

5/31/95 Motion to R/C - Prevailed  
S - 5/3/95 Referred to Education

*Reprinted*  
C

MAR 8 1995  
Place On Calendar

HOUSE FILE 288  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 230)

Passed House, Date <sup>(p. 870)</sup> 3-21-95 Passed Senate, Date <sup>(p. 1446)</sup> 4/26/95  
Vote: Ayes 96 Nays 2 Vote: Ayes 49 Nays 0  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to authorizing school districts to adopt a dress  
2 code policy, the expulsion of a student for bringing a weapon  
3 to school, an exemption in the definition of assault,  
4 eliminating the twenty-four hour notice to students of a  
5 periodic inspection of students' lockers, giving access to  
6 certain juvenile court records to a designated school  
7 representative, and providing an effective date.

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

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HF  
288

1 Section 1. Section 232.147, subsection 3, Code 1995, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. g. The designated representative of a  
4 public school or accredited nonpublic school at which the  
5 child is enrolled. The designated representative shall  
6 disclose the information received under this paragraph only to  
7 an authority or employee of the school who requires the  
8 information to fulfill obligations to the student.

9 Sec. 2. Section 232.149, subsection 4, unnumbered  
10 paragraph 1, Code 1995, is amended to read as follows:

11 ~~Such records~~ Records and files identified in subsection 2  
12 may be inspected and their contents may be disclosed without a  
13 court order to the following:

14 Sec. 3. Section 232.149, subsection 4, Code 1995, is  
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. f. The designated representative of a  
17 school or accredited nonpublic school at which the child is  
18 enrolled. The designated representative shall disclose the  
19 information received under this subsection only to an  
20 authority or employee of the school who requires the  
21 information to fulfill obligations to the student.

22 Sec. 4. NEW SECTION. 279.58 SCHOOL DRESS CODE POLICIES.

23 1. The general assembly finds and declares that the  
24 students and the administrative and instructional staffs of  
25 Iowa's public schools have the right to be safe and secure at  
26 school. Gang-related apparel worn at school draws attention  
27 away from the school's learning environment and directs it  
28 toward thoughts or expressions of violence, bigotry, hate, and  
29 abuse.

30 2. The board of directors of a school district may adopt,  
31 for the district or for an individual school within the  
32 district, a dress code policy that requires students to wear  
33 specific attire or prohibits students from wearing gang-  
34 related or other specific apparel if the board determines that  
35 the policy is necessary for the health and safety of students

1 and staff in the school environment or for the appropriate  
2 discipline and operation of the school. Adoption and  
3 enforcement of a dress code policy is not a violation of  
4 section 280.22.

5 3. If the policy requires that students wear a specific  
6 attire, the specific attire selected shall be determined by  
7 the principal, instructional staff, and parents and legal  
8 guardians of students enrolled in the school district. A  
9 dress code policy that requires students to wear specific  
10 attire shall not be implemented with less than six months'  
11 notice to parents and legal guardians. A school implementing  
12 a dress code policy requiring specific attire shall make  
13 resources available to assist economically disadvantaged  
14 students in securing the specific attire.

15 4. The board shall provide a method by which parents and  
16 legal guardians may choose not to have their children comply  
17 with an adopted dress code policy that requires specific  
18 attire. If a board chooses to adopt a policy pursuant to this  
19 section, the policy shall include a provision that a student  
20 shall not be penalized academically or otherwise discriminated  
21 against or denied attendance to school if the student's parent  
22 or legal guardian chooses not to have the student comply with  
23 a school dress code policy that would require the student to  
24 wear specific attire. A policy adopted pursuant to this  
25 section shall not preclude students that participate in a  
26 nationally recognized youth organization from wearing  
27 organization uniforms on days that the organization has a  
28 scheduled meeting.

29 Sec. 5. NEW SECTION. 280.21B EXPULSION -- WEAPONS IN  
30 SCHOOL.

31 The board of directors of a school district and the  
32 authorities in charge of a nonpublic school shall expel from  
33 school for a period of not less than one year a student who is  
34 determined to have brought a weapon to a school under the  
35 jurisdiction of the board or the authorities. However, the

1 superintendent or chief administering officer of a school or  
2 school district may modify expulsion requirements on a case-  
3 by-case basis. This section shall not be construed to prevent  
4 the board of directors of a school district or the authorities  
5 in charge of a nonpublic school that have expelled a student  
6 from the student's regular school setting from providing  
7 educational services to the student in an alternative setting.  
8 If both this section and section 282.4 apply, this section  
9 takes precedence over section 282.4. For purposes of this  
10 section, "weapon" means a firearm as defined in 18 U.S.C. §  
11 921. This section shall be construed in a manner consistent  
12 with the federal Individuals with Disabilities Education Act,  
13 20 U.S.C. § 1400 et seq.

14 Sec. 6. Section 708.1, Code 1995, is amended by adding the  
15 following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. Provided, that where the person  
17 doing any of the above enumerated acts is employed by a school  
18 district or accredited nonpublic school, or is an area  
19 education agency staff member who provides services to a  
20 school or school district, and intervenes in a fight or  
21 physical struggle, or other disruptive situation, that takes  
22 place in the presence of the employee or staff member  
23 performing employment duties in a school building, on school  
24 grounds, or at an official school function regardless of the  
25 location, the act shall not be an assault, whether the fight  
26 or physical struggle or other disruptive situation is between  
27 students or other individuals if the degree and the force of  
28 the intervention is reasonably necessary to restore order and  
29 to protect the safety of those assembled.

