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FEB 13 1998

EDUCATION

HOUSE FILE 2269
BY RANTS

Passed House (p.469) Date 3/4/98 Passed Senate (p.1280) Date 4/15/98
Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 0
Approved May 14, 1998

A BILL FOR

1 An Act relating to permissible physical contact between school
2 employees and students.

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

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HOUSE FILE 2269

H-8171

1 Amend House File 2269 as follows:
2 1. Page 1, line 24, by inserting after the word
3 "contact" the following: "is reasonable and".
By KREIMAN of Davis

H-8171 FILED MARCH 3, 1998

Withdrawn 3/4/98 (p.469)

HOUSE FILE 2269

H-8178

1 Amend House File 2269 as follows:
2 1. Page 1, line 24, by inserting after the word
3 "contact" the following: "is reasonable under the
4 circumstances and".

By RANTS of Woodbury

H-8178 FILED MARCH 3, 1998

Adopted 3/4/98 (p.469)

#F 2269

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1 Section 1. Section 280.21, Code 1997, is amended to read
2 as follows:

3 280.21 CORPORAL PUNISHMENT -- BURDEN OF PROOF.

4 1. An employee of an accredited public school district,
5 accredited nonpublic school, or area education agency shall
6 not inflict, or cause to be inflicted, corporal punishment
7 upon a student. For purposes of this section, "corporal
8 punishment" means the intentional physical punishment of a
9 student. An employee's physical contact with the body of a
10 student shall not be considered corporal punishment if it is
11 reasonable and necessary under the circumstances and is not
12 designed or intended to cause pain or if the employee uses
13 reasonable force, as defined under section 704.1, for the
14 protection of the employee, the student, or other students; to
15 obtain the possession of a weapon or other dangerous object
16 within a student's control; or for the protection of property.
17 The department of education shall adopt rules to implement
18 this section.

19 2. A school employee who, in the reasonable course of the
20 employee's employment responsibilities, comes into physical
21 contact with a student shall be granted immunity from any
22 civil or criminal liability which might otherwise be incurred
23 or imposed as a result of such physical contact, if the
24 physical contact involves the following:

25 a. Encouraging, supporting, or disciplining the student.

26 b. Protecting the employee, the student, or other
27 students.

28 c. Obtaining possession of a weapon or other dangerous
29 object within a student's control.

30 d. Protecting employee, student, or school property.

31 e. Quelling a disturbance or preventing an act threatening
32 physical harm to any person.

33 f. Removing a disruptive student from class or any area of
34 the school premises, or from school-sponsored activities off
35 school premises.

- 1 g. Preventing a student from the self-infliction of harm.
- 2 h. Self-defense.
- 3 i. Any other legitimate educational activity.
- 4 3. To prevail in a civil action alleging a violation of
- 5 this section the party bringing the action shall prove the
- 6 violation by clear and convincing evidence. Any school
- 7 employee determined in a civil action to have been wrongfully
- 8 accused under this section shall be awarded reasonable
- 9 monetary damages, in light of the circumstances involved,
- 10 against the party bringing the action.

11 Sec. 2. NEW SECTION. 280.26 INTERVENTION IN ALTERCATIONS.

12 A public school employee may intervene in a fight or
 13 physical struggle occurring among students or between students
 14 and nonstudents that takes place in the presence of the school
 15 employee in a school building, on school premises, or at any
 16 school function or school-sponsored activity regardless of its
 17 location. The degree and force of the intervention may be as
 18 reasonably necessary, in the opinion of the school employee,
 19 to restore order and protect the safety of the individuals
 20 involved in the altercation and others in the vicinity of the
 21 altercation.

