

*Education*  
Do pass per amend. 53074 (p. 383) 2-14-89  
House Education 3-2-89 (p. 640)  
Amended OOPAM 331-89 (p. 1179) per amend. 3740

Reprinted 2-28-89

FILED JAN 16 1989

SENATE FILE 52

BY CORNING, LIND, TINSMAN,  
MANN, LLOYD-JONES, DELUHERY,  
GENTLEMAN, RIORDAN, HANNON,  
BRUNER, SZYMONIAK, and VARN.

Passed Senate, Date 2-28-89 (p. 383) passed House, Date 4-7-89 (p. 1401)  
Vote: Ayes 32 Nays 18 Vote: Ayes 64 Nays 27  
Approved 4-27-89

### A BILL FOR

1 An Act to prohibit the use of corporal punishment in approved or  
2 accredited schools.

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

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SF 52

1 Section 1. NEW SECTION. 280.21 CORPORAL PUNISHMENT.

20742 An employee of an accredited public school, approved  
3 nonpublic school, or public school district shall not inflict,  
4 or cause to be inflicted, corporal punishment upon a student.  
5 For purposes of this section, "corporal punishment" means the  
6 intentional physical punishment of a student. An employee's  
7 physical contact with the body of a student is justified if  
8 the contact is reasonable and necessary under the  
9 circumstances for the proper control, training, or education  
10 of the student, and is not for the punishment of the student.

11 EXPLANATION

12 This bill prohibits the use of corporal punishment upon a  
13 student in an accredited or approved public or nonpublic  
14 school or public school district. It defines corporal  
15 punishment so that it does not include physical contact  
16 between a student and a school employee that is reasonable and  
17 necessary for the control, training, or education of the  
18 student, so long as that physical contact is not for  
19 punishment of a student.

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SENATE FILE 52  
BY CORNING, LIND, TINSMAN,  
MANN, LLOYD-JONES, DELUHERY,  
GENTLEMAN, RIORDAN, HANNON,  
BRUNER, SZYMONIAK, and VARN.

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 28, 1989)

                     - New Language by the Senate

Passed Senate, Date 4-12-89 (p.140) Passed House, Date 4-28-89 (p.140-2)  
Vote: Ayes 32 Nays 12 Vote: Ayes 64 Nays 27  
Approved 4-27-89 (p.1740)

### A BILL FOR

- 3740,  
363
- 1 An Act to prohibit the use of corporal punishment in approved or
  - 2 accredited schools.
  - 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

### HOUSE AMENDMENT TO SENATE FILE 52

S-3621

- 1 Amend Senate File 52, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "if" the following: "it is reasonable and necessary
- 5 under the circumstances and is not designed or
- 6 intended to cause pain or if".
- 7 2. Title page, line 1, by striking the words
- 8 "approved or".

RECEIVED FROM THE HOUSE

S-3621 FILED APRIL 11, 1989

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SF 52

lw/cc:26

1 Section 1. NEW SECTION. 280.21 CORPORAL PUNISHMENT.

2 An employee of an accredited public school district,  
3 accredited nonpublic school, or area education agency shall  
4 not inflict, or cause to be inflicted, corporal punishment  
5 upon a student. For purposes of this section, "corporal

6 punishment" means the intentional physical punishment of a  
7 student. An employee's physical contact with the body of a

8 student is justified if the employee uses reasonable force, as

9 defined under section 704.1, for the protection of the

10 employee, the student, or other students; to obtain the

11 possession of a weapon or other dangerous object within a

12 student's control; or for the protection of property.

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## SENATE FILE 52

H-3691

Amend Senate File 52, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 7 through 12 and inserting the following: "student. The following do not constitute intentional physical punishment or physical abuse, nor is a school or area education agency employee prohibited from doing the following:

a. Using reasonable force to quell a disturbance or prevent an act that threatens physical harm to any person.

b. Using reasonable force to obtain possession of a weapon or other dangerous object within a student's control.

c. Using reasonable force for the purposes of self-defense or defense of others as provided under section 704.3.

d. Using reasonable force for the protection of property as provided under section 704.4.

e. Using reasonable force to remove a disruptive student from school premises or from school-sponsored activities off school premises.

f. Using reasonable force to protect a student from self-inflicted harm.

g. Using reasonable force to protect the safety of others.

h. Using incidental, minor, or reasonable physical contact to maintain order and control.

2. In determining whether the force used is reasonable, the following factors shall be considered:

a. The nature of the student's conduct which led to physical contact with a school employee.

b. The size and physical condition of the student.

c. Any weapon or dangerous object used in the physical contact.

d. The motivation of the employee at the time the physical contact took place.

e. Any other relevant facts and circumstances surrounding an incident."

By DAGGETT of Adams

H-3691 FILED MARCH 29, 1989

*Withdrawn 4-7-89 (p.1401)*

SENATE FILE 52

H-3603

1 Amend Senate File 52 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 12, 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. Title page, line 1, by striking the words "to  
19 prohibit" and inserting the following: "relating to  
20 searches at and".

