

(P 703) 3-16-94 Senate - Education
(P 814) 3-23-94 Senate - Amend/
Do Pass w/55289

MAR 8 1994

Place On Calendar

HOUSE FILE 2383

BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 620)

(P630)

Passed House, Date 3-15-94 Passed Senate, Date 4/11/94
Vote: Ayes 87 Nays 11 Vote: Ayes 48 Nays 0

Approved April 28, 1994
Passed 4-13-94
Vote 91-
(P. 1495) A BILL FOR

1 An Act relating to safety in schools.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2383

1 Section 1. Section 232.147, subsection 3, Code Supplement
2 1993, is amended by adding the following new unnumbered
3 paragraphs:

4 NEW UNNUMBERED PARAGRAPH. Upon the written request from
5 the chief administrative officer, or the chief administrative
6 officer's designee, of a public or nonpublic school, as
7 defined under section 280.2, which is attended by a child, who
8 is or has been the subject of proceedings under division II of
9 this chapter, a juvenile court officer shall release to the
10 school the official juvenile court records and records of any
11 informal adjustment agreement concerning the child. A court
12 order is not required for release of the information.

13 NEW UNNUMBERED PARAGRAPH. A school that receives records
14 and information under this subsection shall maintain the
15 information apart from official academic records concerning
16 the child, and shall restrict use of the records or
17 information to the school's own educational purposes and
18 institutional needs. School officials and employees shall not
19 disseminate the records or information acquired under this
20 subsection to nonschool personnel. For purposes of this
21 subsection, "school employees" means persons employed by a
22 nonpublic school, school district, or any area education
23 agency staff member who provides services to a school or
24 school district.

25 Sec. 2. Section 232.149, subsection 3, Code 1993, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. f. The designated representative of any
28 public or nonpublic school as defined in section 230.2, at
29 which the child is enrolled. The designated representative
30 shall disclose this information only to those school personnel
31 whose duties require them to be involved with the child.

32 Sec. 3. NEW SECTION. 256.11C CHARACTER EDUCATION POLICY
33 -- PILOT PROGRAM.

34 1. It is the policy of the general assembly that Iowa's
35 schools be the best and safest possible. To that end, each

1 school is encouraged to instill the highest character and
2 academic excellence in each student, in close cooperation with
3 the student's parents, and with input from the community and
4 educators.

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

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

21 2. The state board shall establish a character education
22 pilot program to evaluate methods for incorporating positive
23 character qualities into all levels of the existing
24 educational program.

25 3. The program shall involve up to four school districts
26 or area education agencies, contingent upon an appropriation
27 or other sources of funding, and competitive applications.
28 Successful applicants shall present programs meeting at least
29 the following criteria:

30 a. The character education program extends through at
31 least eight consecutive grade levels.

32 b. The character education program is approved by the
33 local board of education and developed in conjunction with an
34 advisory group appointed by the local board. The advisory
35 group must meet the requirements set forth in section 280.12,

1 subsection 2.

2 c. The primary goal of the program is to have students
3 commit to a positive set of values that are consistent with
4 some or all of those values listed in subsection 1 and in the
5 students' community, and to consistently act upon those
6 values.

7 d. The program includes adequate staff development
8 activities to ensure that instructional and administrative
9 staff are sufficiently familiar with both the concepts and the
10 instructional methodology of the program.

11 e. The program includes an ongoing communication strategy
12 to inform and receive feedback from parents and other
13 community members regarding the content and operation of the
14 character education program.

15 f. The program includes strategies to report on program
16 success using some indicators that the primary program goals
17 are being achieved.

18 Information regarding individual student progress shall
19 only be reported to the parents of each student, and shall not
20 be the basis for any decision regarding educational placement,
21 promotion, or retention.

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

26 Sec. 4. Section 279.9, Code 1993, is amended to read as
27 follows:

28 279.9 USE OF TOBACCO.

29 ~~Such~~ The rules shall prohibit the use of tobacco and the
30 use or possession of alcoholic liquor, wine, or beer or any
31 controlled substance as defined in section 124.101, subsection
32 5, by any student of ~~such~~ the schools and the board may
33 suspend or expel ~~any a~~ student for ~~any a~~ violation of ~~such a~~
34 rule under this section. Upon the request of school officials
35 of a school to which the student seeks to transfer or has

1 transferred, school officials of the sending school shall
2 provide an accurate record of any suspension and expulsion
3 actions taken, and the basis for those actions taken, against
4 the student under this section and sections 280.19A, 282.3,
5 282.4, 282.5, 287.3, and 287.4. The designated representative
6 shall disclose this information only to those school employees
7 whose duties require them to be involved with the student.
8 For purposes of this subsection, "school employees" means
9 persons employed by a nonpublic school, school district, or
10 any area education agency staff member who provides services
11 to a school or school district.

12 Sec. 5. Section 280.19A, Code 1993, is amended by adding
13 the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 22.7,
15 subsection 1, records kept regarding a student who has
16 participated in a program under this section shall be
17 requested by school officials of a public or nonpublic
18 receiving school in which the student seeks to enroll, and
19 shall be provided by the sending school. A school official
20 who receives information under this section shall disclose
21 this information only to those school officials and employees
22 whose duties require them to be involved with the student.
23 "School officials and employees" means those officials and
24 persons employed by a nonpublic school or public school
25 district, and area education agency staff members who provide
26 services to schools or school districts.

27 Sec. 6. Section 280.21, Code 1993, is amended by adding
28 the following new unnumbered paragraphs:

29 NEW UNNUMBERED PARAGRAPH. A school employee who comes into
30 physical contact with a student shall be immune from civil or
31 criminal liability as a result of the physical contact, if the
32 physical contact was made in the course of the school
33 employee's employment and if the physical contact was made for
34 any of the following purposes:

- 35 1. To encourage, support, or restrain the student.

- 1 2. To protect a school employee, the student, or other
- 2 students.
- 3 3. To obtain the possession of a weapon or other dangerous
- 4 object within a student's control.
- 5 4. To protect property.
- 6 5. To quell a disturbance or prevent an act that threatens
- 7 physical harm to any person.
- 8 6. To remove a disruptive student from class, school
- 9 transportation, or any area of the school premises or from
- 10 school-sponsored activities off the school premises.
- 11 7. To prevent a student from the self-infliction of harm.
- 12 8. In self-defense.

13 NEW UNNUMBERED PARAGRAPH. To prevail in a civil action
14 brought under this section, the party bringing the action must
15 prove by clear and convincing evidence that the school
16 employee was not acting in the course of employment, that the
17 school employee is not immunized for the act under this
18 section, and that a violation of this section occurred. To
19 prevail in a criminal action, the state must prove beyond a
20 reasonable doubt that the school employee was not acting in
21 the course of employment. For purposes of this section,
22 "school employee" means a person employed by a nonpublic
23 school or school district, or any area education agency staff
24 member who provides services to a school or school district.

25 Sec. 7. NEW SECTION. 280.21A LEAVE -- EPISODE OF
26 VIOLENCE.

- 27 1. A school employee who, in the course of employment,
- 28 suffers an injury or disability resulting from an episode of
- 29 violence toward that employee or as a result of an employee's
- 30 action under section 280.21B shall be entitled to receive full
- 31 salary and benefits for the shortest of the following periods:
- 32 a. One year from the date of the disability.
- 33 b. The period during which the employee is disabled and
- 34 incapable of employment.

35 During the period described in paragraph "a" or "b", the

1 school employee shall not be required to use accumulated sick
2 leave or vacation.
3 2. The school district may require the employee, as a
4 condition of receiving benefits under this section, to provide
5 a signed statement that justifies the use of this leave and,
6 if medical attention is required, a certificate from a
7 licensed physician that states the nature and duration of the
8 leave.
9 3. For purposes of this section, "school employee" means a
10 person employed by a nonpublic school or school district, or
11 any area education agency staff member who provides services
12 to a school or school district.

13 Sec. 8. NEW SECTION. 280.21B INTERVENTION IN
14 ALTERCATIONS.

15 A school employee may intervene in a fight or physical
16 struggle that takes place in the presence of the employee in a
17 school building, on school grounds, or at a school-sponsored
18 function off school grounds and regardless of whether the
19 fight is among students or other individuals. The employee
20 may use reasonable force as defined in section 704.1. An
21 employee who takes action under this section in the course of
22 employment shall have the same immunity as provided under
23 section 280.21. For purposes of this section, "school
24 employee" means a person employed by a nonpublic school or
25 school district, or any area education agency staff member who
26 provides services to a school or school district.

27 Sec. 9. Section 282.4, Code 1993, is amended to read as
28 follows:

29 282.4 EXPULSION -- DISMISSAL.

