

CHAPTER 1128
NEWLY CONSTRUCTED HOUSING FINANCED
S.F. 2234

AN ACT relating to the percent of the proceeds from the sales of obligations of the Iowa finance authority that are required to be used for newly constructed housing units.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 220.39, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

220.39 NEW CONSTRUCTION REQUIREMENT.

If demand exists for new construction financing, as evidenced by timely filed and executed application commitment agreements, the authority shall ensure that up to twenty-five percent of the proceeds from sales of obligations of the authority are made available to finance newly constructed housing units. The authority shall also provide that up to an additional twenty-five percent of the proceeds from the sale of obligations of the authority may be made available to finance newly constructed housing units at the request of parties submitting timely filed and executed application commitment agreements. The authority may limit the period during which requests for the additional twenty-five percent of the proceeds may be made and may charge the requesting parties fees in amounts equal to the authority's cost of making the additional twenty-five percent of the proceeds available to finance newly constructed housing units. Failure to comply with this requirement does not invalidate any obligations of the authority, but in the event of noncompliance with this requirement, the authority shall make a special report to the governor and to the general assembly as to the reasons for noncompliance.

If the authority determines that sufficient demand exists for housing rehabilitation financing, it shall endeavor to issue obligations to finance that demand. If the authority finds it is unable to issue obligations to meet that demand, it shall file, within six months of the date of the determination that a demand exists, a full report with the governor, secretary of the senate, and chief clerk of the house of representatives explaining the demand and the reason it was not possible to satisfy that demand.

Approved April 28, 1986

CHAPTER 1129
SEARCH OF STUDENT BY SCHOOL OFFICIAL
S.F. 477

AN ACT relating to the search of students or protected student areas.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 808A.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "Student" means a person enrolled in a school for any of grades kindergarten through twelve.
2. "School" means a public or nonpublic educational institution offering any of grades kindergarten through twelve.
3. "School official" means a certificated school employee, and includes noncertificated school employees employed for security or supervision purposes.
4. "Protected student area" includes, but is not limited to:

- a. A student's body.
 - b. Clothing worn or carried by a student.
 - c. A student's pocketbook, briefcase, duffelbag, bookbag, backpack, knapsack, or any other container used by a student for holding or carrying personal belongings of any kind and in the possession or immediate proximity of the student.
 - d. A school locker, desk, or other facility or space issued or assigned to, or chosen by, the student for the storage of personal belongings of any kind, which the student locks or is permitted to lock. School officials may conduct periodic inspections of all school lockers. However, the school district shall provide notice to the students, at least twenty-four hours prior to the inspection, of the date and time of the inspection.
5. "Student search rule" means a rule established by the school board of a public school, pursuant to section 279.8 or 279.9, or the authorities in charge of a nonpublic school controlling the manner of the searching of students or protected student areas. A student search rule, to be valid for purposes of this chapter, must be reasonable and shall be based upon relevant factors which include, but are not limited to, the following:
- a. The seriousness of the violation for which a search may be instituted.
 - b. The age or ages of the students which may be searched pursuant to the rule.
 - c. The information or suspicion which must exist to warrant the institution of a search.

Sec. 2. NEW SECTION. 808A.2 SEARCH OF STUDENT OR PROTECTED STUDENT AREA BY SCHOOL OFFICIAL.

1. A school official may conduct a search of a student or a protected student area only if all of the following apply:
 - a. The school official has a reasonable and articulable suspicion that a criminal offense or a school rule or regulation bearing on school order has been violated.
 - b. The school official has a reasonable and articulable belief that the search will produce evidence of such violation.
 - c. If the search is of an individual student, the suspicion and belief required by paragraphs "a" and "b" is particular to the student to be searched.
 - d. If the search is of more than one student or of a protected student area, the search must be based upon and pursuant to a valid and reasonable student search rule.
2. Under no circumstances may a search be made which is unreasonable in light of the following:
 - a. The age of the student.
 - b. The nonseriousness of the violation.
 - c. The sex of the student.
 - d. The nature of the suspected violation.
3. A school official shall not conduct a search which involves:
 - a. A strip search.
 - b. A body cavity search.
 - c. The use of a drug sniffing animal to search a student's body.
 - d. The search of a student by a school official not of the same sex as the student.

Sec. 3. NEW SECTION. 808A.3 STUDENT SEARCH BY PEACE OFFICER.

The search of a student or of a protected student area by a peace officer who is not a school official, or by a school official at the invitation or direction of a peace officer who is not a school official, shall be governed by the statutory and common law requirements for police searches.

Sec. 4. NEW SECTION. 808A.4 EXCLUSION OF EVIDENCE.

Material or evidence obtained directly or indirectly as a result of a search conducted in violation of this chapter is inadmissible in a criminal proceeding against a student.

Approved April 28, 1986