30 Sec. 7. Section 808A.1, subsection 1, paragraph d, Code  
31 1995, is amended to read as follows:

32 d. A school locker, desk, or other facility or space is-  
33 sued or assigned to, or chosen by, the student for the storage  
34 of personal belongings of any kind, which the student locks or  
35 is permitted to lock. School officials may conduct periodic

1 inspections of all school lockers. However, ~~the school~~  
2 ~~district shall provide notice to the students, at least~~  
3 ~~twenty-four hours prior to the inspection, of the date and~~  
4 ~~time of the inspection.~~

5 Sec. 8. EFFECTIVE DATE. Section 5 of this Act, being  
6 deemed of immediate importance, takes effect upon enactment.

7 EXPLANATION

8 The bill contains provisions related to expulsion of a  
9 student who brings a weapon to school, giving access to  
10 certain juvenile court records to a designated school  
11 representative, school dress code policies, and provides an  
12 exemption to the definition of assault.

13 The bill permits records and files of a criminal justice  
14 agency concerning a child, and official juvenile court  
15 records, except those alleging delinquency, to be disclosed to  
16 a designated representative of a school or accredited  
17 nonpublic school at which a child is enrolled. The designated  
18 representative shall disclose the information received only to  
19 an employee or authority of the school who requires the  
20 information to fulfill obligations to the student.

21 The bill contains a declaration of legislative findings and  
22 authorizes the board of directors of a school district to  
23 adopt, for the entire district or for an individual school  
24 within the district, a dress code policy that requires  
25 students to wear specific attire or prohibits students from  
26 wearing gang-related apparel if the board determines that the  
27 policy is necessary for the health and safety of students and  
28 staff in the school environment or for the appropriate  
29 discipline and operation of the school. If specific attire is  
30 required, the specific attire would be selected by the  
31 principal, staff, and parents and guardians of the school  
32 district. Parents and legal guardians shall be given at least  
33 six months' notice before a dress code policy requiring  
34 specific attire can be implemented, and the school  
35 implementing the policy shall have resources available to

1 assist economically disadvantaged students in securing  
2 specific attire.

3 The bill requires the school district to provide a method  
4 by which parents may choose not to have their children comply  
5 with a policy that requires students to wear specific attire.  
6 A student shall not be penalized academically or otherwise  
7 discriminated against nor denied attendance to school if the  
8 student's parents or legal guardians choose not to have the  
9 student comply with a policy that requires specific attire.  
10 The bill does not preclude students that participate in a  
11 nationally recognized youth organization from wearing  
12 organization uniforms on days that the organization has a  
13 scheduled meeting.

14 The bill conforms Iowa law to federal law regarding the  
15 expulsion of students who bring weapons to school. The  
16 federal Gun-Free School Act of 1994 requires states receiving  
17 federal funds under the Act to have in effect a law requiring  
18 local educational agencies to expel from school for a period  
19 of not less than one year a student who brings a weapon, as  
20 defined under federal law, to school. The bill does not  
21 prevent a school board or the authorities in charge of a  
22 nonpublic school from providing educational services to the  
23 expelled student in an alternative setting. This portion of  
24 the bill takes effect upon enactment.

25 The bill also amends section 708.1, defining assault, and  
26 adds a provision that a person shall not be convicted of  
27 assault if the person is employed by a school district or ac-  
28 credited nonpublic school, or is an area education agency  
29 staff member who provides services to a school or school  
30 district, and intervenes in a fight or physical struggle, or  
31 other disruptive situation, that takes place in the presence  
32 of the employee or staff member performing employment duties  
33 in a school building, on school grounds, or at an official  
34 school function regardless of the location, whether the fight  
35 or physical struggle, or other disruptive situation is between

1 students or other individuals, if the degree and force of the  
2 intervention is reasonably necessary to restore order and to  
3 protect the safety of those assembled.

4 The bill eliminates the requirement that a school district  
5 provide at least 24 hours' notice to students prior to  
6 inspecting all school lockers.

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## HOUSE FILE 288

H-3356

- 1 Amend House File 288 as follows:
- 2 1. Page 3, by striking lines 14 through 29.
- 3 2. Title page, line 3, by striking the words "an
- 4 exemption in the definition of assault,".
- 5 3. By renumbering as necessary.

By KREIMAN of Davis

H-3356 FILED MARCH 20, 1995

WITHDRAWN 3-21-95  
(P 869)

HOUSE FILE 288

H-3358

- 1 Amend House File 288 as follows:
- 2 1. Page 4, line 1, by inserting after the word
- 3 "lockers" the following: "or a randomly selected
- 4 number of school lockers".
- 5 2. By renumbering as necessary.

By KREIMAN of Davis

H-3358 FILED MARCH 20, 1995

*Adopted* (P 870)  
3-21-95

HOUSE FILE 288

H-3359

- 1 Amend House File 288 as follows:
- 2 1. Page 4, by inserting after line 4 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 808A.2, subsection 1, paragraph
- 5 c, Code 1995, is amended to read as follows:
- 6 c. If the search is of an individual student, or
- 7 an individual student's protected student area, the
- 8 suspicion and belief required by paragraphs "a" and
- 9 "b" is particular to the student to be searched."
- 10 2. Title page, line 5, by inserting after the
- 11 word "lockers," the following: "searches of protected
- 12 student areas,".
- 13 3. By renumbering as necessary.

By KREIMAN of Davis

H-3359 FILED MARCH 20, 1995

WITHDRAWN 3-21-95  
(P 870)

HOUSE FILE 288

H-3360

- 1 Amend House File 288 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "organization" the following: ", exempt from federal
- 4 income taxation under section 501(c)(3) of the
- 5 Internal Revenue Code,".
- 6 2. By renumbering as necessary.