30 The board may, by a majority vote, expel any pupil from
31 school for a violation of the regulations or rules established
32 by the board, or when the presence of the pupil is detrimental
33 to the best interests of the school; ~~and it.~~ The board may
34 confer upon any teacher, principal, or superintendent the
35 power temporarily to dismiss a pupil, notice of such dismissal

1 being at once given in writing to the president of the board.

2 A pupil who, following a local school board hearing, is
3 found to have committed an assault, as defined under section
4 708.1, against a school employee, shall be expelled from
5 school unless the student shows good cause, on the basis of
6 individual facts and circumstances, that a less severe
7 consequence is more appropriate. For purposes of this
8 section, "school employee" means a person employed by a
9 nonpublic school or school district, or any area education
10 agency staff member who provides services to a school or
11 school district.

12 Sec. 10. Section 282.18, subsection 16, Code Supplement
13 1993, is amended to read as follows:

14 16. If a pupil, for ~~which~~ whom a request to transfer has
15 been filed with a district, has been suspended or expelled in
16 the district, the child pupil shall not be permitted to
17 transfer until the pupil has been reinstated in the sending
18 district. Once the child pupil has been reinstated, however,
19 the child pupil shall be permitted to transfer in the same
20 manner as if the child pupil had not been suspended or
21 expelled by the sending district. If a child pupil, for whom
22 a request to transfer has been filed with a district, is
23 expelled in the district, the child pupil shall be permitted
24 to transfer to a receiving district under this section if the
25 child pupil applies for and is reinstated in the sending
26 district. However, if the child pupil applies for
27 reinstatement but is not reinstated in the sending district,
28 the receiving district may deny the request to transfer. The
29 parent or guardian of the child pupil shall be permitted to
30 appeal the decision of the receiving district to the director
31 of the department of education. If the director rules in
32 favor of permitting the transfer, the child pupil shall be
33 permitted to transfer, but the transfer shall be conditioned
34 upon the expiration of the expulsion period without the
35 student pupil incurring a new violation.

1 Sec. 11. NEW SECTION. 287.4 DISCLOSURE OF INFORMATION.
2 Notwithstanding section 22.7, subsection 1, records kept
3 under this chapter shall be made available to the designated
4 representative of a school district in which a pupil subject
5 to an action under this chapter attends. The designated
6 representative shall disclose this information only to those
7 personnel whose duties require them to be involved with the
8 pupil.

9 Sec. 12. Section 321.236, subsection 2, Code 1993, is
10 amended to read as follows:

11 2. Regulating traffic, including traffic on public school
12 driveways and parking lots, by means of police officers or
13 traffic-control signals.

14 Sec. 13. Section 808A.1, subsection 1, paragraph d, Code
15 1993, is amended to read as follows:

16 d. A school locker, desk, or other facility or space is-
17 sued or assigned to, or chosen by, the student for the storage
18 of personal belongings of any kind, which the student locks or
19 is permitted to lock. School officials may conduct periodic
20 inspections of all school lockers provided the student is
21 given the opportunity to be present during the inspection.
22 However, the school district shall provide notice to the
23 students, ~~at least twenty-four hours prior to the inspection~~
24 ~~of the date and time of the inspection in the school's rules~~
25 ~~or policy at the time of enrollment each school year that a~~
26 ~~student's locker is subject to inspection at any time during~~
27 ~~the course of the school year, and that the evidence obtained~~
28 ~~directly or indirectly as a result of an inspection may be~~
29 ~~admissible in a criminal proceeding against the student.~~

30 Sec. 14. PLACEMENT OF EXPELLED STUDENTS. The area
31 education agencies shall, in cooperation with local school
32 districts, identify programs and resources available within
33 the state to meet the educational and assessment needs of
34 public and nonpublic students who have been expelled. The
35 area education agencies shall submit the findings and any

1 related recommendations in a report to the general assembly by
2 January 1, 1955.

3 EXPLANATION

4 This bill provides that a student expelled from one school
5 district cannot enroll in another district until the
6 readmission terms of the expulsion are met.

7 The bill also provides that the following records regarding
8 a juvenile shall be available upon written request to the
9 designated representative of a public school or school
10 district or nonpublic school, only for the school's own
11 educational purposes and instructional needs, in the following
12 situations:

- 13 1. Official juvenile court records in cases other than
14 delinquency cases under chapter 232.
- 15 2. Law enforcement records under section 232.149 regarding
16 juveniles.
- 17 3. Records under section 279.9 regarding violations by a
18 student of a school's tobacco, alcohol, or controlled sub-
19 stance rules.
- 20 4. Records regarding students who have participated in
21 alternative programs under section 280.19A.
- 22 5. Records under section 282.3, 282.4, or 282.5 regarding
23 the exclusion, expulsion, or readmission of a child from or to
24 school.
- 25 6. Records regarding the suspension or dismissal of a
26 student for a violation of chapter 287 regarding societies and
27 fraternities.

28 The bill also provides that the accreditation rules for
29 schools includes the encouragement that each school in
30 cooperation with parents and community promote certain
31 qualities of character that will maintain a safe and orderly
32 learning environment and better prepare students to be model
33 citizens. The bill sets up a pilot character education
34 program in up to four locations to evaluate methods for
35 incorporating positive character qualities into all levels of

1 the existing educational program.
2 The bill provides that school officials are no longer
3 required to provide 24-hour notice to students before
4 conducting a search of student's lockers. Students must be
5 given the opportunity to be present during a search of the
6 student's locker and students shall be notified at the time of
7 enrollment that lockers are subject to inspection at any time
8 and evidence obtained in these searches may be admissible in
9 criminal proceedings against the student.
10 In addition, the bill provides that a school employee is
11 immune from civil or criminal liability for touching a student
12 during the course of the employee's duties. To overcome the
13 immunity, a plaintiff in a civil action must prove that the
14 contact occurred outside of the scope of the employee's duties
15 by clear and convincing evidence. The state must prove the
16 contact occurred outside the course of the employee's duties
17 beyond a reasonable doubt in a criminal action.
18 The bill also provides that a school employee injured by an
19 act of violence is entitled to paid leave. Also, the bill
20 provides that school employees may intervene to break up
21 fights between or among students or others.
22 The bill provides that a student who assaults a school
23 employee is subject to expulsion, unless the student shows
24 good cause that a lesser penalty is more appropriate.
25 Area education agencies are required to gather information
26 on programs and resources available to students who have been
27 expelled and to report to the general assembly on these
28 programs by January 1, 1995.
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HOUSE FILE 2383
FISCAL NOTE

A fiscal note for House File 2383 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2383 addresses safety in schools. The areas of fiscal impact include the creation of 4 pilot programs in character education and the requirement of local school districts to provide full salary and benefits to employees who suffer an injury or disability resulting from an act of violence for the least amount of time between one year or until recovered.

ASSUMPTIONS:

1. That this legislation takes effect July 1, 1994.
2. That approximately 40,000 students will be served by the 4 pilot projects for character education.
3. That the cost per student for the character education pilot programs is \$4.
4. That an indeterminable number of school staff will qualify for the salary compensation due to receiving an injury or disability resulting from an episode of violence.

FISCAL IMPACT:

House File 2383 is estimated to require an appropriation of \$160,000 in FY 1995 for the 4 pilot programs in character education. The cost of the salary and benefits for school staff that are disabled or injured due to an act of violence cannot be determined because the data needed to calculate this estimate is not currently collected.

SOURCE: Department of Education

(LSB 3205hv, BDH)

FILED MARCH 15, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2383

5331

Amend House File 2383 as follows:

1. Page 8, by inserting after line 29 the following:

"Sec. ____ Section 803A.1, subsection 5, Code 1993, is amended to read as follows:

5. a. "Student search rule" means a rule established by the school board of a public school, pursuant to section 279.6 or 279.9, or the authorities in charge of a nonpublic school controlling the manner of the searching of students or protected student areas. A student search rule shall not be adopted until at least one public hearing has been held regarding the following issues:

(1) Reconciliation of students' legitimate privacy interests with the educational necessities of the school environment.

(2) The community's view of reasonable conduct of students and school officials regarding privacy interests.

(3) Where, when, by whom, and under what circumstances a search of a protected student area may be accomplished.

b. A student search rule, to be valid for purposes of this chapter, must be reasonable and shall be based upon relevant factors which include, but are not limited to, the following:

a:(1) The seriousness of the violation for which a search may be instituted.

b:(2) The age or ages of the students which may be searched pursuant to the rule.

c:(3) The information or suspicion which must exist to warrant the institution of a search."

