

Senate File 178 - Introduced

SENATE FILE 178
BY CAMPBELL

A BILL FOR

1 An Act relating to civil actions against school board members and
2 superintendents for school policies that violate state law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **279.87 School policies in violation**
2 **of state law — civil actions against board members and**
3 **superintendents.**

4 1. If any person residing in a school district believes
5 that the board of directors of the school district or the
6 superintendent of the school district has adopted a policy that
7 is in violation of any state law, the person may notify the
8 county attorney of the county in which the school district's
9 central administrative office is located of the potential
10 violation. The county attorney may bring a civil action against
11 the members of the board of directors of the school district who
12 voted in favor of adopting the policy that may be in violation
13 of a state law, and against the superintendent of the school
14 district, to compel the school district to comply with state law.
15 A member who did not vote in favor of the alleged violation of
16 state law shall not be named as a defendant in the action.

17 2. If the county attorney is the prevailing party in the
18 civil action instituted pursuant to subsection 1, the court shall
19 do all of following:

20 a. Grant the injunctive relief sought by the county attorney.

21 b. (1) Award the county attorney an amount equal to the
22 greater of the following:

23 (a) One thousand dollars for each defendant that the court
24 finds adopted a policy that is in violation of state law.

25 (b) The costs the county attorney incurred in bringing the
26 civil action, including costs related to the county attorney's
27 investigation.

28 (2) The court shall allocate the amount awarded equally among
29 the defendants that the court finds adopted a policy that is in
30 violation of state law.

31 (3) The moneys awarded shall be deposited in the general fund
32 of the county for the use of the county attorney in carrying out
33 the county attorney's duties.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to civil actions against school board
3 members and superintendents for school policies that violate
4 state law.

5 The bill provides that if any person residing in a school
6 district believes that the board of directors of the school
7 district or the superintendent of the school district has adopted
8 a policy that is in violation of any state law, the person
9 may notify the county attorney of the potential violation. The
10 county attorney may bring a civil action against the members
11 of the board of directors of the school district who voted in
12 favor of adopting the policy that may be in violation of a state
13 law, and against the superintendent of the school district, to
14 compel the school district to comply with state law. The bill
15 establishes that if the county attorney is the prevailing party
16 in the civil action, the court shall grant the injunctive relief
17 sought by the county attorney and award the county attorney an
18 amount equal to the greater of \$1,000 for each defendant that the
19 court finds adopted a policy that is in violation of state law
20 or the costs the county attorney incurred in bringing the civil
21 action. Any moneys awarded must be deposited in the general fund
22 of the county for the use of the county attorney in carrying out
23 the county attorney's duties.