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EDUCAT 307

SENATE FILE 2062  
BY ANGELO

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to corporal punishment inflicted upon an  
2 elementary or secondary student by a school employee.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2062

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 unless the board of directors of the school  
8 district, the authorities in charge of the accredited  
9 nonpublic school, or the board of directors of the area  
10 education agency adopts a policy setting forth in specific  
11 terms the conditions under which corporal punishment may be  
12 inflicted. The board of directors of a school district and  
13 the authorities in charge of a nonpublic school must approve a  
14 corporal punishment policy adopted by the board of directors  
15 of the area education agency that serves the school district  
16 or nonpublic school before the area education agency policy  
17 can be implemented in the school district or nonpublic school.  
18 However, a policy adopted or approved under this subsection  
19 shall not permit corporal punishment to be inflicted upon a  
20 child requiring special education under section Z99A.9. A  
21 corporal punishment policy adopted or approved by the board of  
22 directors of a school district or the authorities in charge of  
23 a nonpublic school shall be published in the public school's  
24 or the nonpublic school's student handbook.

25 2. For purposes of this section, "corporal punishment"  
26 means the intentional physical punishment of a student. An  
27 employee's physical contact with the body of a student shall  
28 not be considered corporal punishment if it is reasonable and  
29 necessary under the circumstances and is not designed or  
30 intended to cause pain or if the employee uses reasonable  
31 force, as defined under section 704.1, for the protection of  
32 the employee, the student, or other students; to obtain the  
33 possession of a weapon or other dangerous object within a  
34 student's control; or for the protection of property. The  
35 department of education shall adopt rules to implement this

1 section.

2 3. To prevail in a civil action alleging a violation of  
3 this section the party bringing the action shall prove the  
4 violation by clear and convincing evidence.

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EXPLANATION

6 This bill permits an employee of an accredited public  
7 school district or accredited nonpublic school to inflict, or  
8 cause to be inflicted, corporal punishment upon a student if  
9 the board of directors of the school district or the  
10 authorities in charge of the nonpublic school adopt a policy  
11 setting forth in specific terms the conditions under which  
12 corporal punishment may be inflicted. The policy must be  
13 published in each public school's and each nonpublic school's  
14 student handbook.

15 Under the bill, an employee of an area education agency may  
16 inflict, or cause to be inflicted, corporal punishment upon a  
17 student if both of the following occur: the corporal  
18 punishment is in accordance with a policy adopted by the area  
19 education agency and approved by the board of directors of a  
20 school district or the authorities in charge of a nonpublic  
21 school in which the student is enrolled; and the school  
22 district or the nonpublic school publishes the policy in the  
23 public school's or the nonpublic school's student handbook.

24 The bill also provides that a corporal punishment policy  
25 adopted or approved shall not permit corporal punishment to be  
26 inflicted upon a child under competent private instruction who  
27 requires special education services.

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