22 EXPLANATION

23 This bill relates to the conditions or circumstances which
 24 constitute permissible physical contact between school
 25 employees and students. The bill provides that a school
 26 employee who, in the reasonable course of employment
 27 responsibilities, comes into physical contact with a student
 28 shall be granted immunity from any civil or criminal liability
 29 if the physical contact involves encouraging, supporting, or
 30 disciplining the student; protecting the employee, the
 31 student, other students, or school property; obtaining
 32 possession of a weapon or other dangerous object within a
 33 student's control; quelling a disturbance or preventing an act
 34 threatening physical harm to any person; removing a disruptive
 35 student from class or any area of the school premises; or from

1 school-sponsored activities off school premises; preventing a
2 student from the self-infliction of harm; or self-defense, or
3 if the physical contact relates to any other legitimate
4 educational activity.

5 The bill also provides that any school employee determined
6 in a civil action to have been wrongfully accused of improper
7 physical contact in violation of the provisions of Code
8 section 280.21 shall be awarded reasonable monetary damages.

9 The bill additionally provides that a public school
10 employee may intervene in a fight or physical struggle that
11 takes place in the presence of the employee in a school
12 building, on school premises, or at an off-site school
13 function or activity which occurs among students or between
14 students and nonstudents. The bill provides that the degree
15 and force of the intervention may be that which the employee
16 determines to be reasonably necessary to restore order and
17 protect the safety of the individuals involved in the
18 altercation and others in the vicinity of the altercation.

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HOUSE FILE 2269
BY RANTS

(As Amended and Passed by the House, March 4, 1998)

Passed House, Date 4/20/98 (p. 1821)
Vote: Ayes 95 Nays 3
Approved May 14, 1998
Passed Senate, Date 4/15/98 (p. 1280)
Vote: Ayes 49 Nays 0
Passed 4/21/98
Vote 47-0 (p. 1433)

A BILL FOR

1 An Act relating to permissible physical contact between school
2 employees and students.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

New Language _____

HOUSE FILE 2269

S-5279

1 Amend House File 2269, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 26, by striking the word
4 "disciplining" and inserting the following:
5 "restraining".

(p. 1280) Adopted 4/15/98 By MARY NEUHAUSER
S-5279 FILED MARCH 18, 1998

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1 Section 1. Section 280.21, Code 1997, is amended to read
2 as follows:

3 280.21 CORPORAL PUNISHMENT -- BURDEN OF PROOF.

4 1. An employee of an accredited public school district,
5 accredited nonpublic school, or area education agency shall
6 not inflict, or cause to be inflicted, corporal punishment
7 upon a student. For purposes of this section, "corporal
8 punishment" means the intentional physical punishment of a
9 student. An employee's physical contact with the body of a
10 student shall not be considered corporal punishment if it is
11 reasonable and necessary under the circumstances and is not
12 designed or intended to cause pain or if the employee uses
13 reasonable force, as defined under section 704.1, for the
14 protection of the employee, the student, or other students; to
15 obtain the possession of a weapon or other dangerous object
16 within a student's control; or for the protection of property.
17 The department of education shall adopt rules to implement
18 this section.

19 2. A school employee who, in the reasonable course of the
20 employee's employment responsibilities, comes into physical
21 contact with a student shall be granted immunity from any
22 civil or criminal liability which might otherwise be incurred
23 or imposed as a result of such physical contact, if the
24 physical contact is reasonable under the circumstances and
25 involves the following:

26 a. Encouraging, supporting, or disciplining the student.

27 b. Protecting the employee, the student, or other
28 students.

29 c. Obtaining possession of a weapon or other dangerous
30 object within a student's control.

31 d. Protecting employee, student, or school property.

32 e. Quelling a disturbance or preventing an act threatening
33 physical harm to any person.

34 f. Removing a disruptive student from class or any area of
35 the school premises, or from school-sponsored activities off

1 school premises.

2 g. Preventing a student from the self-infliction of harm.

3 h. Self-defense.

4 i. Any other legitimate educational activity.

5 3. To prevail in a civil action alleging a violation of
6 this section the party bringing the action shall prove the
7 violation by clear and convincing evidence. Any school
8 employee determined in a civil action to have been wrongfully
9 accused under this section shall be awarded reasonable
10 monetary damages, in light of the circumstances involved,
11 against the party bringing the action.

