

(P.872) 3/24/94 House - Education
(P.926) 3/28/94 House - Emerg/Do Pass
U/H-5726

FILED MAR 4 1994

SENATE FILE 2277
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2240)

Passed Senate, ^(P.818) Date 3/24/94 Passed House, ^(P.1604) Date 4/14/94
Vote: Ayes 42 Nays 0 Vote: Ayes 94 Nays 1

Approved May 4, 1994
^{Passed 4-15-94}
^{Vote 48-0 (P.1272)}

A BILL FOR

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

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S.F. 2271

1 Section 1. Section 256.11, subsection 5, paragraph b,
2 unnumbered paragraph 1, Code Supplement 1993, is amended to
3 read as follows:

4 Five units of the social studies including instruction in
5 voting statutes and procedures, voter registration
6 requirements, the use of paper ballots and voting machines in
7 the election process, and the method of acquiring and casting
8 an absentee ballot. All students shall complete a minimum of
9 one-half unit of United States government which shall include
10 the voting procedure as described in this lettered paragraph
11 and section 280.9A and one-half unit of United States history.

12 EXPLANATION

13 This bill requires that each student in grades nine through
14 12 complete as part of a social studies requirement a minimum
15 of one-half unit of United States government and one-half unit
16 of United States history, which is the equivalent of one
17 semester each.

18 The bill may include a state mandate as defined in section
19 25B.3.

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SENATE FILE 2277

H-5726

1 Amend Senate File 2277, as passed by the Senate, as
2 follows:

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

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

7 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS
8 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 -- PERSONS UNDER
39 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

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1 that such notification is not in the best interests of
2 the person or will endanger that person. If the
3 person is arrested, the peace officer may make a
4 reasonable effort to identify the elementary 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 232.28, 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 Sec. _____. Section 232.147, Code Supplement 1993,
25 is amended by adding the following new subsection:

26 NEW SUBSECTION. 9. A juvenile court officer or
27 law enforcement agency may disclose the name of the
28 child and an arrest or citation involving alcohol or
29 controlled substance possession to the superintendent
30 of the school district, the superintendent's designee,
31 or the authorities in charge of the nonpublic school
32 which the child attends, as provided in sections
33 123.47B and 124.415 or past arrests or citations
34 involving alcohol or controlled substance possession
35 or indictable offenses committed by the child. A
36 school official or employee who discloses information
37 received under this subsection in violation of section
38 232.151 shall be subject to disciplinary action,
39 including but not limited to reprimand, suspension, or
40 termination.

41 Sec. _____. Section 235A.15, subsection 2, paragraph
42 c, Code Supplement 1993, is amended by adding the
43 following new subparagraph:

44 NEW SUBPARAGRAPH. (11) To a superintendent or
45 personnel administrator of a school corporation only
46 regarding founded child abuse information concerning a
47 person employed or being considered for employment by
48 the school corporation. Information provided under
49 this paragraph shall only be provided verbally to the
50 superintendent or personnel administrator."

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1 2. Page 1, line 11, by striking the word "one-
2 half" and inserting the following: "one".

3 3. Page 1, by inserting after line 11 the
4 following:

5 "Sec. ____ . NEW SECTION. 256.11C CHARACTER
6 EDUCATION POLICY -- PILOT PROGRAM.

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

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

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

32 2. The department of education shall establish a
33 character education pilot program to evaluate methods
34 for incorporating positive character qualities into
35 all levels of the existing educational program.

36 3. The program shall involve up to four school
37 districts or area education agencies, contingent upon
38 an appropriation or other sources of funding, and
39 competitive applications. The program may provide for
40 the utilization of phase III funds in the
41 establishment of the program. A character education
42 pilot program is a comprehensive school transformation
43 program under section 294A.14. Successful applicants
44 shall present programs meeting at least the following
45 criteria:

46 a. The character education program extends through
47 at least eight consecutive grade levels.

48 b. The character education program is approved by
49 the local board of education and developed in
50 conjunction with an advisory group appointed by the

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1 local board. The advisory group must meet the
2 requirements set forth in section 280.12, subsection
3 2.

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

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

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

18 f. The program includes strategies to report on
19 program success using some indicators that the primary
20 program goals are being achieved.

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

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

29 Sec. _____. Section 279.9, Code 1993, is amended to
30 read as follows:

31 279.9 USE OF TOBACCO.

32 Such The rules shall prohibit the use of tobacco
33 and the use or possession of alcoholic liquor, wine,
34 or beer or any controlled substance as defined in
35 section 124.101, subsection 5, by any student of such
36 the schools and the board may suspend or expel any a
37 student for any a violation of such a rule under this
38 section. Upon the request of school officials of a
39 school to which the student seeks to transfer or has
40 transferred, school officials of the sending school
41 shall provide an accurate record of any suspension and
42 expulsion actions taken, and the basis for those
43 actions taken, against the student under this section
44 and sections 280.19A, 282.3, 282.4, 282.5, 287.3, and
45 287.4. The designated representative shall disclose
46 this information only to those school employees whose
47 duties require them to be involved with the student.
48 For purposes of this subsection, "school employees"
49 means persons employed by a nonpublic school, school
50 district, or any area education agency staff member

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1 who provides services to a school or school district.