By NELSON of Pottawattamie

H-3360 FILED MARCH 20, 1995

*Adopted* (P 869)  
3-21-95

HOUSE FILE 288

H-3286

- 1 Amend House File 288 as follows:
- 2 1. Page 3, line 3, by inserting after the word
- 3 "basis." the following: "If the child is under the
- 4 custody or guardianship of the department of human
- 5 services or under the jurisdiction of the juvenile
- 6 court, the school district shall provide alternative
- 7 educational services to the student."

By RANTS of Woodbury

H-3286 FILED MARCH 10, 1995

*Lost 3-21-95*

*(P. 869)*

HOUSE FILE 288

H-3332

- 1 Amend House File 288 as follows:
- 2 1. Page 2, by striking lines 5 through 8 and
- 3 inserting the following:
- 4 "3. If the district adopts a policy for the entire
- 5 school district, the specific attire selected shall be
- 6 determined by a committee composed of representatives
- 7 from the district's administrative staff,
- 8 instructional staff, and parents and legal guardians
- 9 of students enrolled in the district. If the district
- 10 adopts a policy for an individual school, the specific
- 11 attire shall be selected by a committee composed of
- 12 the individual school's administration,
- 13 representatives from the school's instructional staff,
- 14 and parents and legal guardians of students enrolled
- 15 in the school. A".

By GRUNDBERG of Polk

H-3332 FILED MARCH 16, 1995

*Adopted 3-21-95*

*(P. 869)*

HOUSE FILE 288

H-3340

- 1 Amend House File 288 as follows:
- 2 1. Page 2, line 32, by inserting after the word
- 3 "school" the following: "which receives federal
- 4 funds".

By NELSON of Pottawattamie

H-3340 FILED MARCH 20, 1995

*Adopted 3-21-95*

*(P. 869)*

HOUSE FILE 288

H-3355

- 1 Amend House File 288 as follows:
- 2 1. Page 1, by striking lines 14 through 21.
- 3 2. By renumbering as necessary.

By KREIMAN of Davis

H-3355 FILED MARCH 20, 1995

*Adopted*

*3/21/95*

*(P. 869)*

## HOUSE FILE 288

H-3382

1 Amend the amendment, H-3355, to House File 288 as  
2 follows:

3 1. Page 1, by inserting before line 2 the  
4 following:

5 " . Page 1, by inserting before line 1 the  
6 following:

7 "Section 1. Section 123.47B, Code 1995, is amended  
8 to read as follows:

9 123.47B PARENTAL AND SCHOOL NOTIFICATION --  
10 PERSONS UNDER EIGHTEEN YEARS OF AGE.

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

37 Sec. 2. Section 232.29, Code 1995, is amended by  
38 adding the following new subsection:

39 NEW SUBSECTION. 3. The person performing the  
40 duties of intake officer shall notify the  
41 superintendent of the school district or the  
42 superintendent's designee, or the authorities in  
43 charge of the nonpublic school which the child  
44 attends, of any informal adjustment regarding the  
45 child for an act which would be an indictable offense  
46 if committed by an adult."

47 2. Page 1, by inserting after line 2 the  
48 following:

49 " . Title page, line 1, by inserting after the  
50 words "relating to" the following: "juvenile justice

H-3382

Page 2

1 by providing for notification of school officials of  
2 alcoholic beverage violations, "."

3 3. By renumbering as necessary.

*Adopted 3-21-95*  
*(P. 868)*

By KREMER of Buchanan  
MARTIN of Scott

H-3382 FILED MARCH 21, 1995

## HOUSE FILE 288

H-3369

- 1 Amend amendment, H-3340, to House File 288 as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "receives" the following: "services supported by".  
By NELSON of Pottawattamie

H-3369 FILED MARCH 21, 1995  
ADOPTED

## HOUSE FILE 288

H-3372

- 1 Amend the amendment, H-3340, to House File 288 as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "receives" the following: "services as a result of".  
By NELSON of Pottawattamie

H-3372 FILED MARCH 21, 1995  
WITHDRAWN

(P. 869)

## HOUSE FILE 288

H-3377

- 1 Amend the amendment, H-3355, to House File 288 as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, by inserting before line 1 the
- 6 following:
- 7 "Section 1. Section 232.147, subsection 2, Code
- 8 1995, is amended by adding the following new
- 9 unnumbered paragraph:
- 10 NEW UNNUMBERED PARAGRAPH. Other information
- 11 maintained by a juvenile court officer in cases
- 12 alleging delinquency may be disclosed by the juvenile
- 13 court officer to the designated representative of a
- 14 public school or accredited nonpublic school at which
- 15 the child is enrolled, to the extent that the school
- 16 requires the information to fulfill its obligation to
- 17 the student and to the extent the disclosure of the
- 18 information would be in the best interest of the child
- 19 as determined by the juvenile court officer.""
- 20 2. By renumbering as necessary.

By KREIMAN of Davis

H-3377 FILED MARCH 21, 1995  
ADOPTED

(P. 866)

## HOUSE FILE 288

H-3363

1 Amend House File 288 as follows:

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

4 "Section 1. Section 123.47B, Code 1995, is amended  
5 to read as follows:

6 123.47B PARENTAL AND SCHOOL NOTIFICATION --  
7 PERSONS UNDER EIGHTEEN YEARS OF AGE.

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

34 Sec. 2. Section 232.29, Code 1995, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 3. The person performing the  
37 duties of intake officer shall notify the  
38 superintendent of the school district or the  
39 superintendent's designee, or the authorities in  
40 charge of the nonpublic school which the child  
41 attends, of any informal adjustment regarding the  
42 child for an act which would be an indictable offense  
43 if committed by an adult."

