

House File 140 - Introduced

HOUSE FILE 140

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A BILL FOR

1 An Act relating to student discipline and student conduct
2 policies adopted by school districts.

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

1 Section 1. Section 279.66, Code 2015, is amended to read as
2 follows:

3 **279.66 Discipline and personal conduct standards.**

4 1. The board of directors of a school district shall review
5 and modify existing policies related to student discipline
6 and student conduct that are designed to promote responsible
7 behavior on school property and at school functions in
8 order that the policy shall govern the conduct of students,
9 teachers and other school personnel, and visitors; provide
10 opportunities for students to exercise self-discipline
11 and practice cooperative classroom behavior; and encourage
12 students and practitioners to model fairness, equity, and
13 respect. The policy shall specify the responsibilities of
14 students, parents and guardians, and practitioners in creating
15 an atmosphere where all individuals feel a sense of respect,
16 safety, and belonging, and shall set forth the consequences for
17 unacceptable behavior. The policy shall be published in the
18 student handbook.

19 2. a. The policy adopted by the board of directors of a
20 school district under subsection 1 shall also provide that
21 simulating a firearm or weapon while participating in play with
22 other students, or wearing clothing or accessories depicting
23 a firearm or weapon, or expressing an opinion regarding a
24 right guaranteed by the second amendment to the Constitution
25 of the United States is not grounds for disciplinary action or
26 referral to the criminal justice or juvenile justice system.
27 Simulating a firearm or weapon while participating in play with
28 other students, includes but is not limited to the following:

29 (1) Brandishing an item that is shaped or fabricated to
30 simulate the shape of a firearm or weapon, or brandishing
31 an item under the pretense that it is a firearm or weapon,
32 including but not limited to items such as pencils, pens, or
33 other writing or drawing implements to simulate a firearm or
34 weapon.

35 (2) Possessing a toy firearm or toy weapon that is two

1 inches or less in overall length.

2 (3) Using a finger or hand to simulate a firearm or weapon.

3 (4) Vocalizing an imaginary firearm or weapon.

4 (5) Drawing a picture or possessing an image of a firearm
5 or weapon.

6 b. (1) Notwithstanding paragraph "a", a student may
7 be subject to disciplinary action if simulating a firearm
8 or weapon while participating in play with other students
9 substantially disrupts student learning or causes bodily harm
10 to another person or places another person in reasonable fear
11 of bodily harm. The severity of consequences imposed upon a
12 student, including referral to the criminal justice or juvenile
13 justice system, must be proportionate to the severity of the
14 infraction and consistent with school board policies for
15 similar infractions. If a student is disciplined for such
16 conduct, the school principal or designee must contact the
17 student's parent or guardian.

18 (2) Disciplinary action resulting from a student's clothing
19 or accessories shall be determined pursuant to section 279.58
20 or 280.22, as appropriate, unless the wearing of the clothing
21 or accessory causes a substantial disruption to student
22 learning, in which case the infraction may be addressed in a
23 manner that is consistent with district school board policies
24 for similar infractions. The mere fact that another person is
25 offended by the image or words on clothing or an accessory does
26 not constitute a substantial disruption to student learning.
27 This subparagraph does not prohibit a public school from
28 adopting a school uniform policy pursuant to section 279.58.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the discipline and personal conduct
33 policies adopted by the board of directors of a school district
34 by requiring that such policies provide that simulating a
35 firearm or weapon while participating in play with other

1 students, or wearing clothing or accessories depicting a
2 firearm or weapon, or expressing an opinion regarding a right
3 guaranteed by the second amendment to the Constitution of
4 the United States is not grounds for disciplinary action or
5 referral to the criminal justice or juvenile justice system.

6 The bill establishes that allowed simulation of a firearm or
7 weapon while participating in play with other students includes
8 but is not limited to brandishing an item that is shaped or
9 fabricated to simulate the shape of a firearm or weapon or
10 pretending that the item brandished is a weapon, possessing a
11 toy firearm or toy weapon that is two inches or less in overall
12 length, using a finger or hand to simulate a firearm or weapon,
13 vocalizing an imaginary firearm or weapon, or drawing a picture
14 or possessing an image of a firearm or weapon.

15 However, under the bill, a student may be subject to
16 disciplinary action if such play substantially disrupts student
17 learning, causes bodily harm to another person, or places
18 another person in reasonable fear of bodily harm. The severity
19 of consequences imposed upon a student, including referral
20 to the criminal justice or juvenile justice system, must be
21 proportionate to the severity of the infraction. If a student
22 is disciplined for such conduct, the school principal or
23 designee must contact the student's parent or guardian.

24 Disciplinary action resulting from a student's clothing
25 or accessories shall be determined pursuant to the school
26 district's dress code or by Code section 280.22, which provides
27 for student rights and limitations with regard to the exercise
28 of free expression, as appropriate. If the clothing or
29 accessory causes a substantial disruption to student learning,
30 the infraction may be addressed in a manner that is consistent
31 with district school board policies for similar infractions.
32 The bill establishes that the mere fact that another person is
33 offended by the image or words on clothing or an accessory does
34 not constitute a substantial disruption to student learning.
35 The bill also provides that these provisions do not prohibit a

1 public school from adopting a school uniform policy.