

Senate File 2043 - Introduced

SENATE FILE 2043

BY DICKEY

A BILL FOR

1 An Act prohibiting certain conduct of teachers related to the
2 pledge of allegiance.

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

1 Section 1. NEW SECTION. **280.5A Teacher conduct — pledge**
2 **of allegiance.**

3 1. As used in this section, unless the context otherwise
4 requires:

5 *a. "Disability"* means the same as defined in the federal
6 Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et
7 seq.

8 *b. "School"* means and includes public school districts,
9 charter schools established pursuant to chapter 256E or 257F,
10 and accredited nonpublic schools that receive any moneys from
11 the state or that are served by a school tuition organization.

12 *c. "School tuition organization"* means the same as defined
13 in section 422.11S, subsection 6.

14 2. A teacher shall not, while in a classroom with any
15 student in kindergarten through grade twelve, and with the
16 intent to politically influence the student or students in
17 the classroom, fail to do any of the following during the
18 recitation of the pledge of allegiance:

19 *a.* Recite the pledge of allegiance, unless a documented
20 disability prevents the teacher from reciting the pledge of
21 allegiance.

22 *b.* Stand during the pledge of allegiance, unless a
23 documented disability prevents the teacher from standing during
24 the pledge of allegiance.

25 3. A teacher shall not, while in a classroom with any
26 student in kindergarten through grade twelve, speak about
27 the pledge of allegiance in any manner in which the student
28 or students in the classroom may reasonably understand the
29 teacher's speech to be any of the following:

30 *a.* An unpatriotic commentary on the United States.

31 *b.* An attempt to politically influence the student or
32 students.

33 4. *a.* In the case of a teacher's first violation of
34 subsection 2 or 3, the school that employs the teacher shall
35 do all of the following:

1 (1) Provide the teacher with written notice of the teacher's
2 violation. The notice shall be in writing and personally
3 delivered or mailed by certified mail.

4 (2) Provide the parents and guardians of students enrolled
5 in the school with written notice of the teacher's violation.
6 The notice shall be in writing and personally delivered or
7 mailed by certified mail.

8 (3) Provide the department of education and the board of
9 educational examiners with notice of the teacher's violation.

10 *b.* In the case of a teacher's second violation of subsection
11 2 or 3, the school that employs the teacher shall do all of the
12 following:

13 (1) Provide the teacher with written notice of the teacher's
14 violation. The notice shall be in writing and personally
15 delivered or mailed by certified mail.

16 (2) Suspend the teacher for one week without pay.

17 (3) Provide the parents and guardians of students enrolled
18 in the school with written notice of the teacher's violation.
19 The notice shall be in writing and personally delivered or
20 mailed by certified mail.

21 (4) Provide the department of education and the board of
22 educational examiners with notice of the teacher's violation.

23 *c.* In the case of a teacher's third violation of subsection
24 2 or 3, the school that employs the teacher shall do all of the
25 following:

26 (1) Provide the teacher with written notice of the teacher's
27 violation. The notice shall be in writing and personally
28 delivered or mailed by certified mail.

29 (2) Immediately terminate the teacher's contract with the
30 school.

31 (3) Provide the parents and guardians of students enrolled
32 in the school with written notice of the teacher's violation.
33 The notice shall be in writing and personally delivered or
34 mailed by certified mail.

35 (4) Provide the department of education and the board of

1 educational examiners with notice of the teacher's violation.

2 EXPLANATION

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

5 This bill prohibits certain conduct of teachers related to
6 the pledge of allegiance.

7 The bill defines "disability" by reference to the federal
8 Americans with Disabilities Act of 1990. The bill defines
9 "school" to include public school districts, charter schools,
10 and accredited nonpublic schools that receive any moneys from
11 the state, or that are served by a school tuition organization.
12 The bill defines "school tuition organization" to mean the same
13 as defined in Code section 422.11S.

14 The bill prohibits a teacher, while in a classroom with
15 any students in kindergarten through grade 12, and with the
16 intent to politically influence the students, from failing to
17 recite the pledge of allegiance or stand during the pledge of
18 allegiance, unless the teacher is prevented from doing so by a
19 documented disability.

20 The bill also prohibits a teacher, while in a classroom with
21 any students in kindergarten through grade 12, from speaking
22 about the pledge of allegiance in any manner in which the
23 students may reasonably understand the teacher's speech to be
24 an unpatriotic commentary on the United States or an attempt to
25 politically influence the students.

26 In the case of a teacher's first violation of the bill's
27 provisions, the bill requires the school to provide the teacher
28 with written notice of the violation, provide the parents and
29 guardians of students enrolled in the school with written
30 notice of the teacher's violation, and provide the department
31 of education and the board of educational examiners with
32 notice of the teacher's violation. In the case of a teacher's
33 second violation of the bill's provisions, the bill requires
34 the school to provide the teacher with written notice of the
35 teacher's violation, suspend the teacher for one week without

1 pay, provide the parents and guardians of students enrolled
2 in the school with written notice of the teacher's violation,
3 and provide the department and the board with notice of the
4 teacher's violation. The bill provides that, in the case of a
5 teacher's third violation, the school that employs the teacher
6 shall provide the teacher with written notice of the teacher's
7 violation, immediately terminate the teacher's contract with
8 the school, provide the parents and guardians of students
9 enrolled in the school with written notice of the teacher's
10 violation, and provide the department and the board with notice
11 of the teacher's violation.