12 Sec. 2. NEW SECTION. 280.26 INTERVENTION IN ALTERCATIONS.

13 A public school employee may intervene in a fight or
14 physical struggle occurring among students or between students
15 and nonstudents that takes place in the presence of the school
16 employee in a school building, on school premises, or at any
17 school function or school-sponsored activity regardless of its
18 location. The degree and force of the intervention may be as
19 reasonably necessary, in the opinion of the school employee,
20 to restore order and protect the safety of the individuals
21 involved in the altercation and others in the vicinity of the
22 altercation.

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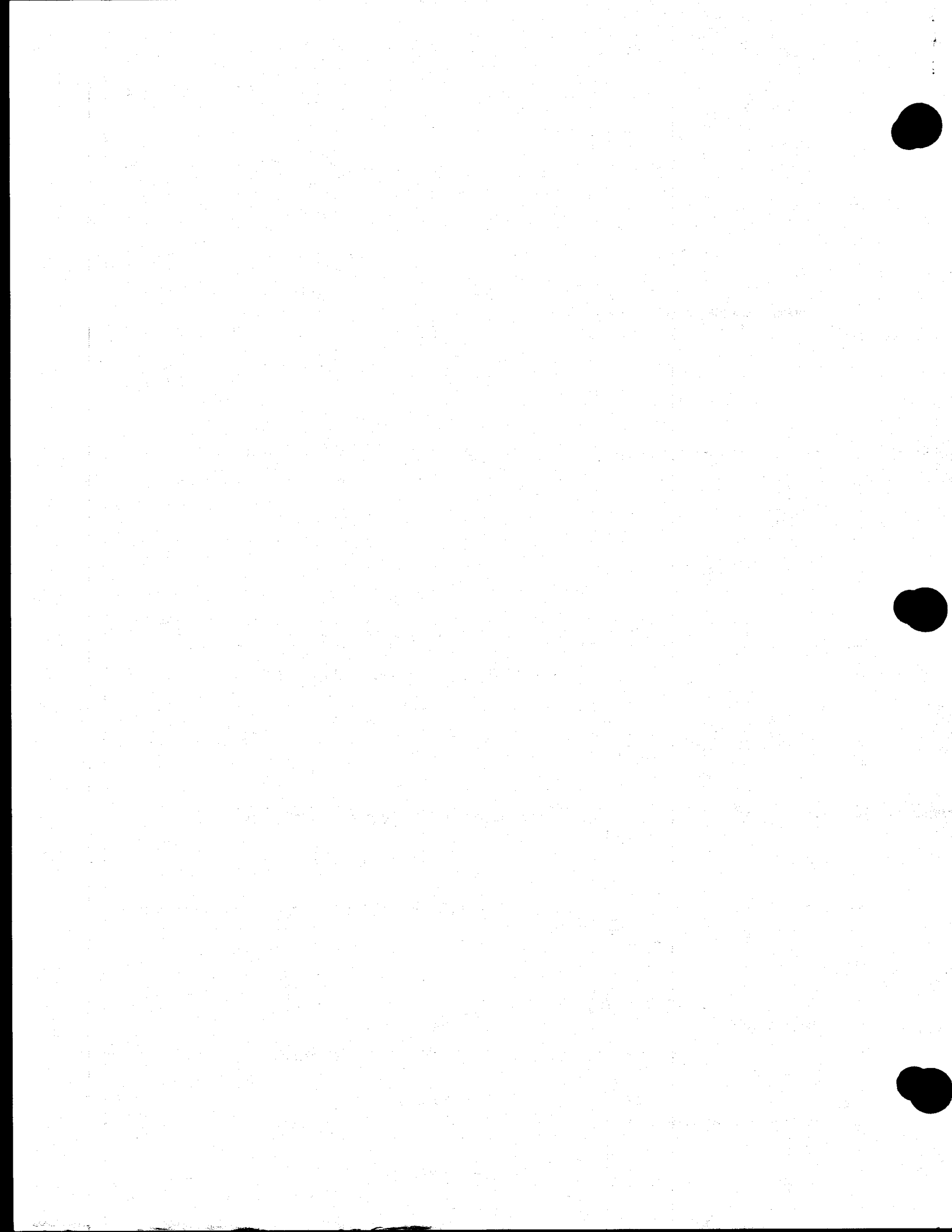
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HOUSE FILE 2269