2 Sec. _____. Section 280.19A, Code 1993, is amended
3 by adding the following new unnumbered paragraph:

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

23 Sec. _____. Section 280.21, Code 1993, is amended by
24 adding the following new unnumbered paragraphs:

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

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

34 2. To protect a school employee, the student, or
35 other students.

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

38 4. To protect property.

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

41 6. To remove a disruptive student from class,
42 school transportation, or any area of the school
43 premises or from school-sponsored activities off the
44 school premises.

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

47 8. In self-defense.

48 NEW UNNUMBERED PARAGRAPH. To prevail in a civil
49 action brought under this section, the party bringing
50 the action must prove by clear and convincing evidence

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1 that the school employee was not acting in the course
2 of employment, or was acting in a way which was not
3 appropriate under the circumstances, that the school
4 employee is not immunized for the act under this
5 section, and that a violation of this section
6 occurred. To prevail in a criminal action, the state
7 must prove beyond a reasonable doubt that the school
8 employee was not acting in the course of employment,
9 or was acting in a way which was not appropriate under
10 the circumstances. For purposes of this section,
11 "school employee" means a person employed by a
12 nonpublic school or school district, or any area
13 education agency staff member who provides services to
14 a school or school district.

15 Sec. . NEW SECTION. 280.21A LEAVE -- EPISODE
16 OF VIOLENCE.

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

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

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

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

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

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

45 Sec. . NEW SECTION. 280.21B INTERVENTION IN
46 ALTERCATIONS.

47 A school employee may intervene in a fight or
48 physical struggle that takes place in the presence of
49 the employee in a school building, on school grounds,
50 or at a school-sponsored function off school grounds

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1 and regardless of whether the fight is among students
2 or other individuals. The employee may use reasonable
3 force as defined in section 704.1. An employee who
4 takes action under this section in the course of
5 employment shall have the same immunity as provided
6 under section 280.21, unless the employee's action was
7 not appropriate under the circumstances. For purposes
8 of this section, "school employee" means a person
9 employed by a nonpublic school or school district, or
10 any area education agency staff member who provides
11 services to a school or school district.

12 Sec. ____ . Section 282.4, Code 1993, is amended to
13 read as follows:

14 282.4 EXPULSION -- DISMISSAL.

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

24 A pupil who, following a local school board
25 hearing, is found to have committed an assault, as
26 defined under section 708.1, against a school
27 employee, shall be expelled from school and a report
28 of the action of findings and action of the board
29 shall be filed with the juvenile court in accordance
30 with section 232.28, subsection 1, in the case of a
31 juvenile, or filed with the county attorney, in the
32 case of a pupil who is eighteen years of age or older,
33 unless the student shows good cause, on the basis of
34 individual facts and circumstances, that a less severe
35 consequence is more appropriate. For purposes of this
36 section, "school employee" means a person employed by
37 a nonpublic school or school district, or any area
38 education agency staff member who provides services to
39 a school or school district.

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

42 16. If a pupil, for ~~which~~ whom a request to
43 transfer has been filed with a district, has been
44 suspended or expelled in the district, the ~~child~~ pupil
45 shall not be permitted to transfer until the pupil has
46 been reinstated in the sending district. Once the
47 ~~child~~ pupil has been reinstated, however, the ~~child~~
48 pupil shall be permitted to transfer in the same
49 manner as if the ~~child~~ pupil had not been suspended or
50 expelled by the sending district. If a ~~child~~ pupil,

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1 for whom a request to transfer has been filed with a
2 district, is expelled in the district, the child pupil
3 shall be permitted to transfer to a receiving district
4 under this section if the child pupil applies for and
5 is reinstated in the sending district. However, if
6 the child pupil applies for reinstatement but is not
7 reinstated in the sending district, the receiving
8 district may deny the request to transfer. The parent
9 or guardian of the child pupil shall be permitted to
10 appeal the decision of the receiving district to the
11 director of the department of education. If the
12 director rules in favor of permitting the transfer,
13 the child pupil shall be permitted to transfer, but
14 the transfer shall be conditioned upon the expiration
15 of the expulsion period without the student pupil
16 incurring a new violation.

17 Sec. ____ . NEW SECTION. 287.4 DISCLOSURE OF
18 INFORMATION.

19 Notwithstanding section 22.7, subsection 1, records
20 kept under this chapter shall be made available to the
21 designated representative of a school district in
22 which a pupil subject to an action under this chapter
23 attends. The designated representative shall disclose
24 this information only to those personnel whose duties
25 require them to be involved with the pupil.

26 Sec. ____ . Section 321.236, subsection 2, Code
27 1993, is amended to read as follows:

28 2. Regulating traffic, including traffic on public
29 school driveways and parking lots, by means of police
30 officers or traffic-control signals.

