

Reprinted

FEB 14 1990

EDUCATION *D. Pass 2/16 (p. 417)*

HOUSE FILE 2416
BY ADMINISTRATIVE RULES
REVIEW COMMITTEE

Passed House, Date 2/23/90 (p. 601) Passed Senate, Date 3/15/90 (p. 1091)
Vote: Ayes 97 Nays 0 Vote: Ayes 43 Nays 1
Approved April 30, 1990

A BILL FOR

- 1 An Act relating to corporal punishment.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2416

H-5265

- 1 Amend House File 2416 as follows:
- 2 1. Page 2, line 1, by inserting after the word
- 3 "contact" the following: ", not designed or intended
- 4 to cause pain,".

By HARPER of Black Hawk
SCHRADER of Marion

H-5265 FILED FEBRUARY 21, 1990
Adopted 2/23 (p. 607)

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HF 2416

1 Section 1. Section 280.21, Code Supplement 1989, is
2 amended to read as follows:

3 280.21 CORPORAL PUNISHMENT.

4 1. An employee of an accredited public school district,
5 accredited nonpublic school, or area education agency shall
6 not inflict, or cause to be inflicted, corporal punishment
7 upon a student. For purposes of this section, "corporal
8 punishment" means the intentional physical punishment of a
9 student. ~~An employee's physical contact with the body of a~~
10 ~~student is justified if it is reasonable and necessary under~~
11 ~~the circumstances and is not designed or intended to cause~~
12 ~~pain or if the employee uses reasonable force, as defined~~
13 ~~under section 704.1, for the protection of the employee, the~~
14 ~~student, or other students, to obtain the possession of a~~
15 ~~weapon or other dangerous object within a student's control,~~
16 ~~or for the protection of property.~~

17 2. Notwithstanding subsection 1, the following do not
18 constitute corporal punishment, and an employee shall not be
19 prohibited from:

20 a. Using reasonable and necessary force, not designed or
21 intended to cause pain, in order to accomplish any of the
22 following:

23 (1) To quell a disturbance or prevent an act that
24 threatens physical harm to a person.

25 (2) To obtain possession of a weapon or other dangerous
26 object within a student's control.

27 (3) For the purposes of self-defense or defense of others,
28 as provided in section 704.3.

29 (4) For the protection of property, as provided in section
30 704.4 and 704.5.

31 (5) To remove a disruptive student from school property or
32 from school-sponsored activities conducted on school or other
33 property.

34 (6) To prevent a student from the self-infliction of harm.

35 (7) To protect the safety of others.

52651 b. Using incidental, minor, or reasonable physical contact
2 to maintain order and control.

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EXPLANATION

The bill specifies those instances when force may be used by a school employee on a student without constituting corporal punishment.

See Ed 2/26 Amend for 5425 & Do Pass 3/8 (p. 961)

HOUSE FILE 2416
BY ADMINISTRATIVE RULES
REVIEW COMMITTEE

(As Amended and Passed by the House February 23, 1990)

Passed House, Date See Below Passed Senate, Date 3/15/90 (p. 108)
Vote: Ayes _____ Nays _____ Vote: Ayes 43 Nays 1
Approved April 30, 1990

A BILL FOR

- 1 An Act relating to corporal punishment.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2416

S-5425

1 Amend House File 2416, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. DEPARTMENTAL RULES.
6 The state board of education shall include in the
7 rule relating to use of corporal punishment under
8 section 280.21, a rule or subrule which provides that
9 corporal punishment does not mean the use of
10 incidental, minor, or reasonable physical contact to
11 maintain order and control, provided that the contact
12 is not designed or intended to cause pain."

By COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

Adopted 3/15 (p. 108)
S-5425 FILED MARCH 8, 1990

16 Conference Committee Appointed 4/2
17 Representatives Harper (Chair), Haverland, Corbett, Olliv & Inneson (p. 1688)
18 Senators Murphy (Chair), Lloyd Jones, Horv, Corning, & Genaino (p. 1440)
19 Passed per Conference Committee Report
20 House 4/7/90 (p. 2276) Senate 4/7/90 (p. 1692)
21 92-0 46-0
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1 Section 1. Section 280.21, Code Supplement 1989, is
2 amended to read as follows:

3 280.21 CORPORAL PUNISHMENT.