2. By renumbering as necessary.

By NEUHAUSER of Johnson

H-5331 FILED MARCH 14, 1994

Last 3-15-94 (P.622)

HOUSE FILE 2383

H-5351

Amend House File 2383 as follows:

1. Page 2, line 27, by inserting after the word "applications." the following: "The program may provide for the utilization of phase III funds in the establishment of the program. A character education pilot program is a comprehensive school transformation program under section 294A.14."

By HURLEY of Fayette
GRUBBS of Scott

H-5351 FILED MARCH 14, 1994

a dopted 3-15-94 (P.622)

Motion to R/C LOST 3-15-94

H-5318

HOUSE FILE 2383

Amend House File 2381 as follows:

Page 17, line 20, of paragraph 17, delete the words "personnel" and insert: "A school official or employee who discloses information received under this subsection in violation of this paragraph shall be subject to disciplinary action, including but not limited to reprimand, suspension, or termination."

Page 17, line 31, by inserting after the word "control," the following: "A school official or employee who discloses information received under this subsection in violation of this paragraph shall be subject to disciplinary action, including but not limited to reprimand, suspension, or termination."

Page 17, line 32, by inserting after the word "reduced," the following: "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."

Robert Woodbury
John Woodbury
John Woodbury
John Woodbury
 3/15/94
 H-5318

BY RANTS OF WOODBURY

H-5318 FILED MARCH 14, 1994

Adopted
3-15-94 (p.618)

H-5317

HOUSE FILE 2385

Amend House File 2381 as follows:

Page 17, by striking lines 1 through 11 and inserting the following:

"Section 17, Section 17(1), Code Supplement (1993), as amended by adding the following new subsection:

NEW SUBSECTION. 1. A law enforcement agency may disclose the name of the individual and an arrest or citation involving a person or controlled substance possession to the superintendent of the school district, the superintendent's assignee, or the authorities in charge of the individual's arrest, arrest or citation, or any other law enforcement agency involved in investigating a crime committed by the individual.

NEW SUBSECTION. 2. Notwithstanding any other law to the contrary, the county attorney may disclose information which would otherwise be confidential pursuant to this section to the extent necessary to prosecute or conduct proceedings pertaining to the arrest or citation of an individual who is alleged to have committed a crime.

Page 17, of striking lines 17 through 19 and inserting the following: "Suspension or termination"

Page 17, by renumbering as necessary.

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B

BY RANTS OF WOODBURY

H-5317 FILED MARCH 14, 1994

Adopted 3-15-94
Best 3-15-94

HOUSE FILE 2383

H-5363

1 Amend House File 2383 as follows:

2 1. Page 4, line 33, by inserting after the word
3 "employment" the following: ", appropriate under the
4 circumstances,".

5 2. Page 5, line 16, by inserting after the word
6 "employment," the following: "or was acting in a way
7 which was not appropriate under the circumstances,".

8 3. Page 5, line 21, by inserting after the word
9 "employment" the following: ", or was acting in a way
10 which was not appropriate under the circumstances".

11 4. Page 6, line 23, by inserting after the figure
12 "280.21" the following: ", unless the employee's
13 action was not appropriate under the circumstances".

By KREIMAN of Davis

H-5363 FILED MARCH 14, 1994

adopted 3-15-94
(P.624)

HOUSE FILE 2383

H-5364

1 Amend House File 2383 as follows:

A 2 1. Page 7, line 4, by striking the word "against"
3 and inserting the following: "resulting in serious
4 injury to".

B 5 2. Page 7, line 5, by inserting after the word
6 "school" the following: "and a report of the action
7 of findings and action of the board shall be filed
8 with the juvenile court in accordance with section
9 232.28, subsection 1, in the case of a juvenile, or
10 filed with the county attorney, in the case of a pupil
11 who is eighteen years of age or older,".

By KREIMAN of Davis

H-5364 FILED MARCH 14, 1994

A. withdrawn 3-15-94
B. adopted 3-15-94
(P.626)

HOUSE FILE 2383

H-5266

1 Amend House File 2383 as follows:

2 1. Page 5, by striking line 28 and inserting the
3 following: "suffers a personal injury causing
4 temporary total disability, or a permanent partial or
5 total disability, resulting from an episode of".

6 2. Page 5, by striking line 30 and inserting the
7 following: "action under section 280.21B, for which
8 workers' compensation under chapter 85 is payable,
9 shall be entitled to receive workers' compensation,
10 which the district shall supplement in order for the
11 employee to receive full".

By IVERSON of Wright

H-5266 FILED MARCH 9, 1994

Adopted 3-15-94
(P.628)

HOUSE FILE 2383

5353

Amend House File 2383 as follows:

- 1. Page 3, line 17, by inserting after the word "achieved" the following: ", including but not limited to, records of incidences of violence, possession of weapons, unexcused absences, dropout rates, and average scores on the Iowa test of basic skills and the Iowa test of educational development. Indicators shall not include assessments of individual students concerning any attitudes, feelings, or beliefs".

By HURLEY of Fayette

H-5353 FILED MARCH 14, 1994

WITHDRAWN
3-15-94

HOUSE FILE 2383

H-5354

Amend House File 2383 as follows:

- 1. By striking page 1, line 32 through page 3, line 25.
- 2. By renumbering as necessary.

By KREIMAN of Davis

H-5354 FILED MARCH 14, 1994

Lost 3-15-94
(p.622)

HOUSE FILE 2383

5355

Amend House File 2383 as follows:

- 1. Page 2, line 21, by striking the words "state board" and inserting the following: "department of education".
- 2. Page 8, line 33, by inserting after the word "needs" the following: "on a full-time basis".

By KREIMAN of Davis

INTENTION

H-5355 FILED MARCH 14, 1994

Adopted 3-15-94
(p.622)

HOUSE FILE 2383

H-5356

Amend House File 2383 as follows:

- 1. By striking page 5, line 25 through page 6, line 12.
- 2. By renumbering as necessary.

By CARPENTER of Polk

H-5356 FILED MARCH 14, 1994

Lost 3-15-94
(p.625)

Motion to R/c Withdrawn
3-15-94

HOUSE FILE 2383

H-5357

1 Amend House File 2383 as follows:
 2 1. Page 7, by inserting after line 11 the
 3 following:
 4 "Notwithstanding other provisions of this section,
 5 a pupil with a behavioral, developmental or other
 6 learning disability shall not be expelled for
 7 misbehavior which is a manifestation of the pupil's
 8 disability."

By NEUHAUSER of Johnson

H-5357 FILED MARCH 14, 1994

Lost 3/15/94
(p. 626)

HOUSE FILE 2383

H-5361

1 Amend House File 2383 as follows:
 2 1. Page 1, line 8, by striking the figure "II"
 3 and inserting the following: "III".
 4 2. Page 1, line 9, by striking the words
 5 "juvenile court officer" and inserting the following:
 6 "caseworker".
 7 3. Page 1, by striking lines 10 and 11 and
 8 inserting the following: "school the official
 9 juvenile court records. A court".

By KREIMAN of Davis

H-5361 FILED MARCH 14, 1994

WITHDRAWN
3-15-94

HOUSE FILE 2383

H-5362

1 Amend House File 2383 as follows:
 2 1. Page 1, line 24, by inserting after the word
 3 "district" the following: ", and volunteers providing
 4 services to a school or school district".
 5 2. Page 4, line 11, by inserting after the word
 6 "district" the following: ", and volunteers providing
 7 services to a school or school district".
 8 3. Page 4, line 26, by inserting after the word
 9 "districts" the following: ", and volunteers
 10 providing services to schools or school districts".
 11 4. Page 5, line 24, by inserting after the word
 12 "district" the following: ", and volunteers providing
 13 services to a school or school district".
 14 5. Page 6, line 12, by inserting after the word
 15 "district" the following: ", and volunteers providing
 16 services to a school or school district".
 17 6. Page 6, line 26, by inserting after the word
 18 "district" the following: ", and volunteers providing
 19 services to a school or school district".
 20 7. Page 7, line 11, by inserting after the word
 21 "district" the following: ", and volunteers providing
 22 services to a school or school district".

By KREIMAN of Davis

H-5362 FILED MARCH 14, 1994

Lost 3-15-94
(p. 619)

HOUSE FILE 2383

H-5373

1 Amend the amendment, H-5317, to House File 2383 as
2 follows:

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

5 ""Section 1. Section 123.47B, Code 1993, is
6 amended to read as follows:

7 123.47B PARENTAL AND SCHOOL NOTIFICATION --
8 PERSONS UNDER EIGHTEEN YEARS OF AGE.