S-5286

1 Amend House File 2269, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking line 13 and inserting the
4 following:

5 "1. An employee of an accredited public school
6 district, accredited nonpublic school, or area
7 education agency may intervene in a fight or".

8 2. Page 2, by inserting after line 22 the
9 following:

10 "2. A person who is not an employee of an
11 accredited public school district, accredited
12 nonpublic school, or area education agency may
13 intervene in a fight or physical struggle, as
14 described in subsection 1, in the absence of such an
15 employee or at the request of such an employee,
16 utilizing the degree and force of intervention
17 reasonably necessary, in the opinion of the
18 nonemployee, to restore order and protect the safety
19 of the individuals involved in the altercation and
20 others in the vicinity of the altercation. However, a
21 person who intervenes in the absence of an employee of
22 an accredited public school district, accredited
23 nonpublic school, or area education agency shall
24 report the intervention and all relevant information
25 regarding the situation as soon as reasonably possible
26 to such an employee."

27 3. Title page, lines 1 and 2, by striking the
28 words "between school employees and" and inserting the
29 following: "with".

By COMMITTEE ON EDUCATION
DONALD B. REDFERN, Chairperson

(p. 1280) *Adopted 4/15/98*
S-5286 FILED MARCH 19, 1998

HOUSE FILE 2269

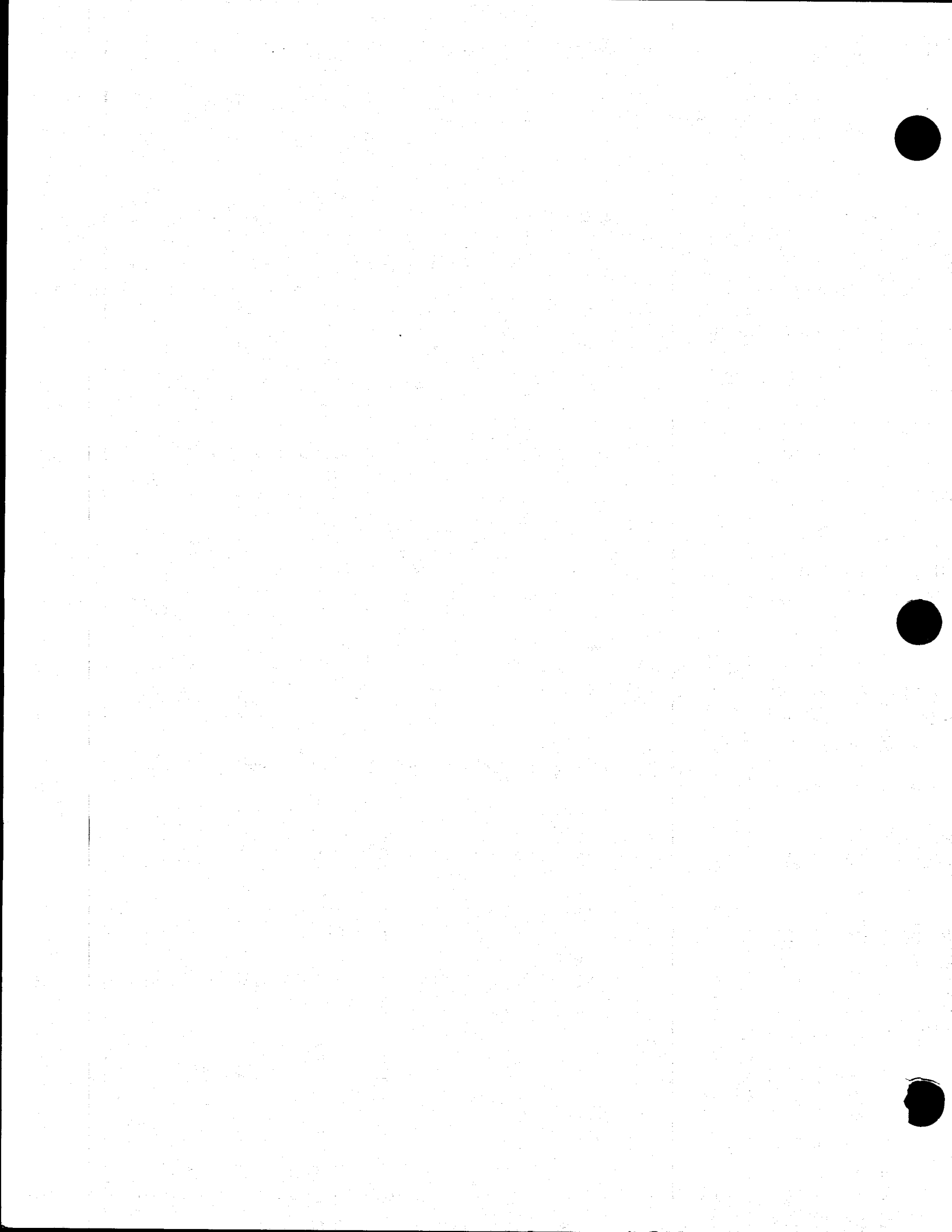
S-5595

1 Amend the amendment, S-5286, to House File 2269, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking line 26 and inserting the
5 following: "to such an employee."

6 3. A person who intervenes in a fight or physical
7 struggle pursuant to subsection 1 or 2 shall be immune
8 from any civil or criminal liability which might
9 otherwise be incurred or imposed as a result of such
10 reasonable force, and shall be awarded reasonable
11 monetary damages against a party bringing a civil
12 action if determined in the action to have been
13 wrongfully accused, as specified in section 280.21,
14 subsection 3."

Adopted 4/15/98 (p. 1280) By KITTY REHBERG
S-5595 FILED APRIL 9, 1998



H-9304

1 Amend the Senate amendment, H-9193, to House File
2 2269, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 43 and
