

Senate Study Bill 1005 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to civil actions associated with permissible
2 physical contact between certain specified school employees
3 or volunteers and students, including civil and criminal
4 immunity, monetary damages, and attorney fees.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.21, subsection 1, Code 2023, is
2 amended to read as follows:

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

19 Sec. 2. Section 280.21, subsection 2, unnumbered paragraph
20 1, Code 2023, is amended to read as follows:

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

30 Sec. 3. Section 280.21, subsection 2, paragraphs b and d,
31 Code 2023, are amended to read as follows:

32 *b.* Protecting the employee, the volunteer, student, or other
33 students.

34 *d.* Protecting employee, volunteer, student, or school
35 property.

1 Sec. 4. Section 280.21, Code 2023, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 2A. If a school employee or school
4 volunteer is granted immunity from any civil or criminal
5 liability as provided in subsection 2, the school district,
6 board of directors of the school district, accredited nonpublic
7 school, authorities in charge of the accredited nonpublic
8 school, charter school, governing board in charge of the
9 charter school, area education agency, or board of directors
10 of the area education agency shall also be granted immunity
11 from any civil or criminal liability to the same extent as the
12 school employee or school volunteer.

13 Sec. 5. Section 280.21, subsection 3, Code 2023, is amended
14 to read as follows:

15 3. To prevail in a civil action alleging a violation
16 of this section, the party bringing the action shall prove
17 the violation by clear and convincing evidence. Any school
18 employee, school volunteer, school district, board of directors
19 of a school district, accredited nonpublic school, authorities
20 in charge of an accredited nonpublic school, charter school,
21 governing board in charge of the charter school, area education
22 agency, or board of directors of an area education agency
23 determined in a civil action to have been wrongfully accused
24 under this section shall be awarded reasonable monetary
25 damages, including attorney fees, in light of the circumstances
26 involved, against the party bringing the action.

27

EXPLANATION

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

30 This bill relates to civil actions associated with
31 permissible physical contact between certain specified school
32 employees or volunteers and students, including civil and
33 criminal immunity, monetary damages, and attorney fees.

34 Current law governing corporal punishment in schools
35 prohibits an employee of a public school district, accredited

1 nonpublic school, or area education agency from inflicting
2 corporal punishment upon a student. "Corporal punishment" is
3 defined as the intentional physical punishment of a student.
4 Current law specifies circumstances in which an employee's
5 physical contact with the body of a student shall not be
6 considered corporal punishment. Current law also provides
7 that a school employee who, in the reasonable course of the
8 employee's employment responsibilities, comes into physical
9 contact with a student shall be granted immunity from any
10 civil or criminal liability which might otherwise be incurred
11 or imposed as a result of such physical contact, if the
12 physical contact is reasonable under the circumstances and
13 involves various specified acts. This bill applies the same
14 prohibitions, responsibilities, and immunity to a school
15 volunteer and to a charter school employee.

16 The bill provides that if a school employee or school
17 volunteer is granted immunity from any civil or criminal
18 liability in this way, the school district, board of
19 directors of the school district, accredited nonpublic school,
20 authorities in charge of the accredited nonpublic school,
21 charter school, governing board in charge of the charter
22 school, area education agency, or board of directors of an area
23 education agency shall also be granted immunity from any civil
24 or criminal liability to the same extent as the school employee
25 or school volunteer.

26 Current law provides that any school employee determined in
27 a civil action to have been wrongfully accused of violating
28 state law on corporal punishment in schools shall be awarded
29 reasonable monetary damages, in light of the circumstances
30 involved, against the party bringing the action. The bill
31 applies this provision to a school volunteer, the school
32 district, board of directors of the school district, accredited
33 nonpublic school, authorities in charge of the accredited
34 nonpublic school, charter school, governing board in charge
35 of the charter school, area education agency, or board of

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1 directors of an area education agency as well. The bill
2 provides that reasonable monetary damages include attorney
3 fees.