

1-11-95 Judiciary

FILED JAN 11 1995

(P. 182) 1-25-95 Do Pass  
(P. 378) 2/16/95 Referred from Reg. Calendar to Education

SENATE FILE 21

BY GETTINGS  
3/16/95 amend/so Pass w/s- 3133

(P. 821)

Passed Senate, Date 3/22/95

Passed House, Date \_\_\_\_\_

Vote: Ayes 49 Nays 1

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act eliminating the twenty-four hour notice to students prior  
2 to a periodic search of students' lockers.

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

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S.F. 21

1 Section 1. Section 808A.1, subsection 1, paragraph d, Code  
2 1995, is amended to read as follows:

3 d. A school locker, desk, or other facility or space is-  
4 sued or assigned to, or chosen by, the student for the storage  
5 of personal belongings of any kind, which the student locks or  
6 is permitted to lock. School officials may conduct periodic  
7 inspections of all school lockers. ~~However, the school~~  
8 ~~district shall provide notice to the students, at least~~  
9 ~~twenty-four hours prior to the inspection, of the date and~~  
10 ~~time of the inspection.~~

11 EXPLANATION

12 This bill eliminates the requirement that a school district  
13 provide at least twenty-four hours notice to students that all  
14 lockers at a school are going to be inspected.

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S-3035

1 Amend Senate File 21 as follows:

2 1. Page 1, by striking lines 1 through 10 and  
3 inserting the following:

4 "Section 1. Section 808A.2, subsection 1, Code  
5 1995, is amended to read as follows:

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

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

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

29 c. ~~If-the-search-is-of-an-individual-student,-the~~  
30 ~~suspicion-and-belief-required-by-paragraphs-"a"-and~~  
31 ~~"b"-is-particular-to-the-student-to-be-searched-~~

32 d. ~~If-the-search-is-of-more-than-one-student-or-of~~  
33 ~~a-protected-student-area,-the-search-must-be-based~~  
34 ~~upon-and-pursuant-to-a-valid-and-reasonable-student~~  
35 ~~search-rule-~~"

36 2. Title page, by striking lines 1 and 2 and  
37 inserting the following: "An Act relating to the  
38 grounds upon which a school official may search  
39 student lockers or protected student areas."

By RANDAL J. GIANNETTO

S-3035 FILED FEBRUARY 7, 1995

(p. 822) out of order  
3/22/95

S-3037

1 Amend Senate File 21 as follows:  
 2 1. Page 1, by striking lines 1 through 10 and  
 3 inserting the following:  
 4 "Section 1. Section 808A.2, subsection 1, Code  
 5 1995, is amended to read as follows:  
 6 1. A school official may conduct a search of a  
 7 student or a protected student area ~~only-if-all-of-the~~  
 8 ~~following-apply~~ in either of the following situations:  
 9 a. ~~The-school-official-has-a-reasonable-and~~  
 10 ~~articulable-suspicion-that-a-criminal-offense-or-a~~  
 11 ~~school-rule-or-regulation-bearing-on-school-order-has~~  
 12 ~~been-violated.~~ A school official may search a student  
 13 or protected student area if the official has  
 14 reasonable grounds for suspecting that the search will  
 15 produce evidence that a student has violated or is  
 16 violating the criminal law or a school rule or  
 17 regulation.  
 18 b. ~~The-school-official-has-a-reasonable-and~~  
 19 ~~articulable-belief-that-the-search-will-produce~~  
 20 ~~evidence-of-such-violation.~~ A school official may  
 21 search more than one student or protected student area  
 22 pursuant to a student search rule. A rule allowing  
 23 searches of more than one student or protected student  
 24 areas must be reasonable based on balancing the need  
 25 for the search against the intrusion into a protected  
 26 student area. A search conducted pursuant to this  
 27 paragraph shall be conducted in a manner reasonably  
 28 related to the circumstances which justified the  
 29 search.  
 30 c. ~~If-the-search-is-of-an-individual-student,-the~~  
 31 ~~suspicion-and-belief-required-by-paragraphs-"a"-and~~  
 32 ~~"b"-is-particular-to-the-student-to-be-searched.~~  
 33 d. ~~If-the-search-is-of-more-than-one-student-or-of~~  
 34 ~~a-protected-student-area,-the-search-must-be-based~~  
 35 ~~upon-and-pursuant-to-a-valid-and-reasonable-student~~  
 36 ~~search-rule."~~  
 37 2. Title page by striking lines 1 and 2 and  
 38 inserting the following: "An Act relating to the  
 39 grounds upon which a school official may search  
 40 student lockers or protected student areas.

