

3/21/00 Removed from Calendar

FEB 28 2000

Place On Calendar

HOUSE FILE **2482**

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2036)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the development of underage student alcoholic
2 beverage drinking policies at community colleges and other
3 institutions of higher learning.

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

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HOUSE FILE 2482

H-8228

1 Amend House File 2482 as follows:

2 1. Page 1, line 12, by striking the word "twenty-
3 one" and inserting the following: "eighteen".

By HORBACH of Tama

H-8228 FILED MARCH 7, 2000

HOUSE FILE 2482

H-8229

1 Amend House File 2482 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "child" the following: "is under the age of eighteen
4 or the adult".

By HORBACH of Tama

H-8229 FILED MARCH 7, 2000

HF 2482

1 Section 1. Section 22.7, subsection 1, Code Supplement
2 1999, is amended to read as follows:

3 1. Personal information in records regarding a student,
4 prospective student, or former student maintained, created,
5 collected or assembled by or for a school corporation or
6 educational institution maintaining such records. This
7 subsection shall not be construed to prohibit a postsecondary
8 education institution from disclosing to a parent or guardian
9 information regarding a violation of a federal, state, or
10 local law, or institutional rule or policy governing the use
11 or possession of alcohol or a controlled substance if the
12 child is under the age of twenty-one years and the institution
13 determines that the student committed a disciplinary violation
14 with respect to the use or possession of alcohol or a
15 controlled substance regardless of whether that information is
16 contained in the student's education records.

17 Sec. 2. Section 260C.4, Code 1999, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 4. Require that each community college
20 establish a specific policy regarding underage student
21 purchase, possession, and consumption of alcoholic beverages
22 prohibited under section 123.47. The policy shall include
23 education concerning alcohol use and abuse, enforcement
24 procedures, and sanctions for violations occurring under the
25 jurisdiction of the community college. Each community college
26 shall invite student participation in the development of the
27 policy. Each community college shall report annually to the
28 state board not later than December 1, of the impact of the
29 policy, enforcement, and sanctions for the preceding fiscal
30 year ending June 30. The report shall include the statistical
31 data and other information as required by the state board to
32 evaluate the effectiveness of the policy to reduce underage
33 drinking. The state board shall compile and analyze the data
34 and other information from the reports and annually submit a
35 summary report of its findings to the joint appropriations

1 subcommittee on education and the standing committees on
2 education not later than January 15.

3 Sec. 3. Section 261.2, Code 1999, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 15. Require that each accredited private
6 institution establish a specific policy regarding underage
7 student purchase, possession, and consumption of alcoholic
8 beverages prohibited under section 123.47. The policy shall
9 include education concerning alcohol use and abuse,
10 enforcement procedures, and sanctions for violations occurring
11 under the jurisdiction of the institution. Each institution
12 shall invite student participation in the development of the
13 policy. Each institution shall report annually to the
14 commission not later than December 1, of the impact of the
15 policy, its enforcement, and sanctions for the preceding
16 fiscal year ending June 30. The report shall include the
17 statistical data and other information as required by the
18 commission to evaluate the effectiveness of the policy to
19 reduce underage drinking. The commission shall compile and
20 analyze the data and other information from the reports and
21 annually submit a summary report to the joint appropriations
22 subcommittee on education and the standing committees on
23 education not later than January 15.

24 Sec. 4. Section 262.9, Code Supplement 1999, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 30. Require that each institution of
27 higher learning under its control, establish a specific policy
28 regarding the underage student purchase, possession, and
29 consumption of alcoholic beverages prohibited under section
30 123.47. The policy shall include education concerning alcohol
31 use and abuse, enforcement procedures, and sanctions for
32 violations occurring under the jurisdiction of the
33 institution. Each institution shall invite student
34 participation in the development of the policy. Each
35 institution shall report annually to the state board not later

1 than December 1, of the impact of the policy, its enforcement,
2 and sanctions for the preceding fiscal year ending June 30.
3 The report shall include the statistical data and other
4 information as required by the state board to evaluate the
5 effectiveness of the policy to reduce underage drinking. The
6 state board shall compile and analyze the data and other
7 information for the reports and annually submit a summary
8 report to the joint appropriations subcommittee on education
9 and the standing committees on education not later than
10 January 15.

11 Sec. 5. TRANSITION. Notwithstanding the reporting
12 requirements of sections 2 through 4 of this Act, the report
13 required to be made by each community college or other
14 institution of higher learning no later than December 1, 2000,
15 need only include a copy of the underage student alcoholic
16 beverage drinking policy as developed by each college or
17 institution. A copy of these policies shall be forwarded by
18 the state boards and commission to the joint appropriations
19 subcommittee on education and the standing committees on
20 education not later than January 15, 2001. Thereafter, the
21 reports shall include the data and information as provided in
22 sections 2 through 4 of this Act.

