

REPRINTED

FEB 21 1997

Place On Calendar

HOUSE FILE 331
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 141):

Passed House, Date ^(p.421) 2/26/97 Passed Senate, Date 4-16-97 (p.1221)
Vote: Ayes 94 Nays 3 Vote: Ayes 43 Nays 6
Approved April 29, 1997

A BILL FOR

1 An Act relating to the authorization of school officials to
2 conduct searches of students, student protected areas,
3 lockers, desks, and other facilities and spaces.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 331

1 expectation of privacy on a student's part with respect to
2 that locker, desk, facility, or space. Allowing students to
3 use a separate lock on a locker, desk, or other facility or
4 space owned by the school and provided to the student shall
5 also not give rise to an expectation of privacy on a student's
6 part with respect to that locker, desk, facility, or space.
7 However, each year when school begins, the school district
8 shall provide written notice to ~~each student, and the adult~~
9 ~~who enrolls the student at the school,~~ all students and the
10 students' parents, guardians, or legal custodians, that school
11 officials may conduct periodic inspections of ~~all~~ school
12 lockers, desks, and other facilities or spaces owned by the
13 school and provided as a courtesy to a student without prior
14 notice. ~~An inspection under this subsection shall only occur~~
15 ~~in the presence of the students whose lockers are being~~
16 ~~inspected.~~

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

19

EXPLANATION

20 The bill amends chapter 808A to establish school authority
21 to conduct student and locker, desk, and other facility or
22 space searches. The amendments provide that student lockers,
23 desks, and other facilities or spaces owned and furnished by a
24 school and provided as a courtesy to the student are not
25 characterized as protected student areas, and their use or use
26 of a separate lock does not give rise to an expectation of
27 privacy on the student's part. School officials must provide
28 written notice to a student and the student's parent,
29 guardian, or custodian that the school may conduct periodic
30 inspections of school lockers, desks, and other facilities or
31 spaces without prior notification. The requirements that
32 notice be provided to an adult who enrolls a student, and that
33 the student be present during a locker search, are eliminated.
34 The reasonable and articulable suspicion standard is
35 eliminated with regard to school official searches of

HOUSE FILE 331

H-1107

1 Amend House File 331 as follows:
2 1. Page 2, line 18, by striking the words "by
3 striking the subsection." and inserting the following:
4 "amended to read as follows:
5 5. If a search ~~pursuant to subsection 1~~ of a
6 school locker, desk, or other facility or space issued
7 or assigned to, or chosen by a student, reveals a
8 violation of the law or the rules of the school
9 regarding a dangerous weapon or controlled substance,
10 the violation shall constitute reasonable grounds for
11 future searches without advance notice to the student
12 of the student's school locker, desk, or other
13 facility or space issued or assigned to, or chosen by
14 the student."

By KREIMAN of Davis

H-1107 FILED FEBRUARY 24, 1997

*Withdrawn 2/26/97
(P. 420)*

HOUSE FILE 331

H-1124

1 Amend the amendment, H-1106, to House File 331 as
2 follows:
3 1. Page 1, line 4, by striking the word "only"
4 and inserting the following: "either".
5 2. Page 1, line 5, by inserting after the word
6 "inspected" the following: "or the inspection shall
7 be conducted in the presence of at least one other
8 person".

By WEIGEL of Chickasaw

H-1124 FILED FEBRUARY 26, 1997

*Adopted 2-26-97
(P. 420)*

2-26-97 Education
S-4/3/97 Amend/Do Pass w/s. 3356
S-4/10/97 Unfinished Business Calendar

HOUSE FILE **331**
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 141)

(As Amended and Passed by the House, February 26, 1997)

Passed House, ^(p. 1310) Date 4-17-97 Passed Senate, Date 4-16-97 (p. 1221)
Vote: Ayes 91 Nays 5 Vote: Ayes 43 Nays 6
Approved April 29, 1997

A BILL FOR

1 An Act relating to the authorization of school officials to
2 conduct searches of students, student protected areas,
3 lockers, desks, and other facilities and spaces and including
4 effective and applicability provisions.