44 2. Title page, line 1, by inserting after the  
45 words "relating to" the following: "juvenile justice  
46 by providing for notification of school officials of  
47 alcoholic beverage violations,".

48 3. By renumbering as necessary.

By KREMER of Buchanan  
MARTIN of Scott

H-3363 FILED MARCH 21, 1995  
OUT OF ORDER

## HOUSE FILE 288

H-3362

- 1 Amend House File 288 as follows:
- 2 1. Page 2, line 18, by inserting after the word  
3 "attire" the following: ", including giving parents  
4 and legal guardians an opportunity to enroll their  
5 children in another school within the district or in  
6 another school district. Notwithstanding the  
7 notification deadlines of section 282.18, subsection  
8 2, within ninety days of the date on which the board  
9 of directors of a school district adopts a dress code  
10 policy, if a parent or legal guardian whose child is  
11 enrolled in the school in which the dress code is to  
12 be implemented chooses to enroll a child in another  
13 school district, the parent or legal guardian shall  
14 send notification to the district of residence, on  
15 forms prescribed by the department of education, that  
16 the parent or legal guardian intends to enroll the  
17 parent's or legal guardian's child in another school  
18 district. The board of the district of residence  
19 shall take action to approve or disapprove the request  
20 no later than thirty days after receiving notification  
21 of a parent's or legal guardian's intent to enroll the  
22 parent's or legal guardian's child in another  
23 district, and shall transmit to the department and the  
24 receiving district any approved request within five  
25 days after board action on the request. The parent or  
26 guardian may withdraw the request at any time. Within  
27 thirty days of receiving the request approved by the  
28 sending district, the board of the receiving district  
29 shall take action to approve or disapprove the  
30 request. The board of the receiving district shall  
31 enroll the student in a school in the receiving  
32 district for the following school year unless the  
33 receiving district does not have classroom space for  
34 the student. If the request is granted, the board  
35 shall transmit a copy of the form to the school  
36 district of residence within five days after board  
37 action".
- 38 2. Page 2, line 22, by inserting after the word  
39 "chooses" the following: "not to enroll the student  
40 in another school district or school and".
- 41 3. Page 2, line 24, by striking the words "A  
42 policy adopted pursuant to this" and inserting the  
43 following:
- 44 "5. A policy adopted pursuant to this".
- 45 4. By renumbering as necessary.

By KREIMAN of Davis

H-3362 FILED MARCH 20, 1995

WITHDRAWN

3-21-95

(P. 869)

*2-24-95 Education*  
S-4-5-95 Amend/Do Pass  
S-4/13/95 *W/S-3359*  
*Place on unfiled*  
*Business Calendar*  
S-4/26/95 Motion to Re Murphy  
*(P-1466)*

HOUSE FILE 288 S-5/13/95 Motion-Adopted  
BY COMMITTEE ON EDUCATION  
S-5/13/95 Referred to Education  
(SUCCESSOR TO HSB 230)

(As Amended and Passed by the House March 21, 1995)

Passed House, Date \_\_\_\_\_ Passed Senate, Date 4/26/95  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 49 Nays 0  
Approved \_\_\_\_\_  
*(P.1446)*

**A BILL FOR**

1 An Act relating to juvenile justice by providing for notification  
2 of school officials of alcoholic beverage violations,  
3 authorizing school districts to adopt a dress code policy, the  
4 expulsion of a student for bringing a weapon to school, an  
5 exemption in the definition of assault, eliminating the  
6 twenty-four hour notice to students of a periodic inspection  
7 of students' lockers, giving access to certain juvenile court  
8 records to a designated school representative, and providing  
9 an effective date.

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

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House Amendments \_\_\_\_\_  
Deleted Language \*

1 Section 1. Section 123.47B, Code 1995, is amended to read  
2 as follows:

3 123.47B PARENTAL AND SCHOOL NOTIFICATION -- PERSONS UNDER  
4 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 taken into  
17 custody, the peace officer shall make a reasonable effort to  
18 identify the elementary or secondary school the person  
19 attends, if any, and to notify the superintendent of the  
20 school district or the superintendent's designee, or the  
21 authorities in charge of the nonpublic school of the taking  
22 into custody. A juvenile court officer may also notify the  
23 superintendent of the school district or the superintendent's  
24 designee, or the authorities in charge of the nonpublic school  
25 of the taking into custody. A reasonable attempt to notify  
26 the person includes but is not limited to a telephone call or  
27 notice by first class mail.

28 Sec. 2. Section 232.29, Code 1995, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 3. The person performing the duties of  
31 intake officer shall notify the superintendent of the school  
32 district or the superintendent's designee, or the authorities  
33 in charge of the nonpublic school which the child attends, of  
34 any informal adjustment regarding the child for an act which  
35 would be an indictable offense if committed by an adult.

1     Sec. 3. Section 232.147, subsection 2, Code 1995, is  
2 amended by adding the following new unnumbered paragraph:  
3     NEW UNNUMBERED PARAGRAPH. Other information maintained by  
4 a juvenile court officer in cases alleging delinquency may be  
5 disclosed by the juvenile court officer to the designated  
6 representative of a public school or accredited nonpublic  
7 school at which the child is enrolled, to the extent that the  
8 school requires the information to fulfill its obligation to  
9 the student and to the extent the disclosure of the  
10 information would be in the best interest of the child as  
11 determined by the juvenile court officer.

12     Sec. 4. Section 232.147, subsection 3, Code 1995, is  
13 amended by adding the following new paragraph:

14     NEW PARAGRAPH. g. The designated representative of a  
15 public school or accredited nonpublic school at which the  
16 child is enrolled. The designated representative shall  
17 disclose the information received under this paragraph only to  
18 an authority or employee of the school who requires the  
19 information to fulfill obligations to the student.