23 EXPLANATION

24 This bill provides that the public and private colleges and
25 universities in this state are to establish a specific policy
26 regarding underage student purchase, possession, and
27 consumption of alcoholic beverages prohibited under Code
28 section 123.47. The policy shall include education concerning
29 alcohol use and abuse, enforcement procedures, and sanctions
30 for violations occurring under the jurisdiction of the
31 colleges or universities. Students are to be invited to
32 participation in developing the policy. Annually, by December
33 1, each public college or university shall report to the state
34 board of regents or state board for community colleges, as
35 applicable, and each private college or university shall

1 report to the college student aid commission, of the impact of
2 the policy, enforcement, and sanctions for the preceding
3 fiscal year ending June 30. The statistical data and
4 information received by the state boards and commission shall
5 be compiled and analyzed by the respective boards and
6 commission and reported to the joint appropriations
7 subcommittee on education and the standing committees on
8 education by January 15.

9 The bill also provides that a postsecondary education
10 institution is not prohibited by Code chapter 22
11 confidentiality requirements from disclosing to a parent or
12 guardian information regarding a violation of federal, state
13 or local law, or institutional policy governing the use or
14 possession of alcohol or a controlled substance if the student
15 is under 21 years of age and the institution determines that
16 the student committed a disciplinary violation regarding
17 alcohol or a controlled substance.

18 The bill also provides a transition period so that the
19 initial report, due by December 1, 2000, by the private and
20 public educational institutions, shall only require a copy of
21 their respective underage drinking policies.

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HOUSE FILE 2482

H-8328

1 Amend House File 2482 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 260C.4, Code 1999, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 4. Require that each community
7 college review or establish a policy regarding
8 violation of federal, state, or local law or
9 institutional rule or policy governing student use or
10 possession of alcohol by students under twenty-one
11 years of age which is prohibited under section 123.47
12 and the use or possession of controlled substances
13 which is prohibited under chapter 124. The policy
14 shall include awareness education concerning alcohol
15 and other substance abuse, enforcement procedures, and
16 sanctions for violations occurring under the
17 jurisdiction of the community college. Each community
18 college shall invite student participation in a review
19 or the development of the policy. Each community
20 college shall report biennially to the state board not
21 later than December 1, the same data as required by
22 the federal drug-free schools and campuses
23 regulations. The report shall include a written
24 policy on alcohol and other drugs, methods for
25 distribution of the policy to each student,
26 effectiveness of the programs and consistency of
27 enforcement. The state board shall provide the
28 reports to the standing committees on education not
29 later than January 15 following their receipt.

30 Sec. 2. Section 261.2, Code 1999, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 15. Require that each accredited
33 private institution review or establish a policy
34 regarding violation of federal, state, or local law or
35 institutional rule or policy governing student use or
36 possession of alcohol by students under twenty-one
37 years of age which is prohibited under section 123.47
38 and the use or possession of controlled substances
39 which is prohibited under chapter 124. The policy
40 shall include awareness education concerning alcohol
41 and other substance abuse, enforcement procedures, and
42 sanctions for violations occurring under the
43 jurisdiction of the accredited private institution.
44 Each accredited private institution shall invite
45 student participation in a review or the development
46 of the policy. Each accredited private institution
47 shall report biennially to the commission not later
48 than December 1, the same data as required by the
49 federal drug-free schools and campuses regulations.
50 The report shall include a written policy on alcohol

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1 and other drugs, methods for distribution of the
2 policy to each student, effectiveness of the programs
3 and consistency of enforcement. The commission shall
4 provide the reports to the standing committees on
5 education not later than January 15 following their
6 receipt.

7 Sec. 3. Section 262.9, Code Supplement 1999, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 30. Require that each institution
10 of higher learning review or establish a policy
11 regarding violation of federal, state, or local law or
12 institutional rule or policy governing student use or
13 possession of alcohol by students under twenty-one
14 years of age which is prohibited under section 123.47
15 and the use or possession of controlled substances
16 which is prohibited under chapter 124. The policy
17 shall include awareness education concerning alcohol
18 and other substance abuse, enforcement procedures, and
19 sanctions for violations occurring under the
20 jurisdiction of the institution of higher learning.
21 Each institution of higher learning shall invite
22 student participation in a review or the development
23 of the policy. Each institution of higher learning
24 shall report biennially to the state board not later
25 than December 1, the same data as required by the
26 federal drug-free schools and campuses regulations.
27 The report shall include a written policy on alcohol
28 and other drugs, methods for distribution of the
29 policy to each student, effectiveness of the programs
30 and consistency of enforcement. The state board shall
31 provide the reports to the standing committees on
32 education not later than January 15 following their
33 receipt.

34 Sec. 4. TRANSITION. Notwithstanding the reporting
35 requirements of sections 1 through 3 of this Act, the
36 first report required to be made by each institution
37 of higher learning need only include the preceding
38 report required pursuant the federal drug-free schools
39 and campuses regulations. The report and any included
40 data shall be submitted to the state boards and
41 commission not later than December 1, 2000. The
42 report shall be forwarded by the state board and
43 commission to the standing committees on education not
44 later than January 15, 2001. All subsequent reports
45 shall be due not later than December 1 and January 15
46 following the date of submission to the United States
47 department of education. The reports shall include
48 narrative and data on the effectiveness of the
49 programs in reducing underage drinking."

50 2. Title page, line 2, by striking the words

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Page 3

1 "community colleges and other".

By THOMSON of Linn

H-8328 FILED MARCH 13, 2000