

FEB 3 1997  
EDUCATION

HOUSE FILE 141  
BY RICHARDSON

WITHDRAWN  
2-27-97 (P. 457)

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

Passed Senate, Date \_\_\_\_\_

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

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

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the authorization of school officials to  
2 conduct searches of students, student protected areas, and  
3 lockers.

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

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**WITHDRAWN**

*HF 141*

1 Section 1. Section 808A.1, subsection 1, paragraph d, Code  
2 1997, is amended by striking the paragraph.

3 Sec. 2. Section 808A.2, subsection 1, Code 1997, is  
4 amended by striking the subsection and inserting in lieu  
5 thereof the following:

6 1. A school official may search individual students and  
7 individual protected student areas in either of the following  
8 situations:

9 a. If the official has reasonable grounds for suspecting  
10 that the search will produce evidence that a student has  
11 violated or is violating either the law or a school rule or  
12 regulation.

13 b. School officials may search more than one student or  
14 protected student area pursuant to a student search rule. A  
15 student search rule allowing searches of more than one student  
16 or protected student area must be reasonably based on  
17 balancing the need for the search against any intrusion of a  
18 protected student area. Any search conducted pursuant to this  
19 paragraph must be conducted in a manner reasonably related to  
20 the circumstances which justified the search.

21 Sec. 3. Section 808A.2, subsection 2, Code 1997, is  
22 amended to read as follows:

23 2. ~~Notwithstanding subsection 1, paragraphs "a" through~~  
24 ~~"c", as they apply to searches of protected student areas,~~  
25 ~~school~~ School officials may conduct periodic inspections of  
26 all, or a randomly selected number of, school lockers. The  
27 furnishing of a school locker, desk, or other facility or  
28 space owned by the school and provided as a courtesy to a  
29 student shall not create a protected student area, and shall  
30 not give rise to an expectation of privacy on a student's part  
31 with respect to that locker, desk, facility, or space.  
32 Allowing students to use a separate lock on a locker, desk, or  
33 other facility or space owned by the school and provided to  
34 the student shall also not give rise to an expectation of  
35 privacy on a student's part with respect to that locker, desk,

1 facility, or space. However, each year when school begins,  
2 the school district shall provide written notice to each  
3 ~~student,--and-the-adult-who-enrolls-the-student-at-the-school,~~  
4 all students and the students' parents, guardians, or legal  
5 custodians, that school officials may conduct periodic  
6 inspections of all school lockers without prior notice. An  
7 ~~inspection-under-this-subsection-shall-only-occur-in-the~~  
8 ~~presence-of-the-students-whose-lockers-are-being-inspected.~~

9 Sec. 4. Section 808A.2, subsection 5, Code 1997, is  
10 amended by striking the subsection.

11 EXPLANATION

12 The bill amends chapter 808A to establish school authority  
13 to conduct student and locker searches. The amendments  
14 provide that student lockers owned and furnished by a school  
15 and provided as a courtesy to the student are not  
16 characterized as protected student areas, and their use or use  
17 of a separate lock does not give rise to an expectation of  
18 privacy on the student's part. School officials must provide  
19 written notice to a student and the student's parent,  
20 guardian, or custodian that the school may conduct periodic  
21 inspections of all school lockers without prior notification.  
22 The requirements that notice be provided to an adult who  
23 enrolls a student, and that the student be present during a  
24 locker search, are eliminated. The reasonable and articulable  
25 suspicion standard is eliminated with regard to school  
26 official searches of individual students, substituting a  
27 reasonable grounds standard in its place. Searches of more  
28 than one student or student area must be reasonably based on  
29 balancing the need for the search against any protected  
30 student area intrusion, and be conducted in a manner  
31 reasonably related to circumstances perceived as justifying  
32 the search.

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