9 A peace officer shall make a reasonable effort to
10 identify a person under the age of eighteen discovered
11 to be in possession of alcoholic liquor, wine, or beer
12 in violation of section 123.47 and if the person is
13 not referred to juvenile court, the law enforcement
14 agency of which the peace officer is an employee shall
15 make a reasonable attempt to notify the person's
16 custodial parent or legal guardian of such possession,
17 whether or not the person is arrested or a citation is
18 issued pursuant to section 805.16, unless the officer
19 has reasonable grounds to believe that such
20 notification is not in the best interests of the
21 person or will endanger that person. If the person is
22 arrested or issued a citation pursuant to section
23 805.16, the peace officer may make a reasonable effort
24 to identify the elementary or secondary school the
25 person attends, if any, and to notify the
26 superintendent of the school district, the
27 superintendent's designee, or the authorities in
28 charge of the nonpublic school of the arrest or
29 citation. A juvenile court officer may also notify
30 the superintendent of the school district or the
31 authorities in charge of the nonpublic school which
32 the child attends of the arrest or citation. A
33 reasonable attempt to notify the person includes but
34 is not limited to a telephone call or notice by first
35 class mail.

36 Sec. ____ . Section 124.415, Code 1993, is amended
37 to read as follows:

38 124.415 PARENTAL AND SCHOOL NOTIFICATION --
39 PERSONS UNDER EIGHTEEN YEARS OF AGE.

40 A peace officer shall make a reasonable effort to
41 identify a person under the age of eighteen discovered
42 to be in possession of a controlled substance,
43 counterfeit substance, or simulated controlled
44 substance in violation of this chapter, and if the
45 person is not referred to juvenile court the law
46 enforcement agency of which the peace officer is an
47 employee shall make a reasonable attempt to notify the
48 person's custodial parent or legal guardian of such
49 possession, whether or not the person is arrested,
50 unless the officer has reasonable grounds to believe

H-5373

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Page 2

1 (A) after notification is not in the best interests
 2 the person or will endanger that person. If the
 3 person is arrested, the person shall, by the
 4 reasonable effort to identify the secondary or
 5 secondary school the person attends, if any, and to
 6 notify the superintendent of the school district, the
 7 superintendent's designee, or the authorities in
 8 charge of the nonpublic school of the arrest. A
 9 juvenile court officer may also notify the
 10 superintendent of the school district, the
 11 superintendent's designee, or the authorities in
 12 charge of the nonpublic school of the arrest. A
 13 reasonable attempt to notify the person includes but
 14 is not limited to a telephone call or notice by first
 15 class mail.

16 Sec. ____ . Section 233.28, subsection 3, Code 1993,
 17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. f. Notify the superintendent of
 19 the school district or the authorities in charge of
 20 the nonpublic school which the child attends of an
 21 arrest or citation involving alcohol or controlled
 22 substance possession, as provided in sections 123.47B
 23 and 124.415."

24 2. Page 1, line 5, by striking the word
 25 "subsections" and inserting the following:
 26 "subsection".

27 3. Page 1, by striking lines 16 through 21.

28 4. By renumbering as necessary.

By McNEAL of Hardin
 MARTIN of Scott

H-5373 FILED MARCH 15, 1994
 ADOPTED

HOUSE FILE 2383

H-5380

1 Amend the amendment, H-5317, to House File 2383 as
 2 follows:

3 1. Page 1, line 15, by inserting after the word
 4 "child." the following: "A school official or
 5 employee who discloses information received under this
 6 subsection in violation of section 232.151 shall be
 7 subject to disciplinary action, including but not
 8 limited to reprimand, suspension, or termination."

A

9 2. Page 1, by inserting after line 21 the
 10 following:

11 " ____ . Page 4, line 22, by inserting after the
 12 word "student." the following: "A school official or
 13 employee who discloses information received under this
 14 section in violation of this paragraph shall be
 15 subject to disciplinary action, including but not
 16 limited to reprimand, suspension, or termination."

B

By RANTS of Woodbury

H-5380 FILED MARCH 15, 1994
 DIV. A - ADOPTED; DIV. B - WITHDRAWN

HOUSE FILE 2383

H-5370

1 Amend the amendment, H-5363, to House File 2383 as
2 follows:

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

5 "_____. Page 5, line 15, by striking the words
6 "clear and convincing" and inserting the following:
7 "a preponderance of the"."

By KREIMAN of Davis

H-5370 FILED MARCH 15, 1994

LOST

HOUSE FILE 2383

H-5371

1 Amend the amendment, H-5317, to House File 2383 as
2 follows:

3 1. Page 1, by inserting after line 24 the
4 following:

5 "_____. Page 8, by inserting after line 29 the
6 following:

7 "Sec. _____. Section 910A.1, subsection 1, Code
8 1993, is amended by adding the following new
9 unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. "Victim" also means, for
11 the purposes of notification under sections 910A.9
12 through 910A.10A, a public or nonpublic school as
13 defined in section 280.2.""

14 2. By renumbering as necessary.

By DICKINSON of Jackson

H-5371 FILED MARCH 15, 1994

DIV. A - ADOPTED DIV. B - WITHDRAWN

HOUSE FILE 2383

H-5372

1 Amend House File 2383 as follows:

2 1. Page 1, by inserting after line 31 the
3 following:

4 "Sec. _____. Section 235A.15, subsection 2,
5 paragraph c, Code Supplement 1993, is amended by
6 adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (11) To a superintendent or
8 personnel administrator of a school corporation only
9 regarding founded child abuse information concerning a
10 person employed or being considered for employment by
11 the school corporation. Information provided under
12 this paragraph shall only be provided verbally to the
13 superintendent or personnel administrator."

14 2. By renumbering as necessary.

By BELL of Jasper
HAMMOND of Story
GRUBBS of Scott

H-5372 FILED MARCH 15, 1994

ADOPTED

SENATE AMENDMENT TO HOUSE FILE 2383

H-6096

1 Amend House File 2383, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 1 through page 3,
4 line 5.
5 2. Page 3, by striking lines 6 through 15.
6 3. By striking page 4, line 8 through page 5,
7 line 8 and inserting the following: "educational
8 program. Schools involved in the pilot program may
9 use phase III funds in the establishment of the
10 program."
11 4. Page 5, by striking lines 21 through 33 and
12 inserting the following: "rule under this section.
13 Sec. ____ . NEW SECTION. 279.9A INFORMATION
14 SHARING.
15 The rules referred to in section 279.9 shall
16 provide that upon the request of school officials of a
17 school to which the student seeks to transfer or has
18 transferred, school officials of the sending school
19 shall provide an accurate record of any suspension or
20 expulsion actions taken, and the basis for those
21 actions taken, against the student under sections
22 279.9, 280.19A, 282.3, 282.4, and 282.5. The
23 designated representative shall disclose this
24 information only to those school employees whose
25 duties require them to be involved with the student.
26 For purposes of this section, "school employees" means
27 persons employed by a nonpublic school, school
28 district, or any area education agency staff member
29 who provides services to a school or school district."
30 5. By striking page 6, line 18 through page 7,
31 line 19 and inserting the following:
32 "Sec. ____ . Section 280.21, Code 1993, is amended
33 by adding the following new unnumbered paragraph:
34 NEW UNNUMBERED PARAGRAPH. To prevail in a civil
35 action alleging a violation of this section the party
36 bringing the action shall prove the violation by clear
37 and convincing evidence."
38 6. Page 7, line 26, by striking the words "under
39 section 280.21B".
40 7. Page 8, by striking lines 12 through 27.
41 8. Page 9, by striking lines 3 through 16 and
42 inserting the following:
43 "A pupil who commits an assault, as defined under
44 section 708.1, against a school employee in a school
45 building, on school grounds, or at a school-sponsored
46 function shall be suspended for a time to be
47 determined by the principal. Notice of the suspension
48 shall be immediately sent to the president of the
49 board. By special meeting or at the next regularly
50 scheduled board meeting, the board shall review the

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-1-

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Page 2

1 suspension and decide whether to ratify the suspension
 2 or hold a disciplinary hearing to determine whether or
 3 not to order further sanctions against the pupil,
 4 which may include expelling the pupil. In making its
 5 decision, the board shall consider the best interests
 6 of the school district, which shall include what is
 7 best to protect and ensure the safety of the school
 8 employees and pupils from the pupil committing the
 9 assault."

10 9. Page 9, by inserting before line 17 the
 11 following:

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

16 10. Page 10, by striking lines 6 through 13.

17 11. Page 10, by striking lines 14 through 18.

18 12. Page 10, by striking lines 19 through 34.

19 13. By striking page 10, line 35, through page
 20 11, line 7.

