and
12 their parents.

13 5. Student editors of official school publications shall
14 assign and edit the news, editorial, and feature content of
15 their publications subject to the limitations of [this section](#).
16 Journalism advisers of students producing official school
17 publications shall supervise the production of the student
18 staff, in order to maintain professional standards of English
19 and journalism, and to comply with [this section](#).

20 Sec. _____. Section 280.22, Code 2021, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 6A. A public school employee or official,
23 acting within the scope of the person's professional ethics,
24 if any, shall not be dismissed, suspended, disciplined,
25 reassigned, transferred, subject to termination or nonrenewal
26 of a teaching contract issued under section 279.13 or an
27 extracurricular contract issued under section 279.19A, or
28 otherwise retaliated against for acting to protect a student
29 for engaging in conduct authorized under this section, or
30 refusing to infringe upon student conduct that is protected by
31 this section, the first amendment to the Constitution of the
32 United States, or Article I, section 7, of the Constitution of
33 the State of Iowa.

34 Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2, subsection
35 3, shall not apply to this Act.>

1 3. By renumbering as necessary.