20     Sec. 5. Section 232.149, subsection 4, unnumbered  
21 paragraph 1, Code 1995, is amended to read as follows:

22     ~~Such-records~~ Records and files identified in subsection 2  
23 may be inspected and their contents may be disclosed without a  
24 court order to the following:

\* 25     Sec. 6. NEW SECTION. 279.58 SCHOOL DRESS CODE POLICIES.

26     1. The general assembly finds and declares that the  
27 students and the administrative and instructional staffs of  
28 Iowa's public schools have the right to be safe and secure at  
29 school. Gang-related apparel worn at school draws attention  
30 away from the school's learning environment and directs it  
31 toward thoughts or expressions of violence, bigotry, hate, and  
32 abuse.

33     2. The board of directors of a school district may adopt,  
34 for the district or for an individual school within the  
35 district, a dress code policy that requires students to wear

1 specific attire or prohibits students from wearing gang-  
2 related or other specific apparel if the board determines that  
3 the policy is necessary for the health and safety of students  
4 and staff in the school environment or for the appropriate  
5 discipline and operation of the school. Adoption and  
6 enforcement of a dress code policy is not a violation of  
7 section 280.22.

8 3. If the district adopts a policy for the entire school  
9 district, the specific attire selected shall be determined by  
10 a committee composed of representatives from the district's  
11 administrative staff, instructional staff, and parents and  
12 legal guardians of students enrolled in the district. If the  
13 district adopts a policy for an individual school, the  
14 specific attire shall be selected by a committee composed of  
15 the individual school's administration, representatives from  
16 the school's instructional staff, and parents and legal  
17 guardians of students enrolled in the school. A dress code  
18 policy that requires students to wear specific attire shall  
19 not be implemented with less than six months' notice to  
20 parents and legal guardians. A school implementing a dress  
21 code policy requiring specific attire shall make resources  
22 available to assist economically disadvantaged students in  
23 securing the specific attire.

24 4. The board shall provide a method by which parents and  
25 legal guardians may choose not to have their children comply  
26 with an adopted dress code policy that requires specific  
27 attire. If a board chooses to adopt a policy pursuant to this  
28 section, the policy shall include a provision that a student  
29 shall not be penalized academically or otherwise discriminated  
30 against or denied attendance to school if the student's parent  
31 or legal guardian chooses not to have the student comply with  
32 a school dress code policy that would require the student to  
33 wear specific attire. A policy adopted pursuant to this  
34 section shall not preclude students that participate in a  
35 nationally recognized youth organization, exempt from federal

1 income taxation under section 501(c)(3) of the Internal  
2 Revenue Code, from wearing organization uniforms on days that  
3 the organization has a scheduled meeting.

4 Sec. 7. NEW SECTION. 280.21B EXPULSION -- WEAPONS IN  
5 SCHOOL.

6 The board of directors of a school district and the  
7 authorities in charge of a nonpublic school which receives  
8 services supported by federal funds shall expel from school  
9 for a period of not less than one year a student who is  
10 determined to have brought a weapon to a school under the  
11 jurisdiction of the board or the authorities. However, the  
12 superintendent or chief administering officer of a school or  
13 school district may modify expulsion requirements on a case-  
14 by-case basis. This section shall not be construed to prevent  
15 the board of directors of a school district or the authorities  
16 in charge of a nonpublic school that have expelled a student  
17 from the student's regular school setting from providing  
18 educational services to the student in an alternative setting.  
19 If both this section and section 282.4 apply, this section  
20 takes precedence over section 282.4. For purposes of this  
21 section, "weapon" means a firearm as defined in 18 U.S.C. §  
22 921. This section shall be construed in a manner consistent  
23 with the federal Individuals with Disabilities Education Act,  
24 20 U.S.C. § 1400 et seq.

25 Sec. 8. Section 708.1, Code 1995, is amended by adding the  
26 following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. Provided, that where the person  
28 doing any of the above enumerated acts is employed by a school  
29 district or accredited nonpublic school, or is an area  
30 education agency staff member who provides services to a  
31 school or school district, and intervenes in a fight or  
32 physical struggle, or other disruptive situation, that takes  
33 place in the presence of the employee or staff member  
34 performing employment duties in a school building, on school  
35 grounds, or at an official school function regardless of the

1 location, the act shall not be an assault, whether the fight  
2 or physical struggle or other disruptive situation is between  
3 students or other individuals if the degree and the force of  
4 the intervention is reasonably necessary to restore order and  
5 to protect the safety of those assembled.

6 Sec. 9. Section 808A.1, subsection 1, paragraph d, Code  
7 1995, is amended to read as follows:

8 d. A school locker, desk, or other facility or space is-  
9 sued or assigned to, or chosen by, the student for the storage  
10 of personal belongings of any kind, which the student locks or  
11 is permitted to lock. School officials may conduct periodic  
12 inspections of all school lockers or a randomly selected  
13 number of school lockers. ~~However, the school district shall~~  
14 ~~provide notice to the students, at least twenty-four hours~~  
15 ~~prior to the inspection, of the date and time of the~~  
16 ~~inspection.~~

17 Sec. 10. EFFECTIVE DATE. Section 7 of this Act, being  
18 deemed of immediate importance, takes effect upon enactment.

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## HOUSE FILE 288

S-3359

1 Amend House File 288, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 28, through page 2,  
4 line 19.

5 2. Page 2, by inserting after line 24 the  
6 following:

7 "Sec. 201. Section 275.55A, Code 1995, is amended  
8 to read as follows:

9 275.55A ATTENDANCE IN OTHER DISTRICT.