5 inserting the following:

6 "_____. Page 2, by striking line 13 and inserting
7 the following:

8 "1. An employee of an accredited public school
9 district, accredited nonpublic school, or area
10 education agency may intervene in a fight or".

11 _____. Page 2, by inserting after line 22 the
12 following:

13 "2. A person who is not an employee of an
14 accredited public school district, accredited
15 nonpublic school, or area education agency may
16 intervene in a fight or physical struggle occurring
17 among students, or between students and nonstudents,
18 that takes place in the presence of the nonemployee in
19 a school building, on school premises, or at any
20 school function or school-sponsored activity
21 regardless of its location. The intervention may
22 occur in the absence of an employee of an accredited
23 public school district, accredited nonpublic school,
24 or area education agency, or at the request of such an
25 employee, utilizing the degree and force of
26 intervention reasonably necessary to restore order and
27 protect the safety of the individuals involved in the
28 altercation and others in the vicinity of the
29 altercation. However, a person who intervenes in the
30 absence of an employee of an accredited public school
31 district, accredited nonpublic school, or area
32 education agency shall report the intervention and all
33 relevant information regarding the situation as soon
34 as reasonably possible to such an employee.

35 3. An employee of an accredited public school
36 district, accredited nonpublic school, or area
37 education agency who intervenes in a fight or physical
38 struggle pursuant to subsection 1 shall be awarded
39 reasonable monetary damages against a party bringing a
40 civil action alleging a violation of this section, if
41 it is determined in the action that the employee has
42 been wrongfully accused. A nonemployee of an
43 accredited public school district, accredited
44 nonpublic school, or area education agency who
45 intervenes in a fight or physical struggle pursuant to
46 subsection 2 shall be limited to the recovery of
47 reasonable attorney fees and court costs, if it is
48 determined in a civil action alleging a violation of
49 this section that the nonemployee has been wrongfully
50 accused."