4 1. An employee of an accredited public school district,
5 accredited nonpublic school, or area education agency shall
6 not inflict, or cause to be inflicted, corporal punishment
7 upon a student. For purposes of this section, "corporal
8 punishment" means the intentional physical punishment of a
9 student. ~~An employee's physical contact with the body of a~~
10 ~~student is justified if it is reasonable and necessary under~~
11 ~~the circumstances and is not designed or intended to cause~~
12 ~~pain or if the employee uses reasonable force, as defined~~
13 ~~under section 704.17, for the protection of the employee, the~~
14 ~~student, or other students, to obtain the possession of a~~
15 ~~weapon or other dangerous object within a student's control,~~
16 ~~or for the protection of property.~~

17 2. Notwithstanding subsection 1, the following do not
18 constitute corporal punishment, and an employee shall not be
19 prohibited from:

20 a. Using reasonable and necessary force, not designed or
21 intended to cause pain, in order to accomplish any of the
22 following:

23 (1) To quell a disturbance or prevent an act that
24 threatens physical harm to a person.

25 (2) To obtain possession of a weapon or other dangerous
26 object within a student's control.

27 (3) For the purposes of self-defense or defense of others,
28 as provided in section 704.3.

29 (4) For the protection of property, as provided in section
30 704.4 and 704.5.

31 (5) To remove a disruptive student from school property or
32 from school-sponsored activities conducted on school or other
33 property.

34 (6) To prevent a student from the self-infliction of harm.

35 (7) To protect the safety of others.

1 b. Using incidental, minor, or reasonable physical
2 contact, not designed or intended to cause pain, to maintain
3 order and control.

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SENATE AMENDMENT TO HOUSE FILE 2416

H-5719

1 Amend House File 2416, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. DEPARTMENTAL RULES.
6 The state board of education shall include in the
7 rule relating to use of corporal punishment under
8 section 280.21, a rule or subrule which provides that
9 corporal punishment does not mean the use of
10 incidental, minor, or reasonable physical contact to
11 maintain order and control, provided that the contact
12 is not designed or intended to cause pain."

RECEIVED FROM THE SENATE

H-5719 FILED MARCH 15, 1990

House refused to concur 3/26 (p. 1410)
Senate insisted 4/2 (p. 1440)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2416

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2416, a bill for An Act relating to corporal punishment, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5719.
2. That House File 2416, as amended, passed, and reprinted by the House, is amended as follows:

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

"Section 1. Section 280.21, Code Supplement 1989, is amended to read as follows:

280.21 CORPORAL PUNISHMENT.

An employee of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, "corporal punishment" means the intentional physical punishment of a student. An employee's physical contact with the body of a student **is justified shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property.**

CCR-2416

Page 2

The department of education shall adopt rules to implement this section.

Sec. 2.

By September 1, 1990, the department of education shall adopt rules to be included in 281 I.A.C. ch. 102, and rules in another chapter, entitled "Corporal Punishment Ban," in order to implement section 280.21, as amended in this Act."

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

PATRICIA HARPER, Chairperson
RON CORBETT
MARK HAVERLAND
STEWART IVERSON
C. ARTHUR OLLIE

LARRY MURPHY, Chairperson
JOY CORNING
WALLY HORN
JEAN LLOYD-JONES
MAGGIE TINSMAN

CCR-2416 FILED APRIL 7, 1990
REPORT ADOPTED. (p. 2276)

Adopted 4/7 (p. 1692)

another chapter, entitled "Corporal Punishment Ban," in order to implement section 280.21, as amended in this Act.

HOUSE FILE 2416

AN ACT
RELATING TO CORPORAL PUNISHMENT.

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

Section 1. Section 280.21, Code Supplement 1989, is amended to read as follows:

280.21 CORPORAL PUNISHMENT.

An employee of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, "corporal punishment" means the intentional physical punishment of a student. An employee's physical contact with the body of a student is-justified shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property. The department of education shall adopt rules to implement this section.

Sec. 2.

By September 1, 1990, the department of education shall adopt rules to be included in 281 I.A.C. ch. 102, and rules in

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2416, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 30, 1990

TERRY E. BRANSTAD
Governor