10 A ~~pupit~~ student enrolled in ninth, tenth, or  
11 eleventh grade during the school year preceding the  
12 effective date of a dissolution proposal, who was a  
13 resident of the school district that dissolved, may  
14 enroll in ~~any~~ a school district to which territory of  
15 the school district that dissolved was attached until  
16 ~~that-pupit's~~ the student's graduation from high  
17 school, unless the student was expelled or suspended  
18 from school and the conditions of expulsion or  
19 suspension have not been met. The student under  
20 expulsion or suspension shall not be enrolled until  
21 the board of directors of the school district to which  
22 territory of the dissolved school district was  
23 attached approves, by majority vote, the enrollment of  
24 the student. Notwithstanding section 282.24, the  
25 district of residence of the ~~pupit~~ student, determined  
26 in the dissolution proposal, shall pay tuition to the  
27 school district selected by the ~~pupit~~ student in an  
28 amount not to exceed the district cost per pupil of  
29 the district of residence and the school district  
30 selected by the ~~pupit~~ student shall accept that  
31 tuition payment and enroll the ~~pupit~~ student."

32 3. Page 2, line 35, through page 3, line 1, by  
33 striking the words "requires students to wear specific  
34 attire or".

35 4. Page 3, line 5, by striking the words  
36 "Adoption and".

37 5. By striking page 3, line 6, through page 4,  
38 line 3.

39 6. Page 4, by inserting after line 24 the  
40 following:

41 "Sec. 202. Section 282.4, Code 1995, is amended to  
42 read as follows:

43 282.4 SUSPENSION -- EXPULSION----~~DISMISSAL~~.

44 1. The board may, by a majority vote, expel any  
45 ~~pupit~~ student from school for a violation of the  
46 regulations or rules established by the board, or when  
47 the presence of the ~~pupit~~ student is detrimental to  
48 the best interests of the school. The board may  
49 confer upon any teacher, principal, or superintendent  
50 the power temporarily to ~~dismiss~~ suspend a ~~pupit~~

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Page 2

1 student, notice of such-dismissal the suspension being  
2 at once given in writing to the president of the  
3 board.

4 2. A pupil student who commits an assault, as  
5 defined under section 708.1, against a school employee  
6 in a school building, on school grounds, or at a  
7 school-sponsored function shall be suspended for a  
8 time to be determined by the principal. Notice of the  
9 suspension shall be immediately sent to the president  
10 of the board. By special meeting or at the next  
11 regularly scheduled board meeting, the board shall  
12 review the suspension and decide whether to hold a  
13 disciplinary hearing to determine whether or not to  
14 order further sanctions against the pupil student,  
15 which may include expelling the pupil student. In  
16 making its decision, the board shall consider the best  
17 interests of the school district, which shall include  
18 what is best to protect and ensure the safety of the  
19 school employees and pupils students from the pupil  
20 student committing the assault.

21 A pupil student shall not be suspended or expelled  
22 pursuant to this section if the suspension or  
23 expulsion would violate the federal Individuals with  
24 Disabilities Education Act.

25 3. Notwithstanding section 282.6, if a student has  
26 been expelled or suspended from school and has not met  
27 the conditions of the expulsion or suspension and if  
28 the student, or the parent or guardian of the student,  
29 changes district of residence, the student shall not  
30 be enrolled in the new district of residence until the  
31 board of directors of the new district of residence  
32 approves, by a majority vote, the enrollment of the  
33 student.

34 Sec. 203. Section 282.5, Code 1995, is amended to  
35 read as follows:

36 282.5 READMISSION OF STUDENT.

37 When a student is dismissed suspended by a teacher,  
38 principal, or superintendent, pursuant to section  
39 282.4, the student may be readmitted by the teacher,  
40 principal, or superintendent, but when expelled by the  
41 board the student may be readmitted only by the board  
42 or in the manner prescribed by the board."

43 7. Page 5, by striking lines 6 through 16 and  
44 inserting the following:

45 "Sec. \_\_\_\_ . Section 808A.1, subsection 1, paragraph  
46 d, Code 1995, is amended to read as follows:

47 d. A school locker, desk, or other facility or  
48 space issued or assigned to, or chosen by, the student  
49 for the storage of personal belongings of any kind,  
50 which the student locks or is permitted to lock.

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Page 3

1 ~~School officials may conduct periodic inspections of~~  
 2 ~~all school lockers. However, the school district~~  
 3 ~~shall provide notice to the students, at least twenty-~~  
 4 ~~four hours prior to the inspection, of the date and~~  
 5 ~~time of the inspection.~~

6 Sec. \_\_\_\_ . Section 808A.2, subsection 1, Code 1995,  
 7 is amended to read as follows:

8 1. A school official may conduct a search of a  
 9 student or a protected student area only if all of the  
 10 following apply in either of the following situations:

11 a. ~~The school official has a reasonable and~~  
 12 ~~articulable suspicion that a criminal offense or a~~  
 13 ~~school rule or regulation bearing on school order has~~  
 14 ~~been violated.~~ A school official may search a student  
 15 or a protected student area if the official has  
 16 reasonable grounds for suspecting that the search will  
 17 produce evidence that a student has violated or is  
 18 violating a law or a school rule or regulation.

19 b. ~~The school official has a reasonable and~~  
 20 ~~articulable belief that the search will produce~~  
 21 ~~evidence of such violation.~~ A school official may  
 22 search more than one student or protected student area  
 23 pursuant to a student search rule. A rule allowing  
 24 searches of more than one student or protected student  
 25 areas must be reasonable based on balancing the need  
 26 for the search against the intrusion into a protected  
 27 student area. A search conducted pursuant to this  
 28 paragraph may include a search of all school lockers,  
 29 however, all searches conducted pursuant to this  
 30 paragraph shall be conducted in a manner reasonably  
 31 related to the circumstances which justified the  
 32 search.