H-9304

-1-

H-9304

Page 2

1 _____. Title page, lines 1 and 2, by striking the
2 words "between school employees and" and inserting the
3 following: "involving".

4 _____. By renumbering, relettering, or
5 redesignating and correcting internal references as
6 necessary."

By RANTS of Woodbury

H-9304 FILED APRIL 20, 1998

adopted
4/20/98 (P. 1821)

SENATE AMENDMENT TO HOUSE FILE 2269

H-9193

1 Amend House File 2269, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 26, by striking the word
4 "disciplining" and inserting the following:
5 "restraining".

6 2. Page 2, by striking line 13 and inserting the
7 following:

8 "1. An employee of an accredited public school
9 district, accredited nonpublic school, or area
10 education agency may intervene in a fight or".

11 3. Page 2, by inserting after line 22 the
12 following:

13 "2. A person who is not an employee of an
14 accredited public school district, accredited
15 nonpublic school, or area education agency may
16 intervene in a fight or physical struggle, as
17 described in subsection 1, in the absence of such an
18 employee or at the request of such an employee,
19 utilizing the degree and force of intervention
20 reasonably necessary, in the opinion of the
21 nonemployee, to restore order and protect the safety
22 of the individuals involved in the altercation and
23 others in the vicinity of the altercation. However, a
24 person who intervenes in the absence of an employee of
25 an accredited public school district, accredited
26 nonpublic school, or area education agency shall
27 report the intervention and all relevant information
28 regarding the situation as soon as reasonably possible
29 to such an employee.

30 3. A person who intervenes in a fight or physical
31 struggle pursuant to subsection 1 or 2 shall be immune
32 from any civil or criminal liability which might
33 otherwise be incurred or imposed as a result of such
34 reasonable force, and shall be awarded reasonable
35 monetary damages against a party bringing a civil
36 action if determined in the action to have been
37 wrongfully accused, as specified in section 280.21,
38 subsection 3."

39 4. Title page, lines 1 and 2, by striking the
40 words "between school employees and" and inserting the
41 following: "with".

42 5. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-9193 FILED APRIL 15, 1998

House Concurred
4/20/98 (P. 1821)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2269

S-5779

1 Amend the Senate amendment, H-9193, to House File
2 2269, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 43 and
5 inserting the following:

6 "____. Page 2, by striking line 13 and inserting
7 the following:

8 "1. An employee of an accredited public school
9 district, accredited nonpublic school, or area
10 education agency may intervene in a fight or".

11 _____. Page 2, by inserting after line 22 the
12 following:

13 "2. A person who is not an employee of an
14 accredited public school district, accredited
15 nonpublic school, or area education agency may
16 intervene in a fight or physical struggle occurring
17 among students, or between students and nonstudents,
18 that takes place in the presence of the nonemployee in
19 a school building, on school premises, or at any
20 school function or school-sponsored activity
21 regardless of its location. The intervention may
22 occur in the absence of an employee of an accredited
23 public school district, accredited nonpublic school,
24 or area education agency, or at the request of such an
25 employee, utilizing the degree and force of
26 intervention reasonably necessary to restore order and
27 protect the safety of the individuals involved in the
28 altercation and others in the vicinity of the
29 altercation. However, a person who intervenes in the
30 absence of an employee of an accredited public school
31 district, accredited nonpublic school, or area
32 education agency shall report the intervention and all
33 relevant information regarding the situation as soon
34 as reasonably possible to such an employee.

