

**Senate File 2149 - Introduced**

SENATE FILE 2149  
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. **279.89 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.