

Senate File 2288 - Introduced

SENATE FILE 2288
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3075)

A BILL FOR

1 An Act pertaining to immunity from civil or criminal liability
2 for acts of corporal punishment in schools.

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

1 Section 1. Section 280.21, subsection 1, Code 2020, is
2 amended to read as follows:

3 1. An employee or volunteer of a public school district,
4 accredited nonpublic school, or area education agency shall not
5 inflict, or cause to be inflicted, corporal punishment upon a
6 student. For purposes of **this section**, "*corporal punishment*"
7 means the intentional physical punishment of a student. An
8 employee's or volunteer's physical contact with the body of
9 a student shall not be considered corporal punishment if it
10 is reasonable and necessary under the circumstances and is
11 not designed or intended to cause pain or if the employee
12 or volunteer uses reasonable force, as defined under section
13 704.1, for the protection of the employee or volunteer, the
14 student, or other students; to obtain the possession of a
15 weapon or other dangerous object within a student's control; or
16 for the protection of property. The department of education
17 shall adopt rules to implement **this section**.

18 Sec. 2. Section 280.21, subsection 2, unnumbered paragraph
19 1, Code 2020, is amended to read as follows:

20 A school employee who, in the reasonable course of the
21 employee's employment responsibilities, or a school volunteer
22 who, in the reasonable course of the school volunteer's
23 volunteer responsibilities, comes into physical contact with a
24 student shall be granted immunity from any civil or criminal
25 liability which might otherwise be incurred or imposed as a
26 result of such physical contact, if the physical contact is
27 reasonable under the circumstances and involves the following:

28 Sec. 3. Section 280.21, Code 2020, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 2A. If a school employee or school
31 volunteer is granted immunity from any civil or criminal
32 liability as provided in subsection 2, the school district,
33 board of directors of the school district, or authorities in
34 charge of the accredited nonpublic school shall also be granted
35 immunity from any civil or criminal liability to the same

1 extent as the school employee or school volunteer.

2 Sec. 4. Section 280.21, subsection 3, Code 2020, is amended
3 to read as follows:

4 3. To prevail in a civil action alleging a violation
5 of this section, the party bringing the action shall prove
6 the violation by clear and convincing evidence. Any school
7 employee, school volunteer, school district, board of directors
8 of a school district, or authorities in charge of an accredited
9 nonpublic school determined in a civil action to have been
10 wrongfully accused under this section shall be awarded
11 reasonable monetary damages, including attorney fees, in light
12 of the circumstances involved, against the party bringing the
13 action.

14 EXPLANATION

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

17 Current law governing corporal punishment in schools
18 prohibits an employee of a public school district, accredited
19 nonpublic school, or area education agency from inflicting
20 corporal punishment upon a student. "Corporal punishment" is
21 defined as the intentional physical punishment of a student.
22 Current law specifies circumstances in which an employee's
23 physical contact with the body of a student shall not be
24 considered corporal punishment. Current law also provides
25 that a school employee who, in the reasonable course of the
26 employee's employment responsibilities, comes into physical
27 contact with a student shall be granted immunity from any
28 civil or criminal liability which might otherwise be incurred
29 or imposed as a result of such physical contact, if the
30 physical contact is reasonable under the circumstances and
31 involves various specified acts. This bill applies the same
32 prohibitions, responsibilities, and immunity to a school
33 volunteer.

34 The bill provides that if a school employee or school
35 volunteer is granted immunity from any civil or criminal

1 liability in this way, the school district, board of directors
2 of the school district, or authorities in charge of the
3 accredited nonpublic school shall also be granted immunity
4 from any civil or criminal liability to the same extent as the
5 school employee or school volunteer.

6 Current law provides that any school employee determined in
7 a civil action to have been wrongfully accused of violating
8 state law on corporal punishment in schools shall be awarded
9 reasonable monetary damages, in light of the circumstances
10 involved, against the party bringing the action. The bill
11 applies this provision to a school volunteer, the school
12 district, board of directors of the school district, or
13 authorities in charge of the accredited nonpublic school as
14 well. The bill provides that reasonable monetary damages
15 include attorney fees.