

county auditor for the purpose of electing a trustee to replace a trustee whose term will expire. The board of trustees, in consultation with the county auditor, shall select the election date. The county auditor shall perform all other acts with reference to the election and conduct it in like manner, as nearly as may be, as provided in chapters 45 and 49. Each registered voter at the election may vote for one person whom the voter desires as a trustee for each expiring term. The term of office for each trustee elected shall be three years.

3. Vacancies in the office of trustee of a land use district ~~shall~~ may be filled by the remaining members of the board of trustees for the period extending to the ~~second Tuesday in September~~ next annual election at which time the registered voters of the district shall elect a new trustee to fill the vacancy for the unexpired term. Expenses incurred in carrying out the annual elections of trustees shall be paid for by the land use district.

4. When the initial board of trustees is elected under this section the trustees shall be ranked in the order of votes received from highest to lowest. Any ties shall be resolved by a random method. The last ranked trustee shall receive an initial term expiring at the next annual election for trustees ~~in September~~, the sixth and fifth ranked trustees receive an initial term expiring one year later, the fourth ranked trustee receives an initial term expiring two years after that election, the third and second ranked trustees receive initial terms expiring three years after that election, and the first ranked trustee shall receive an initial term expiring four years after that election.

Approved April 29, 1997

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## CHAPTER 84

### STUDENT SEARCHES

*H.F. 331*

**AN ACT** relating to the authorization of school officials to conduct searches of students, student protected areas, lockers, desks, and other facilities and spaces and including effective and applicability provisions.

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

Section 1. Section 808A.1, subsection 1, paragraph d, Code 1997, is amended by striking the paragraph.

Sec. 2. Section 808A.1, subsection 5, Code 1997, is amended to read as follows:

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 and school lockers, desks, and other facilities or spaces owned by the school. A student search rule, to be valid for purposes of this chapter, ~~must~~ shall require that all searches of students or protected student areas be reasonable reasonably related in scope to the circumstances which gave rise to the need for the search and ~~shall be~~ based upon consideration of relevant factors which include, but are not limited to, the following:

- a. The ~~seriousness~~ nature of the violation for which a the search ~~may be~~ is being instituted.
- b. The age or ages and gender of the students ~~which~~ who may be searched pursuant to the rule.
- c. The ~~information or suspicion which must exist to warrant the institution of a~~ objectives to be accomplished by the search.

Sec. 3. Section 808A.2, subsection 1, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

1. The school board of each public school and the authorities in charge of each nonpublic school shall establish and may search a student or protected student area pursuant to a student search rule. The student search rule shall be published in each public school's and each nonpublic school's student handbook. A school official may search individual students and individual protected student areas if both of the following apply:

a. The official has reasonable grounds for suspecting that the search will produce evidence that a student has violated or is violating either the law or a school rule or regulation.

b. The search is conducted in a manner which is reasonably related to the objectives of the search and which is not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

Sec. 4. Section 808A.2, subsection 2, Code 1997, is amended to read as follows:

2. ~~Notwithstanding subsection 1, paragraphs "a" through "e", as they apply to searches of protected student areas, school~~ School officials may conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student. The furnishing of a school locker, desk, or other facility or space owned by the school and provided as a courtesy to a student shall not create a protected student area, and shall not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. Allowing students to use a separate lock on a locker, desk, or other facility or space owned by the school and provided to the student shall also not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. However, ~~each year when school begins, the school district shall provide written notice to each student, and the adult who enrolls the student at the school,~~ all students and the students' parents, guardians, or legal custodians, that school officials may conduct periodic inspections of ~~all school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student~~ without prior notice. An inspection under this subsection shall either occur in the presence of the students whose lockers are being inspected or the inspection shall be conducted in the presence of at least one other person.

Sec. 5. Section 808A.2, subsection 5, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

5. If a student is not or will not be present at the time a search of a student protected area is conducted pursuant to subsection 1, the student shall be informed of the search either prior to or as soon as is reasonably practicable after the search is conducted.

Sec. 6. EFFECTIVE DATE — APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment. Notwithstanding the timing of the notice requirements in section 4 of this Act, a school district may conduct periodic inspection of school lockers, desks, or other facilities or spaces if the school district sends a notice to all students and the students' parents, guardians, or legal custodians prior to commencing any inspections.

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