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

6
7
8

House Amendments _____

HOUSE FILE 331

S-3231

1 Amend House File 331, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, by inserting after the words
4 "areas if" the following: "the student is present
5 and".

By MARY NEUHAUSER

S-3231 FILED MARCH 25, 1997
w/d 4-16-97 (p. 1219)

17
18
19
20
21

1 expectation of privacy on a student's part with respect to
2 that locker, desk, facility, or space. Allowing students to
3 use a separate lock on a locker, desk, or other facility or
4 space owned by the school and provided to the student shall
5 also not give rise to an expectation of privacy on a student's
6 part with respect to that locker, desk, facility, or space.
7 However, each year when school begins, the school district
8 shall provide written notice to ~~each student, and the adult~~
9 ~~who enrolls the student at the school,~~ all students and the
10 students' parents, guardians, or legal custodians, that school
11 officials may conduct periodic inspections of ~~all~~ school
12 lockers, desks, and other facilities or spaces owned by the
13 school and provided as a courtesy to a student without prior
14 notice. An inspection under this subsection shall either
15 occur in the presence of the students whose lockers are being
16 inspected or the inspection shall be conducted in the presence
17 of at least one other person.

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

20 Sec. 5. EFFECTIVE DATE -- APPLICABILITY. This Act, being
21 deemed of immediate importance, takes effect upon enactment.
22 Notwithstanding the timing of the notice requirements in
23 section 3 of this Act, a school district may conduct periodic
24 inspection of school lockers, desks, or other facilities or
25 spaces if the school district sends a notice to all students
26 and the students' parents, guardians, or legal custodians
27 prior to commencing any inspections.

28
29
30
31
32
33
34
35

HOUSE FILE 331

S-3489

1 Amend the amendment, S-3356, to House File 331, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 32, by striking the words "is
5 present" and inserting the following: "can be
6 present".

By BILL FINK

S-3489 FILED APRIL 14, 1997

April 4-16-97 (p. 1208)

HOUSE FILE 331

S-3480

1 Amend House File 331, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 19, by inserting after the word
4 "subsection" the following: "and inserting in lieu
5 thereof the following:
6 5. If a search is or is to be conducted of a
7 student protected area pursuant to subsection 1, and
8 the student is or will not be present at the time that
9 the search is conducted, the student shall be informed
10 of the search either prior to or as soon as is
11 reasonably practicable after the search is conducted".

By TOM VILSACK
JOHN REDWINE
NANCY BOETTGER

S-3480 FILED APRIL 14, 1997

w/d 4-16-97 (p. 1220)

HOUSE FILE 331

S-3551

1 Amend House File 331, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 25, the
4 following:
5 "Sec. _____. Section 808A.2, Code 1997, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 1A. In addition to the criteria
8 outlined in subsection 1 for conducting a search, in
9 determining the manner in which a search of a student
10 protected area is to be conducted, school officials
11 shall consider the nature and extent of any privacy
12 interest that a student may have in the student
13 protected area and whether the student should be
14 present at the time that the search is conducted."
15 2. By renumbering as necessary.

By BILL FINK

S-3551 FILED APRIL 16, 1997
LOST (p. 1220)

HOUSE FILE 331

S-3542

1 Amend House File 331, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 19, by striking the word
4 "subsection." and inserting the following:
5 "subsection and inserting in lieu thereof the
6 following:
7 5. If a student is not or will not be present at
8 the time a search of a student protected area is
9 conducted pursuant to subsection 1, the student shall
10 be informed of the search either prior to or as soon
11 as is reasonably practicable after the search is
12 conducted."

