

Senate File 2138 - Introduced

SENATE FILE 2138

BY MATHIS

A BILL FOR

1 An Act concerning the employment rights of public school
2 employees and officials relating to student exercise of free
3 expression in public schools.

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

1 Section 1. Section 280.22, subsection 6, Code 2020, is
2 amended to read as follows:

3 6. a. Any expression made by students in the exercise of
4 free speech, including student expression in official school
5 publications, shall not be deemed to be an expression of school
6 policy, and the public school district and school employees or
7 officials shall not be liable in any civil or criminal action
8 for any student expression made or published by students,
9 unless the school employees or officials have interfered with
10 or altered the content of the student speech or expression, and
11 then only to the extent of the interference or alteration of
12 the speech or expression.

13 b. A public school employee or official shall not be
14 dismissed, suspended, disciplined, reassigned, transferred,
15 subject to termination or nonrenewal of a teaching contract
16 issued under section 279.13 or an extracurricular contract
17 issued under section 279.19A, or otherwise retaliated against
18 solely for acting to protect a student for engaging in conduct
19 authorized under this section, or refusing to infringe upon
20 student conduct that is protected by this section, the first
21 amendment to the Constitution of the United States, or Article
22 I, section 7, of the Constitution of the State of Iowa.

23 EXPLANATION

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

26 This bill provides that a public school employee or official
27 shall not be dismissed, suspended, disciplined, reassigned,
28 transferred, subject to termination or nonrenewal of a
29 teaching contract or an extracurricular contract, or otherwise
30 retaliated against solely for acting to protect a student for
31 engaging in conduct authorized under Iowa law pertaining to
32 freedom of expression of public school students, or refusing to
33 infringe upon student conduct that is protected by such Iowa
34 law, the first amendment to the Constitution of the United
35 States, or Article I, section 7, of the Constitution of the

1 State of Iowa.

2 Current law provides that public school students have the
3 right to exercise freedom of speech, including the right of
4 expression in official school publications, with exceptions
5 for materials that are obscene, libelous, or slanderous, or
6 encourage students to commit unlawful acts, violate lawful
7 school regulations, or cause the material and substantial
8 disruption of the orderly operation of the school.