31 Sec. ____ . Section 808A.1, subsection 1, paragraph
32 d, Code 1993, is amended to read as follows:

33 d. A school locker, desk, or other facility or
34 space issued or assigned to, or chosen by, the student
35 for the storage of personal belongings of any kind,
36 which the student locks or is permitted to lock.

37 School officials may conduct periodic inspections of
38 all school lockers provided the student is given the
39 opportunity to be present during the inspection.

40 However, the school district shall provide notice to
41 the students, at-least-twenty-four-hours-prior-to-the
42 inspection, of-the-date-and-time-of-the-inspection in
43 the school's rules or policy at the time of enrollment
44 each school year that a student's locker is subject to
45 inspection at any time during the course of the school
46 year, and that the evidence obtained directly or
47 indirectly as a result of an inspection may be
48 admissible in a criminal proceeding against the
49 student.

50 Sec. ____ . PLACEMENT OF EXPELLED STUDENTS. The

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- 1 area education agencies shall, in cooperation with
 2 local school districts, identify programs and
 3 resources available within the state to meet the
 4 educational and assessment needs on a full-time basis
 5 of public and nonpublic students who have been
 6 expelled. The area education agencies shall submit
 7 the findings and any related recommendations in a
 8 report to the general assembly by January 1, 1995."
 9 4. Title page, line 1, by inserting after the
 10 word "schools" the following: "and safe schools".
 11 5. By renumbering as necessary.

By COMMITTEE ON EDUCATION
 GRUBBS of Scott, Chairperson

H-5726 FILED MARCH 28, 1994

WITHDRAWN
 4/14/94

SENATE FILE 2277

H-5898

- 1 Amend Senate File 2277, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 9 through 11 and
 4 inserting the following: "one-half unit of United
 5 States government and one-half unit of United States
 6 history. The one-half unit of United States
 7 government shall include the voting procedure as
 8 described in this lettered paragraph and section
 9 280.9A. The government instruction shall also include
 10 a study of the Constitution of the United States and
 11 the bill of rights contained in the Constitution and
 12 an assessment of a student's knowledge of the
 13 Constitution and the bill of rights."

By COHCORN of Des Moines
 EDDIE of Buena Vista

H-5898 FILED MARCH 30, 1994

adopted
 4-14-94
 (p. 1604)

SENATE FILE 2277

H-6157

- 1 Amend the amendment, H-5898, to Senate File 2277,
 2 as passed by the Senate as follows:
 3 1. Page 1, line 5, by striking the word "one-
 4 half" and inserting the following: "one".

By WISE of Lee

H-6157 FILED APRIL 13, 1994

adopted 4-14-94

HOUSE AMENDMENT TO
SENATE FILE 2277

S-5653

1 Amend Senate File 2277, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 9 through 11 and
4 inserting the following: "one-half unit of United
5 States government and one unit of United States
6 history. The one-half unit of United States
7 government shall include the voting procedure as
8 described in this lettered paragraph and section
9 280.9A. The government instruction shall also include
10 a study of the Constitution of the United States and
11 the bill of rights contained in the Constitution and
12 an assessment of a student's knowledge of the
13 Constitution and the bill of rights."

RECEIVED FROM THE HOUSE

S-5653 FILED APRIL 14, 1994

Senate Concurred
4-15-94
(P. 1272)

Dickeman - Chair
Murphy
Rensink

SSB-2240

Education

New
2377

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON CONNOLLY)

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

A BILL FOR

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

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1 Section 1. Section 256.11, subsection 5, paragraph b,
2 unnumbered paragraph 1, Code Supplement 1993, is amended to
3 read as follows:

4 Five units of the social studies including instruction in
5 voting statutes and procedures, voter registration
6 requirements, the use of paper ballots and voting machines in
7 the election process, and the method of acquiring and casting
8 an absentee ballot. All students shall complete one-half unit
9 of United States government which shall include the voting
10 procedure as described in this lettered paragraph and section
11 280.9A and one-half unit of the United States history.

12 EXPLANATION

13 This bill requires that each student in grades nine through
14 12 complete as part of a social studies requirement one-half
15 unit of United States government and one-half unit of United
16 States history to equal the equivalent of one semester each.

17 The bill may include a state mandate as defined in section
18 25B.3.

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the United States and the bill of rights contained in the Constitution and an assessment of a student's knowledge of the Constitution and the bill of rights.

SENATE FILE 2277

AN ACT
RELATING TO SOCIAL STUDIES REQUIREMENTS IN THE SCHOOLS.

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

Section 1. Section 256.11, subsection 5, paragraph b, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot. All students shall complete a minimum of one-half unit of United States government and one unit of United States history. The one-half unit of United States government shall include the voting procedure as described in this lettered paragraph and section 280.9A. The government instruction shall also include a study of the Constitution of

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2277, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 4, 1994

TERRY E. BRANSTAD
Governor