33 c. ~~If the search is of an individual student, the~~  
 34 ~~suspicion and belief required by paragraphs "a" and~~  
 35 ~~"b" is particular to the student to be searched.~~

36 d. ~~If the search is of more than one student or of~~  
 37 ~~a protected student area, the search must be based~~  
 38 ~~upon and pursuant to a valid and reasonable student~~  
 39 ~~search rule."~~

40 8. Page 5, line 17, by striking the word and  
 41 figure "Section 7" and inserting the following:  
 42 "Sections 201, 7, 202, and 203".

43 9. Page 5, line 18, by striking the word "takes"  
 44 and inserting the following: "take".

45 10. Title page, line 5, by striking the words  
 46 "eliminating the".

47 11. Title page, by striking lines 6 through 8 and  
 48 inserting the following: "the grounds upon which a  
 49 school official may search student lockers or  
 50 protected student areas, the enrollment of a suspended

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Page 4

1 or expelled student who changes district of residence,  
 2 access to juvenile court records, and providing".

3 12. By renumbering and correcting internal  
 4 references as necessary.

By COMMITTEE ON EDUCATION  
 MIKE CONNOLLY, Chairperson

*Adopted 4/26/95*  
*(P. 1446)*  
 S-3359 FILED APRIL 5, 1995

## HOUSE FILE 288

S-3576

1 Amend the amendment, S-3359, to House File 288, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 38, by striking the figure "3."  
5 and inserting the following: "3 and inserting the  
6 following:

7 "Sec. \_\_\_\_ . NEW SECTION. 280.17B STUDENTS  
8 SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS  
9 WEAPONS.

10 The board of directors of a public school and the  
11 authorities in control of a nonpublic school shall  
12 prescribe procedures for continued school involvement  
13 with a student who is suspended or expelled for  
14 possession of a dangerous weapon, as defined in  
15 section 702.7, on school premises in violation of  
16 school policy or state law and for the reintegration  
17 of the student into the school following the  
18 suspension or expulsion.""

19 2. By renumbering as necessary.

By MIKE CONNOLLY

S-3576 FILED APRIL 26, 1995  
ADOPTED

(P. 1446)

EDUCATION

SUCCE

HOUSE FILE 288

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 authorizing school districts to adopt a dress  
2 code policy, the expulsion of a student for bringing a weapon  
3 to school, an exemption in the definition of assault,  
4 eliminating the twenty-four hour notice to students of a  
5 periodic inspection of students' lockers, giving access to  
6 certain juvenile court records to a designated school  
7 representative, and providing an effective date.

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

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1 Section 1. Section 232.147, subsection 3, Code 1995, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. g. The designated representative of a  
4 public school or accredited nonpublic school at which the  
5 child is enrolled. The designated representative shall  
6 disclose the information received under this paragraph only to  
7 an authority or employee of the school who requires the  
8 information to fulfill obligations to the student.

9 Sec. 2. Section 232.149, subsection 4, unnumbered  
10 paragraph 1, Code 1995, is amended to read as follows:

11 ~~Such records~~ Records and files identified in subsection 2  
12 may be inspected and their contents may be disclosed without a  
13 court order to the following:

14 Sec. 3. Section 232.149, subsection 4, Code 1995, is  
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. f. The designated representative of a  
17 school or accredited nonpublic school at which the child is  
18 enrolled. The designated representative shall disclose the  
19 information received under this subsection only to an  
20 authority or employee of the school who requires the  
21 information to fulfill obligations to the student.

22 Sec. 4. NEW SECTION. 279.58 SCHOOL DRESS CODE POLICIES.

23 1. The general assembly finds and declares that the  
24 students and the administrative and instructional staffs of  
25 Iowa's public schools have the right to be safe and secure at  
26 school. Gang-related apparel worn at school draws attention  
27 away from the school's learning environment and directs it  
28 toward thoughts or expressions of violence, bigotry, hate, and  
29 abuse.

30 2. The board of directors of a school district may adopt,  
31 for the district or for an individual school within the  
32 district, a dress code policy that requires students to wear  
33 specific attire or prohibits students from wearing gang-  
34 related or other specific apparel if the board determines that  
35 the policy is necessary for the health and safety of students

1 and staff in the school environment. Adoption and enforcement  
2 of a dress code policy is not a violation of section 280.22.

3 3. If the policy requires that students wear a specific  
4 attire, the specific attire selected shall be determined by  
5 the principal, instructional staff, and parents and legal  
6 guardians of students enrolled in the school district. A  
7 dress code policy that requires students to wear specific  
8 attire shall not be implemented with less than six months'  
9 notice to parents and legal guardians. A school implementing  
10 a dress code policy requiring specific attire shall make  
11 resources available to assist economically disadvantaged  
12 students in securing the specific attire.

13 4. The board shall provide a method by which parents and  
14 legal guardians may choose not to have their children comply  
15 with an adopted dress code policy that requires specific  
16 attire. If a board chooses to adopt a policy pursuant to this  
17 section, the policy shall include a provision that a student  
18 shall not be penalized academically or otherwise discriminated  
19 against or denied attendance to school if the student's parent  
20 or legal guardian chooses not to have the student comply with  
21 a school dress code policy that would require the student to  
22 wear specific attire. A policy adopted pursuant to this  
23 section shall not preclude students that participate in a  
24 nationally recognized youth organization from wearing  
25 organization uniforms on days that the organization has a  
26 scheduled meeting.