21 14. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-6096 FILED APRIL 12, 1994

House Concurred 4/13/94 (P. 1495)

HOUSE FILE 2383

H-6148

1 Amend the Senate amendment, H-6096, to House File
 2 2383, as amended, passed, and reprinted by the House
 3 as follows:

4 1. Page 1, by striking line 38 and inserting the
 5 following:

6 "____. Page 7, lines 25 and 26, by striking the
 7 words "or as a result of an employee's action under".

By GRUBBS of Scott

H-6148 FILED APRIL 13, 1994

Adopted 4/13/94 (P. 1495)

HOUSE FILE 2383
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 620)

(As Amended and Passed by the House March 15, 1994)

Passed House, Date 4/13/94 Passed Senate, Date 4-11-94 ^(P. 1140)
Vote: Ayes 91 Nays 0 Vote: Ayes 48 Nays 0
Approved April 28, 1994

A BILL FOR

Passed 4-14-94
Vote 47-0 (P. 1218)

1 An Act relating to safety in schools.

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

3

4

House Amendments _____

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1 Section 1. Section 123.47B, Code 1993, is amended to read
2 as follows:

3 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS
4 UNDER EIGHTEEN YEARS OF AGE.

5 A peace officer shall make a reasonable effort to identify
6 a person under the age of eighteen discovered to be in
7 possession of alcoholic liquor, wine, or beer in violation of
8 section 123.47 and if the person is not referred to juvenile
9 court, the law enforcement agency of which the peace officer
10 is an employee shall make a reasonable attempt to notify the
11 person's custodial parent or legal guardian of such
12 possession, whether or not the person is arrested or a
13 citation is issued pursuant to section 805.16, unless the
14 officer has reasonable grounds to believe that such
15 notification is not in the best interests of the person or
16 will endanger that person. If the person is arrested or
17 issued a citation pursuant to section 805.16, the peace
18 officer may make a reasonable effort to identify the
19 elementary or secondary school the person attends, if any, and
20 to notify the superintendent of the school district, the
21 superintendent's designee, or the authorities in charge of the
22 nonpublic school of the arrest or citation. A juvenile court
23 officer may also notify the superintendent of the school
24 district or the authorities in charge of the nonpublic school
25 which the child attends of the arrest or citation. A
26 reasonable attempt to notify the person includes but is not
27 limited to a telephone call or notice by first class mail.

28 Sec. 2. Section 124.415, Code 1993, is amended to read as
29 follows:

30 124.415 PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER
31 EIGHTEEN YEARS OF AGE.

32 A peace officer shall make a reasonable effort to identify
33 a person under the age of eighteen discovered to be in
34 possession of a controlled substance, counterfeit substance,
35 or simulated controlled substance in violation of this

1 chapter, and if the person is not referred to juvenile court
2 the law enforcement agency of which the peace officer is an
3 employee shall make a reasonable attempt to notify the
4 person's custodial parent or legal guardian of such
5 possession, whether or not the person is arrested, unless the
6 officer has reasonable grounds to believe that such
7 notification is not in the best interests of the person or
8 will endanger that person. If the person is arrested, the
9 peace officer may make a reasonable effort to identify the
10 elementary or secondary school the person attends, if any, and
11 to notify the superintendent of the school district, the
12 superintendent's designee, or the authorities in charge of the
13 nonpublic school of the arrest. A juvenile court officer may
14 also notify the superintendent of the school district, the
15 superintendent's designee, or the authorities in charge of the
16 nonpublic school of the arrest. A reasonable attempt to
17 notify the person includes but is not limited to a telephone
18 call or notice by first class mail.

19 Sec. 3. Section 232.28, subsection 3, Code 1993, is
20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. f. Notify the superintendent of the school
22 district or the authorities in charge of the nonpublic school
23 which the child attends of an arrest or citation involving
24 alcohol or controlled substance possession, as provided in
25 sections 123.47B and 124.415.

26 Sec. 4. Section 232.147, Code Supplement 1993, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 9. A juvenile court officer or law
29 enforcement agency may disclose the name of the child and an
30 arrest or citation involving alcohol or controlled substance
31 possession to the superintendent of the school district, the
32 superintendent's designee, or the authorities in charge of the
33 nonpublic school which the child attends, as provided in
34 sections 123.47B and 124.415 or past arrests or citations
35 involving alcohol or controlled substance possession or

1 indictable offenses committed by the child. A school official
2 or employee who discloses information received under this
3 subsection in violation of section 232.151 shall be subject to
4 disciplinary action, including but not limited to reprimand,
5 suspension, or termination.

6 Sec. 5. Section 235A.15, subsection 2, paragraph c, Code
7 Supplement 1993, is amended by adding the following new
8 subparagraph:

9 NEW SUBPARAGRAPH. (11) To a superintendent or personnel
10 administrator of a school corporation only regarding founded
11 child abuse information concerning a person employed or being
12 considered for employment by the school corporation.
13 Information provided under this paragraph shall only be
14 provided verbally to the superintendent or personnel
15 administrator.

16 Sec. 6. NEW SECTION. 256.11C CHARACTER EDUCATION POLICY
17 -- PILOT PROGRAM.

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

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

35 The department of education shall assist schools in

1 accessing financial and curricular resources to implement
2 programs stressing these character qualities. Schools are
3 encouraged to use their existing resources to implement
4 programs stressing these qualities.

5 2. The department of education shall establish a character
6 education pilot program to evaluate methods for incorporating
7 positive character qualities into all levels of the existing
8 educational program.

9 3. The program shall involve up to four school districts
10 or area education agencies, contingent upon an appropriation
11 or other sources of funding, and competitive applications.
12 The program may provide for the utilization of phase III funds
13 in the establishment of the program. A character education
14 pilot program is a comprehensive school transformation program
15 under section 294A.14. Successful applicants shall present
16 programs meeting at least the following criteria:

17 a. The character education program extends through at
18 least eight consecutive grade levels.

19 b. The character education program is approved by the
20 local board of education and developed in conjunction with an
21 advisory group appointed by the local board. The advisory
22 group must meet the requirements set forth in section 280.12,
23 subsection 2.

24 c. The primary goal of the program is to have students
25 commit to a positive set of values that are consistent with
26 some or all of those values listed in subsection 1 and in the
27 students' community, and to consistently act upon those
28 values.

29 d. The program includes adequate staff development
30 activities to ensure that instructional and administrative
31 staff are sufficiently familiar with both the concepts and the
32 instructional methodology of the program.

33 e. The program includes an ongoing communication strategy
34 to inform and receive feedback from parents and other
35 community members regarding the content and operation of the

1 character education program.

2 f. The program includes strategies to report on program
3 success using some indicators that the primary program goals
4 are being achieved.

5 Information regarding individual student progress shall
6 only be reported to the parents of each student, and shall not
7 be the basis for any decision regarding educational placement,
8 promotion, or retention.

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

13 Sec. 7. Section 279.9, Code 1993, is amended to read as
14 follows:

15 279.9 USE OF TOBACCO.

16 ~~Such~~ The rules shall prohibit the use of tobacco and the
17 use or possession of alcoholic liquor, wine, or beer or any
18 controlled substance as defined in section 124.101, subsection
19 5, by any student of ~~such~~ the schools and the board may
20 suspend or expel ~~any~~ a student for ~~any~~ a violation of ~~such~~ a
21 rule under this section. Upon the request of school officials
22 of a school to which the student seeks to transfer or has
23 transferred, school officials of the sending school shall
24 provide an accurate record of any suspension and expulsion
25 actions taken, and the basis for those actions taken, against
26 the student under this section and sections 280.19A, 282.3,
27 282.4, 282.5, 287.3, and 287.4. The designated representative
28 shall disclose this information only to those school employees
29 whose duties require them to be involved with the student.
30 For purposes of this subsection, "school employees" means
31 persons employed by a nonpublic school, school district, or
32 any area education agency staff member who provides services
33 to a school or school district.

34 Sec. 8. Section 280.19A, Code 1993, is amended by adding
35 the following new unnumbered paragraph:

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

18 Sec. 9. Section 280.21, Code 1993, is amended by adding
19 the following new unnumbered paragraphs:

20 NEW UNNUMBERED PARAGRAPH. A school employee who comes into
21 physical contact with a student shall be immune from civil or
22 criminal liability as a result of the physical contact, if the
23 physical contact was made in the course of the school
24 employee's employment, appropriate under the circumstances,
25 and if the physical contact was made for any of the following
26 purposes:

27 1. To encourage, support, or restrain the student.

28 2. To protect a school employee, the student, or other
29 students.

30 3. To obtain the possession of a weapon or other dangerous
31 object within a student's control.

32 4. To protect property.