21 3. By renumbering as necessary.

By SPENNER of Henry

H-3603 FILED MARCH 27, 1989

*House withdrawn 4-7-89 (p. 1401)*

SENATE FILE 52

H-3560

1 Amend Senate File 52, as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 8 through 12, and  
4 inserting the following: "student is justified if the  
5 contact is reasonable and necessary under the  
6 circumstances for the proper control, training, or  
7 education of the student, and is not for the  
8 intentional physical punishment of the student."

By WISE of Lee

H-3560 FILED MARCH 23, 1989

*House withdrawn 4-7-89 (p. 1401)*

SENATE FILE 52

H-3740

- 1 Amend Senate File 52, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "if" the following: "it is reasonable and necessary
- 5 under the circumstances and is not designed or
- 6 intended to cause pain or if".
- 7 2. Title page, line 1, by striking the words
- 8 "approved or".

By COMMITTEE ON EDUCATION  
OLLIE of Clinton, Chairperson

H-3740 FILED MARCH 31, 1989

*House Adopted 4-7-89 (p. 1400)*

SENATE FILE 52

H-3749

- 1 Amend Senate File 52, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "intentional" the following: "mental or".

By CORBETT of Linn

H-3749 FILED MARCH 31, 1989

*House: Lost*

*4-7-89 (p. 1401)*

SENATE FILE 52

H-3857

- 1 Amend Senate File 52, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the words "contact
- 4 with the body" and inserting the following: "re-
- 5 straint".

By MAULSBY of Calhoun

H-3857 FILED APRIL 5, 1989

*Lost in House 4-7-89 (p. 1401)*

S-3074

1 Amend Senate File 52 as follows:

300-2 1. Page 1, line 2, by striking the word "  
3 approved" and inserting the following: "district,  
4 accredited".

5 2. Page 1, line 3, by striking the words "public  
6 school district" and inserting the following: "area  
7 education agency".

303-8 3. Page 1, by striking lines 8 through 10, and  
9 inserting the following: "the employee uses  
10 reasonable force, as defined under section 704.1, for  
11 the protection of the employee, the student, or other  
12 students; to obtain the possession of a weapon or  
13 other dangerous object within a student's control; or  
14 for the protection of property."

By COMMITTEE ON EDUCATION

LARRY MURPHY, Chairperson

S-3074 FILED FEBRUARY 14, 1989

*adopted by voice vote 2-28-89 (p. 317)*



SENATE FILE 52

S-3113

1 Amend amendment, S-3074, to Senate File 52 as  
2 follows:

3 1. Page 1, by striking lines 2 through 4 and  
4 inserting the following:

5 "\_\_\_\_\_. Page 1, by striking line 2 and inserting  
6 the following:

7 "1. An employee of an accredited public school  
8 district, accredited".

9 2. Page 1, by striking lines 8 through 14 and  
10 inserting the following:

11 "\_\_\_\_\_. Page 1, by striking lines 6 through 10, and  
12 inserting the following: "intentional physical  
13 punishment of a student. The following do not  
14 constitute intentional physical punishment or physical  
15 abuse, nor is a school or area education agency  
16 employee prohibited from doing the following:

17 a. Using reasonable force to quell a disturbance  
18 or prevent an act that threatens physical harm to any  
19 person.

20 b. Using reasonable force to obtain possession of  
21 a weapon or other dangerous object within a student's  
22 control.

23 c. Using reasonable force for the purposes of  
24 self-defense or defense of others as provided under  
25 section 704.3.

26 d. Using reasonable force for the protection of  
27 property as provided under section 704.4.

28 e. Using reasonable force to remove a disruptive  
29 student from school premises or from school-sponsored  
30 activities off school premises.

31 f. Using reasonable force to protect a student  
32 from self-inflicted harm.

33 g. Using reasonable force to protect the safety of  
34 others.

35 h. Using incidental, minor, or reasonable physical  
36 contact to maintain order and control.

37 2. In determining whether the force used is  
38 reasonable, the following factors shall be considered:

39 a. The nature of the student's conduct which led  
40 to physical contact with a school employee.

41 b. The size and physical condition of the student.

42 c. Any weapon or dangerous object used in the  
43 physical contact.

44 d. The motivation of the employee at the time the  
45 physical contact took place.

46 e. Any other relevant facts and circumstances  
47 surrounding the incident."

48 3. By renumbering as necessary.

By WALLY HORN

DALE L. TIENEN

S-3113 FILED FEBRUARY 27, 1989

1054 2-28-89 (4547)

weapon or other dangerous object within a student's control;  
or for the protection of property.

SENATE FILE 52

AN ACT

TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN ACCREDITED  
SCHOOLS.

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

Section 1. NEW SECTION. 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 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

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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 52, Seventy-third General Assembly.

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JOHN P. DWYER  
Secretary of the Senate  
Approved 4/27, 1989

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TERRY E. BRANSTAD  
Governor