

FILED FEB 19 2002

SENATE FILE 2225  
BY LUNDBY

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

**A BILL FOR**

1 An Act relating to the public records law by increasing the  
2 amount of damages assessed for violations of the law and by  
3 making the results of nationally recognized standardized  
4 achievement evaluations administered by a school district a  
5 public record in certain circumstances.

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

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 2225  
EDUCATION

1 Section 1. Section 22.7, subsection 1, Code Supplement  
2 2001, 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 the following:

8 a. A postsecondary education institution from disclosing  
9 to a parent or guardian information regarding a violation of a  
10 federal, state, or local law, or institutional rule or policy  
11 governing the use or possession of alcohol or a controlled  
12 substance if the child is under the age of twenty-one years  
13 and the institution determines that the student committed a  
14 disciplinary violation with respect to the use or possession  
15 of alcohol or a controlled substance regardless of whether  
16 that information is contained in the student's education  
17 records.

18 b. A school district from disclosing, upon the request of  
19 any person, the results of nationally recognized standardized  
20 achievement evaluations administered to students enrolled in  
21 the school district. Examination results for individual  
22 students and results aggregated by classroom shall be public  
23 records only if the information is disclosed in a manner that  
24 will not permit the personal identification of students.  
25 Examination results aggregated by classroom shall include the  
26 name of the classroom teacher except to the extent the school  
27 district determines that information is a confidential  
28 personnel record as provided in subsection 11. This paragraph  
29 shall prevail over any other conflicting provision of this  
30 chapter.

31 Sec. 2. Section 22.10, subsection 3, paragraph b, Code  
32 2001, is amended to read as follows:

33 b. Shall assess the persons who participated in its  
34 violation damages in the amount of not more than five hundred  
35 thousand dollars nor less than one five hundred dollars.

1 These damages shall be paid by the court imposing them to the  
2 state of Iowa if the body in question is a state government  
3 body, or to the local government involved if the body in  
4 question is a local government body. A person found to have  
5 violated this chapter shall not be assessed such damages if  
6 that person proves that the person either voted against the  
7 action violating this chapter, refused to participate in the  
8 action violating this chapter, or engaged in reasonable  
9 efforts under the circumstances to resist or prevent the  
10 action in violation of this chapter; had good reason to  
11 believe and in good faith believed facts which, if true, would  
12 have indicated compliance with the requirements of this  
13 chapter; or reasonably relied upon a decision of a court or an  
14 opinion of the attorney general or the attorney for the  
15 government body.

16 EXPLANATION

17 This bill amends the public records law to increase the  
18 amount of damages assessed for violations of the law and to  
19 provide that school districts must disclose to any person upon  
20 request the results of nationally recognized standardized  
21 achievement evaluations administered to the district's  
22 students if the information may be disclosed in a manner that  
23 will not permit the personal identification of students.  
24 Results aggregated by classroom must include the classroom  
25 teacher's name unless the district determines that the  
26 information is a confidential personnel record. The bill  
27 provides that these provisions will prevail over any other  
28 conflicting provision in the public records law.

29 The bill also increases the damages that shall be assessed  
30 against the lawful custodian of the public record or other  
31 appropriate defendant who violates the public records law, to  
32 damages in the amount of not more than \$5,000 nor less than  
33 \$500. Under current law, damages shall be assessed at not  
34 more than \$500 nor less than \$100.

35