33 5. To quell a disturbance or prevent an act that threatens
34 physical harm to any person.

35 6. To remove a disruptive student from class, school

1 transportation, or any area of the school premises or from
2 school-sponsored activities off the school premises.

- 3 7. To prevent a student from the self-infliction of harm.
- 4 8. In self-defense.

5 NEW UNNUMBERED PARAGRAPH. To prevail in a civil action
6 brought under this section, the party bringing the action must
7 prove by clear and convincing evidence that the school
8 employee was not acting in the course of employment, or was
9 acting in a way which was not appropriate under the
10 circumstances, that the school employee is not immunized for
11 the act under this section, and that a violation of this
12 section occurred. To prevail in a criminal action, the state
13 must prove beyond a reasonable doubt that the school employee
14 was not acting in the course of employment, or was acting in a
15 way which was not appropriate under the circumstances. For
16 purposes of this section, "school employee" means a person
17 employed by a nonpublic school or school district, or any area
18 education agency staff member who provides services to a
19 school or school district.

20 Sec. 10. NEW SECTION. 280.21A LEAVE -- EPISODE OF
21 VIOLENCE.

22 1. A school employee who, in the course of employment,
23 suffers a personal injury causing temporary total disability,
24 or a permanent partial or total disability, resulting from an
25 episode of violence toward that employee or as a result of an
26 employee's action under section 280.21B, for which workers'
27 compensation under chapter 85 is payable, shall be entitled to
28 receive workers' compensation, which the district shall
29 supplement in order for the employee to receive full salary
30 and benefits for the shortest of the following periods:

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

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

1 leave or vacation.

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

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

12 Sec. 11. NEW SECTION. 280.21B INTERVENTION IN
13 ALTERCATIONS.

14 A school employee may intervene in a fight or physical
15 struggle that takes place in the presence of the employee in a
16 school building, on school grounds, or at a school-sponsored
17 function off school grounds and regardless of whether the
18 fight is among students or other individuals. The employee
19 may use reasonable force as defined in section 704.1. An
20 employee who takes action under this section in the course of
21 employment shall have the same immunity as provided under
22 section 280.21, unless the employee's action was not
23 appropriate under the circumstances. For purposes of this
24 section, "school employee" means a person employed by a
25 nonpublic school or school district, or any area education
26 agency staff member who provides services to a school or
27 school district.

28 Sec. 12. Section 282.4, Code 1993, is amended to read as
29 follows:

30 282.4 EXPULSION -- DISMISSAL.

31 The board may, by a majority vote, expel any pupil from
32 school for a violation of the regulations or rules established
33 by the board, or when the presence of the pupil is detrimental
34 to the best interests of the school, ~~and it.~~ The board may
35 confer upon any teacher, principal, or superintendent the

1 power temporarily to dismiss a pupil, notice of such dismissal
2 being at once given in writing to the president of the board.

3 A pupil who, following a local school board hearing, is
4 found to have committed an assault, as defined under section
5 708.1, against a school employee, shall be expelled from
6 school and a report of the action of findings and action of
7 the board shall be filed with the juvenile court in accordance
8 with section 232.28, subsection 1, in the case of a juvenile,
9 or filed with the county attorney, in the case of a pupil who
10 is eighteen years of age or older, unless the student shows
11 good cause, on the basis of individual facts and
12 circumstances, that a less severe consequence is more
13 appropriate. For purposes of this section, "school employee"
14 means a person employed by a nonpublic school or school
15 district, or any area education agency staff member who
16 provides services to a school or school district.

17 Sec. 13. Section 282.18, subsection 16, Code Supplement
18 1993, is amended to read as follows:

19 16. If a pupil, for ~~which~~ whom a request to transfer has
20 been filed with a district, has been suspended or expelled in
21 the district, the ~~child~~ pupil shall not be permitted to
22 transfer until the pupil has been reinstated in the sending
23 district. Once the ~~child~~ pupil has been reinstated, however,
24 the ~~child~~ pupil shall be permitted to transfer in the same
25 manner as if the ~~child~~ pupil had not been suspended or
26 expelled by the sending district. If a ~~child~~ pupil, for whom
27 a request to transfer has been filed with a district, is
28 expelled in the district, the ~~child~~ pupil shall be permitted
29 to transfer to a receiving district under this section if the
30 ~~child~~ pupil applies for and is reinstated in the sending
31 district. However, if the ~~child~~ pupil applies for
32 reinstatement but is not reinstated in the sending district,
33 the receiving district may deny the request to transfer. The
34 parent or guardian of the ~~child~~ pupil shall be permitted to
35 appeal the decision of the receiving district to the director

1 of the department of education. If the director rules in
2 favor of permitting the transfer, the ~~child~~ pupil shall be
3 permitted to transfer, but the transfer shall be conditioned
4 upon the expiration of the expulsion period without the
5 ~~student~~ pupil incurring a new violation.

6 Sec. 14. NEW SECTION. 287.4 DISCLOSURE OF INFORMATION.

7 Notwithstanding section 22.7, subsection 1, records kept
8 under this chapter shall be made available to the designated
9 representative of a school district in which a pupil subject
10 to an action under this chapter attends. The designated
11 representative shall disclose this information only to those
12 personnel whose duties require them to be involved with the
13 pupil.

14 Sec. 15. Section 321.236, subsection 2, Code 1993, is
15 amended to read as follows:

16 2. Regulating traffic, including traffic on public school
17 driveways and parking lots, by means of police officers or
18 traffic-control signals.

19 Sec. 16. Section 808A.1, subsection 1, paragraph d, Code
20 1993, is amended to read as follows:

21 d. A school locker, desk, or other facility or space is-
22 sued or assigned to, or chosen by, the student for the storage
23 of personal belongings of any kind, which the student locks or
24 is permitted to lock. School officials may conduct periodic
25 inspections of all school lockers provided the student is
26 given the opportunity to be present during the inspection.
27 However, the school district shall provide notice to the
28 students, ~~at-least-twenty-four-hours-prior-to-the-inspection~~
29 ~~of-the-date-and-time-of-the-inspection~~ in the school's rules
30 or policy at the time of enrollment each school year that a
31 student's locker is subject to inspection at any time during
32 the course of the school year, and that the evidence obtained
33 directly or indirectly as a result of an inspection may be
34 admissible in a criminal proceeding against the student.

35 Sec. 17. PLACEMENT OF EXPELLED STUDENTS. The area

1 education agencies shall, in cooperation with local school
2 districts, identify programs and resources available within
3 the state to meet the educational and assessment needs on a
4 full-time basis of public and nonpublic students who have been
5 expelled. The area education agencies shall submit the
6 findings and any related recommendations in a report to the
7 general assembly by January 1, 1995.

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HOUSE FILE 2383

S-5355

1 Amend House File 2383, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, by inserting after line 25 the
4 following:
5 "Sec. ____ . Section 232.71, subsection 1, Code
6 Supplement 1993, is amended to read as follows:
7 1. If a report is determined to constitute a child
8 abuse allegation, the department of human services
9 shall promptly commence an appropriate investigation.
10 The primary purpose of this investigation shall be the
11 protection of the child named in the report. The
12 department, within five working days of commencing the
13 investigation, shall provide written notification of
14 the investigation to the child's parents. However, if
15 the department shows the court to the court's
16 satisfaction that notification is likely to endanger
17 the child or other persons, the court shall issue an
18 emergency order restraining the notification. The
19 department shall not reveal in the written
20 notification to the parents or otherwise the identity
21 of the reporter of child abuse to a subject of the
22 child abuse report included in section 235A.15,
23 subsection 2, paragraph "a", during the investigation.
24 If a report is determined to not constitute a child
25 abuse allegation, but a criminal act harming a child
26 is alleged, the department shall immediately refer the
27 matter to the appropriate law enforcement agency."
28 2. By renumbering as necessary.

By BILL FINK

S-5355 FILED MARCH 30, 1994

*out of order 4-11-94
(R1139)*

HOUSE FILE 2383

S-5289

1 Amend House File 2383, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1 through page 3,
4 line 5.

5 2. Page 3, by striking lines 6 through 15.