By TOM VILSACK
JOHN REDWINE
NANCY BOETTGER

S-3542 FILED APRIL 16, 1997
ADOPTED (p. 1220)

SENATE AMENDMENT TO HOUSE FILE 331

H-1776

1 Amend House File 331, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . Section 808A.1, subsection 5, Code
6 1997, is amended to read as follows:

7 5. "Student search rule" means a rule established
8 by the school board of a public school, pursuant to
9 section 279.8 or 279.9, or the authorities in charge
10 of a nonpublic school controlling the manner of the
11 searching of students or protected student areas and
12 school lockers, desks, and other facilities or spaces
13 owned by the school. A student search rule, to be
14 valid for purposes of this chapter, must shall require
15 that all searches of students or protected student
16 areas be reasonable reasonably related in scope to the
17 circumstances which gave rise to the need for the
18 search and shall-be based upon consideration of
19 relevant factors which include, but are not limited
20 to, the following:

21 a. The seriousness nature of the violation for
22 which a the search may-be is being instituted.

23 b. The age or ages and gender of the students
24 which who may be searched pursuant to the rule.

25 c. The information-or-suspicion-which-must-exist
26 to-warrant-the-institution-of-a objectives to be
27 accomplished by the search."

28 2. Page 1, line 7, by inserting after the word
29 "establish" the following: "and may search a student
30 or protected student area pursuant to".

31 3. Page 1, line 13, by striking the words "If
32 the" and inserting the following: "The".

33 4. Page 1, by striking lines 17 through 24, and
34 inserting the following:

35 "b. The search is conducted in a manner which is
36 reasonably related to the objectives of the search and
37 which is not excessively intrusive in light of the age
38 and gender of the student and the nature of the
39 infraction."

40 5. Page 2, line 19, by striking the word
41 "subsection." and inserting the following:
42 "subsection and inserting in lieu thereof the
43 following:

44 5. If a student is not or will not be present at
45 the time a search of a student protected area is
46 conducted pursuant to subsection 1, the student shall
47 be informed of the search either prior to or as soon
48 as is reasonably practicable after the search is
49 conducted."

50 6. By renumbering, relettering, or redesignating

H-1776

-1-

H-1776

Page 2

1 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1776 FILED APRIL 17, 1997

CONCURRED

(p. 1310)

HOUSE FILE 331

AN ACT

RELATING TO THE AUTHORIZATION OF SCHOOL OFFICIALS TO CONDUCT SEARCHES OF STUDENTS, STUDENT PROTECTED AREAS, LOCKERS, DESKS, AND OTHER FACILITIES AND SPACES AND INCLUDING EFFECTIVE AND APPLICABILITY PROVISIONS.

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

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

Sec. 2. Section 808A.1, subsection 5, Code 1997, is amended to read as follows:

5. "Student search rule" means a rule established by the school board of a public school, pursuant to section 279.8 or 279.9, or the authorities in charge of a nonpublic school controlling the manner of the searching of students or protected student areas and school lockers, desks, and other facilities or spaces owned by the school. A student search rule, to be valid for purposes of this chapter, must shall require that all searches of students or protected student

areas be reasonable reasonably related in scope to the circumstances which gave rise to the need for the search and shall-be based upon consideration of relevant factors which include, but are not limited to, the following:

a. The seriousness nature of the violation for which a the search may-be is being instituted.

b. The age or ages and gender of the students which who may be searched pursuant to the rule.

c. ~~The information-or-suspicion-which-must-exist-to warrant-the-institution-of-a~~ objectives to be accomplished by the search.

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

1. The school board of each public school and the authorities in charge of each nonpublic school shall establish and may search a student or protected student area pursuant to a student search rule. The student search rule shall be published in each public school's and each nonpublic school's student handbook. A school official may search individual students and individual protected student areas if both of the following apply:

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

b. The search is conducted in a manner which is reasonably related to the objectives of the search and which is not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

Sec. 4. Section 808A.2, subsection 2, Code 1997, is amended to read as follows:

2. ~~Notwithstanding-subsection-17-paragraphs-"a"-through "c",-as-they-apply-to-searches-of-protected-student-areas,~~ School School officials may conduct periodic inspections of all, or a randomly selected number of, school lockers, desks,