

Senate File 238 - Introduced

SENATE FILE 238

BY MATHIS

A BILL FOR

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

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

1 Section 1. Section 280.22, subsections 4 and 5, Code 2021,
2 are amended to read as follows:

3 4. Each board of directors of a public school shall adopt
4 rules in the form of a written publications code, which shall
5 include reasonable provisions for the time, place, and manner
6 of conducting such activities within its jurisdiction. The
7 code shall incorporate all of the provisions of this section.
8 The board shall make the code available to the students and
9 their parents.

10 5. Student editors of official school publications shall
11 assign and edit the news, editorial, and feature content of
12 their publications subject to the limitations of [this section](#).
13 Journalism advisers of students producing official school
14 publications shall ~~supervise~~ maintain the production of the
15 student staff, in order to maintain professional standards of
16 English and journalism, and to comply with [this section](#).

17 Sec. 2. Section 280.22, Code 2021, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 6A. A public school employee or official
20 shall not be dismissed, suspended, disciplined, reassigned,
21 transferred, subject to termination or nonrenewal of a teaching
22 contract issued under section 279.13 or an extracurricular
23 contract issued under section 279.19A, or otherwise retaliated
24 against for acting to protect a student for engaging in conduct
25 authorized under this section, or refusing to infringe upon
26 student conduct that is protected by this section, the first
27 amendment to the Constitution of the United States, or Article
28 I, section 7, of the Constitution of the State of Iowa.

29 NEW SUBSECTION. 6B. An aggrieved person may seek injunctive
30 or declaratory relief in a civil action arising out of this
31 section. Such an action shall not expire upon a student's
32 graduation if a student is a plaintiff and the grounds for the
33 action occurred while the student was enrolled in a public
34 school.

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EXPLANATION

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

3 Code section 280.22 provides that public school students
4 have the right to exercise freedom of speech, including the
5 right of expression in official school publications, with
6 exceptions for materials that are obscene, libelous, or
7 slanderous, or encourage students to commit unlawful acts,
8 violate lawful school regulations, or cause the material
9 and substantial disruption of the orderly operation of the
10 school. Prior restraint of permitted materials is prohibited.
11 Expression made by students in the exercise of free speech
12 shall not be deemed to be an expression of school policy, and a
13 public school is not liable for such expression.

14 This bill provides that a public school employee or official
15 shall not be dismissed, suspended, disciplined, reassigned,
16 transferred, subject to termination or nonrenewal of a
17 teaching contract or an extracurricular contract, or otherwise
18 retaliated against for acting to protect a student for engaging
19 in conduct authorized under Iowa law pertaining to freedom of
20 expression of public school students, or refusing to infringe
21 upon student conduct that is protected by such Iowa law, the
22 first amendment to the Constitution of the United States, or
23 Article I, section 7, of the Constitution of the State of Iowa.

24 The bill modifies a requirement that journalism advisers
25 of students producing official school publications supervise
26 the production of the student staff to instead require that
27 advisors maintain the production of the student staff.

28 The bill provides that the written publications code that
29 each school board is required to adopt under Code section
30 280.22 shall incorporate all of the provisions of that Code
31 section.

32 The bill provides that an aggrieved person may seek
33 injunctive or declaratory relief in a civil action arising out
34 of Code section 280.22. Such an action shall not expire upon
35 a student's graduation if a student is a plaintiff and the

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1 grounds for the action occurred while the student was enrolled
2 in a public school.