6 3. By striking page 3, line 16 through page 5,
7 line 12, and inserting the following:

8 "Sec. ____ . Section 256.11, unnumbered paragraph 1,
9 Code Supplement 1993, is amended to read as follows:

10 The state board shall adopt rules under chapter 17A
11 and a procedure for accrediting all public and
12 nonpublic schools in Iowa offering instruction at any
13 or all levels from the prekindergarten level through
14 grade twelve. The rules of the state board shall
15 require that a multicultural, nonsexist approach is
16 used by schools and school districts. The educational
17 program shall be taught from a multicultural,
18 nonsexist approach. Global perspectives shall be
19 incorporated into all levels of the educational
20 program. The rules shall require that honesty,
21 courtesy, respect for the private property of others,
22 self-discipline, obedience to law, respect for and an
23 understanding of the Constitutions of the United
24 States and the State of Iowa, and the free enterprise
25 system, respect for parents and home, the dignity and
26 necessity of honest labor, and other skills, habits,
27 and qualities of character that will promote an
28 upright and desirable citizenry and better prepare
29 students for a richer, happier life shall be
30 incorporated into all levels of the educational
31 program."

32 4. Page 5, line 27, by striking the figures and
33 word "282.5, 287.3, and 287.4" and inserting the
34 following: "and 282.5".

35 5. By striking page 6, line 18 through page 7,
36 line 19.

37 6. Page 7, line 26, by striking the words "under
38 section 280.21B".

39 7. By striking page 8, line 12 through page 9,
40 line 16.

41 8. Page 10, by striking lines 6 through 13.

42 9. Page 10, by striking lines 14 through 18.

43 10. Page 10, by striking lines 19 through 34.

44 11. By striking page 10, line 35, through page
45 11, line 7.

46 12. By renumbering as necessary.

By COMMITTEE ON EDUCATION
MIKE CONNOLLY, Chairperson

S-5289 FILED MARCH 23, 1994

Adopted 4.11.94 (P. 1139)

HOUSE FILE 2383

S-5563

1 Amend the amendment, S-5289, to House File 2383, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 6 through 31 and
5 inserting the following:

6 "____. By striking page 4, line 8 through page 5,
7 line 8 and inserting the following: "educational
8 program. Schools involved in the pilot program may
9 use phase III funds in the establishment of the
10 program."

11 2. Page 1, by striking lines 32 through 34 and
12 inserting the following:

13 "____. Page 5, by striking lines 21 through 33 and
14 inserting the following: "rule under this section."

15 Sec. ____ . NEW SECTION. 279.9A INFORMATION
16 SHARING.

17 The rules referred to in section 279.9 shall
18 provide that upon the request of school officials of a
19 school to which the student seeks to transfer or has
20 transferred, school officials of the sending school
21 shall provide an accurate record of any suspension or
22 expulsion actions taken, and the basis for those
23 actions taken, against the student under sections
24 279.9, 280.19A, 282.3, 282.4, and 282.5. The
25 designated representative shall disclose this
26 information only to those school employees whose
27 duties require them to be involved with the student.
28 For purposes of this section, "school employees" means
29 persons employed by a nonpublic school, school
30 district, or any area education agency staff member
31 who provides services to a school or school
32 district."

33 3. Page 1, line 36, by striking the figure "19."
34 and inserting the following: "19 and inserting the
35 following:

36 "Sec. ____ . Section 280.21, Code 1993, is amended
37 by adding the following new unnumbered paragraph:

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

42 4. Page 1, by striking lines 39 and 40 and
43 inserting the following:

44 "____. Page 8, by striking lines 12 through 27.

45 ____ . Page 9, by striking lines 3 through 16 and
46 inserting the following:

47 "A pupil who commits an assault, as defined under
48 section 708.1, against a school employee in a school
49 building, on school grounds, or at a school-sponsored
50 function shall be suspended for a time to be

S-5563

-1-

S-5563

Page 2

1 determined by the principal. Notice of the suspension
 2 shall be immediately sent to the president of the
 3 board. By special meeting or at the next regularly
 4 scheduled board meeting, the board shall review the
 5 suspension and decide whether to ratify the suspension
 6 or hold a disciplinary hearing to determine whether or
 7 not to order further sanctions against the pupil,
 8 which may include expelling the pupil. In making its
 9 decision, the board shall consider the best interests
 10 of the school district, which shall include what is
 11 best to protect and ensure the safety of the school
 12 employees and pupils from the pupil committing the
 13 assault."

14 5. By renumbering as necessary.

By MIKE CONNOLLY

S-5563 FILED APRIL 11, 1994

ADOPTED 4-11-94

HOUSE FILE 2383

S-5568

1 Amend the amendment, S-5289, to House File 2383, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 40 the
 5 following:

6 " . Page 9, by inserting before line 17 the
 7 following:

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

By AL STURGEON

S-5568 FILED APRIL 11, 1994

ADOPTED 4-11-94

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 2383

S-5624

1 Amend the Senate amendment, H-6096, to House File
 2 2383, as amended, passed, and reprinted by the House
 3 as follows:

4 1. Page 1, by striking line 38 and inserting the
 5 following:

6 " . Page 7, lines 25 and 26, by striking the
 7 words "or as a result of an employee's action under".

RECEIVED FROM THE HOUSE

S-5624 FILED APRIL 13, 1994

Senate Concurred
 4-14-94 (p. 1218)

Grubbs, Ch.
Baker
Rants
Neuhauser
Hurkey

HSB 620

EDUCATION

HOUSE FILE 2383

BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON GRUBBS)

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

A BILL FOR

1 An Act relating to safety in schools.

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

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TLSB 3205HC 75

mk/jw/5

1 Section 1. Section 232.147, subsection 3, Code Supplement
2 1993, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. h. The designated representative of any
4 public or nonpublic school, as defined in section 280.2, at
5 which the child is enrolled. The designated representative
6 shall disclose this information only to those school personnel
7 whose duties require them to be involved with the child.

8 Sec. 2. Section 232.149, subsection 3, Code 1993, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. f. The designated representative of any
11 public or nonpublic school as defined in section 280.2, at
12 which the child is enrolled. The designated representative
13 shall disclose this information only to those school personnel
14 whose duties require them to be involved with the child.

15 Sec. 3. Section 256.11, unnumbered paragraph 1, Code
16 Supplement 1993, is amended to read as follows:

17 The state board shall adopt rules under chapter 17A and a
18 procedure for accrediting all public and nonpublic schools in
19 Iowa offering instruction at any or all levels from the
20 prekindergarten level through grade twelve. The rules of the
21 state board shall require that a multicultural, nonsexist
22 approach is used by schools and school districts. The
23 educational program shall be taught from a multicultural,
24 nonsexist approach. Global perspectives shall be incorporated
25 into all levels of the educational program. The rules shall
26 require that honesty, courtesy, respect for the private
27 property of others, self-discipline, obedience to law, respect
28 for and an understanding of the Constitutions of the United
29 States and the State of Iowa, and the free enterprise system,
30 respect for parents and home, the dignity and necessity of
31 honest labor, and other skills, habits, and qualities of
32 character that will promote an upright and desirable citizenry
33 and better prepare students for a richer, happier life shall
34 be incorporated into all levels of the educational program.

35 Sec. 4. Section 279.9, Code 1993, is amended to read as

1 follows:

2 279.9 USE OF TOBACCO.

3 ~~Such~~ The rules shall prohibit the use of tobacco and the
4 use or possession of alcoholic liquor, wine, or beer or any
5 controlled substance as defined in section 124.101, subsection
6 5, by any student of ~~such~~ the schools and the board may
7 suspend or expel ~~any a~~ a student for ~~any a~~ a violation of ~~such a~~ a
8 rule under this section. Notwithstanding section 22.7,
9 subsection 1, records kept pursuant to this section shall be
10 made available to the designated representative of a school
11 from which a student is expelled pursuant to rules under this
12 section or to which the student seeks to transfer. The
13 designated representative shall disclose this information only
14 to those school personnel whose duties require them to be
15 involved with the student.

16 Sec. 5. Section 280.19A, Code 1993, is amended by adding
17 the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 22.7,
19 subsection 1, records kept regarding students who have
20 participated in a program under this section shall be made
21 available to the designated representative of a public or
22 nonpublic school in which a student who has participated in a
23 program under this section seeks to enroll. The designated
24 representative shall disclose this information only to those
25 personnel whose duties require them to be involved with the
26 student.

27 Sec. 6. Section 280.21, Code 1993, is amended by adding
28 the following new unnumbered paragraphs:

29 NEW UNNUMBERED PARAGRAPH. An employee who comes into
30 physical contact with a student shall be immune from civil or
31 criminal liability as a result of the physical contact, if the
32 physical contact was made in the course of the employee's
33 employment and if the physical contact was made for any of the
34 following purposes:

35 1. To encourage, support, or discipline the student.

1 2. To protect the employee, the student, or other
2 students.

3 3. To obtain the possession of a weapon or other dangerous
4 object within a student's control.

5 4. To protect property.

6 5. To quell a disturbance or prevent an act that threatens
7 physical harm to any person.

8 6. To remove a disruptive student from class or any area
9 of the school premises or from school-sponsored activities off
10 the school premises.

