

Senate File 2044 - Introduced

SENATE FILE 2044

BY DICKEY

A BILL FOR

1 An Act relating to school employees who are determined to have
2 been wrongfully accused of inflicting corporal punishment
3 upon a student.

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

1 Section 1. Section 280.21, subsection 3, Code 2022, is
2 amended to read as follows:

3 3. To prevail in a civil action alleging a violation
4 of this section, the party bringing the action shall prove
5 the violation by clear and convincing evidence. Any school
6 employee determined in a civil action to have been wrongfully
7 accused under this section shall be awarded reasonable
8 attorney fees and reasonable monetary damages, in light of the
9 circumstances involved, against the party bringing the action.

10 EXPLANATION

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

13 This bill relates to school employees who are determined to
14 have been wrongfully accused of inflicting corporal punishment
15 upon a student.

16 Under current law, an employee of a public school district,
17 accredited nonpublic school, or area education agency is
18 prohibited from inflicting corporal punishment upon a student.
19 Current law provides exceptions to this prohibition, including
20 an exception for physical contact with a student that is
21 reasonable and necessary under the circumstances and is not
22 designed or intended to cause pain. Current law authorizes
23 any school employee determined to have been wrongfully accused
24 of inflicting corporal punishment to be awarded reasonable
25 monetary damages, in light of the circumstances involved,
26 against the party bringing the action. The bill authorizes
27 any school employee determined in a civil action to have been
28 wrongfully accused of inflicting corporal punishment to also be
29 awarded reasonable attorney fees.