

**Senate File 2182 - Introduced**

SENATE FILE 2182

BY SINCLAIR

**A BILL FOR**

1 An Act relating to rights of a parent or guardian including  
2 rights relating to medical care and education, and providing  
3 for a private cause of action.

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

1 Section 1. NEW SECTION. 279.84 Parents and guardians —  
2 private cause of action.

3 In addition to any other remedy provided by law, section  
4 601.2 relating to a private cause of action by a parent or  
5 guardian shall apply to an alleged violation of section 279.50,  
6 279.77, 279.78, 279.79, or 279.80.

7 Sec. 2. NEW SECTION. 601.2 Parents and guardians — private  
8 cause of action.

9 1. a. A parent or guardian who alleges the parent's or  
10 guardian's rights under this chapter, or under section 279.50,  
11 279.77, 279.78, 279.79, or 279.80 have been violated may  
12 assert such violation as a claim or defense in a judicial  
13 or administrative proceeding and obtain appropriate relief,  
14 including damages, injunctive relief, or other redress.

15 b. Standing to assert a claim or defense under this section  
16 shall be governed by general federal and state doctrines of  
17 standing.

18 c. The plaintiff, if the prevailing party, may also recover  
19 reasonable attorney fees and costs.

20 2. a. Prior to a parent or guardian filing suit against  
21 a school district for an alleged violation of section 279.50,  
22 279.77, 279.78, 279.79, or 279.80, the parent or guardian shall  
23 submit a written complaint to the local board of directors of  
24 the school district detailing the alleged violation.

25 b. The local board of directors of the school district  
26 shall have fifty calendar days from receipt of the complaint  
27 to determine if a violation has been committed and, if the  
28 local board of directors of the school district determines a  
29 violation has been committed, to remedy the violation. If the  
30 local board of directors of the school district does not remedy  
31 the violation in a timely manner, the parent or guardian may  
32 file suit against the school district under this section.

33 3. A government entity shall indemnify the entity's  
34 employees for any liability incurred by the employee and for  
35 any judgment entered against the employee for claims arising

1 under this section. A government entity shall not be required  
2 to indemnify an employee if the employee was convicted of a  
3 crime for the violation from which the claim arises.

4 EXPLANATION

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

7 This bill relates to the rights of parents and guardians, and  
8 provides a private cause of action.

9 The bill provides for a private cause of action under Code  
10 chapter 601 (parents and guardians — rights). New Code  
11 section 601.2 (parents and guardians — private cause of  
12 action) provides that a parent or guardian who alleges the  
13 parent's or guardian's rights under Code chapter 601 or under  
14 Code section 279.50 (human growth and development instruction  
15 — early intervention programs), 279.77 (transparency —  
16 publication of school district information), 279.78 (parental  
17 rights in education), 279.79 (surveys — required parent or  
18 guardian consent), or 279.80 (sexual orientation and gender  
19 identity — prohibited instruction) have been violated may  
20 assert such violation as a claim or defense in a judicial  
21 or administrative proceeding and obtain appropriate relief,  
22 including damages, injunctive relief, or other redress. The  
23 bill provides that standing to assert a claim or defense shall  
24 be governed by general federal and state doctrines of standing,  
25 and that a prevailing plaintiff may also recover reasonable  
26 attorney fees and costs. Under the bill, prior to a parent  
27 or guardian filing suit against a school district for an  
28 alleged violation of the specified sections of Code chapter  
29 279, the parent or guardian shall submit a written complaint to  
30 the school district's local board of directors detailing the  
31 alleged violation. The local board of directors of the school  
32 district has 50 calendar days from receipt of the complaint to  
33 determine if a violation has been committed and, if the local  
34 board of directors determines a violation has been committed,  
35 to remedy the violation. If a violation is not remedied in a

1 timely manner, the parent or guardian may file suit against the  
2 school district under the private cause of action provisions.  
3 The bill requires that a government entity indemnify the  
4 entity's employees for any liability incurred by the employee  
5 and for any judgment entered against the employee for claims  
6 arising under the bill. A government entity is not required to  
7 indemnify an employee if the employee was convicted of a crime  
8 for the conduct from which the claim arises.

9     The bill creates new Code section 279.84 to provide that in  
10 addition to any other remedy provided by law, new Code section  
11 601.2 relating to a private cause of action by a parent or  
12 guardian shall apply to an alleged violation of Code section  
13 279.50, 279.77, 279.78, 279.79, or 279.80.