11 7. To prevent a student from the self-infliction of harm.

12 8. In self-defense.

13 9. For any other legitimate education activity.

14 NEW UNNUMBERED PARAGRAPH. To prevail in a civil action
15 brought under this section, the party bringing the action must
16 prove by clear and convincing evidence that the employee was
17 not acting in the course of employment, that the employee is
18 not immunized for the act under this section, and that a
19 violation of this section occurred. To prevail in a criminal
20 action, the state must prove beyond a reasonable doubt that
21 the employee was not acting in the course of employment.

22 Sec. 7. NEW SECTION. 280.21A LEAVE -- EPISODE OF
23 VIOLENCE.

24 1. A school employee who, in the course of employment,
25 suffers an injury or disability resulting from an episode of
26 violence toward that employee or as a result of an employee's
27 action under section 280.21B shall be entitled to receive full
28 salary and benefits for the shortest of the following periods:

29 a. One year from the date of the disability.

30 b. The period during which the employee is disabled and
31 incapable of employment.

32 2. The school district may require the employee, as a
33 condition of receiving benefits under this section, to provide
34 a signed statement that justifies the use of this leave and,
35 if medical attention is required, a certificate from a

1 licensed physician that states the nature and duration of the
2 leave.

3 Sec. 8. NEW SECTION. 280.21B INTERVENTION IN
4 ALTERCATIONS.

5 An employee of a school may intervene in a fight or
6 physical struggle that takes place in the presence of the
7 employee in a school building, on school grounds, or at a
8 school function off school grounds and regardless of whether
9 the fight is among student or other individuals. The employee
10 may use reasonable force as defined in section 704.1. An
11 employee who takes action under this section in the course of
12 employment shall have the same immunity as provided under
13 section 280.21.

14 Sec. 9. Section 282.4, Code 1993, is amended to read as
15 follows:

16 282.4 EXPULSION -- DISMISSAL.

17 The board may, by a majority vote, expel any pupil from
18 school for a violation of the regulations or rules established
19 by the board, or when the presence of the pupil is detrimental
20 to the best interests of the school; ~~and it.~~ The board may
21 confer upon any teacher, principal, or superintendent the
22 power temporarily to dismiss a pupil, notice of such dismissal
23 being at once given in writing to the president of the board.

24 A pupil who touches a teacher or administrator in a manner
25 which is painful, injurious, insulting, or offensive shall be
26 expelled from school, in addition to any other penalty as
27 provided under the law. Notice of the expulsion shall be
28 immediately sent in writing to the president of the board.

29 Sec. 10. NEW SECTION. 282.5A READMISSION IN ANOTHER
30 DISTRICT -- RESTRICTION.

31 A school district shall not enroll a student who was
32 expelled from another school district until the student has
33 complied with the readmission conditions of the expulsion
34 order.

35 Sec. 11. NEW SECTION. 282.5B DISCLOSURE OF CERTAIN

1 INFORMATION REGARDING PUPILS.

2 Notwithstanding section 22.7, section 1, records kept
3 concerning a child who is the subject of an action by the
4 board under section 282.3, 282.4, 282.5, or 282.5A shall be
5 made available to the designated representative of the school
6 which the student attends or seeks to attend. The designated
7 representative shall disclose this information only to those
8 personnel whose duties require them to be involved with the
9 child.

10 Sec. 12. Section 282.18, subsection 16, Code Supplement
11 1993, is amended to read as follows:

12 16. If a pupil, for which whom a request to transfer has
13 been filed with a district, has been suspended or expelled in
14 the district, the child pupil shall not be permitted to
15 transfer until the pupil has been reinstated in the sending
16 district. Once the child pupil has been reinstated, however,
17 the child pupil shall be permitted to transfer in the same
18 manner as if the child pupil had not been suspended or
19 expelled by the sending district. If a child pupil, for whom
20 a request to transfer has been filed with a district, is
21 expelled in the district, the child pupil shall be permitted
22 to transfer to a receiving district under this section if the
23 child pupil applies for and is reinstated in the sending
24 district. However, if the child pupil applies for
25 reinstatement but is not reinstated in the sending district,
26 the receiving district ~~may~~ shall deny the request to transfer.
27 The parent or guardian of the child pupil shall be permitted
28 to appeal the decision of the receiving district to the
29 director of the department of education. If the director
30 rules in favor of permitting the transfer, the child pupil
31 shall be permitted to transfer, but the transfer shall be
32 conditioned upon the expiration of the expulsion period
33 without the student pupil incurring a new violation.

34 Sec. 13. NEW SECTION. 287.4 DISCLOSURE OF INFORMATION.

35 Notwithstanding section 22.7, subsection 1, records kept

1 under this chapter shall be made available to the designated
2 representative of a school district in which a pupil subject
3 to an action under this chapter attends. The designated
4 representative shall disclose this information only to those
5 personnel whose duties require them to be involved with the
6 pupil.

7 Sec. 14. Section 321.236, subsection 2, Code 1993, is
8 amended to read as follows:

9 2. Regulating traffic, including traffic on school
10 driveways and parking lots, by means of police officers or
11 traffic-control signals.

12 Sec. 15. Section 808A.1, subsection 1, paragraph d, Code
13 1993, is amended to read as follows:

14 d. A school locker, desk, or other facility or space is-
15 sued or assigned to, or chosen by, the student for the storage
16 of personal belongings of any kind, which the student locks or
17 is permitted to lock. School officials may conduct periodic
18 inspections of all school lockers. ~~However, the school~~
19 ~~district shall provide notice to the students, at least~~
20 ~~twenty-four hours prior to the inspection, of the date and~~
21 ~~time of the inspection.~~

22 Sec. 16. Section 808A.1, subsection 1, Code 1993, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. e. A student's motor vehicle while on
25 school property.

26 Sec. 17. Section 808A.2, subsection 1, Code 1993, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. e. If the search is of a student's motor
29 vehicle while on school property, the student has been given
30 an opportunity to object to the search and remove the motor
31 vehicle from school property.

32

EXPLANATION

33 This bill provides that a student expelled from one school
34 district cannot enroll in another district until the
35 readmission terms of the expulsion are met.

1 The bill also provides that the following records regarding
2 a juvenile shall be available to the designated representative
3 of a public school or school district or nonpublic school in
4 the following situations:

5 1. Official juvenile court records in cases other than
6 delinquency cases under chapter 232.

7 2. Law enforcement records under section 232.149 regarding
8 juveniles.

9 3. Records under section 279.9 regarding violations by a
10 student of a school's tobacco, alcohol, or controlled sub-
11 stance rules.

12 4. Records regarding students who have participated in
13 alternative programs under section 280.19A.

14 5. Records under section 282.3, 282.4, or 282.5 regarding
15 the exclusion, expulsion, or readmission of a child from or to
16 school.

17 6. Records regarding the suspension or dismissal of a
18 student for a violation of chapter 287 regarding societies and
19 fraternities.

20 The bill also provides that the accreditation rules for
21 schools includes the requirement that honesty, courtesy,
22 respect for the private property of others, self-discipline,
23 obedience to law, respect for and an understanding of the
24 Constitutions of the United States and the State of Iowa, and
25 the free enterprise system, respect for parents and home, the
26 dignity and necessity of honest labor, and other skills,
27 habits, and qualities of character that will promote an
28 upright and desirable citizenry and better prepare students
29 for a richer, happier life shall be incorporated into all
30 levels of the educational program.

31 The bill provides that school officials are no longer
32 required to provide 24-hour notice to students before
33 conducting a search of student's lockers. The bill also
34 authorizes school officials to search student's motor vehicles
35 if on school property. A student who objects to the search

1 must remove the vehicle from school property. Finally, the
2 bill makes explicit the ability of cities and counties to
3 enforce traffic regulations on school driveways and parking
4 lots.

5 In addition, the bill provides that a school employee is
6 immune from civil or criminal liability for touching a student
7 during the course of the employee's duties. To overcome the
8 immunity, a plaintiff in a civil action must prove that the
9 contact occurred outside of the scope of the employee's duties
10 by clear and convincing evidence. The state must prove the
11 contact occurred outside the course of the employee's duties
12 beyond a reasonable doubt in a criminal action.

13 The bill also provides that a school employee injured by an
14 act of violence is entitled to paid leave. Also, the bill
15 provides that school employees may intervene to break up
16 fights between or among students or others.

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HOUSE FILE 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

Such ~~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 ~~such the~~ schools and the board may suspend or expel any a student for any a violation of such 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 208.1, 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. 3. 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.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2383, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *[Signature]*, 1994

TERRY Z. BRANSTAD
Governor