27 Sec. 5. NEW SECTION. 280.21B EXPULSION -- WEAPONS IN  
28 SCHOOL.

29 The board of directors of a school district and the  
30 authorities in charge of a nonpublic school shall expel from  
31 school for a period of not less than one year a student who is  
32 determined to have brought a weapon to a school under the  
33 jurisdiction of the board or the authorities. However, the  
34 superintendent or chief administering officer of a school or  
35 school district may modify expulsion requirements on a case-

1 by-case basis. This section shall not be construed to prevent  
2 the board of directors of a school district or the authorities  
3 in charge of a nonpublic school that have expelled a student  
4 from the student's regular school setting from providing  
5 educational services to the student in an alternative setting.  
6 If both this section and section 282.4 apply, this section  
7 takes precedence over section 282.4. For purposes of this  
8 section, "weapon" means a firearm as defined in 18 U.S.C. §  
9 921. This section shall be construed in a manner consistent  
10 with the federal Individuals with Disabilities Education Act,  
11 20 U.S.C. § 1400 et seq.

12 Sec. 6. Section 708.1, Code 1995, is amended by adding the  
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. Provided, that where the person  
15 doing any of the above enumerated acts is employed by a school  
16 district or accredited nonpublic school, or is an area  
17 education agency staff member who provides services to a  
18 school or school district, and intervenes in a fight or  
19 physical struggle, or other disruptive situation, that takes  
20 place in the presence of the employee or staff member  
21 performing employment duties in a school building, on school  
22 grounds, or at an official school function regardless of the  
23 location, the act shall not be an assault, whether the fight  
24 or physical struggle or other disruptive situation is between  
25 students or other individuals if the degree and the force of  
26 the intervention is reasonably necessary to restore order and  
27 to protect the safety of those assembled.

28 Sec. 7. Section 808A.1, subsection 1, paragraph d, Code  
29 1995, is amended to read as follows:

30 d. A school locker, desk, or other facility or space is-  
31 sued or assigned to, or chosen by, the student for the storage  
32 of personal belongings of any kind, which the student locks or  
33 is permitted to lock. School officials may conduct periodic  
34 inspections of all school lockers. ~~However, the school~~  
35 ~~district shall provide notice to the students, at least~~

1 ~~twenty-four-hours-prior-to-the-inspection, of-the-date-and~~  
2 ~~time-of-the-inspection.~~

3 Sec. 8. EFFECTIVE DATE. Section 5 of this Act, being  
4 deemed of immediate importance, takes effect upon enactment.

5 EXPLANATION

6 The bill contains provisions related to expulsion of a  
7 student who brings a weapon to school, giving access to  
8 certain juvenile court records to a designated school  
9 representative, school dress code policies, and provides an  
10 exemption to the definition of assault.

11 The bill permits records and files of a criminal justice  
12 agency concerning a child, and official juvenile court  
13 records, except those alleging delinquency, to be disclosed to  
14 a designated representative of a school or accredited  
15 nonpublic school at which a child is enrolled. The designated  
16 representative shall disclose the information received only to  
17 an employee or authority of the school who requires the  
18 information to fulfill obligations to the student.

19 The bill contains a declaration of legislative findings and  
20 authorizes the board of directors of a school district to  
21 adopt, for the entire district or for an individual school  
22 within the district, a dress code policy that requires  
23 students to wear specific attire or prohibits students from  
24 wearing gang-related apparel if the board determines that the  
25 policy is necessary for the health and safety of students and  
26 staff in the school environment. If specific attire is  
27 required, the specific attire would be selected by the  
28 principal, staff, and parents and guardians of the school  
29 district. Parents and legal guardians shall be given at least  
30 six months' notice before a dress code policy requiring  
31 specific attire can be implemented, and the school  
32 implementing the policy shall have resources available to  
33 assist economically disadvantaged students in securing  
34 specific attire.

35 The bill requires the school district to provide a method

1 by which parents may choose not to have their children comply  
2 with a policy that requires students to wear specific attire.  
3 A student shall not be penalized academically or otherwise  
4 discriminated against nor denied attendance to school if the  
5 student's parents or legal guardians choose not to have the  
6 student comply with a policy that requires specific attire.  
7 The bill does not preclude students that participate in a  
8 nationally recognized youth organization from wearing  
9 organization uniforms on days that the organization has a  
10 scheduled meeting.

11 The bill conforms Iowa law to federal law regarding the  
12 expulsion of students who bring weapons to school. The  
13 federal Gun-Free School Act of 1994 requires states receiving  
14 federal funds under the Act to have in effect a law requiring  
15 local educational agencies to expel from school for a period  
16 of not less than one year a student who brings a weapon, as  
17 defined under federal law, to school. The bill does not  
18 prevent a school board or the authorities in charge of a  
19 nonpublic school from providing educational services to the  
20 expelled student in an alternative setting. This portion of  
21 the bill takes effect upon enactment.

22 The bill also amends section 708.1, defining assault, and  
23 adds a provision that a person shall not be convicted of  
24 assault if the person is employed by a school district or ac-  
25 credited nonpublic school, or is an area education agency  
26 staff member who provides services to a school or school  
27 district, and intervenes in a fight or physical struggle, or  
28 other disruptive situation, that takes place in the presence  
29 of the employee or staff member performing employment duties  
30 in a school building, on school grounds, or at an official  
31 school function regardless of the location, whether the fight  
32 or physical struggle, or other disruptive situation is between  
33 students or other individuals, if the degree and force of the  
34 intervention is reasonably necessary to restore order and to  
35 protect the safety of those assembled.

1 The bill eliminates the requirement that a school district  
2 provide at least 24 hours' notice to students prior to  
3 inspecting all school lockers.

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