35 3. An employee of an accredited public school
36 district, accredited nonpublic school, or area
37 education agency who intervenes in a fight or physical
38 struggle pursuant to subsection 1 shall be awarded
39 reasonable monetary damages against a party bringing a
40 civil action alleging a violation of this section, if
41 it is determined in the action that the employee has
42 been wrongfully accused. A nonemployee of an
43 accredited public school district, accredited
44 nonpublic school, or area education agency who
45 intervenes in a fight or physical struggle pursuant to
46 subsection 2 shall be limited to the recovery of
47 reasonable attorney fees and court costs, if it is
48 determined in a civil action alleging a violation of
49 this section that the nonemployee has been wrongfully
50 accused."

S-5779

S-5779

Page 2

1 _____. Title page, lines 1 and 2, by striking the
2 words "between school employees and" and inserting the
3 following: "involving".
4 _____. By renumbering, relettering, or
5 redesignating and correcting internal references as
6 necessary."

RECEIVED FROM THE HOUSE

S-5779 FILED APRIL 21, 1998
CONCURRED

(P. 1433)

HOUSE FILE 2269

AN ACT

RELATING TO PERMISSIBLE PHYSICAL CONTACT INVOLVING STUDENTS.

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

Section 1. Section 280.21, Code 1997, is amended to read as follows:

280.21 CORPORAL PUNISHMENT -- BURDEN OF PROOF.

1. An employee of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, "corporal punishment" means the intentional physical punishment of a student. An employee's physical contact with the body of a student shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property. The department of education shall adopt rules to implement this section.

2. A school employee who, in the reasonable course of the employee's employment responsibilities, comes into physical contact with a student shall be granted immunity from any civil or criminal liability which might otherwise be incurred or imposed as a result of such physical contact, if the physical contact is reasonable under the circumstances and involves the following:

- a. Encouraging, supporting, or disciplining the student.
- b. Protecting the employee, the student, or other students.
- c. Obtaining possession of a weapon or other dangerous object within a student's control.
- d. Protecting employee, student, or school property.
- e. Quelling a disturbance or preventing an act threatening physical harm to any person.
- f. Removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises.
- g. Preventing a student from the self-infliction of harm.
- h. Self-defense.
- i. Any other legitimate educational activity.

3. To prevail in a civil action alleging a violation of this section the party bringing the action shall prove the violation by clear and convincing evidence. Any school employee determined in a civil action to have been wrongfully accused under this section shall be awarded reasonable monetary damages, in light of the circumstances involved, against the party bringing the action.

Sec. 2. NEW SECTION. 280.26 INTERVENTION IN ALTERCATIONS.

1. An employee of an accredited public school district, accredited nonpublic school, or area education agency may intervene in a fight or physical struggle occurring among students or between students and nonstudents that takes place in the presence of the school employee in a school building,

on school premises, or at any school function or school-sponsored activity regardless of its location. The degree and force of the intervention may be as reasonably necessary, in the opinion of the school employee, to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation.

2. A person who is not an employee of an accredited public school district, accredited nonpublic school, or area education agency may intervene in a fight or physical struggle occurring among students, or between students and nonstudents, that takes place in the presence of the nonemployee in a school building, on school premises, or at any school function or school-sponsored activity regardless of its location. The intervention may occur in the absence of an employee of an accredited public school district, accredited nonpublic school, or area education agency, or at the request of such an employee, utilizing the degree and force of intervention reasonably necessary to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation. However, a person who intervenes in the absence of an employee of an accredited public school district, accredited nonpublic school, or area education agency shall report the intervention and all relevant information regarding the situation as soon as reasonably possible to such an employee.

3. An employee of an accredited public school district, accredited nonpublic school, or area education agency who intervenes in a fight or physical struggle pursuant to subsection 1 shall be awarded reasonable monetary damages against a party bringing a civil action alleging a violation of this section, if it is determined in the action that the employee has been wrongfully accused. A nonemployee of an accredited public school district, accredited nonpublic school, or area education agency who intervenes in a fight or physical struggle pursuant to subsection 2 shall be limited to

the recovery of reasonable attorney fees and court costs, if it is determined in a civil action alleging a violation of this section that the nonemployee has been wrongfully accused.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2269, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 14, 1998

TERRY E. BRANSTAD
Governor