By EUGENE FRAISE  
 DON GETTINGS

S-3037 FILED FEBRUARY 8, 1995

(p.827) out of order  
 3/22/95



1 Section 1. Section 808A.1, subsection 1, paragraph d, Code  
2 1995, is amended to read as follows:

3 d. A school locker, desk, or other facility or space is-  
4 sued or assigned to, or chosen by, the student for the storage  
5 of personal belongings of any kind, which the student locks or  
6 is permitted to lock. ~~School-officials-may-conduct-periodic~~  
7 ~~inspections-of-all-school-lockers.--However, the school~~  
8 ~~district-shall-provide-notice-to-the-students, at least~~  
9 ~~twenty-four-hours-prior-to-the-inspection, of the date and~~  
10 ~~time-of-the-inspection.~~

11 Sec. 2. Section 808A.2, subsection 1, Code 1995, is  
12 amended to read as follows:

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

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

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

35 c.--If the search is of an individual student, the

1 suspicion-and-belief-required-by-paragraphs-"a"-and-"b"-is  
2 particular-to-the-student-to-be-searched.

3 d.--if-the-search-is-of-more-than-one-student-or-of-a  
4 protected-student-area, the search must be based upon and  
5 pursuant-to-a-valid-and-reasonable-student-search-rule.

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S-3133

1 Amend Senate File 21 as follows:  
 2 1. Page 1, lines 6 and 7, by striking the words  
 3 "School officials may conduct periodic inspections of  
 4 all school lockers." and inserting the following:  
 5 ~~"School officials may conduct periodic inspections of~~  
 6 ~~all school lockers."~~  
 7 2. Page 1, by inserting after line 10 the  
 8 following:  
 9 "Sec. \_\_\_\_ . Section 808A.2, subsection 1, Code  
 10 1995, is amended to read as follows:  
 11 1. A school official may conduct a search of a  
 12 student or a protected student area ~~only if all of the~~  
 13 ~~following apply in either of the following situations:~~  
 14 a. ~~The school official has a reasonable and~~  
 15 ~~articulable suspicion that a criminal offense or a~~  
 16 ~~school rule or regulation bearing on school order has~~  
 17 ~~been violated~~ A school official may search a student  
 18 or a protected student area if the official has  
 19 reasonable grounds for suspecting that the search will  
 20 produce evidence that a student has violated or is  
 21 violating a law or a school rule or regulation.  
 22 b. ~~The school official has a reasonable and~~  
 23 ~~articulable belief that the search will produce~~  
 24 ~~evidence of such violation~~ A school official may  
 25 search more than one student or protected student area  
 26 pursuant to a student search rule. A rule allowing  
 27 searches of more than one student or protected student  
 28 areas must be reasonable based on balancing the need  
 29 for the search against the intrusion into a protected  
 30 student area. A search conducted pursuant to this  
 31 paragraph may include a search of all school lockers,  
 32 however, all searches conducted pursuant to this  
 33 paragraph shall be conducted in a manner reasonably  
 34 related to the circumstances which justified the  
 35 search.  
 36 c. ~~If the search is of an individual student, the~~  
 37 ~~suspicion and belief required by paragraphs "a" and~~  
 38 ~~"b" is particular to the student to be searched.~~  
 39 d. ~~If the search is of more than one student or of~~  
 40 ~~a protected student area, the search must be based~~  
 41 ~~upon and pursuant to a valid and reasonable student~~  
 42 ~~search rule."~~  
 43 3. Title page, by striking lines 1 and 2 and  
 44 inserting the following: "An Act relating to the  
 45 grounds upon which a school official may search  
 46 student lockers or protected student areas."

By COMMITTEE ON EDUCATION  
 MIKE CONNOLLY, Chairperson

S-3133 FILED MARCH 16, 1995

(p.827) adopted 3/22/95